

# WHAT MAKES A PEACE PROCESS IRREVERSIBLE?



## CONFERENCE REPORT

Radha Kumar, Anjali Puri & Saurabh Naithani

A Delhi Policy Group Publication

# **What Makes A Peace Process Irreversible?**

## **Report**

*edited by*

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# Table of Contents

<b>INTRODUCTION</b>	<b>5</b>
<b>Radha Kumar</b> , What Makes a Peace Process Irreversible? India and Its Neighbors, India and the World	5
<b>INDIA AND THE WORLD</b>	
KS Bajpai, India, an Island at Sea in Foreign Policy	12
Satish Nambiar, Keeping Peace with the United Nations	15
Daniel Levy, What Happens the Morning After Gaza?	19
<i>Comment:</i> Osama Musa Ali Musa~Konstanty Gebert~Chinmaya Gharekhan	27
<b>FOCUS ON: NORTHERN IRELAND</b>	<b>31</b>
Martin Mansergh, Northern Ireland: What Worked and What is Yet to Work	33
John Doyle, What Made the Ceasefire Hold?	42
Adrian Guelke, Criminality and the Peace Process	46
Brice Dickson, Reforming the Police & Justice Systems	58
<i>Comment:</i> K Padmanabhaiah, The Naga Peace Process Comparison	64
<b>INDIA AND ITS NEIGHBORS</b>	<b>67</b>
Satish Chandra, India-Pakistan Relations, and the Way Ahead	68
Sherry Rehman, India and Pakistan are Already on the Way	75

<b>Comment:</b> MP Bhandara~NN Vohra~Balraj Puri~Mahfuz Anam	83
Masoom Stanekzai, Afghanistan: Emerging from Decades of Conflict to Peace and Stability	96
<b>Discussion: Can Regional Economic Cooperation Pave the Peace?</b>	100
MP Bhandara~Martin Mansergh~Sherry Rehman~Wajahat Habibullah~Adrian Guelke~General Ashok Mehta	
<b>Closing Comment:</b> Vijay Nambiar	106
<b>THE STUDENT PROGRAM</b>	<b>108</b>
Anjali Puri, Overview	109
<b>Scenario I: Ending the Violence</b>	<b>112</b>
Extracts, Dibrugarh: “What Are You Doing Mr. Prime Minister?”	
Extracts, Delhi: “Do Militants Have a Seat at the Table?”	117
<b>Scenario II: Northern Ireland</b>	<b>120</b>
Extracts, Jammu, Srinagar & Delhi: “Negotiating the Good Friday Agreement”	
<b>Chairman’s Summary:</b> Lessons Learned, Nitin Desai	127
<b>ANNEX</b>	<b>129</b>
<b>Scenario I &amp; II</b>	

## **Introduction: What Makes A Peace Process Irreversible?**

**RADHA KUMAR**

**T**his report summarizes the findings of the first meeting series in a two-year program that the Delhi Policy Group has just launched, on “Developing Durable Peace Processes and Partners.” The program is built around India’s renewed peacemaking engagements at home, with its neighbors, and worldwide; and it combines closed-door policy conferences with student workshops, in an effort to expand policy-oriented research on peace and security between Indian and European think tanks and universities.

Today India has peace processes at home in the troubled border states of Kashmir and the Northeast, and Indian policymakers are considering an imaginative range of measures to satisfy aspirations for self-determination, from political and fiscal devolution to cultural and/or economic integration across borders. In each peace process, the emphasis has shifted subtly from concerns of state to local needs and desires.

In our neighborhood, we have negotiations going with Pakistan and China on a range of territorial disputes; we work closely with Bhutan, and gingerly with Bangladesh, on border management; our cooperation with Sri Lanka has helped bring Tamil separatists to the table; and we have, with our South Asian neighbors, infused new life into the South Asian Association for Regional Cooperation (SAARC).

Internationally, we have developed a rapid array of bilateral and institutional relationships for security, conflict management and peacemaking. India has joined the Asia-Pacific Regional Security Forum and the Association of South-East Asian Nations (ASEAN), and has individual trade and security agreements with a number of Asian countries, from China to Singapore. We have strategic partnerships with the United States and the European Union; and we have expanded our United Nations’ peacekeeping to include training and post-conflict stabilization (for example, in civilian policing, conducting

elections and constitution-writing). Most recently, and perhaps most strikingly, we are seeking to prevent future conflict over a key resource by forging Asian partnerships for energy sharing and development that include Myanmar, Bangladesh, Japan and China to our east, and Central Asia, Iran, Afghanistan and Pakistan to our west.

When we first started planning this program two years ago, we had little idea that India and Pakistan might take such giant strides towards peace in so short a time. We did, however, believe that the impact of globalization and 9/11 on changing domestic and regional interests would create conditions for a durable peace process to emerge in Kashmir.

We also believed that the end of the Cold War left India uniquely poised to regain the international position it held in the early years of dismantling empire, when India had an influence on international peacemaking far exceeding its material or strategic capabilities. In the 1950s and 1960s, India helped a number of countries to emerge from colonialism; its leaders, soldiers and diplomats gave substance to the idea that third parties could be constructive without pursuing great power ambitions; and India's own wide-ranging approach to building consensus across a plethora of groups, communities and regions was of interest to almost every emerging nation.

Paradoxically, the skills that India developed then, which fell into disuse as the Cold War expanded and India retreated into semi-isolation, are of much greater value today. In a world where stabilizing failing states, and rebuilding failed ones, has become the key priority across ideological divides, India's peculiar mix of experiences at home and abroad is being increasingly looked at. As an English friend of mine said plaintively when the Bosnian war was at its height and the UN was riven over how to react, "We used to think you were frightful busybodies, but we miss you now."

We ourselves, as Ambassador Bajpai pointed out, have been slow to appreciate the extent to which other countries value us. India's rapid economic change, from a stagnant developing world country to a potential Asian power, is much discussed. But India's equally rapid change – from a country that sat at the edge of superpower rivalry to a country that has a significant web of good faith diplomatic and security ties across the world – is less widely discussed, partly because these are relationships in the making. Yet India is today in a position to be more than a busybody – we can put our money, or our good offices, where our mouths are. And our approach is no longer

morally lofty; we try to combine understanding of different national interests and real-time obstacles in our foreign policy, even when our domestic constituencies might prefer a posture.

Coincidentally, the European Union is undergoing a similar process of expansion, especially in peacemaking around the world – in fact, European Union members have stabilization forces deployed at our doorstep, in Afghanistan. Europe is also undergoing a domestic transition similar to India's, tackling new challenges for pluralism, federation and devolution. Over the past two years, India and the European Union have worked to develop a multilayered relationship, directly between the European Union and India, cooperative on other countries in South Asia, and regional to regional through SAARC. Our two regions can, therefore, do a lot of learning together. We hope that our program will contribute to widening and deepening this discussion.

The aim of our first conference and workshop series was to look at the key elements that make a peace process durable (i.e., lead to a lasting peace, not just a lasting process). It is our good luck that the Indian Prime Minister and the Pakistani President declared that the peace process between their two countries “is now irreversible” two weeks after we held our conference. Their declaration made a fascinating set of discussions suddenly a very topical one too – are these brave words, or do we really have an irreversible peace process?

As the Israel-Palestine and Northern Ireland cases show, it is not easy to ensure that a peace process is irreversible. After ten years, the Oslo agreement lies in shreds, and Israelis and Palestinians have once again been forced to debate whether and how the occupation can be ended, instead of moving to the next stage of ending it. Even in Northern Ireland, where the Good Friday Agreement seemed to have set an irreversible peace process in motion, one of its chief architects (though he may disagree with this description), Senator Martin Mansergh, describes its labors as Sisyphean.

But these are not reasons to downplay what each achieved. Oslo, as Palestinian Ambassador Osama Ali Musa protested, had a hollow core. It created a step by step process to end the occupation, without anyone to guarantee that the steps were indeed taken, or any clarity on what the final agreement would comprise, especially as regards territory, refugees and settlements. However, it also moved the goalposts in Israel. Before Rabin, no Israeli Prime Minister was required by his domestic constituencies to address peace with the Palestinians. Today, even so staunch a defender of

settlements as Prime Minister Sharon is forced by the exigencies of office to push through the evacuation of settlements in Gaza.

One of the most interesting debates at the conference, in fact, drew on the Oslo comparison. Can there be an effective step by step process when the end goal – the specific settlement – is not agreed? Or do the two sides need to commit to the end goal first, as Daniel Levy argued, and then work out the steps towards it?

The Good Friday Agreement, in the phrase of our Irish participants, was predicated on “constructive ambiguity” – all parties consented to a broad end goal, but negotiations on specific details and final status were staggered so that the more contentious issues could be addressed only when their capacity to derail the peace process had been hugely diminished.

The success of this approach can be gauged by the fact that the peace process has not been reversed by the hard-line Unionists’ refusal to let the Northern Ireland Assembly meet since elections in 2003. Indeed, their efforts to politicize the pace of decommissioning have had little impact. But that is cold comfort for the Irish Republican Army. Ironically, as Adrian Guelke demonstrated, it is the issue of criminalization that may finally force the IRA to decommission. Public anger against them in Northern Ireland for their part in a recent murder and bank heist is at an all-time high. From where I stand – and even more so, I imagine, from where Israelis and Palestinians stand – that is an enviable stage to be at.

However, the step by step or “process first” approach can only really work when territory is not the key issue. Where territory is the key issue, then it may indeed be best to move swiftly to agree – and implement – final status, so as to preempt new facts on the ground from rendering the solution impossible. In the Palestinian territories there is deep fear that the Gaza disengagement plan might lead the international community to accept the division and truncation of the West Bank by the wall that Israel is building. Can India use its good offices as a friend of both Israel’s and the Palestinian Authority to push for adherence to a viable two-state solution, as Daniel Levy suggested?

Turning to South Asia, we in India and Pakistan are absorbed in our own version of the process versus settlement debate. “The bus,” said Sherry Rehman and MP Bhandara, “must have a final destination”; and General Musharraf has for the past

year pleaded for talks on how to resolve the Kashmir dispute to the satisfaction of all parties. But analysts on both sides of the border – and especially in India, as Ambassador Chandra’s comments, amongst others, evidence – doubt if we have established sufficient trust, let alone the conditions on the ground, to arrive at a final settlement. We certainly have not been able to agree, even in this new peace process, on the simpler issues of dispute, the Siachen glacier or the Sir Creek sea boundary.

It is true that the India-Pakistan peace process has not completed what Senator Mansergh described as stage one, achieving a ceasefire in Kashmir. In fact, while overall violence has declined in the 1 ½ years since the peace process began, political violence, including against municipal and village councilors, has risen. However, the first steps towards a ceasefire have just been taken. Kashmiri separatist groups, led by the All-Party Hurriyat Conference, have made the visit that Sherry Rehman called for, to Azad Kashmir and Pakistan, and publicly appealed for a farewell to arms. They do not, alas, have the influence over armed groups that the Sinn Fein had over the IRA, but their words have a large impact in both Azad Kashmir and Pakistan. Indeed, their lack of influence makes their appeal for peaceful negotiations more admirable, because it increases the threat that they are under from militants opposed to negotiations, as NN Vohra stressed.

India and Pakistan seem to be somewhere in the middle of the “process versus end goal” debate, because ideas for a Kashmir settlement are being floated, mostly in Pakistan, at the same time as a process unfolds hesitantly. Where confidence has not been built on the ground, discussions of a final settlement can often increase political insecurity, and make a peace process vulnerable to reverses. But it all depends on what the proposals for a settlement are – how far do they bridge the gap between the different parties?

One of the proposals presented at this conference, summarized by MP Bhandara as “Non-Retractable 370”, seized the attention of many of the analysts present, and will surely be discussed at future meetings. Briefly, it proposes that the rights to self-rule that Article 370 of the Indian Constitution gave to Jammu and Kashmir be extended to all of the former princely state, with regional or international guarantees that they will not be retracted. The idea of third party guarantees is anathema in India, but what if it comprised registering concurrent autonomy agreements at the UN (much as the British and Irish governments registered the Downing Street Declaration of 1985),

and with that closed the whole chapter of UN resolutions and wound up the UN monitoring mission?

The question of guarantees aside, the non-retractable 370 proposal indicates, as do General Musharraf's references to "maximum self-governance," that we are inching towards a middle ground in which sovereignty can be addressed in a variety of contexts, instead of being defined only in terms of territory. If so, then discussions of final status would be another step in making the peace process irreversible.

John Doyle made the point that a breakthrough in Northern Ireland became possible when the parties began to imagine sovereignty at a range of different levels – which happened after Irish and British citizens were invited to consider themselves citizens not only of their nation-states but of a larger entity, the European Union, as well as of sub-national entities such as provincial assemblies, municipal councils, and so on.

How far do measures for sub-national sovereignty need to be bolstered by membership of a transnational entity, such as the European Union? Balraj Puri and several other participants touched on the issue, but as the recent referenda over a draft European constitution shows, people tend to see transnational citizenship as an added protection to their national identities, not as a replacement. To this extent, transnational identities can bolster sub-national ones when there are strong national identities in place; otherwise they carry the risk of widening national and sub-national fissures.

We were able to look only briefly at the potential for SAARC to provide this kind of regional bulwark against national or sub-national fissures, but the warning not to overload economic cooperation – which is SAARC's mandate – as a route to peace was well-taken, as was the point that economic cooperation is valuable in itself, especially under globalization. Here too, the dawning recognition that regional cooperation can increase national competitiveness, for example in textiles, shows a positive shift away from earlier adversarial positions.

To summarize the lessons we learned at the conference, what helps make a peace process irreversible is:

- Bringing violence down to a level that is popularly accepted as negligible, by achieving a ceasefire and offering political incentives to sustain it;
- Staggering decommissioning so as to keep the armed groups on board (which India has done with the Nagas);

- Creating a process that makes it impossible for the key actors to opt out, whether by clearly defining the end goal or by being constructively ambiguous;
- Getting Diaspora support, preferably with the aid of their governments (e.g., the U.S. role in Northern Ireland);
- Encouraging third party “facilitation” where constructive; and
- Making it clear that you are committed to the end goal of a final settlement that is acceptable to all.

Looked at in this light, it is difficult to conclude that the India-Pakistan peace process is irreversible as yet – but, as its speed of progress shows, it is well on the way to becoming so. It may even be that by the time we hold our next set of meetings, three months from now, the two governments will have turned their statement of intent, to make the peace process irreversible, into a settled fact.

One last word – for many of our participants the student workshops were the most exciting part of the program because they were so enthusiastic and impassioned, qualities that we “policy wonks” shed fairly readily. The workshops are described in this volume by our student program director, Anjali Puri, and we have included extracts from some of the more telling presentations and discussions. Read them and weep!

**RADHA KUMAR** is a trustee of the Delhi Policy Group  
and directs its peace processes program

# India: An Island at Sea in Foreign Policy

**KS BAJPAI**

**W**hen we look at India's long term approach to our neighborhood or to the world, the main aspect we need to bear in mind – if I am not overstating it – is our relative disinterest in anything outside our own frontiers.

We have historically been an inward-looking country if not positively isolationist. There is a famous remark by Hegel that India as a sought-after land has been a major principle of history. While we have been sought after by others, India has never projected power or aimed to control others. I am not suggesting we were totally cut-off. There is historic evidence of our presence in South-East Asia from Borobodur to Angkor Vat – indeed there are evidences of our trade with Egypt and China and many other part of the world, even while we were being invaded. But these were trading links that did not develop further, into political or strategic alliances. If you think of the word by which India is most commonly known in ancient literature, it is *Jambudweepa*: the concept of India as a great island. Even today we have nearly two thousand miles of frontier with China, but hardly anyone in India thinks of China as a neighbor. It is a country you have access to by flying to Hong Kong first.

We have realized over the past few years that we have to be more conscious of the strategic compulsions that we face; from having been an object of power through the colonial process, to becoming a base of power. A common expression was that India's strategic horizons must range from the Hindukush to the Mekong; I think that a broader sweep from Suez to Singapore – if not Suez to Shanghai – contains forces at work that are of a vital consequence to our own future and to our welfare.

This consciousness has slowly dawned. As Radha said, in the immediate morrow of our independence we did try to play an active role all over the world. In fact, we became known as rather a set of busybodies. But that was in the condition of a world seeking to recover from the trauma of World War II, and, in our perspective, from the

even greater trauma of having been dominated by alien forces for so long. It was not today's world, where we see globalisation taking hold along with a growing inwardness in many countries whose domestic and internal challenges seem to be rising. Internal frictions which were papered over due to the need of adjusting to the Cold War have risen after the Cold War ended, in all the countries that are represented at this conference, to say nothing of Chechnya and God knows how many other trouble spots.

We have, therefore, to look at not only globalisation or interdependence but the extent to which unease within an existing political system is causing tensions inside and between countries, and the way these challenges have been met.

Our primary interest is to cement and consolidate our own unique nationhood. There is absolutely no parallel in history to a state like India because so many groups of distinct culture, race, and religion have never before been comprehended within a democratic process. While this pluralism is our strength, it also carries with it continuing difficulties and challenges. It is essential for us to make the many marginalized groups in India feel confident as Indians. In other words, it is not just a matter of having good neighbours that interests us; it is a matter of having a consolidated nationhood. We need to firstly develop peace processes within our own society that make for enduring pluralism. The task is complicated by our neighbourhood – most of our neighbours have overlaps which involve our nationhood too. Sri Lanka and the Tamils; Bangladesh, with now a reduced Bengali connection but still a very lively one; and with Nepal we have no frontier at all, the ethnic and cultural connections are profound. With Pakistan you know what our problems are. But with each of these countries, there is a connection with the immediate neighbouring part of India, and so peace processes must start not only between the two governments but between the peoples along the frontiers.

So, when we look at our neighbourhood, we have to find new means to develop both the desire for mutual co-operation, and the sense of having a common purpose. How we develop partners in this undertaking is the subject of our conference, so I will not try to pre-empt the discussion. Let me just give a couple of broad examples.

**The India-China talks.** I was in the first four rounds of India-China negotiations on their boundary dispute, in the 1980s. We tried at that time to develop guiding principles that would determine our settlement, and we didn't get very far beyond the generalities of Panchsheel and the UN Charter. This time, an ad hoc specificity has been added to defining principles. We are talking about realities on the ground, no disturbance of

population, maybe even things like the water-sharing principle. I am not sure of each element that will go into the new compound, but I understand that an agreement is almost certain to be signed. That in itself will be an enormous step forward. We already have an agreement on peace and tranquillity along the boundary with China, even though nobody has defined the boundary. So the new agreement would then be a further step to settling our boundary disputes, and that is part of a broad effort to try and live with our differences while developing relationships in other fields.

An example, I might say, that we need to adopt in the Indo-Pakistan situation. Unfortunately, every time we try that approach, we are told that we are trying to bury the Kashmir question. But we are no more burying the Kashmir question than we are burying the boundary question. We are just tackling what can be settled first while trying to develop a new set of relationships in which solutions that may not be possible today become feasible tomorrow. So if that process really gets going with China, let us hope that it has a fall-out in the thinking between India and Pakistan.

My second example is **SAARC**. As I said earlier, we need to develop peace processes with our neighbours for the sake of our own integrity as a nation, and one way of doing so is to try and bring about what used to be known until 1947 as a “larger whole”. I am not suggesting hegemonic attitudes or any attempt to reconstitute our pre-1947 self. It is a sad fact that ever since the sub-continent was divided or broke up into various constituent units; its members have looked in every other direction except towards each other. SAARC has been a surprisingly successful attempt to overcome this peculiar vision, a lot has happened and there is a layer of promise. I for one would never have anticipated SAARC’s achieving as much as it has. But, as you know, SAARC is strictly limited. As you also know, it is subject to political disruption. The recent cancellation of the Dhaka meeting shows how intense differences still come in the way of SAARC’s effective functioning. Thus far, SAARC has only succeeded in trying to reconstitute the mechanical and physical interlinks that we all enjoyed on the morrow of independence. Railway connections, telecommunications, weather forecasting, all that was there prior to our division, SAARC has helped bring them back. But it’s at a very low level of cooperation. We have a lot more to do before we can look to SAARC to even provide the kind of forum for ironing out differences that ASEAN has. We will have to wait and see.

Ambassador **SHANKAR BAJPAI**  
is Chairman, Delhi Policy Group

# Keeping Peace with the United Nations

**GENERAL SATISH NAMBIAR**

**C**ontrary to what is termed conventional wisdom, I can say with some degree of conviction as a soldier for almost four decades in the Indian army, that we in the military who have seen the horrors of war first-hand will always be in the front ranks of those who strive to ensure that conflict is not inflicted on society. That is the context in which the Indian armed forces have pursued peace, following the commitment of the government and the people of India to the activities of the United Nations. As Dag Hammarskjöld said, when he was Secretary-General of the United Nations, peacekeeping is not a job for soldiers, but only soldiers can do it effectively. United Nations peacekeeping is quite an extraordinary art, because it calls for the use of military personnel, not to wage war but to prevent fighting between belligerents, to ensure maintenance of ceasefires, and to provide a measure of stability in an area of conflict while negotiations are undertaken.

Commencing with the deployment of an Indian medical unit in Korea in the early 1950s, the Indian armed forces have contributed nearly 70,000 personnel in 41 of the 60 missions that the United Nations has undertaken to date. Among the major troop contributions are: 6,000 personnel with the Neutral Nations Repatriation Commission in Korea, 1950-53; 7,000 with the monitoring mission in Indo-China in 1954; 12,000 with the UN force in the Gaza strip in the Sinai between 1956-1967; another 12,000 with the UN mission in the Congo in 1962-64; and then of course 7,000 in Somalia in the early 1990s followed by smaller forces in Mozambique, Rwanda, Angola and Sierra Leone. Besides these large deployments, a number of Indian personnel have participated in various operations in South America, Europe, and South-East Asia. And in Africa, Indian armed forces have participated in every operation save the most recent one in Liberia. In the process we have lost about 110 troops, who died under the UN Flag.

