

# EXPLAINING THE CURRENT INDIA-PAKISTAN STALEMATE: HOW CAN THEY MOVE AHEAD?

SAEED AHMED RID\*

## Abstract

*As confirmed by the then foreign minister of Pakistan Khurshid Mahmud Kasuri in his book *Neither a Hawk, Nor a Dove*, India and Pakistan were close to resolving the Kashmir dispute and signing a treaty of peace, security, and friendship in 2007 on the lines of Elysée Treaty signed between Germany and France. But then Mumbai happened in 2008. Since then, despite several efforts, both countries could not come back to the negotiation track which was termed as a stalemate by many observers of South Asian politics. On top of it, the Modi government in India unilaterally revoked Articles 370 and 35-A of its Constitution in August 2019 and converted the autonomous state of Jammu and Kashmir into two Union Territories. This step has further deepened the stalemate. In this paper, tracing the developments from 2008 onwards, the nature and scope of the stalemate between India and Pakistan are studied. An attempt is made to identify the conflicting issues that have caused this stalemate and where exactly they are stuck. Moreover, the paper also discusses how the two countries can move forward and what can the possible way out is if both parties are willing to move forward.*

**Keywords:** *India-Pakistan relations, Kashmir conflict, Article 370, peace process, terrorism*

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\* Dr Saeed Ahmed Rid is an Assistant Professor in the National Institute of Pakistan Studies at Quaid-i-Azam University, Islamabad.

## Introduction

Since their independence in 1947, there have been several ups and downs in India-Pakistan relations. The two countries fought three full-scale cross-border wars in 1948, 1965, and 1971, and have faced several mini-war-like situations. But during the peace process (2004-08) that was started by the then Indian Prime Minister Atal Bihari Vajpayee and Pakistani President Pervez Musharraf in January 2004, hopes were high that the process of ups and downs would end and, finally, a durable peace would be achieved. In 2005, the then Indian Prime Minister Manmohan Singh, standing next to Pakistan's then President Pervez Musharraf, had issued a joint statement declaring the peace process 'irreversible' after a round of talks in New Delhi.<sup>1</sup> But sadly it was reversed within three and half years as one terrorist incident in Mumbai on 26 November 2008 shattered the whole peace process. Since then, several attempts have been made to revive the peace process and start the bilateral negotiation process, but the stalemate has survived one way or the other.

Now, the stalemate is more than a dozen years old, but it never felt like a stalemate before 5 August 2019 when Modi revoked Articles 370 and 35-A of the Indian Constitution to change the status of the Indian-occupied territories of the erstwhile state of Jammu and Kashmir from an autonomous state (although only in name) to two union territories of India. Before that, there was always hope that the peace process could be revived at any time. But with that step in Kashmir, the stalemate has deepened and the revival of the peace process appears a distant reality.

What is the nature of this stalemate, how is it different from the previous stalemates, why has it survived so long and how much longer it may take Pakistan and India to come back to the negotiation table? These are the kinds of questions that have puzzled many a mind. This paper is an attempt to make a better sense of the current stalemate and answer some of those questions. The main research

question of this paper, thus, is to explain the nature of the current India-Pakistan stalemate and explore what Pakistan and India can do to come out of the stalemate.

From the above-mentioned research question, it is obvious that qualitative research methods would suit this kind of research the most because an in-depth understanding of the phenomenon is required. The quantitative research methods would not be helpful to answer that kind of question as it is impossible to measure the stalemate quantitatively. All possible primary and secondary sources are used to conduct this research. So much is written about India-Pakistan relations in the past and all kinds of current developments are covered in national and international media extensively. Therefore, this is desk research as there is abundant data available on the topic to conduct this research without involving any primary data collection methods like interviews, etc.

