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## IN DEPTH INTERVIEWS CONDUCTED BETWEEN INDIA AND PAKISTAN GLOBALLY TO STUDY ON THE IMPACT OF COMPOSITE DIALOGUE (PART IV)

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### ABSTRACT:

*Although there exists undercurrents in both countries a genuine dialogue between two countries to arrive at a modus Vivendi with the resolution of the conflict. This is done only by back channel diplomacy or contacts. The recent meeting between PM Nawaz Sharif and India steel Magnate Swajjan Jindal Though Imran Khan and Kurshid questioned by the media have called it back channel diplomacy. Though back channel diplomacy is carried out between countries there are many things done away from the glare of opposition, media and public.*

**KEY WORDS** – siachen, Kashmir, backchannel diplomacy, International court of justice, Indus water treaty.

### INTRODUCTION

The right to self-determination is a kind of individual and collective right of people under which they are free to determine their political status and culture economic and social development. United Nations Commission on India and Pakistan adopted resolution declaring that final disposition of Kashmir was to give plebiscite to Kashmiri people. As there were organised elections in Kashmir they did not accept the stand of UNSC. Every year more soldiers are killed because of severe weather. The conflict in Siachen stems from the incompletely demarcated territory on the map. The 1949 Karachi Agreement and 1972 Simla Agreement did not clearly mention who controlled the glacier.

### METHODOLOGY

In-depth interviews were conducted via email. Those who replied information about how to consent to the study their right to use a pseudonym for confidentiality and their choice of doing the interview via email. The in-depth interview followed McCracken guidelines in terms of asking open-ended questions to stimulate conversation and following up with probes when it was necessary for participants to expand upon or clarify points they were making.

In looking for themes the researcher looked through all the data and made a list of categories that emerged. Next the researcher compared and integrated the categories to find themes that were common in all the interviews.



### BACK CHANNEL DIPLOMACY

As a former diplomat what is your view on preconditions for talks? 2. Outside the glare of media and back channel diplomacy will it all work? Personal interview via email 31-Aug-2015

Preconditions are fine but it is important to make them stick. Otherwise it tends to rebound. Back channels are useful but only if these are truly away from the media glare; however the outcome has to be made public because it must gain public support.

I have difference of opinion when it comes to media is a double edged weapon. Most negotiations on sensitive issues are done away from the media gaze. That is what retreats of heads of government all about post-summits--"done away from the gaze of media". Personal interview via e-mail July 4, 2015.

I see no contradiction in what I wrote and what you are saying. I only talked about the flip side of negotiations under media scrutiny as far wriggling out of commitments it holds good for both negotiations in the open as well as back door channels India keeps harping on how Pakistan has not honoured commitments made by Pakistan in writing during the much hyped summit between Vajpayee and Mushraff in 2004 on the sidelines of the SAARC summit in 2004.

Pakistan keeps reminding about how New Delhi did a u turn on the pledge of a plebiscite on Kashmir made in 1948 and UN non-enforceable resolution

On back channel diplomacy \_ there are on occasions the parties in contract may wriggle out as it doesn't happens in front of media and the public-Your comments on them sir

2. What are the other forms or format of carrying out dialogue? Personal interview via email Dec 10, 2011 at 11:57 AM

You might like to see my articles in different newspapers where I have addressed the issue of back channel talks in the context of Kashmir. Yes, it is possible to turn one's back on back channel talks, as indeed in any other form of talks, till a binding, formal agreement has been entered into.

The forms of talks are various and varied ranging from bilateral to regional and multi lateral.

1. Indian journalists as well as academicians seem to glorify back channel diplomacy but when it doesn't take place in the front of media or public?
2. The government of the day has easy access to wriggle out of commitments is it not so?

#### **Personal Interview Via Email Nov 24, 2011 At 11:08 AM**

The problem with back-channel diplomacy, as you rightly pointed out, is that it makes it possible for the governments to deny that there was any negotiation in the first place. And yet what is useful about it is that it gives the governments a chance to discuss things without the strategic communities and media pressurising them to do things in a particular war or the other. Sometimes, the governments might want to resolve their conflicts and yet may be concerned about adverse reaction from their respective domestic constituencies.