In terms of leadership, we provided the first military adviser to the United Nations, Major-General Inder Rikhi, who later went on to establish the International Peace Academy. It is also a matter of some joy to us that, in recognition of our contribution and the professional competence displayed, Major-General Randhir Mehta has been appointed military adviser in the Department of Peacekeeping Operations. Over the years we have also provided a number of Heads of Missions and Force Commanders – General Thimayya, General Thorath, General Giani, and Diwan Prem Chand, to mention a few. I had the great privilege of being the first Force Commander of the UN peacekeeping mission in the former Yugoslavia. We had a Force Commander in Sierra Leone, General Jaitley, and in Lebanon till last year we had the late General Tewari. We still have a battalion group of 650 personnel in Lebanon, and smaller groups in various places like Burundi, Sierra Leone, Cyprus, Kosovo, Ivory Coast, Sudan, and at the UN headquarters in New York. With the recent authorization of the force for Sudan, another 2,500 of our personnel will be deployed in southern Sudan.

Apart from strengthening our international alliances, our involvement in peacekeeping has had an indirect influence on better understanding, even between adversaries, in the political arena. When I went on the mission in Yugoslavia, the youngster who received me was a Pakistani major. He looked after me as well if not better than any Indian major would have.

In October 2003, I was asked by the UN headquarters to do a small assignment for them in the Congo, and I took a team out which comprised a retired colonel from the French army, a Dutch advisor, a serving colonel in the Canadian Army and a serving colonel from the Ghanaian army. When we got to the air strip at Bunya in the Ituri district of the Congo, I found a Bangladeshi who had served with me in UNPROFOR (the UN mission in the former Yugoslavia). He was the contingent head in Bunya; he came and gave me a salute and a big grin. We were flown in a Bangladeshi helicopter to the site; the site was secured by a Pakistani rifle company; and as we carried out our reconnaissance, the overhead cover was provided by an Indian attack helicopter. Similarly, when Bangladeshi troops suffered some casualties in the Congo, the Pakistanis went into action to deal with the rebel elements, supported by Indian attack helicopters. These are classic cases of coordination abroad between adversaries at home. So this is an area of cooperation which we must exploit.

Indeed, we are beginning to do so. To capitalize on our knowledge, wealth of experience and the professional expertise on an institutional basis, as also to create a repository

of our experiences and encourage research and study on this particular subject, the Ministries of External Affairs and Defence, and the Army Headquarters, decided to set up a Center for United Nations Peacekeeping. This Center was set up under the overall aegis of the United Services Institution of India, where I have been director since September 2000. In the four years since we set up the Center, we have run a number of capsule courses, we advise and assist our contingent commanders on training, we train some of their officers, and we run courses for staff officers, military observers, civilian police, and so on.

In addition to the courses, we also hold a number of international and national conferences to share experience. And we have conducted some specific army and command post exercises which drew a lot of international participation, including one for military observers on behalf of the United Nations.

In the courses that we run we encourage officers from friendly foreign countries to come and attend. In the last four years, we have trained 147 officers from 47 countries across the globe, which is a significant number. But even more importantly, of this 147 officers, 90 were from developing countries and were sponsored by the Ministry of External Affairs (in terms of their travel, accommodation and training costs), and it is a gesture that has been well-received. In fact, the funding of the Center's activities is a great example of coordination between various governmental departments to assist the United Nations, with the Ministry of Defense and the Service Headquarters covering the costs of running the course, and the Ministry of External Affairs paying some of the participation costs.

We have also been fortunate to have had 33 officers from the developed countries, which self-funded their participation in our courses.

We haven't had any Pakistani personnel yet. But we would love to – our hope is that if relations continue to move the way they are going, we may well have Pakistani participation; indeed I would argue that joint peacekeeping training would be a good place to strengthen relations. I can say this as a former Director-General of Military Operations; we have been trying since the 1990s to engage in military to military dialogue as part of India-Pakistan confidence-building measures.

General **SATISH NAMBIAR** is Director,  
United Servicemen's Institute of India

## **Q & A: Satish Nambiar**

**Q:** General, what happens when your troops come home? Do you deploy them internally, and is there any influence from your peacekeeping experience abroad?

**A:** We don't use our armed forces or army particularly in the enforcement of law here, but we do use them to counter insurgency, for example in the border areas of the Northeast or Jammu & Kashmir. This is not something we are happy about, but we have had many years of this kind of experience, and it helps our troops to adjust to peacekeeping much more easily. The context in which our troops operate at home is that they are told, many of the insurgents you are dealing with are our own people, misguided countrymen perhaps, so tread gently, this is not a combat or war situation. And that training helps in terms of adjustment to peacekeeping, because firstly you are not patronizing to the locals, you try to understand them. And you are very restrained in your whole approach, instead of going in with a sledge hammer to kill a fly. This is true of the Pakistani armed forces as well.

**Q:** I wonder General, has any Irish officer been to your school? We also have a UN training school in Armagh Down.

**A:** As far as the rapport between the Indian army and the Irish army is concerned, I think it's super; it's one of the best. They have great respect and regard for each other because they have served together in many places. I had occasion as the Deputy Chief, just shortly before I retired, to visit our contingent in Somalia and I went and looked up the Irish contingent. I still have something they gave me, a stick I remember, a shelaly, I still carry it. I think we have had only one officer from Ireland on the course here, but we would of course be delighted to make contact with the UN training center at Armagh Down.

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## What Happens the Morning after Gaza?

DANIEL LEVY

When we listed India's contributions to the United Nations this morning, I knew that the mention of one of your finest contributions, which was to lend Ambassador Gharekhan to the United Nations for a number of years, was only omitted so that I could say it at this stage in the proceedings.

Ambassador Bajpai spoke earlier this morning about the relative disinterest within India about anything that is beyond India's frontiers. I can understand that, given the sheer size of your country and the issues you are dealing with. It's a little more difficult to comprehend in a small country like Israel, but it's also true of us in many ways. We are of course just a little bit circumspect about defining our frontiers!

There is a mood of optimism in the region at the moment. Everyone saw the pictures of the Sharm Al Sheikh summit with the leaders of Egypt, Jordan, Israel and the Palestinian Authority in March. In the same month, the Israeli parliament voted out the last obstacles to implementing the so-called Disengagement Plan and the withdrawal from Gaza. Previous to that there was the Cairo declaration by all the Palestinian factions that accepted – I think ceasefire is the wrong word – a move away from the use of violence.

Optimism is a good thing in itself because nobody wants to be a spoiler. It's infectious. Nobody wants to leave their finger prints on why we let go of the chance of renewed hope. But, as the last few years have shown, hope is still extremely fragile. While we should not underestimate how significant it is that Israel will evacuate settlements for the first time – especially when it is being implemented by a centre-right Likud government and the Prime Minister is Ariel Sharon, with all the baggage that he carries – I would urge caution in assuming all else will follow. Israel's evacuation of Gaza will not strew the path to the evacuation of the West Bank with rose petals. We are not yet on an inevitable road towards permanent status peace.

On the ground, especially on the Palestinian side, there is very little improvement. Israel has an overwhelmingly disproportionate influence on everyday Palestinian life. The World Bank reports that there are 723 obstacles to Palestinian movement in the West Bank. These aren't big numbers for you but they are in our little corner of the world, it is 732 kilometres of road that Palestinians cannot use. And we know what it does to Palestinians waiting at checkpoints seeing civilians killed, seeing their economy suffer so greatly.

Many scoff at the Gaza evacuation plan as a ploy to entrench Israeli presence in the West Bank, in fact Sharon talks openly about doing just that. Israel is creating new facts on the ground in the West Bank – we are building separation barriers inside the Palestinian territory, land grab continues.

As a ploy, this could successfully remove any capacity to reach a viable Israeli-Palestine peace from the agenda. But it is by no means certain that the ploy will actually be followed through on.

I am not here representing the Israeli government. I did work in government between 1999 and 2001 under Prime Minister Barak, with whom I now disagree greatly. But I do represent what you could broadly call a significant strand within the Israeli peace camp. And I would say we are today in an era in which the Israeli side, for one, is testing the ground for how far they can go. What do I mean by that?

When Sharon and the Likud were in the opposition – I am sure this is all going to sound very familiar to you – they could say, “Any talk with the Palestinians, any negotiations, are a concession to violence. We have to stand full-square behind our historical rights”. It is easy to say that in opposition, but once you assume the office of Prime Minister, which Sharon did for the first time in 2001, things begin to look a little bit different. You become aware of a complex web of considerations and pressures, domestic and international, which guide your thinking in a different way. I am not sure that people here would have expected LK Advani to begin talks with the Hurriyat, or for a BJP-led Vajpayee government – I draw references not analogies – to engage in the kind of talks they did with Pakistan.

In saying this, I am not supporting the argument that we often hear in Israel, that only a Right-wing government can make peace because only they can carry the dissenters with them. That may be true, but the question is, do they want to? Have they

reinterpreted the fundamental parameters of the conflict? It is easy to say “I am in favor of peace”, but more difficult to commit to what it requires. Is there an understanding of a shared interest? Can you move away from zero sum politics in order to strengthen your partner, or do you stay in a place where you can comfortably play the blame game? We frequently do the latter and it’s not unique to our situation. We have a wonderful capacity, especially when we are addressing third parties – and the more important the third party the more eloquent we will be – to say, this is my grievance list, this is what my partner isn’t doing, instead of saying this is what you need to do to strengthen my partner. We end up asking the world to be a referee in our conflict, not an effective assistant to its solution.

What I am saying is that we are poised on an edge right now, and much depends on whether we can pool our forces to get pro-peace policies through. There are two dividing lines in Israel today. One is between people like myself, who are miles apart from Sharon politically but are standing behind him – our parliamentary representatives keep his government alive – in order to see through the evacuation of Gaza. We find ourselves lined up against an extremist fringe of the Messianic minority.

The other dividing line is between those of us who believe that the time has come to move to the endgame of a viable two state solution with our Palestine neighbours, and those who would use the Gaza evacuation as a tactical ploy to buy time for more interim measures, *ad infinitum*.

There is an almost inevitable clash on the horizon here. Israel plans to leave Gaza in August, and we will be preoccupied with that for the next few months. But what happens the morning after Gaza? One approach is to continue to move slowly, cautiously, with interim confidence-building measures. However, up until now interim measures have allowed Israel to continue to create new facts on the ground. This has led many of us to believe that we have exhausted our capacity for confidence-building measures in the absence of defining an end solution. If you are thinking interim, you continually want to leverage your position in advance of permanent status negotiations in order to ensure a better position at the table. In other words it may be more difficult to pursue interim arrangements than to reach permanent peace. Moreover, when you are thinking interim, you are still giving the opportunity to extremists to undermine the peace process.

The extremists don’t want a permanent status peace. As long as it is still up for grabs,

as long as you haven't defined where this is going to end, the extremists have a tremendous impetus to try and undermine the process. Prime Minister Sharon said that his condition for negotiating was "seven days of quiet". But that is tantamount to giving the veto power to those who don't want negotiations. If you don't want negotiations, all you have to do is carry out an attack. Rabin said the opposite. "We will pursue negotiations as if there is no terror, and we will fight terror as if there are no negotiations". This is the best way to undermine extremists.

“One approach is to continue to move slowly, cautiously, with interim confidence-building measures. However, up until now interim measures have allowed Israel to continue to create new facts on the ground. It might then be more difficult to pursue interim arrangements than to reach permanent peace.”

In our case, the secret is that we know the solution to our conflict. This is perhaps what distinguishes the Israeli-Palestinian conflict from others. Very clear contours as to where this all has to end not only exist on paper but have largely filtered through to the publics and the secret is that they are largely accepted by them.

There have been some questions here as to why we are not talking about a one state solution as an alternative to the two state option. I

understand that there is a certain cultural-conceptual prism through which you see partition that doesn't gel so easily with the thinking on solutions to the Israel-Palestinian conflict, that is, an Israeli or Jewish democratic state, and a Palestinian state. But to ask Israel to undo its existence as a Jewish state, which is what the composite state idea amounts to, is highly unrealistic. In an era of nation-states, I don't think that we are going to be first to voluntarily give up our powers. I don't want to go into Jewish history or why the Zionist idea of a Jewish democratic state of Israel has such an overwhelming appeal to Jewish people in the world today. I accept that the onus is on Israel to prove that it can guarantee democracy and real equality for its own non-Jewish minorities, which we haven't succeeded in doing so far.

It is not only in Israel that there is almost no constituency for a composite or one state solution. The Palestinian national movement accepts a two state solution, not because of any proto-Zionism on their part, but because of recognition that the best way to guarantee hope for a Palestinian future is to achieve a Palestinian state in the West Bank and Gaza.

The two state solution was born out of a decision by the PLO at Algiers in 1988, following which Jordan disconnected itself from the West Bank. In the 1980s and the 1990s, there were many Track II Israeli-Palestinian initiatives which led to official negotiations, such as Madrid, and of course the Oslo peace process.

Indeed the problem for us is not whether the two state solution is desirable but that the window for such a solution may not be open indefinitely. At the practical level, physical facts on the ground are being created by Israel which undermine the very viability of a two state solution.

This Israeli policy feeds Palestinian disbelief in the potential for a two state solution. But a strategic move by the Palestinians away from the two state solution could take us back to where we were in the last three or four years. The dominant consensual narrative in Israel then was that the failures of the Camp David process between 1999 and 2001 proved that there is no partner, there is no plan, and the only solutions are military solutions. So we would wake up and be told if you demolish a home, deport a family, occupy the next city, then you will defeat terror. Insert as quote, right justified “By contrast, Rabin said: We will pursue negotiations as if there is no terror, and we will fight terror as if there are no negotiations.” (By the way a recent Israeli defense ministry committee came up with the dramatic conclusion that the policy of home demolition was actually counter-productive. It was not a deterrent; it just got the population angrier, more hostile and more willing to engage in terror. It took the defense ministry two years to come up with that conclusion).

In fact, the Palestinian leaders are much closer to a two state solution than the Israeli leaders are. The Ta’aba final negotiations of 2000, and I was an Israeli negotiator at Ta’aba, came extremely close to an agreement. It wasn’t the Palestinian side that rejected Ta’aba. Ta’aba was prematurely ended because Israel was so close to elections, and both sides said we will continue after the elections. Sharon won the elections, and continuing Ta’aba wasn’t on Sharon’s agenda. So it’s actually the leadership in Palestine that are closer to embracing a two state solution, indeed the success of the Abu Mazen government and the success of Fatah depend on it.

Today Abu Mazen is President. When he was Prime Minister two years ago, Israel was very ungenerous in releasing prisoners to the Palestinian Authority, though prisoner releases would have strengthened Abu Mazen in seeking a peace based on ending terror. But when the Hezbollah in south Lebanon killed three Israeli soldiers, kept

their bodies, and kidnapped an Israeli civilian, we released 600 prisoners to their leader, Sheikh Nasrallah. What message did we send out? When we were with Abu Mazen recently, he said “People come to me, and they say deal with the Israelis the way Hezbollah does. That is how you will get prisoner releases”. Despite these pressures, Abu Mazen replied that he was not going to do that, but Israel is still to recognize the rare opportunity he offers. We haven’t internalized yet just how imperative it is, just how much the onus is on us, to strengthen him domestically. The Americans have an expression, to nickel and dime someone. We are doing this, to some extent, with Abu Mazen, whether it is checkpoints, prisoner releases or the handover of Palestinian villages.

“Israel is still to recognize the rare opportunity Abu Mazen offers. We haven’t internalized yet just how much the onus is on us, to strengthen him domestically. The Americans have an expression, to ‘nickel and dime’ someone. We are doing this, to some extent, with Abu Mazen.”

And now it looks as if Sharon might make disarming Hamas a condition for further movement forward, which would be a great mistake. I would be interested in hearing my Irish colleagues on this. I fear that we could be climbing up a very problematic ladder if we push disarmament too early, that is, before we have created the right conditions for it. While it is entirely justifiable for the Israeli government to demand an end to violence, the process by which violence is ended is best decided in

collaboration with Palestinian leaders.

That is my point of departure. The Labour-Left parties’ concept of Israel’s national security interests is that the centre of our interest in a two-state solution is to achieve peace with the Palestinians. I don’t think I can get Sharon to make the necessary compromises to get to a two state solution. In the absence of that I believe that I have to create a political horizon that gives my Palestinian partners some confidence in walking down the road with Sharon. Because if you are asking the Palestinians to go blind into a process where the end is not guaranteed, I would not only expect, I would even urge them to be reluctant to go there.

It was against this backdrop that, in a very unusual exercise, a group of people on the Israeli side, and some ex-ministers, ex-military, and academics on the Palestinian side, came together and tried to break out of narrative by writing the Geneva Accord. It is

a very detailed legal text of what a model Israeli-Palestinian peace could look like. We did this to try and shake up the debate, and to try and show that a two state solution was still possible, though the Camp David and Ta'aba negotiations had ground to a halt.

Here's the good news. There is a very, very, very intense ongoing dialogue between Israeli and Palestinian civil society. Let me give you the even better news. There is a very intense dialogue between elements of the leadership. We have cooked up proposals in the past that have helped move things along. The bad news is that people to people can only go so far. I won't relate the Golan Heights saga here, because that would take far too long. Suffice it to say that public opinion is a powerful tool in Israel and the Palestinian territories, but its effectiveness is limited, especially when the international community acts like a paper tiger.

If Israelis and Palestinians know that even if Sharon cannot take them to a lasting settlement, the international community is committed to more than a string of resolutions, then I think they can swallow the concessions that need to be made. Let me give you a concrete example.

Just over a year ago, on the 14<sup>th</sup> of April, 2004, there was an exchange of letters between the Israeli Prime Minister and the American president in which Sharon formally gave Bush the disengagement plan. The Americans, in accepting the disengagement plan, gave Sharon a letter in which they made certain commitments to the Israelis on what a permanent status solution would look like. Now it's not completely fantastical to conceive of a similar exchange of letters with the current Palestinian leadership. Perhaps the Americans can't deliver on such a letter. Perhaps it has to be the Quartet of which the Americans are a member. Perhaps we can't even bring the Americans to the table, and we have to think of other groupings. But the most important thing is, we have to give Abu Mazen a political horizon.

Similarly, the Quartet had assumed the responsibility to monitor implementation of various agreements between Israel and the Palestinians, but they didn't follow through. So I say to the international community, you are asking us to be true to what we have committed to, you also have to be true to your commitments. If you said you are going to monitor, monitor. If it is not comfortable to say "A plague on both your houses" then deal with that, create the comfort level.

The inadequacies of international response to Israeli-Palestinian peace initiatives have

always surprised me, given what an impact the conflict has on the region, and beyond. Regionally, how do we look at our security interests? I always talk about what I call a policy of pretext avoidance. All those who fly the flag of Palestinian liberation in the region may not really give a damn about the Palestinians. But it's a searing cause and a powerful rallying point. And it gives extremists elsewhere such a fantastic pretext, as Mahfuz Anam pointed out in relation to Bangladesh. It is not only in his interest as a self defined liberal Muslim to see an end to the Israel-Palestinian conflict, this is the broader coalition of the sane that we need.

I will close by saying that India is in an unusual position. You are in an unusual position because there are not that many countries that Israel considers to be our friend. You are in much esteemed company in being considered by Israel as a friend; people listen to their friends more than they listen to other people. It means that what you say publicly and what you say privately to the Israelis carries more weight than others. I would like to leave you with that thought.

**DANIEL LEVY** is director of policy planning  
at the Geneva Initiative's Israel office, Tel Aviv

**COMMENT: AMBASSADOR OSAMA MUSA ALI MUSA**

We have to move to a solution that will begin by ending the occupation of Palestinian territories. When we went into Oslo, we accepted Israel within the 1967 borders. In return, as the Oslo agreement promised, Israel was to withdraw from the West Bank and Gaza. But the Oslo accord was never implemented.

I was chairman of the Regional Security Committee that was formed at Oslo to monitor its implementation on the ground. But the problem was, after monitoring, what? We asked Yasser Arafat if anyone could guarantee the implementation of the Oslo agreement. We could monitor, but beyond that we had no force, no power. Who would guarantee this compliance? The big mistake was to draft an agreement between two sides that were so unevenly balanced in terms of power. An agreement between a lion and a rabbit cannot be implemented without a fair third party to guarantee its implementation.

The Arab countries are not an obstacle. They said, at the Lebanon Summit in March, that they would back any agreement that ends the occupation, and they have said for some years now that they are prepared to recognize Israel and open relations with it, provided Israel ends the occupation and allow a Palestinian state.

Ambassador **OSAMA MUSA ALI MUSA**  
is the Palestinian Authority's Representative to India

**COMMENT: KONSTANTY GEBERT**

Throughout those five horrible years that followed the fiasco at Camp David, regardless of the horrible bloodshed, we still have a more or less solid majority on both sides for peace built around the Camp David and Ta'aba principles. The fact that both societies were able to sustain the belief that such a peace is feasible regardless of the facts on the ground, regardless of the growing terror and the growing settlements, is empirical evidence that we are dealing with two civil societies which calculate, take odds and try to work out solutions. What is missing however is the hope on either side that peace can be made with the other. Both sides agree on the broad shape of peace, and the Geneva accord is one example, but neither side believes that it is possible with the others.

“The fact that both societies were able to sustain the belief that such a peace is feasible regardless of the facts on the ground, regardless of the growing terror and the growing settlements, is empirical evidence that we are dealing with two civil societies which calculate, take odds and try to work out solutions.”

The Israelis, especially the Israeli Left, have had the rug pulled from under them with the second Intifada. The Palestinians, and especially Palestinians engaged in peace initiatives such as the Geneva accords, have the rug pulled under them by the growth of settlements. Both sides sincerely and legitimately mistrust the intentions of the other. So what we are faced with is a situation in which there is an abyss. The shape of the abyss is clear and everybody knows what the other side of the abyss will

look like. The problem is the abyss is too large to be breached in one jump. You have to find a way of breaching it in two jumps bouncing off in mid-air. This psychologically today does not obtain.