### **The History of Stalemates and Negotiations between India and Pakistan**

In the early phase of the India-Pakistan conflict over Kashmir, United Nations was actively involved in conflict resolution and conflict management processes as all negotiations were held from that platform until the mid-1950s. But when Pakistan joined the Western alliances: Southeast Asia Treaty Organization (SEATO) and Central Treaty Organization (CENTO) in 1954-55, India stopped talking to Pakistan and backed out of its promise of a plebiscite in Kashmir according to the UN resolutions.<sup>2</sup> This could be rightly considered the first stalemate in India-Pakistan relations which continued until 1961-63 when two rounds of talks were held between foreign ministers Zulfikar Ali Bhutto and Swaran Singh under the auspices of Britain and the United States. These talks proved fruitless and in 1965 Pakistan and India fought a war over Kashmir which ended with the Tashkent Declaration in 1966. Bilateral relations were further strained as a result of the 1971 war which resulted in the dismemberment of Pakistan.

Under the Simla Accord 1972, India and Pakistan agreed to resolve their disputes amicably through bilateral negotiations but no serious dialogues were held until the 1989 Benazir-Rajiv talks.

Shekhar Gupta in *India Today* headlined his story as “Rajiv Gandhi-Benazir Bhutto talks signal new era.”<sup>3</sup> Though these talks could not achieve anything concrete in terms of the overall bilateral relations between the two countries, the atmosphere in which these negotiations were held and the nostalgia they had created was not experienced before. In the past, the bilateral negotiations at the highest level were only held in very tense situations—Tashkent and Simla had happened after two wars.

But this euphoria could not survive long as the Benazir government was removed by President Ghulam Ishaq Khan the next year and a mass resistance movement started in Indian-occupied Kashmir in the wake of fraud in the 1987 elections.<sup>4</sup> The stalemate came back once again as the path of negotiations remained mainly stalled apart from a one-off Secretary-level meeting in 1994 where Pakistan enforced ‘Kashmir first’ which broke the negotiations on the question of agenda for talks.

Finally, the stalemate was broken at the 1997 Male Summit of the South Asian Association for Regional Cooperation (SAARC) where Prime Ministers Nawaz Sharif and IK Gujral had established a hotline between the Prime Ministers of the two countries and the proposal for the bus service between Lahore and New Delhi was approved.<sup>5</sup> PM Atal Behari Vajpayee had come to Pakistan on the same bus when it finally materialised in February 1999 to sign the famous Lahore Declaration which had resolved the agenda-setting problem through an agreement on the ‘Composite Dialogue Framework’ involving all issues including the Kashmir conflict.<sup>6</sup> But then came Kargil in May 1999 which destroyed all the hopes of peace and the stalemate became worse after the terrorist attack on the Indian parliament on 13 December 2001.

Hence, in the last seventy-three years, it was only in 2004-08 that a sustained peace process and a continuous negotiation process at different levels could be observed between India and Pakistan. Apart from that, mostly stalemate has been normal and negotiations just come and go in between. Hence, the current stalemate is nothing new as far as India-Pakistan relations are concerned.

### **The Nature of the Current Stalemate**

So, what makes this stalemate different from past stalemates? What makes the current stalemate different is that it had come at the back of a historic sustained peace process from 2004 to 2008. The peace process during which as per the details of the 'backchannel formula', India and Pakistan had come the closest to resolving the Kashmir dispute and were going to sign a treaty of peace and friendship on the model of France and Germany.<sup>7</sup>

What difference does it make? The four-year-long peace process had brought an overall change in people-to-people relations between the two countries and there was goodwill at the official level there as well. For the first time, as a result of the continuous efforts of the peace activists, there existed a peace lobby on both sides of the border which kept insisting on a revival of the peace process and had kept engaged at different levels despite the problems at the top.