If they reach a solution that is good, if they don't, at least the very act of negotiation can be useful in trust-building

#### **UNMOGIP**

Through the article "that's the way Indo-pak cookie crumbles in the new Indian express dated 15th august 2015, Ghori has given proper insinuations on UN military observers group, "Pakistan went running to the UN military observers group (UNMOGIP) stationed near the LOC to complain about India while India brushed it off because since Shimla accord of 1972 it refuses to acknowledge the validity of this UN group as an arbiter. But today times of India has gone on to give solutions to LOC border by highlighting these lines\_ " editorial ,tough road ahead for India-Pak NSAs,18/August/2015: If an observation of Pakistan high commissioner in new Delhi Abdul basit to the media, when he was summoned on Sunday to the ministry of external affairs to officially receive our complaints about intensive firing on LOC which was killing ordinary villager any indication ,Pakistan NSA Sartaj Aziz could demand a mechanism to monitor which side engages in unprovoked ceasefire violations. The Indian media provokes monitoring of LOC in spite Pakistani reversal to UNMOGIP being brushed aside by India. Personal interview via email Aug 19 2015

UN group and monitoring mechanisms are two different. as you say India and Pakistan have diametrically opposite views on the standing of UNMOGIP. new Delhi asserts that the group has become irrelevant after 1972 Shimla accord but has no answers why it has allowed the Group to continue to function out of New Delhi. Monitoring mechanism is possible only if there is a bilateral understanding. We have some

such mechanisms already in place. For instance the Director Generals of Military Operations are supposed to be in touch with each other particularly when there is a flare up on the border. The contact between the NSAs can also be seen as a monitoring mechanism. At one time there was a suggestion for a formal periodical contact between the ISI and RAW chief.

### Terrorism

You have mentioned to stop Hurriyat leaders from meeting Pakistan NSA in Delhi was within New Delhi means and this was demonstrated effectively through house arrest.

Now my query is this has been routine affair as quoted by Pakistani foreign affairs minister Aziz .

Even Mushraff paid a visit to India during Manmohan Singh government the Hurriyat delegation first met Pakistan president Pervez Mushraff.

In the agenda, UFA the outstanding issues their should be no mention.

After mentioning outstanding issues this gives them a cue.

Those who crafted this joint statement should candidly state only terrorism that gave them axe to grind. Personal interview via e-mail (September 10, 2015)

I do not quite understand what you are asking.

In Ufa statement it was clearly mentioned that NSA level talks will only be on terrorism. Informally Pakistani side was assured that India is willing to talk Kashmir and even restart the "composite Dialogue" but only after NSA level talks on terrorism. Pakistan wanted to deviate from this and introduce Kashmir with terrorism under the pressure of their military.

I just cannot agree with democratic pak is the best chance for wining peace.

your own inner contradiction appears in this very article which i would quote it here they may spout and remind you that such pious hopes have been aired many a time before and dashed when they hit icebergs like titanic." but something is better than nothing.

As it is still in the hands of the ISI and military directed pak government. The best chance of winning peace is bringing ISI headquarters on board. Personal interview via email (16/12/2015)

, you have every right to disagree with me. But I feel disappointed that you, too, are one of those Indians who see ISI behind everything in the Pakistani context. That, regrettably, is a very narrow prism.

I don't see your articles these days. might be preoccupied with work if i am not wrong. in the times of India "army surgical strike did more than save India izzat " -

"by denying the surgical strike Pakistan in effect behaved rationally and deescalated the conflict. If it by not making the video public letting the Pakistan public believe its government version and reducing pressure on its leadership to escalate.

Personal interview via email 2016-11-10

That you didn't read my last column, One Leak Too many for Nawaz in TNIE of Oct. 27. Yes, the paper didn't publish another column before that on fear stalking India and Pakistan, which annoyed me a lot. Frankly, I feel disappointed at chauvinism consuming India at an alarming pace.

### KASHMIR

As I said, the past policy of permitting Pakistan to formally treat the Hurriyat as the so called "Third Party" in the issue of Jammu and Kashmir on Indian soil, was stupid and il advised, as it gave endorsement and legitimacy to Pakistani policies questioning the credibility and legitimacy of the elected Government in Jammu and Kashmir which Pakistan refers to as a "puppet Government". We cannot and allow any foreign Government to decide who are "genuine representatives" of the people of any State of India are, more so on our own territory.

As you have mentioned"

But in today Indian express Hurriyat leaders should have been detained in Delhi.

New Delhi should have placed Hurriyat leaders under detention in Delhi after sartaj aziz arrived"

My query is in India itself there is a group supporting trilateral talk instead of bilateral though a cover up. Now how this umbrella has to be discerned to carry out the design of bilateralism. Personal interview via email Sep 13, 2015

Talks as of now are still on when the 2 pms met last time neither side talked of conditions now India is putting a condition saying why Hurriyat in the past barring one exception every visiting pak editor/senior official had met Hurriyat delegation so there is nothing new in it. Agreement is bilateral. Pakistan does not consider Hurriyat as a third party as they are part of the dispute."