Today reluctantly and unhappily both sides are forced to acknowledge that the others are a permanent presence, and that therefore since we cannot throw them out, we have to deal with the reality of their presence. The Israeli Left in the 1990s forced Israeli society, kicking and screaming all the way, to draw the logical conclusion that the Palestinians are just as legitimate in the land as the Israelis are. And that therefore land has to be carved up between the two in a mutually satisfactory compromise.

What has to happen is for Israelis and Palestinians to divide the land between them. The principles of that division are clear: the lines of 1967. There has to be a mutual trade of territory. The Gaza strip for one has to be enlarged. It is impossible, unacceptable, to have two million people vegetating on 350 square kilometres. It is an absurdity. By the same token, areas of compact Jewish settlement have to be integrated into Israel and not be left behind in the future state of Palestine. This has to be a one to one exchange of territory, mutually agreed.

But in order for both civil societies to be willing once again to engage hopes in that process, they have to see facts on the ground. They might, the two leaders today, Sharon and Abbas, are not dreamers, they are hard realists. They don't like each other but they know they have to deal each other for their future and the future of their children

**KONSTANTY GEBERT** is Editor *Midrasz*, and International Correspondent for the *Gazeta Wyborcza*, Poland

## **CHAIRMAN'S COMMENT: CHINMAYA GHAREKHAN**

Having just returned from Israel and the Palestinian territories, my impression is that it is very difficult to be optimistic about the issue in the long or medium term. In the immediate short term, yes, the good news is that there has been little or no violence now for the past several months. There have been a couple of incidents, for example on February 25, but fortunately they have not been blown up. Mr. Sharon has not even retaliated for the February 25 Tel Aviv bombing. Given his consistent record of being a Palestinian basher over five decades starting from 1950, that is good news.

This period of relative absence of violence will probably go on until at least the Gaza plan is implemented. But it is very doubtful that things will move after Gaza. Dov Weissglass, who is to Mr. Sharon what Brajesh Mishra was to Mr. Atal Behari Vajpayee, said that the Gaza disengagement plan was intended to freeze the Road Map, to put it into deep freeze for all time to come. So there is not going to be any move beyond Gaza.

The real problem for Israel is that time is not on their side. Time is on the Palestinians' side. The Palestinians don't have to be in too much of a hurry to force the pace of negotiations, because if they wait long enough they will get probably almost all that they want, or that they are asking for. The demographics are working against Israel. So the Palestinian leadership could take the view that, "let's sit back and do nothing, in 20, 30, or 50 years the problem will take care of itself". It's not a happy position to be in, but those are the facts on the ground.

Hamas and Islamic Jihad are unlikely to disarm, as Daniel mentioned. Let us also not forget that violence, much as we all condemn it, has paid dividends for Palestinians. Without the Jordan Intifada in 1987, which continued for five years, there would have been no Oslo process. The second Intifada, the Al-Aqsa Intifada, also played its part in Mr. Sharon's opting for the Gaza disengagement plan, though not to the same extent as the first Intifada. So we have to keep all these things in mind.

Turning to the Road Map, Mr. Sharon has given fourteen reservations on it to the Americans, some of which are very substantial. The Americans haven't accepted the reservations, they said "We will discuss these when we get to the implementation stage of the Road Map". So there is a long and complicated road ahead. I hope Israel will move with a fair amount of speed along it, because Abu Mazen has tremendous

problems within his own society. Just as a Jewish fanatic killed Rabin, one should not be surprised if Abu Mazen is killed by a fanatic Palestinian.

Daniel, you mentioned Sheikh Nasrallah. Yes, he got the Israelis out of South Lebanon, but there is no peace treaty yet between Lebanon and Israel, and the Sheba farms problem continues, though it may be an artificial problem in every respect. As against this, the Palestinian side, I am convinced, is seriously looking for a lasting peace. I have met Abu Mazen and General Nasser Yousef, the Home Minister, who takes a very tough position with the extremists on the Palestinian side, Hamas and Islamic Jihad; he deals with them with a very firm hand. So you cannot get a better combination on the Palestinian side than you have now. If only Mr. Sharon were to say that his vision at the end of the tunnel is Ta'aba or Camp David, something that would allow the Palestinian people to look forward. Then we could move on the right track. Otherwise, we will lose the little window of opportunity that we have right now.

Ambassador **GHAREKHAN** is India's Envoy to West Asia.

# Focus On

## Northern Ireland

*On April 10, 1998, the British and Irish governments and representatives of Northern Ireland reached The Good Friday or Belfast Agreement towards a lasting peace in Northern Ireland.*

*The Agreement set out a plan for a devolved and inclusive government in Northern Ireland and provided for the creation of Human Rights and Equality Commissions, the early release of 'terrorist' prisoners, the decommissioning of paramilitary weapons and far reaching reforms of the criminal justice and policing systems.*

*To sustain devolution, it was embedded in an inter-connected group of institutions from three 'strands' of relationships:*

- *Strand One deals with relationships within Northern Ireland, the Northern Ireland Assembly, its Executive and the consultative Civic Forum.*
- *Strand Two deals with relationships between Northern Ireland and the Republic of Ireland. A North-South Ministerial Conference (NSMC) brings together members of the Northern Ireland Executive and the Irish Government to oversee the work of six cross-border implementation bodies.*
- *Strand Three deals with relationships between the UK and Ireland. A British Irish Inter-Governmental Conference was established to promote bilateral cooperation between the UK and Ireland, replacing the one set up by the Anglo-Irish Agreement in 1985. (Source: [http://www.nio.gov.uk/the\\_agreement](http://www.nio.gov.uk/the_agreement)).*

*Despite this careful approach, however, the Agreement has been only partially successful. The Northern Ireland Assembly has not met since the 2003 elections, because it has been held up over the issue of decommissioning. In this section, we discuss what has worked in the Northern Ireland peace process, and what remains to be done.*

*“A former Indian Ambassador to Ireland once presented me with a copy of Nehru’s **Glimpses of World History** first published in 1934-5, which were written when he was imprisoned by the British, to his daughter and also future Prime Minister, Indira. It included a number of letters on Ireland.*

*While Nehru praised a small country’s amazing record of perseverance in the struggle against a powerful neighbor, bearing the brunt of British imperialism from the earliest days, he was critical, though understanding, of the tendency of oppressed and struggling countries to seek solace in the past and bygone greatness. The Act of Union of 1800 abolished a corrupt and exclusive Irish parliament which contained no Catholics that might have developed later into something better, but he noted that its one real harm was its success in putting an end to the movement for unity between the North and the South, Protestant and Catholic.*

*This year is the centenary of the founding of Arthur Griffith’s Sinn Féin. Nehru was interested in comparing various forms of non-cooperation and non-violent passive resistance in India with the Irish precedent. In his view, the Ulster crisis showed what the traditional defenders of law and order thought of democracy, once their interests were under threat, and he thought that Britain in this instance behaved not much better than a South American Republic.*

*Nehru viewed 1916 as a brave gesture rather than a serious challenge. As a result of the executions of its leaders, Sinn Féin spread like a forest fire. He described the war of independence ‘as one of the most extraordinary of struggles’ against fantastic odds. Britain could have turned Ireland into a desert and crushed Sinn Féin, but it was making it very unpopular in America and even the Dominions. The civil war, following disagreement over the treaty, was a terrible tragic development. ‘English policy had won, where her arms had been checked’. In the 1930s, when de Valera claiming rights as an equal dominion dismantled the treaty, the British attempted economic coercion. Nehru concluded his account in April 1933 by predicting that, ‘Ireland may develop into a Republic soon, but that the great problem would be how to get Ulster to join the rest of Ireland. It cannot be done by force.....De Valera hopes that he will be able to win the goodwill of Ulster, and thus bring about union. This hope seems to err on the side of optimism, for Protestant Ulster’s distrust of Catholic Ireland still continues’. That remains true 70 years on.*

*My father, who was an Irish and Commonwealth historian, with books published over 65 years, including one on India posthumously called **Independence Years**, had a particular love of India. Indeed, his mother was born in Dum-Dum in Bengal. He attended the Asian Conference in 1947 and a commemorative one forty years later in 1987. He spent 15 years editing the India Office documents on **The Transfer of Power** in twelve thick volumes covering the period from the Cripps mission in 1942 to independence in 1947. He was particularly interested in comparative perspectives on partition, as between Ireland and India. He once said in a debate at the Trinity College, Dublin Historical Society in 1965 that ‘the contribution of Ireland was successively to weaken the will and undermine belief in empire. Stanley Baldwin summed it up when he said there must not be another Ireland in India.’” **Martin Mansergh***

# **Northern Ireland: What Worked and What is Yet to Work**

**MARTIN MANSERGH**

**P**ace processes commonly arise out of a long-running conflict that has resulted in a prolonged political and military stalemate. In Ireland, the Provisional IRA, displacing the civil rights movement which had widespread public support, and going far beyond a citizens' defense committee type role warding off Loyalist and security force attack, engaged in a modern war of liberation type campaign, designed to drive the British out of Northern Ireland and to subject the Unionist majority there to island-wide majority rule, as they had done to Nationalists. The key failure of analysis was to assume that the guerrilla campaign that had worked 50 years before in the largely homogenous part of Ireland, following the winning of an electoral mandate for independence that was then ignored by the British, would work in a deeply divided society, and to assume that the collapse and splintering of the Unionist monolith meant that their resistance to a united Ireland could now be overcome by force.

The campaign never won the political support of even a majority of Nationalists in Northern Ireland, and the Republic, which had sole right to wage war on Britain, repudiated the campaign and denied it legitimacy. A series of political initiatives tried to unite moderates from both sides in a form of power-sharing but without success.

However, to break prolonged stalemate, catalysts are needed. The Ennis Killen bomb on Remembrance Sunday in November, 1987 killed eleven people, and horrified public opinion not only by the slaughter but the political bigotry behind it. The civic courage and moderation of Gordon Wilson, whose daughter Marie died in the blast, sparked a major public reaction. In 1988, first tentative discussions took place openly between the SDLP and Sinn Féin, and secretly between the governing party in the Republic, Fianna Fáil, and Sinn Féin. They were broken off when it became clear that the IRA campaign was not going to end any time soon, and that Sinn Féin was more interested

in breaking out of political isolation. Indirect contact was maintained over the next four years.

One reason why democratic governments are wary of entering dialogue with those engaged in terrorism, apart from potential political embarrassment, is for fear of encouraging them into believing that they are winning and that governments want to talk out of weakness. That dialogue can have disastrous results seems to be borne out by President Pastrana's failed initiatives vis-à-vis the FARC in Colombia in the late 1990s.

The other aspect is at what level to conduct such dialogue. Our delegation in 1988 consisted of a backbench border deputy, now Minister for Foreign Affairs Dermot Ahern, I as political adviser to the Prime Minister Charles Haughey, and for one of the two meetings a member of the party's executive. When direct talks resumed in 1992, I was sent on my own, with only a priest-mediator accompanying me. Unlike politicians and permanent civil servants, political advisers can be more easily disowned, and have no security of tenure, if things go wrong.

The second catalyst in 1990 was a statement by Peter Brooke, Northern Ireland Secretary at the end of the Cold War, that Britain had no selfish strategic or economic interest in remaining in Northern Ireland, and would only do so long as a majority wished. The situation in Northern Ireland is different from many other conflicts, in that the British will accept and support reunification based on exclusively peaceful means, agreement and consent. Neither Nationalist Ireland nor Britain regards partition as irretrievable, although borders matter a good deal less in a globalized world. More fluid structures are possible, which by-pass absolute ideals of sovereignty.

The hardest part of subsequent dialogue was persuading the Republican Movement to accept concurrent self-determination, North and South, which is the only means by which any long-partitioned country can be reunited, and also the only way that the circle could be squared consistent with the international obligations of both the British and Irish Governments, as set out in the Anglo-Irish Agreement of 1985, registered at the United Nations, which formalized their consultative relationship vis-à-vis Northern Ireland.

The third catalyst was international: the collapse of apartheid, and of the Berlin wall. The argument was, if a breakthrough can be achieved in situations long regarded as intractable, why not in Ireland?

A peace process consists of three stages, all equally difficult. The first challenge is to set up base-camp by obtaining a ceasefire. It has to be a lasting one, in intent at least, as other parties and governments will not negotiate under explicit threat of renewed war. On the other hand, peace will not be stable, unless negotiations take place, leading to what is both a peace agreement and a political settlement, which is the second challenge. The third stage, which is where we are still at in Northern Ireland, is fully implementing the Agreement.

In the Irish context, obtaining a ceasefire took nearly eight years. It is rarely the case that all that is required for peace is another political sermon or moral denunciation of the iniquity of violence. Those involved in conflict, if they cannot be militarily defeated, have to be persuaded that there is something to be gained in giving it up, without betraying those who have all the time been committed to democracy or ignoring the interests of other vital parties.

“A peace process consists of three stages. The first challenge is to set up base-camp by obtaining a ceasefire. The second challenge is to hold negotiations that lead to what is both a peace agreement and a political settlement. The third stage is fully implementing the peace.”

What persuaded the IRA to declare a ceasefire? First of all, they were extracting themselves from an unwinnable war, where eventually morale might implode. The alternative on offer was full participation rights for their political wing based on an exclusive commitment to democracy. There was a wide consensus in Nationalist Ireland on reunification by agreement, once violent methods were dropped. Republican politics has always been very much more popular than Republican violence. In a statement of principles by the British and Irish Prime Ministers, the Downing Street Declaration of 15 December 1993, there was explicit British acceptance for the first time of Irish self-determination, albeit on a concurrent basis, something never conceded in the 1920s. Even before negotiations were underway, Sinn Féin would be accepted into a North-South Forum for Peace and Reconciliation organized by the Irish Government, which Unionists did not attend. Indeed, within a week of the ceasefire, the Prime Minister Albert Reynolds, the SDLP leader John Hume and Sinn Féin leader Gerry Adams met in Government Buildings in Dublin on 6 September 1994.

There were other factors. The lifting of TV and radio censorship a few months before gave them a chance to put their case and expand politically from a very small base in the Republic. The American factor was also vital, when President Clinton

gave Gerry Adams a 48-hour visa, even though this created a temporary rift with the British Government. There is of course a considerable Irish-American factor in domestic U.S. politics.

The IRA ceasefire of 31 August 1994 was followed six weeks later by the Loyalist ceasefire. People were able for the first time to taste the benefits of peace. Blocked cross-border roads were swiftly re-opened. An American investment conference was organised in Washington, and there was funding for reconstruction especially in border areas from the U.S., Canada, Australia, New Zealand and most of all from the EU.

Questions are often asked about the EU role in the Irish peace process. First of all, the EU offers the strong example of Franco-German reconciliation. Secondly, it encourages cross-border cooperation, having dismantled customs borders, leading to the concept of the single market on the island of Ireland. However, unlike the U.S., the EU has rarely become involved in the politics in any hands-on way. Three of the four main parties in Northern Ireland, however, are Eurosceptic, and all of the three MEPs elected to the European Parliament last June.

“Our experience suggests that to allow a ceasefire that could be permanent to be followed by a political vacuum is unwise.”

The first ceasefire broke down after 18 months, because of slowness in organizing inter-party negotiations, because of pressure to start decommissioning weapons, and also because of internal tensions within the Republican Movement, that would later lead to a split. It

was easier to get Unionists to the table in the absence of Sinn Féin. The British Labor Government that came to power in May 1997 had a large majority, and could not be influenced by Unionists parliamentary votes.

The experience of that period suggests, as indeed does the Spanish and the Basque experience, that to allow a ceasefire that could be permanent to be followed by a political vacuum is unwise. Early upfront insistence on disarmament in advance of political negotiations smacks too much of surrender, or, put more cynically, threatens to remove one of the most valuable bargaining chips.

In the Irish situation, talks embracing all the Nationalist parties, and the more moderate Ulster Unionist party and the Loyalists and some small centre parties did conclude some months later, after coming together in that configuration in September 1997, in

keeping with an Easter deadline in a comprehensive agreement, addressing all issues, constitutional ones, institutional ones, police reform, early prisoner release, as well as justice and human rights issues. The best elements from all the previous mostly failed political initiatives were brought together. Popular referendums North and South meant that a new democratic legitimacy was established, without harking back to the past. Indeed, any substantially different agreement, as opposed to an extension of the Good Friday Agreement, would have to be submitted to the same ratification procedure North and South.

A final constitutional settlement was, to use Konstanty Gebert's expression, an abyss too large to be jumped in one go. Part of the secret of agreement was, in Daniel Levy's words, that no one wanted to be culpable of preventing it, even though both Unionists and Sinn Féin were concerned that the other would not be able to last the pace. Hence, the crisis on the morning of Good Friday, when the Ulster Unionists discovered to their horror that Sinn Féin was still on board.

Choice as to the constitutional future is in the hands of a majority in Northern Ireland, except that a reunited Ireland would require the concurrence of the electorate in the South, which would probably view it for its impact on the stability and prosperity now achieved there. What happened in Cyprus, where those who always sought unity rejected it, whereas those who had always opposed it voted for it, is not inconceivable in Ireland. As the Downing Street Declaration put it, it is for those who favor Irish unity to persuade those who do not, and the same goes for the Union with Britain, in what is an increasingly evenly divided society. The safeguards for the minority in the Agreement apply equally to whoever may be the minority in future. Demographics alone are not going to solve the problem.

**I**t is for those who favor Irish unity to persuade those who do not, and the same goes for the Union with Britain, in what is an increasingly evenly divided society. Demographics alone are not going to solve the problem.”

With regard to identity, all persons born in Northern Ireland, with now one or two caveats relating to very recent temporary immigrants, are entitled to Irish citizenship. Whether Unionists or Nationalists, they can be Irish or British or both, or neither. Thus, the one nation and two nations theory are squared and reconciled.

Without going into a detailed narrative of the last seven years since the Agreement, what has worked and what has yet to work in the implementation phase?

First of all, peace has worked. The number of politically related deaths is a small fraction of the 80-100 a year before the ceasefires. As your program notes perceptively, 'Incidences of violence are so infrequent as to cause a storm of protest when they do occur'. The dissidents, while still a threat, have so far been effectively marginalized and discredited, especially following the disaster of the Omagh bomb in August 1998, which killed 31 people.

Secondly, the close working relationship between the British and Irish Governments, and particularly between Prime Ministers Blair and Ahern, with US Presidents or their envoy a third party, has worked extremely well. The value of the US is the pressure it puts on all parties especially around 17 March, St. Patrick's Day, when they visit Washington to make a reasonable case for themselves. The two Governments hold the ring, where otherwise a vacuum would develop.

Devolved power-sharing on mainly economic and social issues worked reasonably well. It was always extraneous matters, early on, the lack of progress on decommissioning, and, later, security breaches and other extracurricular activities of the IRA that brought crises and its suspension.

North-South cooperation, once very controversial with Unionists, continues through implementation bodies on a care and maintenance basis. For example, Tourism Ireland is a company that promotes the whole island of Ireland. We are far removed from the scenario Nehru described to his daughter of rich Protestant Ulster being ruled by an impoverished Catholic Ireland. The Celtic Tiger makes the South more than an interesting partner for Northern Ireland business. The Northern Ireland economy is still very heavily dependent on the public sector.

Police reform, based on the Patten Report, equally controversial for different reasons both with Unionists and Republicans, has worked, but Sinn Féin has still not decided to support the new Police Service of Northern Ireland, which substantial numbers of Catholics have joined.

Many people see that as the decisive move yet to be made, incompatible with the continuance of the IRA.

Prisoner releases, though painful, have largely dealt with that issue. Enquiries into

misdeeds of the past in the spirit of the South African truth and reconciliation process via Tribunals of Enquiry have worked less well, because of reluctance on all sides to be sufficiently forthcoming.

Decommissioning was slow to get underway, but is no longer the major obstacle it once was, though Paisley's demand for photographs was one of the issues that prevented agreement last December.

The extent to which Unionism may be an obstacle is not being fully tested at the present time and is a matter for speculation.

The major obstacle to progress at the present time is the continued activity of the IRA, not in attacking police or soldiers or the Unionist community, but in robbing banks and brutal forms of social control in their own areas. The Independent Monitoring Commission not accepted by Republicans put the blame squarely on them, and its verdict has been endorsed by both Governments. The overwhelming feeling after 11 years since the first ceasefire is that the IRA has to retire, and, given a generous transition period in which Sinn Féin has enjoyed much electoral success on both sides of the border, that there now has to be a level playing-field. The atmosphere at the moment is one of bitter recrimination between the Republican Movement and the Governments and other parties. While the Republican leadership may want to come to the point, they want to bring the bulk of their people with them, but the pace at which they wish to move is simply too slow for everyone else. There are also strong suspicions that they want to extract maximum negotiating advantage from their dual role.

I was asked recently, if I trust the Republican leadership. My reply was that I trust the necessities they are under. Short of resorting to the nuclear option of a return to violence where they would unite everyone else against them as never before, as with decommissioning, they have, however reluctantly, to move forward, and comply with the demands of Irish democracy, if they wish to benefit fully from it. As things stand, no other party North or South would enter government with them.

The current impasse, which may not be resolved quickly even after the British general election in May and the Protestant marching season, has given a field day to the critics of the process, mostly outside of the Irish Parliament. They claim that democracy is in danger of being subverted by endless concessions and blind-eye turning that the peace process is a process of appeasement, that only extremists have benefited, and that Northern Ireland society is more polarized than ever.