Pakistan-India People's Forum for Peace and Democracy (PIPPFD), an umbrella platform for the promotion of peace between India and Pakistan, was launched in 1994.<sup>8</sup> With its more than two decades-long work, PIPFPD provided the core on which peace narrative and peace lobby are created in South Asia. In 2010, a new initiative *Aman ki Asha* (AKA) was launched by two leading media conglomerates of India and Pakistan: *The Times of India* and the *Jang* Group of Publications. *Aman ki Asha* provided a new platform for peace activists and played a vital role in the 2012 trade liberalization agreement between India and Pakistan. AKA had got the largest representative bodies of the business community, the Pakistan

Business Council (PBC) and the Confederation of Indian Industry (CII), involved as direct stakeholders in AKA's business and trade-related activities from the very beginning.<sup>9</sup> Under the trade liberalization agreement, Pakistan pledged to complete the transition towards the Most Favoured Nation (MFN) status for India by the end of 2012, while India would reduce the South Asian Free Trade Area (SAFTA) Agreement sensitive items list to one hundred items only by April 2013.<sup>10</sup> Unfortunately, tensions escalated between India and Pakistan in January 2013 along the Line of Control (LoC) as the firing started in Kashmir and this process was scuttled.

Hence, because of the efforts of the peace activists, even during the stalemate such agreements were reached. Another such agreement was the relaxation in the visa regime on 8 September 2012, under which for the first time, the two countries allowed tourist visas for each other's citizens.<sup>11</sup> Moreover, the agreement included visas on arrival at the Wagah/Attari border for senior citizens, businessmen could get multiple-entry and police-reporting free visas, and visitors could enter and exit from different points using different means of transport.<sup>12</sup> Earlier, visitors were restricted to the same entry and exit point and mode of transport. Like if you go by train or plane to India you must use the same mode and the same exit and entry port.

The presence of an active peace lobby was a new factor in India-Pakistan relations, and they made their presence felt whenever problems arose between them at the highest level. Thousands of peace activists had gathered in Mumbai on 12 December 2008 to form a human chain for peace and denounce the war cries in Indian media.<sup>13</sup> Similarly, the peace groups jointly helped the two governments to tone down the rising tension in the wake of the alleged beheading of Indian soldiers in January 2013 along the LoC. This incident caused serious violations of the 2003 ceasefire from the Indian side. This development had halted the progress on MFN status and the implementation of the newly agreed visa agreement, as the

Hindutva groups in India were pushing the Manmohan Singh government to take a hard line on Pakistan. At this point, peace groups came openly to the rescue. The peace activists had issued several joint statements condemning the incidents, whilst calling for immediate implementation of the MFN and visa agreement. AKA had brought the main peace groups together on one platform and sent a strong message to the two governments and the opposition parties by organizing the India Pakistan Peace Now global vigil with the help of PIPFPD and other peace groups in India, Pakistan, and globally in more than twelve countries. The role of the peace constituency in Pakistan was recognized by Prime Minister Manmohan Singh. Manmohan Singh was reported as saying in one public gathering that there existed a peace constituency in Pakistan, therefore, while sending a strong message to Pakistan, the Indian government must take the peace process forward keeping the peace constituency in mind.<sup>14</sup>

The peace activists on both sides have kept engaging with each other even in the post-August 2019 situation when India-Pakistan relations touched their lowest ebb because of the extreme step taken by the Modi government in India. It should be noted here that the peace lobby in India, like the PIPFPD's India chapter and other groups, openly condemned the revocation of Articles 370 and 35-A. The PIPFPD India chapter ran a year-long social media countdown with a painted poster each day displaying #StandWithKashmir, #Justice4Kashmir, #KashmirBetrayed, #EndOccupation hashtags and at the end of the year published a scathing report titled, *The Siege-A Year Since Abrogation in August 2020*.<sup>15</sup> Apart from this, an eleven-member team comprising advocates, trade unions and human rights activists, and a psychiatrist visited the Indian Illegally Occupied Jammu and Kashmir in October 2019 and published their report, *Imprisoned Resistance- 5th August and Its Aftermath*.<sup>16</sup>