I went through the article UFA FIASCO by Professor Muni 'This resonates with many hardliners and the RSS who have consistently been attacking Nehru for his failed Pakistan and China policies"

This is what I did advocate after having read the book of Sisir Gupta.

Moreover the joint statement at UFA had outstanding issue instead of terrorism alone .this gave the Pakistanis an axe to grind. Personal interview via email Sep 10, 2015

As I see Nehru was criticised by many including the right wing for taking the matter to UN. but as to the rest of his dealing with J&K, be it Article 370 and pact with Sheikh Abdullah, was supported by several others barring the Jan Sangh in the new story "India readies navad arrow to pin Pakistan" times of India august 20, 2015, "the dossier being prepared by the home ministry sources said bring up recent terror cases including the gurdaspur and udhampur attacks. The data from GPS sets used by the gurdaspur attackers pointing to sargodha/matgarh in Pakistan starting point will be presented as proof that the strike was launched from across the border.

My query is every time evidence is provided the Pakistani court phoo-phoo's it off stating that it is not real evidence. Why not the evidence submitted to the international court? Personal interview via e-mail , Aug 20, 2015

The moment New Delhi knocks on the doors of ICJ it is an endorsement of Pakistan's position that India-Pakistan issue be Kashmir or border violations is not a bilateral issue. India detests the idea any outside involvement.

In the article "no wisdom gained 50 years since India-Pakistan war where in former secretary diplomat has argued out in today September 8, 2015. Indian express that" the 1965 infiltration backfired when the Kashmiris didn't rise up against their occupiers and the army was forced to deploy its Plan B code named grand slam"-

This is what mentioned on September 5 discussions that even after partition when the intruders invaded Kashmir Pandit Nehru didn't take any vigorous step in driving them out , that made them occupy the rest of the land.

The fault is with the paucity of imagination of our leaders. Personal interview via email Sep 8, 2015 I don't agree with this logic. In international law might is not right. In 1971 there were 90,000 pak POWs in Indian jails. New Delhi could have made Islamabad agree to anything. But real life does not work like

### **Distinction Between Comprehensive Dialogue And Composite Dialogue**

You have cited there is no distinction between composite and comprehensive dialogue.

Composite dialogue would indicate a nomenclature and moreover numerous issues within one package but comprehensive would indicate a different connotation which is more ethical and point blank than wallowing on will-of-the-wisp story. Personal interview via email 2016-02-05

Basically, it is a matter of will. By any name nothing will work unless there is will to overcome the odds.

### **Dialogue**

It's nice reading your confession on terrorist ridden status quo. but this cul-de-sac of the issue.

Dialogue can be negotiated when there is a permanent ceasefire. Personal interview via email 2016-01-12

You have said it, Deepa. We need to sort out our act. And I mean both countries. My vision is of a grand, all inclusive, dialogue to address all big and small issues. Wouldn't you agree?

### **Nuclear Deal**

From your article "Pakistan cannot be trusted for world peace with its nuclear weapons which it will neither curtail nor cap." from your article "Pakistan cannot be trusted for world peace with its nuclear weapons which it will neither curtail nor cap." Personal interview email Oct 30, 2015

It is our duty to improve our defence capabilities to protect our country. We cannot delay the development of another nation.

"Pakistan has also not signed the NPT and such the US president is handicapped to negotiate with it any nuclear deal unless another enabling legislation like Hyde Act 2006 is enacted."

Anything is based on mutual trust.

### **War**

a good repartee was your article and even compared India too be jealous paramour. Fine. never be carried away by the bytes which refer war. Had it been war it would have taken place after December 2002 especially after parliamentary attack case, or 2006 surgical strike or 2008 surgical strike etc.

India has been resilient after every attack only pay way forward for dialogue. with response to various secretary level talks and even the NSA. At least in UFA Nawaz Sharif should have mentioned on Kashmir but that did not happen as he even found terrorism engulfing the nation of Pakistan.

In fact the joint statement showed priority only for terrorism. As in the wired world of today as some columnists has mentioned it someday it global phenomenon even its one's own child he is causing dishonor it is likely either the parents will find a way to abandon or some other solution..

Sushma acted with reason, as once they are called it is human nature next they would ask some place in the bilateral issue. never mind. Whatever may be your speculation. Sharif never sold Kashmir, he was keen to save with Pakistan from gauntlet of terrorism.

He wanted peace with Afghanistan along their border, next he could discuss anti terrorism with Afghanistan also.

One should pave for another. One need feel pessimistic when the talks are being truncated.