While there is public and political impatience, most people still appreciate the benefits of peace, whatever the political difficulties. Far from concessions being just one way, more and more has been explicitly demanded of paramilitaries, including their disappearance from the scene. Whether one is looking at Rev. Ian Paisley or Sinn Féin, the former extremes have become more moderate. Much the same process happened, as Daniel Levy has described, with Likud treating any negotiation or compromise, when in opposition, as betrayal, but people have voted for parties that will strike the hardest bargain, rather than for no bargain at all. The economic benefits of peace North and South of the border are palpable. Irish democracy is more robust and tougher than many militants are inclined to credit. The process of adaptation to democracy must and will continue. The road to all possible benign futures is through the Good Friday Agreement.

Managing the peace process is very empirical, requiring much patience and sometimes feeling like the labors of Sisyphus. While there is much to be learnt from comparative conflict resolution, each situation has political and cultural specifics of its own. The goal to be aimed for is success, the moment when one can say that the process is over, and some form of new stability and normality established, as happened notably in South Africa, that had the advantage over Northern Ireland of a clear political outcome from decades of conflict. In other words, peace processes need to be, not just durable, but finite.

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## **Seven years of the Good Friday Agreement**

<b>What Has Worked</b>	<b>What Is Yet to Work</b>
<b>Peace has worked, violence is down from over 200 deaths per year to under 10</b>	<b>Continued activity of the IRA and its criminal associates is yet to be fully addressed</b>
<b>There is a close working relationship between the British and Irish Governments</b>	<b>The extent to which Unionism can and will impact the political processes is yet to be factored in</b>
<b>There is devolved power-sharing, mainly on economic and social matters</b>	<b>The power-sharing Assembly has not met since 2003</b>
<b>There is cross-border cooperation in business, tourism and economic development</b>	
<b>There has been police reform and prisoner releases</b>	<b>Reconciliation through ‘truth commissions’ and Decommissioning are slow to get underway</b>

## What Made the Ceasefire Hold?

**JOHN DOYLE**

Senator Mansergh has most ably presented the narrative of the lead-in to the cease-fire and the peace process which resulted – in fact, I would agree with 99% of it, which is unusual in the Irish context.

I am going to dwell on my 1% difference for the sake of emphasis. First of all, a key factor in bringing about the cease-fire was the joint recognition by the IRA and the British Army that they could each go on for the next 30 or 40 years without altering the battle lines significantly. In particular, the IRA leadership internalized the view that while they could keep going, they had enough material and support; they couldn't actually achieve the aims of United Ireland on any imaginative level.

Secondly, and this is an area that Senator Mansergh downplayed, perhaps because he was centrally involved in it, there was a shift in the Irish government policy which was central to getting the peace process going. The Irish government moved from a previous position of exclusion of Sinn Fein and the IRA from talks to one which offered the prospect of their inclusion, based on a cease-fire and other pre-conditions. That shift from exclusion to inclusion was a crucial step forward.

The third critical factor was a reversal of the order in which steps would have to be taken. The assumption from the early 1970s until about 1990 was that you would get a deal between the political centre and the moderates on either side, and you would use that deal to try and pressure the radicals into a cease-fire, or, if that failed, bring in harsher security measures and defeat the IRA militarily (a strategy that had been unsuccessful for 20 years). This order was reversed, to first seek a ceasefire through talks with radicals, and then to use it to create a broader political dialogue.

A large measure of credit for these two changes in policy must go to individuals involved in government circles who took the decision to go ahead even though the

changes were risky both personally and politically at that time. Now of course they seem like eminently sensible decisions, because they have been seen to work

What I want to focus on for a few minutes that I am going to speak, is why the cease-fire has held for almost 11 years despite such pressure as relative political stalemate. The cease-fire has given us 10 years of peace. 10 years' when, even at a relatively low estimate, a thousand people would have died in political conflict in a very small part of the world, had it not been for those cease-fires. International analysts of the recent peace process in Northern Ireland have seen it as a trade-off between constitutional stability and a ceasefire on the one hand, and the promise of internal reform and a share of power for nationalists on the other. Indeed, a just published history of the IRA by well regarded journalist Ed Maloney makes that precise argument. This is however, a fundamentally flawed analysis and does not reflect the perceptions of the now largest political parties on each side of the conflict.

Rather, the 1998 Agreement in Northern Ireland succeeded (and for all its faults has still succeeded in preventing a return to armed conflict) because it created a new type of institutional structure which builds a new model of sovereignty – neither re-affirming British sovereignty in its totality nor ending it.

“**T**he Good Friday Agreement succeeded because it created a new type of institutional structure which builds a new model of sovereignty – neither re-affirming British sovereignty in its totality nor ending it.”

Nationalists – especially supporters of Sinn Féin – have not supported this deal just because of the promise of police reform, fair employment, cultural rights, etc. – important though these issues are. The key issue for nationalists was the creation of a political structure which gives them shared power now within Northern Ireland, and which creates serious political institutions on a cross-border basis linking the

Government of the Republic of Ireland with the power-sharing regional executive in Northern Ireland. Further, the Agreement is an ongoing process not a settlement, with a realistic hope of dynamic change leading to further integration between the two parts of Ireland. For nationalist actors this is based on some key premises.

- A functional model of integration, which assumes practical integration will lead to greater political integration, gradually shifting power from London to Belfast and then to North-South institutions.

- An assumption that the sharing of power and greater internal equality is not only a ‘just’ end goal but creates its own dynamic for change – reducing the “unjust” benefits accruing to the Unionist community through discrimination or abuse of power and also strengthening the nationalist community’s political, economic and cultural power.
- An underlying demographic shift – not enough to produce a nationalist majority, but enough to reduce the Unionist majority and to alter the political balance. Already since the 1980s, the percentage of the population voting for nationalist parties has increased from less than 33% to over 40%.

Unionists who supported the 1998 Agreement initially, sought to downplay the dynamic change and highlight the Agreement as a one-off settlement. Anti-Agreement Unionists essentially shared the same views as nationalists – except they saw the changes as a threat not a promise. This is now the dominant view within unionism.

While the two governments prioritise the making of a deal – any deal – over the details, they still often disagree over what is likely to succeed. The British government has tended to be more sympathetic to the Unionist position and the Irish government to a nationalist view. However, as the ceasefire has continued, and the governments (perhaps dangerously) assume there is no likelihood of a return to conflict, the Irish government has sought to act to protect its own electoral position from the rise of Sinn Féin, and has somewhat belatedly sought to support the moderate nationalist SDLP, who are likely to lose further significant support to Sinn Féin in next month’s election. Nonetheless, the willingness of the two governments to work together – and in particular the willingness, since the 1990s, of the British government to take seriously the views of the Irish government – has been crucial.

The key to the success of the 1998 Agreement in maintaining a ceasefire is its promise of gradual, incremental political change – reflected in the short term in innovative power-sharing and cross border institutions.

The weakness at the heart of the Agreement was that it was premised on pro-Agreement Unionists maintaining majority support within their own community. The question remains open as to whether the institutional framework can survive the long term dominance of Unionist politics by Ian Paisley’s – anti Agreement – Democratic Unionist Party. There are occasional signs of a move to pragmatism but the opportunity to test it has not yet arrived.

If the institutions cannot be re-created or sustained, what can the two governments do to maintain the peace process without its central element?

There are options. There are clearly many issues of internal reform that do not require local institutions. It has been mentioned for example that there are more British troops in Northern Ireland than Iraq. The withdrawal of troops, closure of bases and further police reform would all reinforce the ceasefire by strengthening the authority of the Sinn Féin leadership and by demonstrating to the wider nationalist community that political change was ongoing. New institutions or a new means of decision making between the governments might be more difficult and would lead to furious Unionist opposition. At present the governments are reluctant to admit to a plan B as efforts continue to rebuild the architecture planned in 1998.

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## Criminality and the Peace Process

ADRIAN GUELKE

**T**he issue of criminality has become the major source of contention in the peace process in Northern Ireland. Two events, in particular, have been responsible for the prominence of the issue: a bank heist in which the robbers escaped with a total of £26.5 million pounds and the murder of a young man following a brawl in a bar. The bank heist took place on 20 December 2004; the murder of Robert McCartney on 30 January 2005. There has been massive coverage of the issue in the media and it is being presented as the greatest crisis in the Provisional Republican movement since the formation of the Provisional Irish Republican Army in December 1969 and its political wing, (Provisional) Sinn Féin in January 1970.

This picture of a crisis in the peace process is in many ways as overblown as the euphoria that was typical of media coverage of the peace process in late November 2004. Then it appeared that the two parties at either ends of the political spectrum, the Democratic Unionist Party headed by Ian Paisley and Sinn Féin headed by Gerry Adams, might be on the brink of an historic deal. Now it is implied that the controversy over the bank raid and McCartney's murder, plus further expected revelations of Provisional IRA criminality, might be capable of destroying Sinn Féin as a major force in Irish politics.

The method used by the raiders followed a pattern of similar robberies in Northern Ireland that had been given the name of 'tiger kidnappings'. This involved the taking of hostages to force co-operation from members of staff of the institution being robbed so as to circumvent normal security. In the case of the Northern Bank raid, armed men posing as officers of the Police Service of Northern Ireland took a bank official and his family hostage on Sunday 19 December at their home in a village in County Down. Another official and his family were taken hostage in a suburb of Belfast. The gang ordered the bank officials to go to work normally on Monday morning. The officials were told that their families would suffer if they failed to co-operate.

Members of the gang took over the bank after the close of business, by which time most of the staff had left. They forced the two officials under their control to override all the security mechanisms on the bank's vaults enabling the gang to get away with huge quantities of cash in a large van. The gang released the bank officials and their family members later in the evening and close to midnight on 20 December the police were at last alerted to the heist. Nobody suffered physical injuries as a result of the raid, but the families taken hostage were described as having been traumatized by their ordeal.<sup>1</sup>

The initial media coverage of the bank heist emphasized the huge size of the robbery and the fact that it was yet another so-called 'tiger robbery', of which there had been more than forty in the course of 2004. Also raised was the question of paramilitary involvement. Thus, in its coverage of the robbery, the *Belfast Telegraph* quoted remarks made to the Police Board by the Assistant Chief Constable of the Police Service of Northern Ireland (PSNI), Sam Kinkaid in October 2004. Kinkaid said then: 'All paramilitary groups in the last five to six months have been involved in serious robberies in Northern Ireland. That's on both sides of the community.'<sup>2</sup> In other words, the police believed that Republican paramilitaries, including the Provisional IRA and other dissident groups such as the Real IRA and the Continuity IRA, and Loyalist paramilitaries, such as the Ulster Defense Association and the Ulster Volunteer Force, were responsible for much of this criminality. Consequently, it is not surprising that paramilitary involvement in the bank heist was suspected from the outset.

It quickly became evident that the main focus of the police investigation was in nationalist, that is, Catholic neighborhoods. It was thus generally expected that the Chief Constable of the police would indicate that they suspected Republican paramilitary involvement in the robbery. In the event, he went much further than that at his press conference on 7 January 2005, asserting that the organization responsible for the robbery was the Provisional IRA. This was not merely an assertion that members of the Provisional IRA had been involved in the robbery. It was a claim that the entire operation had been authorized by the leadership of the Provisional IRA. Assuming, as the two governments and other political parties certainly did, that in due course this claim would be borne out by the police investigation and subsequent criminal trials, it was clear that the robbery had huge implications for the Northern Ireland peace process.

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<sup>1</sup> *Belfast Telegraph*, 22 December 2004

<sup>2</sup> *Ibid.*

The political dimension of the issue was underlined by a report on the robbery by the Independent Monitoring Commission (IMC), which had been set up in 2003 to resolve the difficulties in the peace process that had led to the suspension of the power-sharing institutions in October 2002. The Commissioners were drawn from Britain, Northern Ireland, the Republic of Ireland and the United States of America. Part of the remit of the IMC was to report on the activities of paramilitary groups at six-monthly intervals. There was also provision for the IMC to submit reports on an *ad hoc* basis, should the Commissioners consider that the circumstances warranted such action.

The IMC considered the Northern Bank robbery to be such a case and issued a report on the robbery on 10 February 2005. The IMC report went much further than even the Chief Constable had by linking the Sinn Féin leadership to the robbery and to Provisional IRA criminality in general. On the bank heist itself, the report stated:

“We have carefully scrutinised all the material of different kinds that has become available to us since the robbery, which leads us to conclude firmly that it was planned and undertaken by the PIRA.”<sup>3</sup>

The IMC noted that in its previous report of 4 November 2004, it had stated that the IMC believed that the Provisional IRA had been responsible for a major theft of goods in Dunmurry on the outskirts of Belfast. It went further in its report of 10 February in connecting the Provisional IRA to a series of crimes in 2004, and linked its activities to Sinn Féin.

“In our view Sinn Féin must bear its share of responsibility for all the incidents. Some of its senior members, who are also senior members of PIRA, were involved in sanctioning the series of robberies. Sinn Féin cannot be regarded as committed to non-violence and exclusively peaceful and democratic means so long as its links to PIRA remain as they are, and PIRA continues to be engaged in violence and other crime. Although we note Sinn Féin has said it is opposed to criminality of any kind, it appears at times to have its own definition of what constitutes a crime. We do not believe the party has sufficiently discharged its responsibility to exert all possible influence to prevent illegal activities on the part of PIRA.”<sup>4</sup>

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<sup>3</sup> *Fourth Report of the Independent Monitoring Commission*, HC 308, The Stationery Office, London 10 February 2005, p.5.

<sup>4</sup> *Ibid*, pp.7-8.

As it had done in its first report in April 2004, the IMC asserted that if the institutions of devolved government had been operating, it would have recommended the taking of measures against Sinn Féin up to and including the party's exclusion from the Executive. As it was, the IMC report formed the basis on which the British government justified the imposition of a series of financial penalties on Sinn Féin.

The other issue to cause a crisis for the Republican movement – and by extension problems for the political process, leading ultimately to questioning the basis of the peace process itself – was the murder of a thirty-three year old man, Robert McCartney, on 30 January. Ironically, the most succinct description of what happened was given in a Provisional IRA statement of 25 February 2005. The statement referred to an initial heated exchange of views in the bar between a senior Republican and Robert McCartney and then between the Republican and another man. It continued:

“Blows were exchanged and a major melee erupted in the bar. Neither that man {i.e. the other man} nor the senior republican had weapons of any description in their possession though both were struck with bottles thrown by others. Robert McCartney played no part in the melee. Both Brendan Devine and the senior republican received serious stab wounds inside the bar. A crowd spilled out onto the street. Brendan Devine, Robert McCartney and another man ended up in Market Street ... They were followed into Market Street where Robert McCartney and Brendan Devine were attacked and stabbed. Both men were stabbed by the same man. Robert McCartney died a short time later in hospital.”<sup>5</sup>

The statement referred to the fact that an individual had threatened a member of the bar staff before taking a CCTV tape and destroying it and it also conceded that others had been involved in the clean-up and destruction of evidence at the scene.

This was the second of three statements by the Provisional IRA on the subject of Robert McCartney's murder. The third caused a storm of controversy because it mentioned that the Provisional IRA, in seeking to undo the damage being done to the Republican movement by the issue, had made an offer to the McCartney family to kill the principal suspect. The intention behind this offer was clearly to seek to dispel the notion that the Provisional IRA had any stake in protecting McCartney's killer or those who had assisted him. In the aftermath of the murder, the PSNI had complained

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<sup>5</sup> Quoted in *The Irish Times*, 26 February 2005.

that their inquiries into the killing were being hampered by intimidation of witnesses. The implication was clearly that this was being done by local members of the Provisional IRA.

However, nobody suggested that McCartney was a target of the Provisional IRA as an organisation. McCartney was a Catholic and a supporter of Sinn Féin. In leading protests seeking justice for their dead brother, his sisters tapped into a rich vein of resentment in enclaves such as the Short Strand at the arrogance and thuggish behaviour of the IRA figures who exercised control over such areas.

The Sinn Féin leadership was slow to appreciate that the murder of Robert McCartney could fuel a campaign against the continuing existence of the Provisional IRA. Once figures such as Gerry Adams appreciated this danger, they quickly identified themselves with the sisters' campaign for justice for their brother, but they were far from entirely successful in preventing the issue from tarnishing the reputation of the Republican movement as a whole. And, the fact that the issue was seen as damaging to the Republican movement, gave the IRA's many media critics just the incentive they needed to continue to highlight it.

What is the political significance of these events? A measure of caution is needed in answering this question. The full fall-out of the bank heist may not be known for years and obviously depends on the outcome of the police investigation into the robbery. The same can be said of Robert McCartney's murder, though it is difficult to imagine that anything more damaging to the Republican movement could come out of the resolution of this issue. In this respect, though it is now getting the greater measure of publicity, it may pose less of a long-term threat to the Republican movement than the ongoing investigations into Provisional IRA criminality, including the bank heist. It is worth emphasising in this context that the Provisional IRA has consistently denied it was responsible for the bank heist and Sinn Féin leaders have been emphatic that they had no prior knowledge of the raid and believe the IRA denials.

Another point that needs to be made is that while the bank heist raised public awareness of the issue of criminality, it was already on the political agenda. This followed the breakdown of the British and Irish governments' attempt to broker a deal between the Democratic Unionist Party (DUP) and Sinn Féin in December 2004. Initially, it appeared that all that had prevented a deal was the DUP demand that photographic evidence of IRA decommissioning should be provided, in addition to independent

witnesses at the decommissioning, and the Republican movement's resistance to the demand for photographs.

However, when the Provisional IRA issued a statement detailing what it would have been prepared to do, a crucial sentence in the statements made by the British and Irish governments as to what the IRA would commit itself to was missing. This read as follows: 'Recognizing the need to uphold and not to endanger anyone's personal rights and safety, all IRA volunteers have been given specific instructions not to engage in any activities that might endanger the new agreement'.<sup>6</sup>

The Irish Prime Minister, Bertie Ahern, later claimed that the Sinn Féin leadership had recommended inclusion of the sentence but had been turned down by the Provisional IRA leadership. In making this statement, Ahern showed that he for one did not regard the Sinn Féin leadership and the IRA leadership as interchangeable, whatever overlap in membership there might be at the senior levels of the party and the paramilitary organisation.

What the debate on this question underscored in any event was that Northern Ireland had not been a photograph away from a complete resolution of all its problems as some of the exaggerated media coverage of the prospective December deal had implied.

To explore this question further, more needs to be said about the evolution of the Provisional Republican movement. As Senator Mansergh said, the movement began at the end of the 1960s after the civil rights campaign for equality of treatment, and hard-line Protestant reactions, had plunged Northern Ireland into disorder. The incapacity of local security forces to deal with the disorder forced the Unionist government to seek help from London in the form of British troops to aid the civil power in August 1969. In return, the government in London demanded that the Unionist government in Belfast should carry out reforms.

International attention put Catholics in a powerful position to demand an improvement in their lot. However, they feared that the British government's intention was to carry out minor reforms in policing but maintain the system of Unionist political domination. That radicalised Catholic opinion and, coupled with the need for working class Catholic areas to defend themselves against the activities of Loyalist paramilitaries, created the conditions for a split in the IRA. The consequence was the formation of the

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<sup>6</sup> Quoted in *The Irish Times*, 11 December 2005.

Provisional IRA, which was committed to the traditional Republican objective of a united Ireland free from all British influence.

In the early 1970s, the Conservative government in London made the fatal error of letting the Unionist government introduce internment without trial. Far from suppressing the rising levels of violence, internment produced a massive upsurge in violence that reflected Catholic anger and Protestant reaction to that anger.

The killings continued at a high level throughout the 1970s. The effect of the violence was to produce a considerable movement of population, as people fled to the safety of their own kind. It helped to create effective segregation between the communities, particularly in the case of working class housing estates.

It also led to the embedding of paramilitary organisations into the way of life of many of them, as at least theoretically a form of communal defence against neighbours of another religion. The pattern of violence through the troubles and beyond into the peace process is set out in Table 3.

The 1980s began with Catholic mobilisation over the treatment of IRA prisoners, leading to further strains between the two communities. The issue also propelled the Provisional IRA's political wing, Sinn Féin, into electoral politics. Concerned that Sinn Féin might overtake the Social Democratic and Labour Party (SDLP), the voice of constitutional nationalism, the British government launched a fresh political initiative to address Catholic and nationalist alienation, just as the crisis created by internment had led London to try a creative power-sharing government in 1974. Unlike the short-lived effort of 1974, however, the Anglo-Irish Agreement of November 1985, under which the British government undertook to consult the Irish government on the conduct of its policies in Northern Ireland, proved enduring.

The Agreement prompted Unionist protests but there was little that Unionists could do. Ultimately, they were forced to recognize that their only chance of ending the Agreement was if they entered into negotiations with other constitutional parties in Northern Ireland. That paved the way to talks among the constitutional parties on the future of Northern Ireland in the early 1990s. These ended in failure but helped to create the context of a more inclusive peace process. In particular, the SDLP recognized if it was not to be isolated, it needed the involvement of the other nationalist party, Sinn Féin. That required a ceasefire by the Provisional IRA as only then could Unionists be persuaded to take part in negotiations that included Sinn Féin.

The Provisional IRA declared a ceasefire in August 1994. It was followed by a Loyalist ceasefire in October 1994. The IRA ceasefire broke down in February 1996, but was renewed in July 1997. That provided the basis for multi-party talks involving a majority but by no means all Unionists.

On Good Friday 1998, the parties reached an agreement on a political settlement which satisfied the requirement that it was supported by majorities of both Unionist and nationalist representatives. However, the implementation of the 1998 Agreement did not live up to the hopes that this settlement raised. The Agreement provided for the creation of a power-sharing devolved government since such a government has operated only fitfully and briefly. Disagreements, primarily over the issue of the decommissioning of paramilitary weapons, have led to frequent suspension of the operation of the Agreement, so for most of the period since April 1998, Northern Ireland has continued to be ruled directly from London.

Another consequence of crises in the implementation of the 1998 Agreement has been polarization of opinion, as the figures for the outcome of elections listed in Tables 1 and 2 underline. In November 2003, fresh elections to the Assembly were held. Despite a breakdown in the efforts to reach a deal among the parties in October, over decommissioning. The breakdown of negotiations meant that the elections were taking place to a virtual Assembly that would be unlikely to meet unless a new deal was reached. How difficult it would be to achieve such a deal was underlined by the victory of the radicals over the moderates within Unionism and nationalism respectively. The DUP overtook the Ulster Unionist Party led by David Trimble while Sinn Féin defeated the SDLP.