Even a new peace initiative is launched by peace activists despite all the tensions which rose high after 5 August and the

pandemic also made it impossible to meet physically. The pandemic provided a new opportunity to connect through webinars from different parts of the world. During one such webinar on 28 March 2020, South Asia Peace Action Network (SAPAN) was formed to bring 'peace-monger' groups and individuals working towards peace and stability between India and Pakistan under one umbrella.<sup>17</sup> So far, SAPAN has organized a series of webinars on issues of human rights, gender-based violence, sports, etc., under the SAPAN series 'Imagine! Neighbours in Peace'.<sup>18</sup>

All this peace activism during the stalemate was surely a new phenomenon in the context of the history of India-Pakistan relations. Though this could not revive the peace negotiations, it made the current stalemate characteristically different from the past stalemates. Before the birth of PIPFPD, during stalemates, almost everything used to stop between India and Pakistan because there was only one channel and that was the official channel. With PIPFPD, Aman ki Asha, and now SAPAN, several new channels have become operational between India and Pakistan which work at multiple levels all the time. Thus, a stalemate at the top does not mean a complete shutdown of all kinds of contact between the people of India and Pakistan now. Things keep happening even during the worst of times.

Moreover, another major difference during this stalemate is that at least in Pakistan, since the times of President General Pervez Musharraf, there is a political consensus over the normalization of relations with India. The Pakistan People's Party government (2008-13), the Pakistan Muslim League (Nawaz) government (2013-18), and the current Pakistan Tehreek-i-Insaf (PTI) government have followed the same policy and always offered an olive branch to India. Nawaz Sharif, even in his electoral campaign before the 2013 election, was promising normalization with India which was so unprecedented in the context of India-Pakistan relations. In electoral campaigns, normally the political leaders go for the rhetoric and say bad things



about the enemy country to secure more votes. This shows that Nawaz Sharif knew his statements regarding normalization with India will not hurt him electorally. This was even more important because Nawaz Sharif had his stronghold in Punjab and the mostly anti-India sentiment is considered strong in Punjab. This shows that in Pakistan anti-India rhetoric does not have as many takers.

Sadly, however, this is not the case in India. In India, anti-Pakistan and anti-Muslim rhetoric has gone berserk during the last two decades after 9/11. Especially since 2014, when Bhartiya Janata Party's (BJP's) Narendra Modi became the Prime Minister of India, anti-Pakistan and anti-Muslim hatred in India is on the rise. In India, no political party can dare talk about normalization with Pakistan during election campaigns. Rather the BJP has always come into power based on Pakistan bashing in its electoral campaigns. Nonetheless, a sizeable peace lobby has also survived in India.

There had been a strong desire among the political leadership of Pakistan to revive the peace process. As an expression of such a desire, the then Prime Minister, Nawaz Sharif went on a trip to India to attend the inauguration ceremony of Narendra Modi in May 2014, despite receiving strong opposition from his critics at home. This was later responded to in kind by Narendra Modi, who visited Pakistan during a surprise stopover in Lahore on 25 December 2015, en route to Delhi from Afghanistan. The goodwill trip of Modi was the continuation of the 9 December Islamabad visit of the then Indian Foreign Minister Sushma Swaraj to attend the Heart of Asia Conference. During that trip, Sushma Swaraj announced that peace negotiations would resume in February 2016 under a new dialogue framework, which was named the Comprehensive Bilateral Dialogue (CBD), to cover both the issues of Kashmir and terrorism. The Modi visit in December 2015 meant to confirm that, finally, the peace process was back on track after the 26/11 Mumbai incident. However, the CBD dialogue process was scuttled by the terrorist attack on an Indian

airbase in Pathankot on 3 January 2016. India later blamed the Pakistan-based Jaish-e-Mohammad (JeM) of Maulana Masood Azhar for the attack. Any hopes for the early revival of the peace process through the CBD framework died after the terrorist attack on the Indian army camp in Uri along the LoC in September 2016. This attack was once again blamed by India on Masood Azhar's JeM.