If Aziz is bold he should have continued the talks without any commitment. Which would have wrought some hope to the grieving as you have stated one-fifth of the total mass live in India and Pakistan.

This kind of sabre rattling will only last to lose interest. Some bold initiative a political will from both countries may retrieve hop and cheer to the protracted problem.

I know full well that you are not going to acknowledge my thoughts but as a silly soul sitting as a fence sitter of the media relentlessly thinking on peace initiative. This may be a pipe dream.

I think it is too long. Personal interview via email 2015-08-27

I value and admire your take of the tangled mess that India-Pakistan relations. People of my age who have seen the world from many different angles know that salvation for humanity is in pacifism and not jingoism.

### **INDUS WATER TREATY**

There is another claim by the former national security advisor to Pakistan Mahmud Durrani that the presence of World Bank a third party settled the Indus water treaty which has survived all these years.

Sir query to you sir again third party is called for in the article time to move from posturing to dialogue Mahmud Durrani.

When there are precedents how to do away with third party intervention personal interview via email Sep 1, 2015

World Bank is not an international body in the sense it does not represent all countries

Under the Indus Water's Treaty both India and Pakistan are committed to mediation by the WB whenever there is a dispute. It was invoked for the first time if i am not mistaken 2004 or 05

### **Plebiscite**

I spoke today morning on this particular topic.

"Since the accession of J&K to India by its ruler was in terms of the same constitutional law that also created Pakistan it would fair to say that the law that gave birth to Pakistan itself made J&K a part of India."

1. Will Pakistan abide by this statement? or how to make them acknowledge this fact or at least nudge them to make believe world of British statutes that helped the formation of J&K?

2. Also you have discussed Governor General Mountbatten disclosed in an interview that at the time of accession of J&K only New Delhi agreed Plebiscite he would accept the instrument of accession.

But then you have also cited that New Delhi exceeded its powers under the said constitutional law by pledging to hold plebiscite in J&K . It is contradictory.. According to K.N bhat a senior advocate again in the Deccan chronicle 26.May .2017 interprets international law lacks sanction or power to enforce dictates of law .

### **Under these conditions will the ICJ be the redoubtable power**

1. The only way to make Pakistan and the world accept and follow this proposition is to get an authoritative pronouncement from the judicial organ of the UN, namely the ICJ as detailed in the book.

2. It is my case that New Delhi exceeded its power in offering plebiscite as such offer was ultra vires the constitutional law that created modern day India, and Pakistan. Mountbatten insisted on plebiscite only to keep the door open for Pakistan.

It is true that international law is a weak law. However, the purpose of going to the ICJ is to get an authoritative pronouncement that the whole of J&K is Indian Territory, and thus get rid of disputed territory tag on J&K which New Delhi put on it. Such finding by ICJ will alter the international and national political discourse on Kashmir so as to break the current political stalemate between India, Pakistan and China on J&K. This is regardless of the issue of enforceability.

### **ICJ**

According to a senior advocate , in the Deccan chronicle 26.may,2017 interprets international law lacks sanction or power to enforce dictates of law. under these conditions will it not be ridiculous to take the issue to ICJ when it is powerless.

you have also mentioned sir that Islamabad contention that 2008 bilateral consular agreement with India took precedence over Vienna convention on consular relations.the court ordered that Pakistan shall take all measures at its disposal to ensure Jadhav is not executed pending its final decision in these proceedings and that Pakistan shall inform the court of all measures taken on implementation of its order.

Then why should it be left to the Pakistani court. Personal interview via email 01-Mar-2018 am afraid I do not have an answer to your question. Let us wait till the ICJ proceedings soon restart.

I went through your article jadhav is India celebrating too soon.deccan chronicle 26 may 2017.

Article give the pros and consequences of the decision of ICj. But again you informed that the pakistan I courts the case has to be dealt with. As pakistan was not capable of annul . It will be ridiculous once again leaving them to pakistan I court.

Leaving the matter to Pakistan courts may be utterly unacceptable but there is no choice- ICJ has no power to take over the case-

### **Talks**

In the article talk to pak it's not a sign of weakness by manish tewri " The most classical example of this perhaps is the talks between the united states and north Vietnam .the war began in 1954.the first major peace proposal from north Vietnamese premier pham van dong came only 11 years later in April 1965.Even



then there wasn't any significant progress in the negotiations until an informal meeting between Averell Harriman and Xuan Thuy –the US and North Vietnamese emissaries respectively took place on May 10 1968 in Paris.