“A consequence of crises in the implementation of the 1998 Agreement has been the polarization of opinion. Just how difficult it was to reach a new deal over decommissioning was underlined by the victory of the radicals over the moderates within Unionism and Nationalism respectively.”

When the DUP and Sinn Féin failed to arrive at a deal to revive power-sharing institutions in December 2004, there was little expectation that such a deal could be achieved before the local elections in Northern Ireland and the British general election of May 2005. The effect of the bank heist and the murder of Robert McCartney has been that few believe that there will be any progress towards a deal before the autumn of 2005 at the very earliest.

This does not however mean that the peace process is in tatters or will radically alter course. Without a very large shift in opinion it is unlikely that the British and the Irish governments would contemplate any alternative to a negotiated deal between the DUP and Sinn Féin to implement a modified version of the Good Friday Agreement. Admittedly, the DUP is bound to demand assurances that the Provisional IRA will not be permitted to continue criminal activity under a new deal.

That means more will be expected of the Provisional Republican movement than was asked of it in December 2004. It is clear already from their public statements that Sinn Féin leaders are aware that they will need to address these issues if direct rule is not to continue. Possibilities are that the Provisional IRA will be required to stand down and transform itself into little more than an old comrades association. Another possibility is that Sinn Féin as a political party could cut its ties to the Provisional IRA.

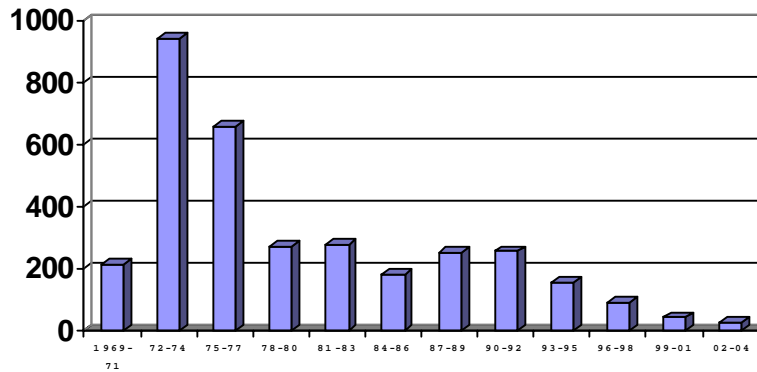
‘Possibilities are that the provisional IRA will be required to stand down and transform itself into little more than an old comrades association.’

There are formidable obstacles to both these possibilities. An obvious problem is the power that paramilitarism confers on some people within socially disadvantaged and excluded local communities. However, further progress in the peace process depends upon one or the other of these options being chosen, and either is far

more realistic than attempting to proceed without Sinn Féin’s participation. Such a course of action would clearly disadvantage nationalists and for that reason could endanger the peace that Northern Ireland has achieved.

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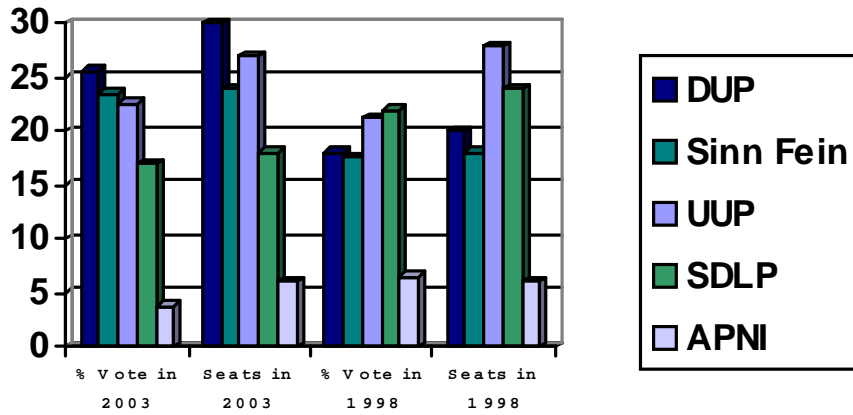
■ Deaths due to the Northern Ireland Security Situation



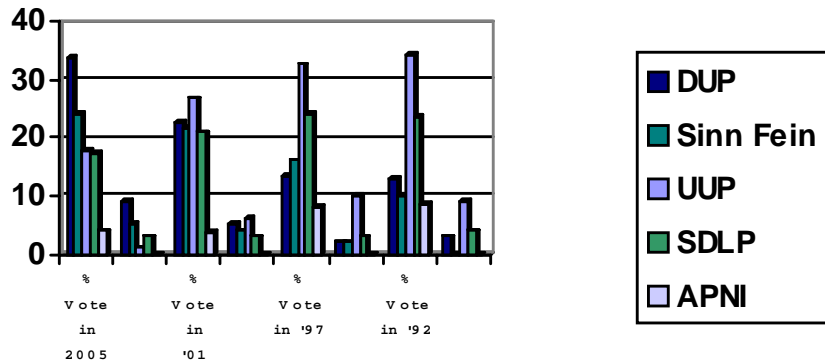
**Table 1**

**Deaths due to the Northern Ireland security situation**

Table 1 comprises of the Royal Ulster Constabulary, the Royal Ulster Constabulary Reserve, the Ulster Defense Regiment, the Royal Irish Regiment, and civilians, including members of illegal paramilitary organizations.



**Table 2: Assembly elections of 2003 and 1998 – results for five main parties in terms of percentage of first preference votes and seats**



**Table 3: Westminster elections, 1992-2005 for main parties**

The electoral system in Westminster elections in Northern Ireland is the first past the post or plurality system. Throughout the period, 1997 to 2005 Northern Ireland has had 18 constituencies. In 1992, there were 17 constituencies. In both 1992 and 1997, the constituency of North Down elected a Unionist candidate who did not belong to either of the two main Unionist parties.

DUP = Democratic Unionist Party; UUP = Ulster Unionist Party

SDLP = Social Democratic and Labour Party

APNI = Alliance Party of Northern Ireland

Elections to the Northern Ireland Assembly took place in 18 six-member constituencies, with MLAs elected on the basis of the single transferable vote system of proportional representation. It is worth underlining that the outcome of the 1998 elections already represented a polarization of opinion by comparison with voting trends before the peace process began, as a comparison of the outcome of the Westminster general elections in 1997 and 1992 underscore (see Table 3).

Source for tables 1, 2 & 3: <http://www.psni.police.uk>

# Reforming the Police and Justice Systems

BRICE DICKSON

The 1998 Belfast (Good Friday) Agreement made the protection of human rights central to peace. As part of that commitment a statutory Human Rights Commission was established, opening its doors on 1 March 1999<sup>1</sup>. Later that year an Equality Commission was formed (uniting three pre-existing bodies)<sup>2</sup> and in 2000 a Police Ombudsman's Office began operating.<sup>3</sup>

Temporary bodies were set up to make recommendations on how the policing system and, more generally, the criminal justice system should be reformed. When those bodies reported, they put at the heart of their proposals the need to ensure that all agencies within the criminal justice sphere adhere strictly to human rights standards.<sup>4</sup> Implementation of their recommendations is well under way and is being supervised by Oversight Commissioners.

In the 1998 Agreement, the participants reaffirmed their total and absolute commitment to exclusively democratic and peaceful means of resolving differences on political issues, as well as their opposition to any use or threat of force by others for any political purpose. They also reaffirmed their commitment to the total disarmament of all paramilitary organizations and their intention to continue to work constructively

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<sup>1</sup> The Human Rights Commission operates in accordance with ss68-72 of the Northern Ireland Act 1998. Its website is [www.nihrc.org](http://www.nihrc.org)

<sup>2</sup> [www.equalityni.org](http://www.equalityni.org). See ss73-75 of the Northern Ireland Act 1998.

<sup>3</sup> [www.policeombudsman.org](http://www.policeombudsman.org). Plans for such a body were being laid out even before the Belfast (Good Friday) Agreement. Friday) Agreement For the Ombudsman's powers see the Police (NI) Acts 1998, 2000 and 2003

<sup>4</sup> See *A New Beginning: Policing in Northern Ireland* (the Report of the Independent Commission on Policing for Northern Ireland, chaired by Chris Patten), September 1999 and *Review of the Criminal Justice in Northern Ireland*, March 2000

and in good faith and to use any influence they may have, to achieve decommissioning of all paramilitary arms within two years.

It is true that since 1998, there has been a dramatic decrease in the number of deaths resulting from the security situation in Northern Ireland. 41 Since 1969, when the “troubles” broke out, there have been nearly 4,000 such deaths. In the six-year period 1999 to 2004 there were 70, whereas in the previous six years there were 247. In the six years preceding the paramilitaries’ ceasefires, announced in 1994, there were 495.

The Agreement has certainly not delivered an end to paramilitaries and only a handful of weapons have been decommissioned. The continuing paramilitary violence, racketeering, smuggling, drug-trafficking, robbing and intimidation has not done much to enhance the reputation of Sinn Fein - the main political party supporting the Republican paramilitaries.<sup>5</sup> Although that represents almost one quarter of the electorate in Northern Ireland, other parties are at present unwilling to collaborate with it unless it cuts its apparent links to criminality.

In October 2002, the Northern Ireland Assembly was suspended because of alleged spying activities conducted from within Sinn Fein offices. Further allegations concerning the party’s involvement in the UK’s biggest ever bank has done little to ease others’ distrust. Because of this, there is no prospect of the Assembly being re-established within the next year or so.<sup>6</sup>

Apart from the deaths, the most hideous human rights abuses committed by the paramilitaries are the so-called “punishment attacks”, when people suspected of ‘antisocial behavior’ (usually young males) are shot or beaten, usually in or on the hands, kneecaps or ankles. In the six calendar years since the Agreement (1999 to 2004), there were 1,652 of these attacks, compared with 1,308 during the previous six

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<sup>5</sup> The Loyalist paramilitaries are linked to very small political parties which do not receive enough votes to be entitled to form part of the Executive Committee in Northern Ireland Sinn Fein, on the other hand, had two Ministers in the last Executive Committee.

<sup>6</sup> Just before the bank robbery in December 2004 an agreement was almost reached concerning the reopening of the Assembly, but it faltered on the issue of whether the decommissioning of weapons could be photographed. For the two governments’ proposals which would have formed the basis for the agreement, see [www.nio.gov.uk/proposals\\_by\\_the\\_british\\_and\\_irish\\_governmentsJOI](http://www.nio.gov.uk/proposals_by_the_british_and_irish_governmentsJOI)”\_ a\_ comprehensive\_agreement.Pdf

years. Shootings are slightly more common than assaults and Loyalists commit roughly twice as many of each form of attack as Republicans.

Another common form of human rights abuse in Northern Ireland is racism, with *Der Spiegel* announcing in early March 2005 that Belfast is now the most racist city in world. The number of racially motivated attacks on, for example, Chinese and Indian people, or on the growing number of Eastern Europeans, Filipinos and Africans, who have recently come to Northern Ireland, is steadily rising. In the last nine months of 2004, there were 474 racist incidents across Northern Ireland.

However, discrimination on religious and political grounds is now relatively uncommon, having been targeted since 1976 by effective “fair employment” legislation.<sup>7</sup> On the other hand, Northern Ireland is a conservative society, so discrimination based on gender or sexual orientation is not unusual, despite EU-derived laws being in place to combat it. Obtaining an abortion in Northern Ireland is also very difficult, with perhaps 1,500 women traveling to England each year for the operation.<sup>8</sup>

State agencies have much improved their human rights record in recent years. Only one person has been killed by the police or army in Northern Ireland since 1992,<sup>9</sup> and no plastic bullet has been fired since September 2002. The new Police Service of Northern Ireland (PSNI)<sup>10</sup> has gone to some lengths to instill a human rights approach throughout the organization, with draft Force Orders, a Code of Ethics and various internal policy documents being sent to the Human Rights Commission for prior scrutiny. The Police Service of Northern Ireland conducts good human rights training for all its officers, especially new recruits. A positive discrimination measure means that the percentage of police officers who are Catholic is now 17%, compared with just 8% in 2001. It is projected to rise to 30% by 2011 (the Catholic population as a whole is about 44%).

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<sup>7</sup>Largely consolidated in the Fair Employment and Treatment (NI) Order 1998, available at [www.legislation.hmso.gov.uk/si/si1998/19983162.htm](http://www.legislation.hmso.gov.uk/si/si1998/19983162.htm).

<sup>8</sup>In I 998-99 there were 78 abortions in Northern Ireland but in 1999 there were 1,430 abortions performed in England and Wales on women supplying home addresses in Northern Ireland. For more details on the relevant law in Northern Ireland see Family Planning Association of Northern Ireland v Minister for Health, Social Services and Public Safety [2004] NICA 37 (8 October 2004); available at [www.courtsni.gov.uk/Jen-GB/Judicial+Decisions/Judgments](http://www.courtsni.gov.uk/Jen-GB/Judicial+Decisions/Judgments)

<sup>9</sup>Mr. Neil McConville was shot dead in his car on 29 April 2003. The killing is still being investigated by the Police Ombudsman’s Office

<sup>10</sup>[www.psnipolice.uk](http://www.psnipolice.uk).

The Prison Service has to date been less receptive to a human rights culture. There have been seven deaths in Northern Ireland's prisons in the past three years and the conditions in which some prisoners are held, particularly women prisoners and those with mental health problems, have been condemned by both Her Majesty's Inspectorate of Prisons and the Human Rights Commission. The latter is currently banned from visiting the women's prison because the government believes that other statutory bodies are better placed to inspect those institutions. Overcrowding is not a problem<sup>11</sup>, unlike in Great Britain's prisons, but "slopping out" still continues in places. Only at the end of February 2005, was a Prisons Ombudsman appointed, and even he will not be empowered to investigate deaths occurring in prison.

All is still not well as regards the systems for complying with the state's positive duties under Article 2 of the European Convention on Human Rights. In three recent court cases, the judge held that the state had applied the wrong test when deciding whether applicants for personal protection measures should receive them.<sup>12</sup>

Following judgments by the European Court of Human Rights between 2001 and 2003 in six cases involving deaths in Northern Ireland,<sup>13</sup> the Council of Europe's Committee of Ministers is still not satisfied that enough is being done by the UK authorities to put matters right.<sup>14</sup> The inquest system is experiencing a huge backlog, the Public Prosecution Service will still not give reasons (save in wholly exceptional circumstances) for its decisions not to prosecute agents of the state (or anyone else for that matter) and the House of Lords has ruled that deaths occurring in Northern Ireland prior to 2 October 2000 (when the Human Rights Act 1998 came into force) do not need to be investigated in accordance with the stringent requirements of Article 2 of the European Convention.<sup>15</sup>

In relation to a number of high-profile deaths, the British government has reacted very slowly to calls for public inquiries to determine whether there was any collusion

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<sup>11</sup> On 25 February 2005 there were 1,275 prisoners in Northern Ireland.

<sup>12</sup> Applications by William Frazer, Ann and Francis Brolly and "W": [2004] NIQB 68, 69 and 70 (20 October 2004), available at [www.courtsni.gov.uk/en-GB/Judicial+Decisions/Judgments](http://www.courtsni.gov.uk/en-GB/Judicial+Decisions/Judgments).

<sup>13</sup> 16 *Jordan v UK*, *McKerr v UK*, *Kelly and others v UK* and *Shanaghan v UK* (all judgments of 4 May 2001), *McShane v UK* (judgment of 28 May 2002) and *Finucane v UK* (judgment of 1 July 2003).

<sup>14</sup> See the Committee of Ministers' Interim Resolution ResDH(2005)20: [www.coe.int/T/E/Comlpress/News/2005/20050224\\_rec\\_cm.asp](http://www.coe.int/T/E/Comlpress/News/2005/20050224_rec_cm.asp).

<sup>15</sup> *In re McKerr* [2004] UKHL 12; [2004] 2 All ER 409. The Human Rights Act 1998 made most of the European Convention part of domestic law throughout the UK.

between state security forces and Loyalist or Republican paramilitaries. Following exhaustive work by retired Canadian judge Peter Cory, who recommended that public inquiries should be held into all four deaths he looked at in Northern Ireland, the government has established inquiries into three of them. But for the fourth (that of solicitor Patrick Finucane in 1989) it has introduced new legislation (the Inquiries Bill) to replace the Tribunals of Enquiry (Evidence) Act 1921 so that more control can be retained by government Ministers over what information is disclosed at the inquiry.

Lord Stevens, the recently retired Commissioner of the Metropolitan Police Service in London, has already announced in his own inquiry into the murder of Patrick Finucane and Brian Lambert that there was collusion in their deaths. He added: "Informants and agents were allowed to operate without effective control and to participate in terrorist crimes. Nationalists were known to be targeted but were not properly warned or protected."<sup>16</sup>

One of the remaining problems in Northern Ireland, therefore, is how to deal with the past. The government has been looking at models used elsewhere and the Northern Ireland Affairs Committee at Westminster is currently conducting an inquiry into the topic. A Victims and Survivors Commissioner is to be appointed, but no Truth and Reconciliation Commission is on the cards for the time being.<sup>17</sup> The police have a Serious Crime Review Team looking at unsolved killings and occasionally the Police Ombudsman can help if new evidence relating to such deaths comes to light. Republicans who are "on the run" are to be amnestied if and when a new overall settlement is reached between local parties and the governments.<sup>18</sup>

The Human Rights Commission is still trying to persuade the British and Irish governments, the local political parties and the community and voluntary sectors to sign up to its proposals for a Bill of Rights for Northern Ireland.<sup>19</sup> Meanwhile, the

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<sup>16</sup> Stevens Enquiry: Overview and Recommendations (17 April 2003), paras A7 and 4.8.

<sup>17</sup> See the statement to Parliament on 1 March 2005 by the Secretary of State for Northern Ireland, Mr. Paul Murphy: [www.publications.parliament.uk/pa/cm200405/cmhansrdJcm0503\\_01/wmstext/50301m02.htm#50301m02.html](http://www.publications.parliament.uk/pa/cm200405/cmhansrdJcm0503_01/wmstext/50301m02.htm#50301m02.html) smin2.

<sup>18</sup> See [www.niogov.uk/proposals\\_inrelation\\_to\\_on\\_the\\_runs\\_\(otrs\).pdf](http://www.niogov.uk/proposals_inrelation_to_on_the_runs_(otrs).pdf) (April 2003).

<sup>19</sup> For the latest (April 2004) proposals see [www.nihrc.org/documents/pubs/bor/BOR\]rogress\\_Report.fipr04.pdf](http://www.nihrc.org/documents/pubs/bor/BOR]rogress_Report.fipr04.pdf)

Commission continues to urge improvements in a variety of more specific contexts, such as mental health care and human rights education.

Generally, the overall human rights picture in Northern Ireland is a lot rosier than it was some years ago but, as ever, more remains to be achieved.

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## **Comment: The Naga Peace Process Comparison**

**K. PADMANABHAIAH**

**T**he Naga situation is one that derives partly from history and partly from demographics. As an ethnically distinct mountainous community, the Nagas were isolated from mainland India by the British, who drew “an inner line” around their territories, into which people from outside could not travel. This fostered the notion of separateness, and when the British Empire ended, the Nagas declared their independence from India – one day before India announced its own independence. Since then they have been fighting for a separate nation.

The Indian government tried to satisfy Naga aspirations by creating a separate state of Nagaland within the Indian federation, in 1963. But the Nagas are spread over three other neighbouring states: Assam, Arunachal Pradesh and Manipur, as well as a neighboring country, Burma (Myanmar). The Naga separatist leaders demand that all these Naga-inhabited areas be integrated into one Naga homeland.

The Indian government’s creation of Nagaland did help satisfy Naga aspirations for some years – there was a ceasefire for 8 years, from 1964 to 1972, which was accompanied by political talks with the Prime Minister. The talks did not succeed. At that point, the Naga leadership said they would accept nothing short of independence, while the Government of India said they would accept any arrangement that was within the Indian Union. So there was no agreement, the talks failed in 1972.

The armed movement for an independent Naga homeland gained strength in the years that followed. There are roughly 7,000 cadres in the NSCN. I don’t know the comparative figures of the IRA, but I believe this is an extremely large number. In 1994, we tried to restart negotiations for a peaceful settlement, some efforts were made through intermediaries and there were back-channel talks, but it took three years to agree a ceasefire. At the end of 1997, a ceasefire was declared, and the ceasefire still holds. It is in its eighth year now.

What has been achieved is, there has been peace. I must tell you, it was not easy. In the first year of the ceasefire, the NSCN split into two. There were internal fights between the two factions for about a year. They interpreted the ceasefire as being only between the government of India and the Naga leaders, not between the two rival groups. Then we impressed on them that ceasefire was not intended to give a rest to the Indian Army, its purpose was to give peace to the Naga people. Since then, there has been relative peace in the area. I don't have the exact figures, but violence has come down by about 90%.

Political negotiations began about three and a half years ago, in 2001. We are in the process of discussing the NSCN's demands. Where we have not been successful compared to the Northern Ireland peace process is that we have not been able to build a common agenda. The Naga movement has continued to split; there is today a third group of militants. We have not been able to bring these three together on a political platform, whereas you seem to have been able to do that in Northern Ireland, all the political parties have been brought in.

Then there are the constitutional political parties in Nagaland and the neighbouring states. The effort is to be able to bring these political parties also into the negotiations. We have not yet moved to that stage. The current talks do not cover Myanmar but they do cover Assam, Arunachal Pradesh and Manipur. Now there has been a lot of resistance to the Naga negotiations in these states. The general feeling is that on the political side we can concede some degree of autonomy, but we cannot integrate neighboring Naga areas into Nagaland because of the stiff resistance from these three states.