Former Prime Minister Imran Khan, on assuming the charge as the Prime Minister of Pakistan, had also offered Modi that if he moved one step forward, PM Imran Khan would move two steps forward. But Modi took the worst steps as for electoral gains he launched unsuccessful airstrikes in Balakot in Khyber Pakhtunkhwa on 26 February 2019, and later revoked article 370 on 5 August 2019. Hence, despite the serious efforts to revive the peace process and peace negotiations with India, terrorist incidents like those in Mumbai, Pathankot, and Uri, and ceasefire violations from time-to-time along the LoC, which each side blamed on the other, made it impossible for the peace negotiations to take off despite all the peace efforts.

Even after 5 August 2019, there were reports of secret contacts between India and Pakistan facilitated by the United Arab Emirates (UAE) government to revive the dialogue process. In January 2021, Reuters reported top intelligence officers of the two countries met in Dubai to calm down the military tensions by implementing the ceasefire along the LoC and reviving the backchannel dialogue.<sup>19</sup> However, the backchannel dialogue was scuttled when the Economic Coordination Committee (ECC) of the federal cabinet announced a decision to allow the import of sugar and wheat from India, but the very next day the cabinet did not approve the decision.<sup>20</sup> Later, Pakistani military and political leadership took a tough stance, "No talks with India until August 2019 steps undone."<sup>21</sup>

### **How can They Move Ahead?**

Before August 2019, India was unwilling to talk with Pakistan invoking the 'terrorism first' policy and blaming Pakistan for whatever happened in India or the occupied Kashmir. Now, it is Pakistan which has revived the 'Kashmir first' by putting the precondition of reversal of the August 2019 situation in Kashmir before they could talk again.

In a stalemate situation, pre-conditions for talks are always a non-starter because they would ensure no progress possible. If India and Pakistan want to move ahead with the peace process, they must put to rest all kinds of preconditions for the talks. Everything can be settled on the negotiation table but if you place a precondition for the negotiations then negotiations cannot be held. Hence, no progress can be made and the stalemate continues which is neither in the interest of Pakistan nor India and not even the people of Kashmir. The people of Kashmir need relief and some improvement in their situation as they are the ones who suffer the most if the stalemate continues.

If the willingness is there on the Indian side, then progress is very much possible. We know India wants to discuss terrorism first, which according to confirmed reports Pakistan has no objection to because Pakistan also wants to jettison the militant organisations and dismantle their networks in Pakistan for internal peace and to come out of the grey list in Financial Action Task Force (FATF). Controlling the militant groups and normalizing relations with India is in tune with Pakistan's newly announced national security policy as well. Under the new national security policy launched by former Prime Minister Imran Khan on 4 January 2022, Pakistan wants to prioritize economic security and human security by focusing on domestic issues that require external and internal stability.

But Pakistan cannot de-escalate the conflict unilaterally. India must show its willingness by providing immediate relief to the people of Kashmir. To provide relief to the people of Kashmir, two points of

the Musharraf formula need to be implemented immediately. Pakistan and India both had agreed in principle in the 'backchannel formula' also known as the Musharraf formula to provide self-rule to the parts of Kashmir under their control and demilitarize both regions of Kashmir under their control. If these two points could be implemented that will immensely help normalize the situation in Kashmir and bring immediate relief to the people of Kashmir.

Moreover, Pakistan and India must also start the negotiation process for formalizing the 2003 ceasefire agreement. The ceasefire violations along the Line of Control are a constant irritant in India-Pakistan relations which must be addressed if a durable peace process is desired. In the past, these violations have often been the reason behind the reversal of the peace process. It is in the interest of both sides to find an amicable settlement of this issue as soon as possible.<sup>22</sup>

As mentioned above, India and Pakistan had already agreed on the agenda of the peace talks and had decided to cover both the issues of Kashmir and terrorism under the Comprehensive Bilateral Dialogue (CBD). Therefore, if the willingness is there, no more time should be wasted and the CBD process should be revived as soon as possible. Both India and Pakistan are going to go to elections soon, therefore, 2022 is the last chance for them if they want to do anything concrete for peace between their nations as in 2023, they will not be able to concede anything.

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