
INDIA-PAKISTAN NEGOTIATIONS
IS PAST STILL PROLOGUE?

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Is Past Still Prologue?

Dennis Kux



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CONTENTS

Foreword	vii
Summary	ix
1. From the Raj to India and Pakistan	3
<i>The Slow March toward Self-rule</i>	3
<i>1937–1947: United India after the Raj?</i>	6
<i>The Year 1947: The Transfer of Power and Partition</i>	11
<i>The Burden of History</i>	16
2. The India-Pakistan Negotiating Experience	19
<i>Problem-Solving Negotiations</i>	22
<i>Postconflict Normalization Negotiations</i>	29
<i>“Talks About Talks”</i>	39
3. Assessing the India-Pakistan Negotiating Experience	49
<i>Negotiating Patterns</i>	49
<i>Past Failures Have Been Prologue</i>	56
<i>Does Past Remain Prologue?</i>	59
Appendices	
1. <i>Abridged Text of the Indus Waters Treaty</i>	67
2. <i>Elements of a Kashmir Settlement</i>	71
3. <i>The Tashkent Declaration</i>	73
4. <i>The Simla Agreement</i>	77
5. <i>The Lahore Declaration</i>	81
Notes	83
About the Author	89

FOREWORD

After more than fifty years of independence, India and Pakistan confront many of the same intractable issues that the British left for these new countries to resolve. Kashmir remains to be one of many legacies of their distrust and suspicion. Their joint enmity has led them into three wars, the Kargil Crisis of 1999, and several near conflicts.

Over the past two years, India and Pakistan have been able to begin and sustain a comprehensive negotiating process oriented toward normalizing their troubled bilateral relations, a process known as the “composite dialogue.” While the tragic October 2005 earthquake in Pakistan elicited brief bilateral cooperation related to disbursing humanitarian relief, it also rekindled mistrust among Kashmiris, and some Indians and Pakistanis alike. While it may be too early to answer the question, it is important to ask whether this devastating earthquake will have permanent import for the strained *détente*.

Beginning with pre-independence and concluding with the most recent normalization efforts, Ambassador Dennis Kux provides an extensive analysis and comparison of key negotiations between India and Pakistan. Although numerous volumes analyze contentious bilateral issues, such as Kashmir and the two countries’ respective nuclear weapons programs, little scholarship explains how the countries have negotiated through these issues.

This volume contains the historical foundation and detailed analysis of successful, stagnant, and failed India-Pakistan negotiations. Ambassador Kux presents the India-Pakistan relationship in terms of three topics: “problem-solving negotiations” with the 1960 Indus Waters Treaty and the 1962–1963 talks on Kashmir; “postconflict negotiations” regarding the 1966 Tashkent and 1972 Simla summits; and “talks about talks,” or the 1999 Lahore and 2001 Agra summits working toward normalization. Ambassador Kux compares the political intuitions, diplomatic, tactics and leadership styles between and within the two countries. He also explains the evolving role of the media, external players (British, American, and Soviet), and cultural differences in the bilateral negotiations.

Ambassador Kux’s volume comes out of the United States Institute of Peace Center for Conflict Analysis and Prevention (formerly Research and

Studies). The impetus for this work is based on the Institute's commitment both to understanding the cross-cultural dynamics of negotiating relationships and to making meaningful efforts to prevent future conflicts by negotiating differences. In advancement of both goals, the Institute has undertaken several initiatives to understand the nature of the security competition between India and Pakistan and to find novel ways of diminishing prospects for future conflict. Ambassador Kux's work is the most recent addition to a growing body of Institute-sponsored inquiries into South Asian regional stability, as well as studies of the negotiating dynamics between parties in conflict. (See Tamara Cofman Wittes' study *How Israelis and Palestinians Negotiate: A Cross-Cultural Analysis of the Oslo Peace Process*, Washington, DC: USIP Press, March 2005.)