A mention was made about decommissioning. We haven't got to the stage of discussing decommissioning. Some newspapers raised the issue prematurely, saying "What about the surrender of arms?" The moment they did so, there was a crisis and the possibility of talks failing totally. We had to tell the press "Look, decommissioning comes into operation only after a political settlement, or when we are on the eve of a political settlement. You can't talk of decommissioning right now". What we do have, however, is no public display of arms, no movement in uniform.

Like you, we too have our critics who say the peace process is appeasement – I have to use your words! – the Naga militants have become stronger, they have built up their cadres, and they are buying arms from outside. It is true that these things are

happening. But we argue that, while it is true, a ceasefire gives armed groups breathing space, it has given seven years of peace to the Naga people, and seven years of peace to the Indian Army. So the Indian Army can also use this interregnum to strengthen itself. It can also reorganize; it can devise new means of handling Naga militancy if the situation arises. We hope that there will be a political settlement, but if, God forbid, it doesn't happen, we will be ready.

That is how we have to silence our critics.

Finally, our negotiations have at last moved to India. Up until now, talks were held outside the country, but we have persuaded the NSCN leaders to come to India. They are in Delhi right now and there are ongoing talks every week. We have kept the press out temporarily, after the Naga leaders came to Delhi. The talks are held in one of the Border Security Force Camps, which is closed to the press. So we have been able to maintain some amount of confidentiality.

**K. PADMANABHAIAH** is the Indian Representative to the Naga Peace Talks

# India & Its Neighbors

*“The Peace Process is Now Irreversible”  
Prime Minister Manmohan Singh and President Pervez Musharraf  
New Delhi, April 18, 2005*

*India and Pakistan began a new chapter in January 2004, when the Indian Prime Minister and the Pakistani President agreed, in the presence of their South Asian neighbors, to work towards a peaceful resolution of all their disputes, including Kashmir.*

*One year later, on April 8, 2005, the historic Srinagar-Muzaffarabad road, which had been closed for 50 years, reopened to inaugurate a cross-Line of Control bus service for divided families. Prime Minister Manmohan Singh and President Musharraf declared in Delhi that the peace process between their two countries was now irreversible. The two leaders agreed to work for a final settlement of the Jammu and Kashmir dispute and cooperate against terrorist attempts to disrupt the peace process; additional cross-border routes, such as the Poonch-Rawlakote, Amritsar-Lahore and Khokrapur-Munnabao links would also reopen within the year. A regular and frequent schedule was agreed for meetings of government working groups under the composite dialogue to find mutually acceptable solutions to disputes in Sir Creek and Siachen. It was also agreed that ministerial-level meetings would be held to discuss energy cooperation, and natural gas pipeline projects in particular. The Joint Economic Commission would also be reactivated at the earliest and the Joint Business Council was to reconvene soon. (Source: Ministry of External Affairs, New Delhi, [www.mea.gov.in](http://www.mea.gov.in)).*

*Nevertheless, policy circles in both India and Pakistan are divided between the skeptics and the optimists. What is the prognosis for progress, and in which areas should we look for it?*

# India-Pakistan Relations and the Way Ahead

SATISH CHANDRA

While there are many beautiful friendships between people in India and Pakistan, our relations, unfortunately, have traditionally been set in an adversarial mode. They have, however, oscillated between moments of hope, when there have been expectations that a genuine normalization of relations is around the corner, and moments of deep despair, when the two countries, if not actually engaged in conflict, have not even been on speaking terms. Regrettably, the former have been of a much shorter duration than the latter.

Two of the brightest moments of hope with which I was associated were the talks between Rajiv Gandhi and Benazir Bhutto - Phase I, and Atal Bihari Vajpayee and Nawaz Sharif - Phase II. What was remarkable was the chemistry between the two sets of leaders, which is critical in peacemaking. At both those points in time, I saw light at the end of the tunnel; I really thought we were on the verge of a comprehensive settlement. That did not happen, and the fact that it did not happen must give us pause. Nevertheless, when there have been moments of hope, they have shone brightly, and this is reflective of the underlying sentiment on both sides of the divide at a popular level, for lasting peace and amity between the two countries. Fortunately, we are today transitioning through one of the moments of hope, or as Mr. Bhandara puts it, we are at a cusp in the relationship.

The problem that confronts India and Pakistan today is how to ensure that their relationship progresses further and is insulated from its historical cyclical pattern which would condemn it to the customary reversion to hostility in a matter of a few months. Before positing my personal views in the matter, it might be useful to dwell briefly upon the composite dialogue process and evaluate what it has achieved.

At the outset, I think the composite dialogue process deserves to be welcomed and the leaderships in both countries commended for having embarked upon it. The key to

improvement in ties lies in engagement. Absence of dialogue has the same disastrous consequences in inter-state relations as in personal relations. Regrettably, too often, at different points in time, both countries have for one reason or another consciously, as a matter of policy, avoided dialogue with the resulting negative fall out on the relationship.

This said, the composite dialogue process currently underway is not a novel exercise. It is very similar to the Foreign Secretary level talks of the 1980s, which were interspersed with home, defence and water resources secretaries' talks, in some of which Mr. Vohra was an active participant, as well as to the seven rounds of Foreign Secretary talks that took place between 1990 and 1994. It is also similar to the composite dialogue process started in 1997, when Mr. Vohra was the principal secretary, which was later stalled at Kargil.

The Foreign Secretary level talks of the 1980s and the 1990s were all embracing. Any side was free to bring to the table whatever it liked and informal agendas were exchanged prior to the meetings. All the issues being currently discussed were open for discussion earlier too. The only difference between the dialogues conducted earlier and the composite dialogue process initiated in 1997, as well as the one currently under way, is that at Pakistan's insistence, there has since 1997 been a formal agenda with each item of discussion being clearly docketed in writing. Quite frankly, the Indian side – and I was a part of the Indian side – saw little merit in this approach as the earlier system provided for greater flexibility in the range and scope of discussion. The Indian side also did not fail to recognize that the sole motive for Pakistan's insistence on the “docket approach” was to try and give Jammu and Kashmir a much more visible profile in the dialogue.

Nevertheless, it decided to give in to Pakistan on this point, as it placed greater importance on the substance of the dialogue rather than on its modalities, and felt that the over three-year hiatus in talks was unhealthy and needed to be terminated at the earliest. We were also very clear that the shift from an informal to a more formal set of agendas did not in any way jeopardise the Indian position on Jammu and Kashmir.

The Indian government also played its cards well in terms of establishing a national consensus on the steps it took. It is a tribute to Indian polity that both the major political parties of the time, notably the BJP and the Congress, readily agreed to go along with each other on this issue

While the current composite dialogue, initiated in mid-2004, has contributed to an easing of tensions much remains to be done. We have barely scratched the surface of India-Pakistan differences. In concrete terms, the present dialogue process has, apart from improving the international ratings of the two countries, has served to promote a multiplicity of official exchanges as well as greatly enhance the extent of people to people contacts.

Valuable as these gains are, it would be naïve to imagine that the thaw in relations between the two countries is irreversible. Some argue – and this point has been made to me by many Pakistani friends – that henceforth popular sentiment in both countries would make it impossible for their leaders to go back to the bad old days. I have a different view. While popular sentiment is certainly a very important factor in ties between India and Pakistan, it is not necessarily a decisive factor. I don't believe for a moment that the common man in both countries has wanted adversarial relations all these six decades. We are euphoric about the extent of goodwill being generated through people to people contacts today, and these contacts are considerable, much more than they were two years ago. But we shouldn't lose sight of the fact that they did exist earlier. Prior to the closure of the Indian Consulate General in Karachi, the mission was issuing a thousand visas a day. Yet the existence of people to people ties did not prevent the two countries from going to war.

People to people exchanges cannot be expected on their own to lead to a comprehensive normalisation of relations, which is what we are looking for. For such normalisation to occur we will have to look to the leadership in both countries, and this will be propelled by its own imperatives rather than through popular sentiment, whose impact may be no more than a passing one, especially in Pakistan given its form of government. Therefore, I believe – and I am closer to Pakistan than India on this – we will not achieve substantive results unless the dialogue can successfully address some of the big ticket items on the agenda, such as terrorism, the Kashmir issue, Siachen, hydel projects in Kashmir like Tulbul and Baglihar, Sir Creek, and Most Favoured Nation status for India. Unless some of these are resolved, a meaningful normalization will remain elusive. I will briefly posit my thoughts on how to deal with some of these issues, which form part of the composite dialogue.

**Terrorism:** Pakistan's involvement in terrorism is well-known. It is not limited to Jammu and Kashmir, but extends to several parts of India, including the northeast. Here I am in a position to speak with some authority because I was privy, till demitting

office on the 28<sup>th</sup> of February this year, to our intelligence reports, and when I say that there is a Pakistan involvement, there is no doubt on that score. One of my major concerns was that in many parts of India, including New Delhi, we are a hair's breadth away from a major terrorist attack. If Pakistan does not give up the terrorist card, not only is a real normalization of relations with India out of the question but initiatives like the dialogue process, including people to people contacts, will be in constant jeopardy and hostage to attacks like the one on our Parliament in December 2001.

**Jammu and Kashmir:** In practical terms I don't think a solution to Kashmir today can be based on a redrawing of boundaries or further partitions. It should however be relatively easy to enable the people of Jammu and Kashmir to have a much greater say in their governance, which is their basic and legitimate demand. India on its part must be ready to accord maximum possible autonomy to Jammu and Kashmir within the framework of our constitution. This was indeed suggested in the early 1990s by the then Prime Minister, P.V. Narasimha Rao. Pakistan would be well advised to do likewise in Pakistan-occupied Kashmir, inclusive of the Northern Areas, but irrespective of what Pakistan does or does not do, India should take requisite steps in this direction, and go ahead with the acceleration of economic developmental projects for the benefit of the Kashmiri people.

**Tulbul and Baglihar:** It is very unfortunate that these projects, one on the Jhelum and the other on the Chenab River, which were designed to benefit Kashmir, have been so steadfastly opposed by Pakistan. Both projects are well within the parameters of the Indus Waters Treaty, both will lead to a zero diminution in water flows to Pakistan, and in fact the Tulbul project was technically cleared by the Pakistani authorities in 1991 or 1992, but for political reasons was not cleared by the government, and so the project was stymied.

Similarly, Pakistan has now referred the Baglihar project to the World Bank for appointment of neutral experts, when the issue could have been resolved by showing flexibility in order to improve conditions in Kashmir. In fact, if you look at the history of attempts to harness hydel power on the Indus waters in Jammu and Kashmir, nearly every single project has been opposed by Pakistan at one or another point in time.

Accordingly, much greater Pakistani understanding is called for in respect of such projects particularly as they do not impinge on the quantum of water flows to Pakistan

and pose no danger to it, while being within the parameters of the Indus Waters Treaty.

**Sir Creek:** In delineating the boundary between the two countries in this area, India has gone by the language of the 1914 resolution (*at that time between two states within British India, ed.*), which proposed the mid-stream of the channel as a boundary. This is also in conformity with international practice. Pakistan says “No, the boundary should be at the eastern end”. We simply don’t understand why such a maximalist position is being taken by Pakistan and a resolution of this issue calls for a more reasonable attitude on its part.

**Siachen:** Here there is a broad understanding between the two sides on the need to demilitarise Siachen and move back forces to agreed points. However, Pakistan continues to have an ideological objection to acknowledging the points from which Indian forces are being withdrawn. This is prima facie inexplicable and progress will depend on Pakistan adopting a more reasonable approach.

Similarly on **Most Favoured Nation** status, everyone knows the score on this. (*In a nutshell, India granted MFN to Pakistan many years ago, but Pakistan is yet to reciprocate, despite being bound to do so under the World Trade Organization rules, Ed.*).

It is evident from the foregoing that forward movement on many of the big ticket items demand greater flexibility from Pakistan. On some, differences are relatively small and therefore one suspects progress on them has been held up by Pakistan to stall the normalization process and thus internationalise India-Pakistan relations in the context of its objectives in regard to Jammu and Kashmir. This is reflective of Pakistan’s long standing adversarial approach to India, which is also evidenced in a host of other ways such as anti-Indian propaganda by Pakistan’s state-controlled media, provision of support and shelter for those calling for the creation of Khalistan, support to Indian insurgent groups operating in the Northeast like ULFA, lobbying against our quest for permanent membership of the UN Security Council, using the Organization of Islamic Countries against India and so on.

Against this backdrop, lasting and genuine reconciliation becomes much more difficult. There can certainly be episodic acts and expressions of goodwill and people to people interactions, but these in themselves cannot transform relationships between the two countries from hostility to friendship as long as one government continues to act against

the other in this manner. Differences over issues, no matter how complex, are capable of resolution. Inimical mindsets, however, make the resolution of even relatively simple issues very difficult. I believe that the following myths about India encouraged and propagated by successive leaderships in Pakistan over the years, have produced this anti-Indian mindset:

**Myth No.1** is that India never reconciled itself to the creation of Pakistan and wishes to undo it. Now this is utterly incorrect. Both Mr. Nehru in January 1948, and later Mr. Vajpayee and many other leaders, have made it abundantly plain that there is no question of wanting to undo Pakistan. The fact of partition is there. It is respected. We would like Pakistan to be a stable, democratic, economically strong and friendly country. And we would like to work towards that end.

**Myth No. 2** is that India has hegemonistic designs on Pakistan. This again is palpably incorrect, and in fact it was Air Marshal Noor Khan who as long as ten years ago said that all the wars with India had been started by Pakistan.

**Myth No. 3** is that India is a Hindu state, and as the term Hindu is a pejorative label in Pakistan, India is therefore an enemy state. Even if we were a Hindu state, it shouldn't make us an enemy state.

**Myth No. 4** is that India is averse to the development of good neighbourly ties between the two countries. This again is incorrect given the number of generous steps taken by India vis-à-vis Pakistan in the interest of establishing good-neighbourly ties. For instance, at a time when we were at war in 1948, India paid Rs. 75 crores of the cash balances of undivided India. (*Interjection by MP Bhandara, "Yes, after Mahatma Gandhi threatened to go on hunger strike to get the Indian government to do so".*) More significantly we concluded the Indus Waters Treaty in 1960, under which we conceded use of 80% of the Indus waters to Pakistan though we had 40% of its catchment area. In addition, we paid Pakistan 60 million pounds for reconstruction work.

**The Simla agreement** is perhaps the most telling example of our efforts to be a good neighbour. Following the 1971 conflict in which India had routed the Pakistan Army, rather than imposing a settlement on Pakistan, India concluded a mutually agreed treaty which inter alia entailed the return to Pakistan of several thousand square kilometres of territory conquered by India. Furthermore, India used its influence with Bangladesh for return of the nearly 92,000 POWs held by the joint Indo-Bangladesh command.

Most recently, we are again trying to show we are a good neighbour by unilaterally granting MFN status to Pakistan, not exercising our veto on Pakistan's re-entry to the Commonwealth and not criticising Pakistan over the AQ Khan affair or the delay in restoration of democracy.

The jettisoning of these myths about India is, therefore, critical to creating a more balanced mindset in Pakistan vis-à-vis India and one that would seek to make genuine efforts so solve problems rather than to turn them into opportunities to further embitter an already difficult relationship. This, along with a modicum of restraint in Pakistan's officially-controlled media in engaging in anti Indian propaganda, would greatly help in correcting Pakistan's negative mindset and thereby make easier the resolution of India Pakistan differences.

Finally, and this is the last point I'd like to make but perhaps the most delicate one - Is the military in Pakistan sincere in wanting good relations with India? There are two views on this. One, that the military is sincere, and that it alone is strong enough to actually transform ties between the two countries and place them in a stable and co-operative mode. The other, that the military is averse to normalization of relations with India, as normalization would remove the *raison d'être* for its continuance in power, including its extremely profitable stranglehold on Pakistan's industrial life.

There is much force in the latter proposition, and some argue that Pakistan's engagement in the current dialogue process is due to compulsions of external pressures and military exigencies which have tied up substantial Pakistani forces on the West.

However, I strongly believe that India should continue in all sincerity with the dialogue process, and leave no stone unturned for improvement of ties between the two countries whether or not there is a military dominated government in Pakistan. That is an issue for the people of Pakistan to address.

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to the Government of India.

## India and Pakistan are Already on the Way

SHERRY REHMAN

I am going to eschew the temptation of responding directly and point by point to Mr. Chandra's erudite presentation. The inimical mindset that he spoke of certainly exists, on both sides. In situations such as ours, where the conflict has lasted for 57 years, we have to lower the heat of our words. Our historical narratives of conflict, and the language in which we express them, percolate up through the media, and resonate down to political stakeholders, people who read about it, talk about it, and develop opinions on it.

Take Mr. Chandra's Myth 1 that India does not accept Pakistan's creation. The myth held until Mr. Vajpayee came and put it to rest at the Minar-E-Pakistan, it was a gesture of great confidence and generosity. We should acknowledge it and move forward, but it is hard for us to do so when some of you speak, even at this conference, of partition as a mistake. (*The remarks referred to were, "I believe partition was a mistake, but it is now irretrievable. India and Pakistan must live as good friends and neighbors."* (Ed).)

Pakistan is a fact on the ground and if you consider that a mistake and openly say so at a peace conference, you are really saying "We question your genetic metaphor." You believe Muslim nationalism was not a good enough reason to make Pakistan. Perhaps it wasn't, but we are saying that it was Muslim nationalism that made Pakistan, not Muslim fundamentalism. And that is where we would like to take it. A leaf out of Pakistan's book with Bangladesh might be a guide post here. We acknowledge the trauma that the creation of Bangladesh caused to most Pakistanis, and we have influenced the state into recognizing responsibility for causality there. You will never hear from the state – and certainly not from civil society – that we shouldn't have let Bangladesh go. It doesn't help bring Bangladesh to the table.

While I am glad to hear that the roots of the present peace process can be traced to

the Benazir Bhutto-Rajiv Gandhi talks, I also consider today's peace process far more likely to succeed than earlier attempts. The reasons are partly external, and partly internal. Mr. Chandra has listed some of them. One is of course the changed strategic environment, particularly after September 11. For Pakistan there has been a post-9/11 compulsion to rethink its whole strategy in Afghanistan, and effectively that has meant rethinking its India strategy as well.

Secondly, the garrison mentality that Pakistan has been locked into, in terms of its national security framework and the identity forged by elite consensus, has shifted due to pressure from within as well as without. Pakistan has had to face important domestic and global challenges – the domestic challenges after 9/11 have been as significant as the foreign policy ones.

The sheer pressure of demographic and human development changes, too, has had its own impact. The idea that the state should be more responsive to how its citizens see national security is something that we are only now grappling with in India and Pakistan, as well as in Bangladesh. How does a region that holds one-fifth of humanity, with so many people below the poverty line, face the 21<sup>st</sup> century and its economic challenges?

The third big force powering the move to peace in South Asia is pressure from middle class as well as elite business groups to treat trade as a goal in itself, not just as an incentive to peace. On both sides, business houses and traders' groups – which constitute a huge lobby in India and a fairly large one in Pakistan – are seeking symmetry of opportunities and emphasizing areas of growth to build on.

Finally, the last powerful motor of peace is the people to people movement, which of course cannot be relied upon to keep a process alive, but has been hugely underrated in its impact. Cricket diplomacy sounds soft, but it has shaped popular opinion in favour of peace in both countries. If there was a match on today, you would see spectators with an Indian stripe on one hand and a green and white Pakistani flag on the other. This is the new popular hybrid aimed at pleasing both nationalisms, it is fantastic to watch but it is happening in India, and it happened in Pakistan when India played there last year.

You mentioned, Mr. Chandra, that people to people contact cannot fundamentally alter a peace process on its own. But over the last three years, decision-makers such as parliamentarians from both sides have joined hands with civil society, and this has enlarged constituencies for peace in the region. Take the media, for example. Certainly,

the Urdu language Pakistani media played a huge part in fuelling ideologies of hatred right up to the 1990s, but it has toned down, guided to some extent by the Indian media but much more so by the English language media in Pakistan. We involved the media in civil society initiatives, and parliamentarians started taking them along on peace missions, and as a result the media has become an advocate for peace.

Mr. Bhandara and I were on the first parliamentary delegation to India, in May 2003, against the advice of our Foreign Office and the Indian one, but to our delight and amazement we found that we met a fair amount of notables and officials and of course parliamentarians; we encountered a tidal wave, a tsunami of welcoming arms and people and institutions, we did not have enough time to meet people, and since that visit we have been back about seven or eight times either institutionally or personally. So far, 120 Indian parliamentarians have visited Pakistan, and 80 Pakistani parliamentarians have been to India.

In response to these several external and internal pressures, the state has had to dismantle the architecture of belligerence. The sponsorship of terrorism in Kashmir has changed. As the Indian government acknowledges, there has been a huge and significant downturn in cross-border terrorism, particularly after the building of a sensitive and hopefully effective fence inside the Line of Control in Kashmir. The leadership in Pakistan, as well as in parliament, have been under pressure on why they have not reacted to the building of the fence, and we said, “If our quietude helps the Indians understand that we are not backing terrorism any more, and then let them build the wall”. We saw it as a confidence-building measure.

Mr. Chandra, you mentioned the possibility of December 13<sup>th</sup> recurring. It can happen; militants can derail the peace process. You also mentioned Pakistani involvement in the North-East, which many people tend to doubt irrespective of whether or not it is true. I believe the Delhi Policy Group is planning to send some of us to Assam to fill the information gaps, which would go a long way to defusing some of the heat that builds up around issues like cross-border terrorism. Let us drain the swamp that feeds them. Information and transparency are the best ways of eliminating the murkiness that surrounds cross-border and non-state operations.

However, we should not lay too much store on how the peace process can be derailed by episodic acts, but look instead at whether our governments are investing long-term in the peace process. That is not happening yet. There is policy confusion, we are in

a state of huge transition, policymakers are dismantling a 57 year old architecture of discord, and it is going to take a while.