Even then peace talks remained frozen for next four years. South Vietnam at first refused to recognize the sovereignty of the National Liberation Front and North Vietnam and vice versa. Once the talks began each party stated their positions over and over again. The North Vietnamese demanded the US to withdraw its troops dissolve the Saigon government and return to the principles of the Geneva accord. On the other hand the US insisted on Hanoi relationship legitimacy of South Vietnam. Every round of negotiations ended in a stalemate almost as soon as they started.

To deal with this seemingly impossible situation in Paris in August 1969, Nixon directed national security advisor meetings with Le Duc Ho a member of North Vietnamese Politburo. Three years progress from both sides. A major breakthrough came on October 8 1972 when Le Duc and Henry Kissinger reached an agreement to end the conflict. In late October 1972 Kissinger unveiled a draft of the treaty. Finally on January 27 1973 the Paris Peace Accord was signed by the US, South and North Vietnam and the NLF."

Sir we have tried several times Lambah, Dixit, Tariq Aziz and so many others, but ours is a miserable failure. Why personal interview via email Nov 11, 2016

It is like comparing chalk with cheese. North Vietnam as a country existed only between 1945 and ceased to be one in 1976 post 're-unification'. USA was a third party. It had invaded Vietnam.

India and Pakistan are separated at birth. Pakistan like India was born in 1947. Before that neither in the current form existed. The dispute over Kashmir is real. There is a UN resolution on it which makes it an international issue. Neither India nor Pakistan has allowed a third country to negotiate between the two of them. Talks and engagement between the two sides is a continuous process. Today they are not there; tomorrow they would have no option to talk. Tomorrow would come again.

K C Singh in his article in the Deccan Chronicle is a critique of the government policies to contain Pakistan. He suggests a smarter strategy of debaring Pakistanis from SAARC meet and BRICS meet but invited them to heart of Asia conference in Amritsar.

by what estimate will this bonhomie help strengthen Indo-Pak relations?

2. Though the Indian government's Indian retaliation on September 29 was characterized as a surgical strike, there were posters in election-bound Uttar Pradesh claiming political credit revealed the BJP duality.

then he says India-Pakistan meeting in Amritsar could help BJP allies the PDP and beleaguered Badshah allies BJP to come together.

He is a critique of BJP policies and also comments on the nature of relationship that should bring them close together. Personal interview via email Nov 3, 2016

KC was undoubtedly one of the best Indian diplomats in recent months. He writes in DC and Deccan Herald regularly. These days he also contributes occasionally to The Tribune (Chandigarh) thanks to the its new Editor-in-Chief and my former senior colleague Dr. Harish Khare.

I agree with his view. Look at the way India handled BRICS Summit at Goa (Oct 15-16). It was a disaster to put it mildly. All the leaders got put off with the Indian-Pakistani obsession and the whole purpose was defeated.

As things stand situation between Delhi and Islamabad would only get worse before becoming better. It is a repeat of 2001-2003 to 2008 cycle.

The so-called surgical strike (s) is all about two things. New Delhi's inability to handle situation after Wani's killing on July 8 plus the elections in UP/Punjab in the next 2/3 months. My gut feeling is Congress could gain in Punjab thanks to Cap. (retired) Amrinder Singh. He is a fighter and will give a run to money, muscle power of SAD/BJP and the street power of AAP.

I read your article "Uri as inflection point". In the Hindu, October, 2016.

"The gamut of diplomatic isolation has been broadened the first salvo being India boycotting SARRC summit, Bhutan, Bangladesh and Afghanistan have followed thereby ensuring the summit demise."

My query is very recently pakisthanis were invited to heart of Asia conference.

But ultimately we are not able to isolate them fully if am not wrong. Personal interview via email November 9, 2016 2:55 PM

The 'heart of Asia' conference is focussed on Afghanistan, 14 countries and a number of supporting countries and multilateral organisations. Second, India wishes Afghanistan well and that is why we are hosting the conference. saarc was a smaller gathering and we were going to attend it in Pakistan. So the politics was simpler. Pakistan is the most critical country for Afghanistan and a conference without Pakistan would not make much sense and also, many friends of Pakistan could then offer to host the conference instead - china, turkey etc.

### Siachen issue

I went through your article in the new Indian express" India is shining" and "limits of dargh diplomacy" You have discussed something called" Breakthrough". How this can be materialized? (Personal interview via email Thursday, April 19, 2012, 2:26 AM

A real 'breakthrough' will take a lot of gumption and resolve on both sides. But I believe the shift is well under way. A lot of ice would melt if the two countries could quickly get the Siachen problem out of the way. This barren terrain where not a blade of grass grows has been taxing the economies of both for 3 decades.