As part of the Institute's continued examination of peaceful approaches to conflict resolution through dialogue and training, the study concludes with lessons learned from these six negotiation experiences as well as the prospects and vulnerabilities of the current negotiating process. The current thaw may represent the final step to cement nascent bilateral cooperation between New Delhi and Islamabad on such issues as trade, natural resource management, counterterrorism, cross-border movements, and cultural understanding. However, Ambassador Dennis Kux reminds us that their complex bilateral history makes it premature to conclude that India and Pakistan can create a lasting peace and normal interstate relations.

Richard H. Solomon, President
United States Institute of Peace

India and Pakistan gained their independence in August 1947 ending two centuries of British imperial rule. Despite occasional periods of détente, such as the present thaw, their relations as independent nation-states have been frosty and tense. Their hostilities have led them to three wars, the Kargil crisis, and several near conflicts. They have sought periodically—without notable success—to achieve friendlier relations through negotiations.

Procedurally, the current normalization effort, which began two years ago, follows a concept called the “composite dialogue” agreed upon in the mid-1990s. This calls for separate, but parallel, talks on different bilateral issues, including the Kashmir dispute. Substantively, the current negotiations have made progress, and India-Pakistan relations are better than they have been in many years. However, the road to full normalization, including a Kashmir settlement, is long and full of barriers. If this study’s review of past India-Pakistan negotiations has any lessons—and history usually does—vigorous, innovative, and sustained leadership will be required of both India and Pakistan to achieve tangible, across-the-board improvement in bilateral relations. Otherwise, at some point the present endeavor will run into the sand like previous efforts.

Given the importance of India and Pakistan as accounting for nearly 20 percent of humanity as well as being nuclear weapon states and having a strained relationship that threatens Asian and global stability, surprisingly little has been written about their negotiating experience. Library shelves sag with the heft of volumes about the Kashmir dispute. There are also weighty tomes about the two countries’ nuclear weapons programs. Numerous accounts regard India-Pakistan conflicts and near conflicts, but no serious analysis exists on how the two nuclear-armed protagonists have negotiated with each other. Under the auspices of the United States Institute of Peace (USIP), this study tries to fill the void by providing an overview of six key India-Pakistan negotiations. This analysis will hopefully encourage others to probe the subject in greater depth because the India-Pakistan negotiating experience warrants far more attention than it has received.

HISTORICAL REVIEW

The study begins with consideration of the critical decades before the British left the subcontinent in 1947 and the events of that traumatic year. To understand postindependence India-Pakistan interaction, a solid comprehension of what occurred during British colonial rule is critical, especially the ten decisive years that preceded partition of British India into two independent states. The dramatic and sad events linked to the actual separation in 1947 also require close scrutiny. These events cast a long and dark shadow over India-Pakistan dealings. Indeed, a strong argument can be made that post-independence diplomatic failures have largely been a continuation in another form of the impasse between the Muslim League and Indian National Congress in their on-again, off-again negotiations between 1937 and 1947.

ANALYSIS OF SIX CRITICAL INDIA-PAKISTAN NEGOTIATIONS

The study then reviews six of the most important negotiations since independence. These provide valuable lessons and a better understanding of how India and Pakistan have dealt with each other across the bargaining table. Several of the negotiations achieved short-term successes but then failed to effect lasting improvement in relations. The Indus Waters negotiations is the only one that has achieved, and so far endured, its principal objective—to solve the dispute over how India and Pakistan would share the waters of the Indus River and its tributaries. The six negotiations are considered chronologically but are also grouped into the following three categories for analytical purposes:

- ❖ problem-solving negotiations (1960 Indus Waters Treaty and the 1962–1963 talks aimed at solving the Kashmir problem),
- ❖ postconflict negotiations (1966 Tashkent and 1972 Simla summits), and
- ❖ “Talks about Talks” (1999 Lahore and 2001 Agra summits).

The study concludes with a discussion of lessons learned from these six negotiation patterns and styles, such as the impact of cultural differences, as well as prospects that the current negotiating process will not repeat the two countries' previous lack of success.¹

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