We should give the peace process space to develop, because only then will the good news emerge. Take the bus project. In December 2004, it looked as if it was never going to take place, there was doom and gloom all around, but a little help from friends eased the situation, and on April 7<sup>th</sup> the service started. It is unfortunate that Kashmiri political leaders have been denied travel permits, but not having celebrities on board does reduce the risk of the bus becoming a coffin on wheels. The threat from militants is not something that any of us endorses, but we need to ensure the viability of the bus first.

Indeed, the bus saga shows that what looked like a policy dead end, or something we were stuck over, moved at high speed within a few months. We should of course be cautious in how we describe it. Radha mentioned that the agreement on the bus service is a historic breakthrough. I agree it is historic but I would urge everyone to stop using the word “breakthrough”, even if that is what we feel. Breakthroughs tend to lead to very high expectations, and that very often leads to deflation and backtracking, the one step forward, three steps backwards pattern emerges, of which we have a very old history as Mr. Chandra says.

But I would argue that there is official recognition that we need to protect the peace process from this one step forward, three steps backwards pattern. For example, both sides have begun to discount officially negative rhetoric as an accommodation to domestic audiences. The focus has shifted to using back channels for forward movement, because they allow a greater degree of manoeuvrability. In this context, of the big decisions being taken in the back channels, and their implementation being worked out in official meetings, I think Pakistan’s insistence on docketing is a good thing, it allows both sides to protect what was agreed on. Very often what happens is – and it has happened three or four times in our own recent history since the 1980s – the big decisions have been reversed at the point of implementation. This way, at least we will know what you said in a closed room to our counterparts, who may or may not be as candid or open as politicians are these days in India and Pakistan.

It is also good news that our nuclear and military establishments are talking, and there is a possibility that the FMCT and other nuclear transparency regimes might be on the cards. Movement on Siachen and Sir Creek is also on the cards, but once again I

would say that it is time for us to institutionalise mechanisms that keep this dialogue flowing as smoothly as possible.

Pakistan's objection to the Baglihar dam is not to its construction, which is well within the terms of the Indus Waters Treaty. The issue is the design and the storage capacity, which could retain up to 7,000 cusecs of water a day, allowing India to deprive Pakistan of about 29 days of water in key cultivating months. This is an explosive issue, which is why Pakistan has applied to the Indus Waters Commission to the World Bank for neutral mediation, though belatedly.

The way we dealt with Baglihar in parliament was to try and keep hostility against India down by blaming our Foreign Office for sitting on the issue for so long. Why did they wait since 1992 if construction began then, why didn't they speak to India then? Now the dam is in completion stage, it will start operating in 2007. Then there is the Kishenganga dam which is being built, and other dams being planned – once news of these comes out, we could have a huge conflict on our hands. No political or military government or political party can survive the issue of a water famine created by India.

“We recognize the importance of water to Pakistan from India, but we have never wished to use our control over water against Pakistan because we believed we would not gain anything. This is something Pakistan needs to recognize – that India does not sacrifice long-term gains to short-term tactical advantage.” Air Marshall Vinod Patney

So when we talk of linkages, we try hard not to let Baglihar cause an interruption in the composite dialogue but sometimes these issues are levers in the process. Obviously, Pakistan's interests in Kashmir are not just to do with self-determination, this may sound like heresy, but Pakistan has hard core ground vulnerabilities in that region, the headwork of the Indus water system lies in India- controlled Kashmir.

Prior to the composite dialogue of 2004, Pakistan always insisted on bringing up Kashmir as the big ticket item. While we now call it the core issue, we are willing to put it among other items in order to keep the peace process going. For example, SAARC was seen as a non-starter, and when there was movement to re-energise SAARC in 1997, the summit fell apart because there was discussion on the sale of energy to Indian Punjab on its sidelines. But now we have SAFTA, and, as I said, economics is also driving the peace process.

The EU model often comes up in this context, in fact we discussed a common market at the Asian Parliament which Pakistan hosted about six months ago, and India attended as an observer. We haggled a great deal over what the next conference would decide on a common market. Mr. Vajpayee also brought up the EU model, and we said, “Hold on, let’s look at the France-Germany example and how they first integrated their coal and steel industries stage by stage. And then let’s take the appropriate course.”

All these steps will help stabilize the peace process. But we can’t expect to keep the process going without a destination. As the Northern Ireland situation demonstrates, there has to be an end goal in sight otherwise it shrinks the political space of the advocates of peace. On the Pakistani side we have, without prejudice to our stated position, brought up formulas and baskets on Kashmir other than purely territorial arrangements. We haven’t found the same flexibility in India, not even in Indian civil society.

Perhaps that may change, as there is a lot of talk of demilitarisation and confidence - building within the valley. But even so we need a policy conversation where we can outline a win-win optimal solution. It may not be a ready-made package, a land for peace type of settlement, it may be something along the Northern Ireland lines of concurrent self-determination, I don’t know. I wouldn’t go as far as to say Article 370, as Mr. Bhandara does (*see Bhandara piece, following*). That’s his personal view. I would want a wider consensual terminology, including the Azad Kashmiris, because as a political partner with them, we have faced a lot of pressure from the Azad Kashmiris, since 1989 in fact, that we are constantly selling them out. This is a flank we have to guard, because the People’s Party to which I belong has had what is known as a liberal and soft-border approach towards Kashmir.

The final destination is really an issue for Kashmiris to debate. Neither Pakistan nor India are taking cognisance of Kashmiri wishes, aspirations and voices right now, discord is growing both on our side of Kashmir as well as in Indian held Kashmir, particularly in the valley where the Hurriyat is seeking to be the alternate voice and challenge the bona fides of the Mufti government. True, the Hurriyat chose to boycott the elections, but let’s try to bring them on board.

They are disunited even today, but for instance Yasin Malik, who is a mainstream leader in the Hurriyat, wants to present a petition of 1.5 million signatures to the

Indian government asking for Kashmiris to be brought into discussions, well let him do it. I know a few months ago the Hurriyat chose not to meet with the Indian leadership but both the governments have to get past that. We have to demonstrate that our minds are on the big picture. As everybody at this table suggests, engagement is the first building block of a peace process.

If only for a purely pragmatic reason, the militants also need to be actively taken on board, it's a cumbersome process, its unwieldy, its difficult for our state to adjust to this mode of interaction now, because so many of them have operated on the fringes, and so many in the mainstream. It's not been a beast that we have controlled actively, or always been able to control shall we say, on both sides of the border, and obviously we have kept certain temperatures on the boil through these actors. Pakistan has not stood its Kashmiris in much better stead than India. Islamabad runs Azad Kashmir theoretically as Azad, not part of our constitution because we retain the premise that it is still open to UN resolution, but Islamabad runs it from an office in the block next to the PM's Secretariat. It is time to let all these different groups of Kashmiris speak about what they want and ask them to become investors in the process because if they are not they are going to derail it.

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“**Cross**-border situations in which one side is seen by the other as a safe haven for terrorists, and there is a disaffected population inside the country that is supported from – or seen to be supported from – outside, are very common. Take the classic example of the confrontation over the Basque country between Francois Mitterrand, President of France, and King Juan Carlos of Spain in the early 1980s. Basically Juan Carlos said to Mitterrand, the French are doing nothing to stop terrorists from using France as a safe haven and his reply was, well, Spain hasn’t done enough to address the alienation of the Basques and if we cooperate with you, our own Basques will be alienated. We need you to do something for the political aspirations of the Basques in order for us to do anything more on the security front.

That doesn’t mean pre-agreeing a fixed destination; everybody knows that aspirations can be variable. The main Basque nationalist party, for example, still has a dispute with Spain in that it asserts a right to self-determination. But how they now put their disagreement is, “We are not going to exercise the right to leave Spain but we do want some acknowledgement by Spain that we have the right. These are the kinds of areas which can be imaginatively explored.””

**ADRIAN GUELKE**

## **A Vision for Kashmir**

**MP BHANDARA**

**S**herry made a very telling point, and I think we should dwell on it for a moment. It's a simple point. Every bus, every journey must have a destination. What is our destination? I don't know what destination you have in mind, but I have a very clear one. The destination that I have in mind, maybe 20, 30, or 40 years hence, is a Kashmir in which India has fully implemented Article 370, leading to some sort of independence or quasi independence. That's the destination that I have.

Maybe you don't have that destination. But we must have a vision. We must have a dream. I have talked to scores of Kashmiris in Pakistan and India. My impression is that there is no great desire today for Kashmir to be part of either India or Pakistan. Indeed if I was a Kashmiri myself, which I am not, I would want my sovereignty.

Let me clarify that when I speak of Kashmir, I refer specifically to the valley. There is no dispute as to where Jammu or large parts of Jammu, and Ladakh belong. There should be no great dispute as to where Punjabi Kashmir or Baltistan belongs. If you want to eat an elephant, eat it one bite at a time, minimise the problem. Kashmir has so many ethnic and religious groups; it's not a homogeneous entity at all. Different regional languages of the old princely state are not understood in other parts of the state. Ladakhi is not understood in the Sindh valley, Kashmiri is not understood in Punjabi Kashmir. Balti is a totally different language. And so on and so forth. Where areas are settled by and large, let sleeping dogs lie. Let India and Pakistan have the wisdom to integrate those parts within India and Pakistan, and where there is a dispute deal with the dispute.

History is like an iceberg. It either moves in millimetres or it rushes down the slope. The subcontinent owes its freedom in a very large measure to Herr Hitler. Who could have imagined in January 1939, that in less than 8 years the sub-continent would be free? No one imagined it. Who could have imagined even as late as 1985 that the

Soviet Union would implode? The only constant of life is change, and the change that I see coming about is that more and more regions of the world are going to demand more and more autonomy, whether it is in India or Pakistan or China or Scotland or Quebec. I don't know where the autonomy movement will end, but in some cases it may lead to independence and in some cases to the kind of relationship that exists between Hong Kong and China.

My vision for the Kashmir valley is that of a non-retractable Article 370. In the 1950s Jammu and Kashmir had Article 370, but it was on a retractable basis, indeed it was retracted. A useful precedent in this context, which solved a territorial dispute with grace and dignity, is the Tyrol settlement for autonomy within Italy. The Tyrolese, Italians and Austrians discussed the idea for more than two decades, but only decided it when Europe began to integrate. What finally clinched the argument for the Tyrolese and Austrians was that Italy agreed, after disagreeing for years, that the autonomy agreement would be subject to the jurisdiction of the European Court of Justice. None of the three sides have been to the Court so far, but Italy knows that if it takes a unilateral move it is the tribunal, outside its national jurisdiction, which would decide on the matter.

Now, we have to recognize certain boundaries. One is that war is not an option. Nuclear arms are not an option. From the Indian point of view, the re-drawing of boundaries is not an option. From the Pakistani point of view, making permanent international borders on the line of control is not an option. Okay. So we have to exclude all these non-starters and proceed from that premise forward.

Article 370 and the concept of autonomy are not popular in Pakistan. Why? Because Article 370 was withdrawn by the Indian government on two grounds – one, the then Prime Minister of Kashmir was talking to the Pakistanis, and that was held to be a crime. And two, that Pakistan had accepted military aid from the U.S. which, the then Prime Minister of India said, had upset the regional balance.

But though 370 was retractable in the past, if Pakistani and world opinion can be satisfied that a form of non-retractable 370 will be given to Kashmir, it could form a platform to build consensus around. It need not be granted to the valley alone, it could be granted to all the Kashmir that you hold, and perhaps all the Kashmir that we hold. I don't speak for the Government of Pakistan, I only speak for myself, but if 370 can be given on the Indian side, why not the Pakistani side too? We must think out of the box.

To make autonomy non-retractable there will have to be some sort of international guarantee. If we want to go by the Tyrolese model, it could be a regional guarantee, through a SAARC Court of Justice, that could be one solution, or it could be the International Court of Justice.

However, India has to gain the self-confidence to accept a solution which would involve some sort of international guarantee. Now this is something which India has eschewed all along, but I see India a mere 20 years from now with a per capita income of between \$ 2,500-2,700. The outstanding fact of South Asia is that India has a population – and therefore a market – which is more than twice the size of the other SAARC countries put together. The state of Indian industry in areas such as engineering, communications, pharmaceuticals and basic chemicals, is almost at a level with similar industries of the First world. India's current middle class population is said to be around 300 million. Given a GDP growth rate of between 7-8% per annum and investments planned in research and basic education, it is estimated that by 2025 over 80% of India will be literate. Moods change, concepts change, with development on this scale.

Coming to the immediate problems that confront us, I fully subscribe to the view that the process is more important than the goal. He is absolutely right. But what we need is pucker of success when we go from point A to Point B and B to C, and the first pucker of success that I see available is Siachen. An agreement had been reached between Benazir Bhutto and Rajiv Gandhi and it is our utter lack of statesmanship in the subcontinent that we have not been able to translate it into reality. Now that a dialogue is on, a successful agreement on Siachen could make all the difference.

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#### **CHAIRMAN'S COMMENT: N.N. VOHRA**

Unfortunately, as time is short, I cannot cover the host of issues I had hoped to. I have been associated with most of the India-Pakistan talks since the mid-1980s, including the lovey-dovey days of June 1989, when we spent three days in Islamabad. Every issue was discussed, the solutions agreed, and when we went to call on the lady

(Benazir Bhutto), she swore us to secrecy and said “Gentlemen, none of you will open your mouth, including your own staff, I will talk to Rajiv,” that was the level of their understanding and friendship. Well, that didn’t happen. Zarb-E-Momin happened instead, leading to the cross-border insurgency we have suffered since December 1989.

But I have not come here to level scores. I go along with the general consensus that we should have a goal based on our vision for the future, some grand design. However, we have to first get out of this long period of nightmares. We are beginning to dream of a grand vision, but our dreams will not materialize till the nightmares fully end. Ms. Rehman earlier mentioned (in a different context) that Pakistan had devoted excessive attention to Kashmir, whereas India had given it inadequate attention. Ironically, she is very right. Pakistan has devoted far too much attention of a particular kind. Attention can also be positive and useful.

Not to go into past history, in the 15 years since Pakistan helped create the All Party Hurriyat Conference, the conglomerate has been under enormous pressure. Over the last two years, during which I was associated with attempts to get a Kashmiri peace process going, I saw the threats and coercion that the separatists were subjected to in order to deter them from talks with India. A 100 year-old school, the Islamia School, was burned down; the Mirwaiz’s uncle was killed, as before that the veteran Hurriyat leader Abdul Gani Lone was killed. I won’t go on and on with examples because that would be unproductive.

In the last year, a number of Pakistani decision-makers have visited India – the Foreign Secretary, Foreign Minister, Prime Minister, and various other important persons – and all of them told the Hurriyat to unify, to get together again. That hasn’t happened, not for any remote reason which is attributable to the Indian establishment, I can say this with seriousness. I believe the Hurriyat have a valid and rightful role to play, but they haven’t been allowed to do so. The moment the coercion is lifted, I think they will do just that.

At present, therefore, the process is more important than the goal. As someone born and brought up in Lahore, I look forward to the day when the issues between our two countries are settled on a sustainable basis. If the peace process that we have begun continues, I believe we will be able to reach a full settlement – unless some unforeseen forces as of today unsettle everything that the two countries have so far achieved. So

let the buses and trains go, let us not look for the destination yet. Maybe, the next time we meet; three or four months hence, it will be possible to talk about the destination too.

**NN VOHRA** is former Home and Defense Secretary  
to the Government of India

**COMMENT: BALRAJ PURI**

Mr. Bhandara made the emphatic statement that there will be no durable peace in the sub-continent without a Kashmir settlement. But the Kashmir conflict is not only a cause but also an effect of strained India-Pakistan relations. I will make only two brief comments. First, instead of banking upon the generosity of one side, or questioning the sincerity of the other, we should focus on the steps which both India and Pakistan are ready to take in their own self-interest. On the whole, I believe that India as a bigger power has much greater responsibility. If we give more than the Pakistanis, we are not being more generous, we can afford it.

Secondly, about Kashmir – to say we should give them more autonomy or economic development for the sake of India-Pakistan friendship, if this is what Kashmir needs why shouldn't India do it for its own sake? And if there is no change of boundaries in Kashmir being discussed, why should we keep harping on it? Do the people of Kashmir want a change in the boundary?

I agree with Sherry Rehman that fundamental changes have taken place in Pakistan, and they are very substantial for a number of reasons. Let us not dismiss them. Partly, perhaps largely, due to the international situation, Pakistan's notion of its national interests has changed. Let us not assume this change is reversible because there have been reversions in the past. Let us look instead at what common ground we can preserve so that we can proceed.

Lastly, we should not insist that we have a final goal in view before we take any steps. The process itself is as important as the final goal. As Keynes once said, "In the long run all of us will be dead", let us not think of the long run, let us proceed in the right direction and consult all the different groups and communities of Kashmir.

So, if the Pakistan government is wisely not insisting on its sole solution for the Kashmir

dispute, then what is their aspiration? General Musharraf made a very important comment in March, which was not given sufficient coverage by the Indian press. He was asked his reaction to the statement that Kashmiri people do not favor merger with Pakistan, they want independence. He responded that the sentiment of independence is confined to the valley, and the Kashmiri Muslims of the valley are a minority in the state. Muslims south of the Pir Pinjal range, Jammu and Azad Kashmir Muslims, are in the majority. In other words, we are yet to find out what the majority opinion in Jammu and Kashmir is.

There is so much ignorance about Kashmir in both India and Pakistan. Even the assertion that Kashmiri Muslims want independence has not been examined closely. What do people in the valley really want? Their slogan used to be “Azaadi” (independence), which they interpreted as meaning a boycott of Indian-held elections. Today how they interpret Azaadi is variable. During the last elections to the legislative assembly, in 2002, the militant groups wanted a poll boycott but the local people said we want Azaadi from national (Indian) rule and so we want to vote. This time, when we had municipal elections (2004), they said we want Azaadi to manage our own affairs. There was an overwhelming response to the civic elections, long queues of women, even though the militants had again declared a boycott, election officers were shot, many candidates were killed, many voters were killed, many corporators were killed, they defied all these threats, they participated in elections. They said, we want Azaadi.

I don't want to interpret what they meant by Azaadi in this context, it's vague and nebulous. You can't measure what Kashmiris want until you allow their aspirations to crystallise. I assure you, Mr. Bhandara, I will support Kashmir's aspirations, whatever form they take, if they are allowed to crystallise.

Let us not pre-determine Kashmiri aspirations. A simplistic solution that has often been suggested by U.S. think-tanks is to divide the state on a religious basis, and let the Hindu areas go to India and the Muslim areas go to Pakistan, or alternatively, to let Jammu and Ladakh stay with India and Azad Kashmir and the Northern Areas stay with Pakistan, but let the Kashmir Valley become independent. These proposals might provide a temporary solution, or they could repeat the violence of 1947, it's not as smooth as some people imagine.

General Musharraf proposed that we should try and settle the Kashmir dispute region

by region. He said he was not arguing that regions be defined on a religious basis, any basis would do so long as we moved ahead. If we take a linguistic or cultural basis, however, then Jammu and Azad Kashmir form one region. The bulk of divided families are in this region, they speak the same language. There is strong sentiment in Azad Kashmir and the Jammu region that the border between them should be opened. In fact, in Britain, where a large proportion of the Pakistani Diaspora comprises Mirpuri Muslims from Azad Kashmir, they formed a committee to protest why the roads between Azad Kashmir and Jammu were not being opened when the Srinagar-Muzaffarabad route was.

We could replicate the Punjab experience in Kashmir. We have talked about the euphoria in India-Pakistan relations through people to people contacts. Essentially, I look at it as an upsurge of Punjabi identity, much more Punjabi than India-Pakistan. Punjabis have discovered that sometimes their Punjabi identity is more important than their Hindu and Muslim or Indian and Pakistani identities. These sub-nationalisms can build bridges between our countries while strengthening their federal character. Throughout India, there is a regional upsurge, power is not centralised in Delhi alone but is becoming regionalized. I think the same might be happening in Pakistan too, where Punjabi, Sindhi, Pashtoon and Baloch identities are asserting themselves, and being allowed to do so. It is a sign of hope when people can have a multiplicity of identities rather than just one. As Wali Khan once said, “I am a Pakistani by file for the last 50 years, a Muslim for 1,400 years, and a Pathan for 5,000 years”.

Within such a framework, of allowing sub-nationalisms to flourish alongside national identities, the kind of irreversible Article 370 that Mr. Bhandara talked about becomes feasible. That offer, of Article 370, I have always been opposed to it, it created so many problems for us because it pointed to the uneven quality of our federalism. Nevertheless it is also something to be proud of, that in India the state’s federalism need not be uniform, we made differences in the case of Articles 370, A and B, different experiments can be tried.

The other level where we find harmony and friendship is the supra-national level. When I meet people from the subcontinent and ask, “Where are you from?” I often get the answer “I am South-Asian”. Sometimes I even have to ask, “Which is your city?” in order to identify their countries. At two levels, therefore, the sub-national level and the South-Asian level, I see signs of hope for overcoming our tensions.

But first of all the violence has to come down. No innocent person should be killed for his religious or political beliefs. If normalcy can be restored to daily life in Kashmir, people to people contact increased, and the importance of borders reduced, then there will be an atmosphere and a proper frame of mind to think about long term solutions.

I am in favour of a long term solution, but in search of the long term, let us not forget what is to be done today and tomorrow simply because we can't agree on the final settlement.

**BALRAJ PURI** is a writer and human rights activist, who was recently conferred the Padma Shri by the Government of India.

## **India and Bangladesh: Fixing our Deteriorating Relationship**

**MAHFUZ ANAM**

**F**irst a comment on this whole dialogue. You know we wax eloquent on the need for a change of mindset, but what we actually mean is that the other person has to change his mind, not us. I think we need to cultivate our capacity to place ourselves on the other side – indeed a look at how outsiders view us can also be salutary.

I was at a conference some months ago where Gazali Shafi from Malaysia compared regional cooperation in Southeast Asia and South Asia, and he made two very interesting observations. He said that in South Asia when two sides come to talk, they are like two cars coming from opposite directions with their headlights on full. So as they come closer and closer, each is blinded by the other's beam and ultimately there is an accident. Why not dim your headlights as you approach?

The second point he made was, “We in Southeast Asia differ in private but we try to agree in public to give our people a sense of hope, but you guys in South Asia, you have a great time in private, you agree on everything, you have such camaraderie over a glass of beer, but in public you are each others throats”. That is something to really take note of.

So my first exercise today is to present both sides of the Bangladesh-India tension. What does the Indian government think of Bangladesh? At this moment they are very concerned that we are becoming a serious source of security problems as far as the Northeast is concerned. Bangladesh is harbouring the ULFA. It is a conduit for arms shipments to these disturbing elements, the insurgents. Bangladesh is becoming non-responsive to Indian concerns to better the economic situation in the Northeast – that is, by refusing to give transit facilities to India. Bangladesh is also refusing to sell gas to India, and generally being defiant on Indian concerns. Now

this is an Indian point of view that we in Bangladesh need to think seriously about. Why does India think that we are supporting insurgents in the Northeast and of what interest is it to Bangladesh?

If India genuinely believes Bangladesh is supporting anti-India insurgents, then it is my obligation as a neighbor to do my utmost to assuage that concern. But the fact of the matter is that Bangladesh is making no effort to clarify the situation. Then how can I blame the Indians for suspecting us of being involved?

Why are we not selling gas to India? We do have a solid reason, and I gather it has been conveyed to the Indian government. But has it been told to the Indian media? Did we tell it to the Indian public? To the best of my knowledge, we did not. So even if we have a justifiable position, by failing to express it in a transparent and open manner, we have actually done a great disservice to Bangladesh's interest.

Now how does India look to us from the Bangladesh point of view? The gripe that we have against India is that it neglects its small neighbors. I once wrote a piece saying that for India there are only two neighbors: China and Pakistan. The rest of us are mere geographic entities to be rewarded if we are good, and to be reprimanded if we are naughty. And to be punished if we dare to take a position which India perceives to be against its own interest. India pays attention to China because it is a big power and to Pakistan because it has become a nuclear power. I can only therefore conclude that India's attention to its neighbor will be proportionate to the neighbor's capacity to be unfriendly.

Of course, India is not unusual in this behavior. I once asked a *New York Times* correspondent who came to see me in Dhaka, "Why is America not paying any attention to Bangladesh?" And he said, "Mahfuz, if you really want the US to pay you a lot of attention, invite Bin Laden to stay in Bangladesh".

Now of course I am not suggesting that we are becoming the object of Indian suspicion just to get Indian attention. That's a very costly way of getting attention. But India has really not paid enough attention to its smaller neighbors and so, very small issues have become very complicated. Take, for example, our concerns over the years over water issues. There is a plan in India, the Indian river-linking project, which the Indians say is in a conceptual stage and is in fact not really a serious option, but it has raised our suspicions to a very high level.

My friends in India feel that we are using the river-linking proposal to whip up anti-India sentiment in Bangladesh. But we are crying wolf because we have had a very bad experience earlier with the Farakkah barrage. For 18 years, Farakkah experienced a unilateral withdrawal of water. Whenever we approached the Indian side to complain, we were told by India that Farakkah was necessary to clear the Calcutta port. Without the barrage, Calcutta port would silt over.

But now we have a treaty. The treaty is six years old. It is functioning well. We have solved the problem, and actually nothing happened to Calcutta port. So what are we supposed to conclude? That these arguments about Calcutta port were actually fictitious, and India gave us water when it felt like it, and was quite indifferent to our suffering? In my opinion, anti-Indian sentiment only existed on the fringes in Bangladesh until Farakkah made it mainstream.

I agree that economic cooperation is the answer to our tensions. Money speaks; in fact it speaks louder in this era of globalization. India sells Bangladesh goods worth \$3 billion a year, about \$800-900 million officially, and about \$2 billion through smuggling. Bangladesh is therefore a \$3 billion market for Indian goods. If with a \$400 per capita income Bangladesh is a \$3 billion market for Indian goods, imagine how big a market it will be if we have \$500-\$600 per capita. So there is a strong win-win situation if economic cooperation between India and Bangladesh could be such that Bangladesh's economic growth takes on more than 5-5.5%, which has been its performance over the past ten years. In this context, it is a very positive development that the Tata industrial house is planning a \$2 billion investment in Bangladesh. If that investment comes through, much of the anti-India sentiment in Bangladesh will disappear because people will see employment, they will see growth, it will make a tremendous impact.

Finally, while bilateral ties grow we need to pay serious attention to SAARC. I am quite disturbed, I must say, by the sudden discovery in India that SAARC is a failed institution. This hit home in Bangladesh when the summit was postponed, and it was stated that India felt SAARC had subsequently become an India-bashing club. True, SAARC has been held hostage to India-Pakistan issues for the last 10-12 years. But every time SAARC met, Indians and Pakistanis differed and every other regional issue got side-tracked. So first India and Pakistan debilitated SAARC, and now India accuses SAARC of being non-functional. It is like the U.S. that with its veto incapacitates the UN, and then blames the UN for not having done anything. Just look at how many times SAARC plans got subverted, or if you like "laid to the side",

because Pakistanis and Indians couldn't agree. In fact regional cooperation in South Asia has been held hostage by India-Pakistan relations.

As a Bangladeshi, I am absolutely delighted to see the rapprochement between India and Pakistan, because I think it will have a salutary impact on the rest of us in South Asia. In fact, as an outsider looking at India-Pakistan bilateral issues, I am delighted, enthused and highly hopeful, as are millions in all of the smaller countries, that if this issue of Kashmir is resolved, and other relationships between India and Pakistan develop, there will be very positive fallout. SAARC is what we have. However flawed, however limited in its capacity, it is what we have got and if India and Pakistan wish SAARC to be more effective, I think the other smaller neighbors will be delighted.

**MAHFUZ ANAM** is editor of the *Daily Star*, Bangladesh

**COMMENT: SANJOY HAZARIKA**

As an old friend of Mahfuz, I share his concern and his passion for his part of the world. But there is little doubt that the insurgencies in the Northeast are supported with training, or some facilitation, in Bangladesh.

Of course Pakistan can't be left out. So the ubiquitous ISI is also out there training insurgents, helping them with planning, and taking them to Darra and further places. I have talked to people who have actually been to Pakistan and trained there. So it is happening. It seems to me that these are issues that have to be faced and resolved, there has to be a growing force amongst civil society to help tackle these issues. For us in the Northeast there are two "Others", one is Delhi and the other is Bangladesh. In the Bangladeshi perception, India is this huge invincible neighbor. We can't help our size, you know, and unfortunately it doesn't make us invincible, just put yourself in India's position in the Northeast, then you will understand our concerns a bit more.

It's become axiomatic, the closer we are physically in this part of the world, the further apart we are politically. These discussions do help bring us closer, and, equally important, there is an infrastructure coming up despite our differences, roads are being built, railway lines are being built, whether it is across Myanmar or towards Southeast Asia. Don't forget that from Agartala in the Northeast to Chittagong in Bangladesh is probably 6-7 hours by road or rail, whereas to Calcutta it is 48 hours

and it costs many times as much. So it is economic sense to collaborate and cooperate.

**SANJOY HAZARIKA** is the Director, Center for North-East Studies, India

**RESPONSE: MAHFUZ ANAM**

Perhaps it is true that there are some camps training Northeast insurgents in Bangladesh – you know with a 300-400 kms. long border between our two countries, and the Bangladesh government not being the most efficient in the world, there could easily be camps that no one is even aware of. My point is a different one. Why doesn't the Indian government make its information on the camps public? Have the location of the camps been revealed to the Indian media, forget the Bangladesh media? Wouldn't that be one way to get the Bangladeshi government to engage on this issue?

# **Afghanistan: Emerging from Decades of Conflict to Peace and Stability**

**M. MASOOM STANEKZAI**

**P**ace-building is a complex, comprehensive and long drawn out process that needs an integrated approach. Its success depends on consistent efforts to reach a peace agreement during the conflict phase, and consistent efforts to rebuild stability and prosperity in the post conflict phase, especially from a human security perspective. This is the only way to achieve durable peace.

Leaving implementation to the conflicting sides immediately after a peace agreement is signed has proven to result in failure. Afghanistan is a case in point. As a crossroads between South and Central Asia, Afghanistan has historically suffered the fallout of political and economic changes that swept these regions. The partition of the British Empire left South Asia with unsolved disputes, and led to unpredictable security constraints in Afghanistan. Over the last fifty years, Afghanistan also occupied the position of a weak barrier between the U.S. and the Soviet bloc. During the Cold War, the Soviets had a predominant influence, but the support of Western countries and the Arab world to the Afghan Mujahedeen forced the Russians to withdraw from Afghanistan. By the end of the Cold War, Afghanistan was left alone by the international community. Paranoid regional players were allowed to step in, with the consequences that you all know.

Some of these lessons have been taken on board by the international community. The objective of this paper is to review peace-building efforts in the aftermath of 9/11 in Afghanistan, and the challenges ahead of the newly elected government in security sector reform, disarmament, demobilization and reintegration.

## **THE BONN ACCORD, A ROAD MAP TO PEACE**

The core philosophy of the Bonn Accord was the agreement to move Afghanistan from a stateless nation to a recognized, legitimate, and democratic country. Implementation of the Accord started with putting an interim government in place, comprising a coalition of different political and military factions, including the former King's supporters. This was followed by an emergency Loya Jirga (a traditional Grand Council), whose members were democratically elected, for the first time in Afghanistan's history. The Loya Jirga was an unusual mechanism for involving ordinary Afghans in the political process through matching traditional structures of governance with modern democratic principles. During the transitional period a number of independent technical experts were also appointed to the cabinet as a part of state building.

The Loya Jirga paved the way for the first presidential elections, and we are now looking forward to parliamentary elections as the last milestone of the Bonn Accord. Many within Afghanistan and outside thought that the time was not ripe for presidential or parliamentary elections – the Afghan people were not familiar with the principles of elections, they would not accept women voting, it was too dangerous to conduct elections after nearly three decades of war and the elections might lead to violence, even civil war. However, the presidential elections were a success; there were only a few small disputes and technical problems.

Afghanistan can claim many remarkable achievements over the past three years. We have a new constitution that provides a legal base to replace the rule of the gun with the rule of law. We have a national development and budget framework that was revised after two years of reconstruction experience, and presented to the Berlin conference, where we secured over \$8 billion in pledges of aid. We have reformed our central government ministries and ensured the return of millions of children to school; 2.8 million refugees have been repatriated, and 720,000 internally displaced people have been resettled. We have a new currency, the Afghani.

70% of our people live below the poverty line. The National Solidarity program, which works in over 6,000 villages in 108 districts, is a community-based rural poverty-reduction and asset-creation program that aims to develop local skills and infrastructure and tie them into the physical and communications infrastructure that we are building nationally.

## **AFGHANISTAN'S SECURITY SECTOR REFORM**

Security sector reforms remain the top priority for Afghanistan's peace-building efforts. So far we have created an Afghan national army and police force that are deployed at major cities and highways, placed 96% of the heavy weapons in cantonments, disarmed 46,000 ex combatants, decommissioned over 141 military units, and begun to reintegrate another 34,000. We have formulated a national drug control strategy (with a dedicated ministry in the new cabinet), and established an independent human right commission. We have begun national consultation on transitional justice. There is steady progress in de-mining.

These achievements were made possible by the following factors:

- There was unanimous public support for these steps from all ethnic groups and from every part of the country;
- Regional and international powers recognized that the conflict was a threat to their peace and security and actively engaged in a peace process;
- Peace negotiations were under UN auspices;
- President Karzai operated from the middle ground and was able to pull most of the major political groups into the peace process;
- Peace-building had the integrated goals of national reconciliation, political normalization, economic reconstruction, and social development;
- International security forces were stationed in Afghanistan as a short-term stabilizing factor, and to help Afghans fight terrorist networks;
- Civil society was active in peace-building, lobbying and pushing for security, human right and reconstruction.

## **NEED FOR CONTINUED EFFORTS IN POST ELECTION AFGHANISTAN**

In spite of these advances, security remains unstable and a majority of the population has yet to feel and see the benefit of durable peace. The key challenge that faces us remains how to build a stable Afghanistan. We need to move from holding elections –

and preparing for a safe, fair and free parliamentary election is still a massive undertaking – to building a government that can serve as an instrument for accountability, national unity and confidence. Our cumbersome bureaucracy, combined with inefficiency and corruption, is an especial obstacle, as is our weak private sector, at a time when we need to move from post conflict recovery to economic development. This is critically important to overcome the illegal economy and its dire impact on alternative livelihood and employment creation.

Our first task is to accelerate the process of disarmament, demobilization and reintegration, but in order to do so we have to spur reconstruction, and for this we need further donor support. It isn't just more support that we need, it is a qualitatively different kind of support as well. There is strong feeling in Afghanistan that we need a new framework that defines the shared responsibilities of Afghans and of the international community in creating a sovereign Afghanistan.

We see civil society organizations as valuable partners in the process of stabilizing Afghanistan, especially through their extended relations with civil society organizations in neighboring countries and the region.

Finally, we look to the region for joint investment and promotion of trade and transit routes where Afghanistan can play the role of a land bridge between Central and South Asia. If we could create free trade zones in our border areas, which are in any case zones of black economy, we could also accelerate disarmament and demobilization.

Peace is not possible without strong partnerships in the region. It is a source of optimism that the present environment is one of new windows of opportunity. A peaceful Afghanistan at the heart of Asia will help our next generation shed the poison of extremism, and learn how to tolerate diversity with respect.

**MASOOM STANEKZAI** is Minister and Vice-Chair of Disarmament, Demobilization and Reintegration in the Government of Afghanistan

## **Discussion: Can SAARC Bring South Asia Closer?**

**MP Bhandara:** The outstanding fact of South Asia is that India has a population – and therefore a market – which is more than twice the size of the other SAARC countries put together.

The state of Indian industry, particularly in the fields of engineering, communication, pharmaceuticals and basic chemicals, is almost at a level with similar industries of the First World. India's current middle class population is said to be around 300 million. Given a GDP growth rate of between 7-8% per annum, and investments planned in research and basic education, it is estimated that by 2025 over 80% of India will be literate, with a middle class market of about half a billion people and a per capita income in excess of \$2,500. The GDP of the remaining SAARC countries, Pakistan, Bangladesh, Sri Lanka, Nepal, Bhutan and Maldives, put together is currently below that of India, and the gap is likely to widen by 2025.

The question arises, what sort of regional economic association is possible in a situation of regional imbalance and if so, is it likely to deescalate tensions and smooth the way for a durable peace? These are large questions for which there are no easy answers. The only SAARC country that aims to compete with India is Pakistan. Pakistan has reservations in regard to free trade with India, because at the moment it does not see itself in a competitive situation to Indian industry; but this situation will ameliorate by 2010. The longer Pakistan can avoid free trade with India, the better the chances of developing its specialized industries, for example, Pakistan plans to be a regional leader in the automobile and cement industries.

Competition in the automobiles industry could again be a flashpoint between our two countries. We could consider a regional division of heavy and light vehicles to avoid a flashpoint. For example, India could make bigger investments in trucks and earth-moving equipment, and Pakistan in motor cars and motor cycles in a particular range.

For regionalism to succeed in South Asia, India needs to have a more relaxed view of its neighbors, and take major decisions not on an adversarial principle but a cooperative one. India should not shy away from regional (SAARC) arbitration.

**Martin Mansergh:** On the question of economic cooperation, I don't see why SAARC shouldn't work even though, unlike the EU, you have one country in this region that is as large as all the others put together. A regional body like SAARC involves constructing rules and institutions which make it impossible for one country to make collective decisions on behalf of the others. The point of having these sorts of structures is that large countries are forced, or required in their own interests, to seek the support of small countries as allies to get decisions through. Take a simple example. France always seeks the support of Ireland in relation to agricultural issues in the EU; we are a very convenient small country ally.

Indeed, the regional structure provides its own protections. In our experience as the Republic – of course there is no guarantee that this will eternally be the case – it is hard to put forward one unequivocal incident where vital national interest has been brutally overwritten.

I also think that a regional framework ought not to be solely political anyway. Things like water supply and dams and so on, are ideal matters for discussion in a regional context even if they are bilateral, or primarily affect just two countries.

It is quite correct that Pakistani industry would have something to fear from a regional equivalent of the EU, and likewise Indian industry. Undoubtedly our industry, which was built up under protection, took a knock in the early years of EU integration. But thirty years on, we are infinitely further forward than we were. We were a country whose income levels were just 60% of the EU average, and over the past fifteen years we have gone to parity. This was a case in which we took one step backwards in order to move four steps forward.

Regional economic cooperation doesn't do away with political differences. Britain and Ireland joined the European Union when the Northern Ireland conflict was at its height. At the moment we are absorbed by another bilateral political issue, relating to a new nuclear pre-processing plant at Sellafield, which public opinion has a strong dislike of, and Ireland has even been taken to court.

This is the other aspect of regional cooperation, you have courts. There are two in the EU, the European Court of Human Rights and the European Court of Justice. Both are very helpful in providing arbitration of difficult issues where people's interests clash. So without wanting to be prescriptive, I don't see why regional organisations shouldn't work in South Asia, obviously they have to be a little more than advisory and consultative.

**Sherry Rehman:** Re Pakistan not granting MFN status to India when India already has to Pakistan: India is a much bigger market and has trade and para-trade barriers. We in Pakistan prefer the SAFTA bilateral framework. However, that framework could take another ten years to come into operation, which is why we have incorporated it into the preferential agreement just signed by the Joint Trade Study Group of India and Pakistan.

Coming to who would suffer more, in Pakistan we have a \$2 billion smuggled trade with India, which we could formalize, it would help regularize the economy. But we have tried to do so with the Afghan transit trade agreement and we have seen how it often backfires. We also have China flooding the Pakistani markets with very cheap goods and sometimes one of our successful industries are challenged directly by their lower prices. Take our motorcycle industry, for instance. The quality of the Pakistani vehicles is better, they endure longer, but in the short run our blue collar population says, "Let me go and pick up the 30,000 rupee Chinese motorcycle instead of the 55,000 rupee Pakistani motorbike".

These are bitter economic pills one has to swallow. We need to stop mollicoddling our big traders and industry. We can give them phased protection as long as India has its own subsidies and protections. That is a discussion that is ongoing, and we are trying to convince our people that even if all the key Pakistan imports come from India, and India gets full access to the Pakistani market, even then it's only a market of \$2 billion. If you include the smuggling, you could perhaps double the trade, but even so Pakistan would be accessing a much larger market in India. We have net gains in trading our intermediary and raw materials with India and saving on freight costs. Since SAFTA may be too late down the line for that, the new PTA is working towards sorting some of those issues out.

I think forums such as these are where policymakers need to thrash out ways in which India and Pakistan can get together to deal with the WTO subsidies and protectionist laws that we will have to confront very soon.

**Wajahat Habibullah:** If I may make a few comments on the WTO. I was Secretary Textiles till very recently, and while we talk in terms of greater economic cooperation, it is difficult to actually grip hold of until we talk specifics, which I am glad to see is happening at this conference. I do know that when the concept of SAARC was being

promoted by Prime Minister Rajiv Gandhi, he was very keen on it because he hoped it would develop into a forum for economic cooperation. It didn't occur then, but now with the WTO, with the globalization that is taking place, cooperation is an economic compulsion, especially in textiles.

Textiles are a huge industry in India, not necessarily in terms of turnover but certainly in terms of widespread employment, handlooms are the second largest employer in India after agriculture. Textiles are also a huge industry in Pakistan and Bangladesh. When I was Secretary Textiles, we had a delegation come in from Pakistan. They had no separate Ministry of Textiles at that time, but after our discussions they went back and set up a separate Ministry of Textiles to explore what can be done. Now the three countries can work together very easily in textiles, indeed they must because the rival here is China, which is just next door and has a huge textile industry of its own.

With the dispensing of the multi-fibre agreement having been already completed this year, the competition is open. If we wish to become a competitor to China, we will have to target the upper niches of the world market. In terms of the size of its textile industry, China is bigger than all of us. But China's textile industry is relatively homogenous, whereas ours is very diverse. For example, the Pakistani textile industry is rich in cotton but weak in fibre. It is very rich in the made-up industry, bigger than India. The U.S., for example, imports as much from Pakistan as it does from India in made-ups, but not in handlooms. So here we could work to complement each other.

Similarly, the quality of jute is much higher in Bangladesh than in India, but jute is being developed as a competitive textile in India. This is certainly something on which Bangladesh and India can work together, but unfortunately efforts to do so have been stalled because of mutual mistrust. The Bangladesh Chamber of Commerce repeatedly fixed appointments to come and speak to us and repeatedly cancelled the appointments, for reasons that I don't know.

If we could think in terms of collaborating as one large economic unit, we could be counted amongst the great textile powers of the world. We have a much richer industry than any other part of the world. Indeed economic cooperation is one way of moving across barriers and unsettled boundaries.

If I may quote from the former U.S. Deputy Secretary of State Strobe Talbott, he suggested in a *Foreign Policy* article of 2000 that cross-border economic development

and political cooperation need to be institutionalized in an interdependent world. If this part of the world can work together, then the whole markets of Central and West Asia, and of course the markets of Europe and the U.S., will be open to us.

**WAJAHAT HABIBULLAH** is Secretary Panchayats in the Government of India, and was previously Secretary Textiles.

**Adrian Guelke:** I am glad that the Secretary put things in the context of the WTO, because the idea that regional economic cooperation can make a critical impact on the peace front could be overloaded, at least from an Irish and European perspective. The benefits from regional economic cooperation to the broader peace process – as in political cooperation – are more likely to be indirect than direct. But if South Asia looks to the experience of Southern Africa or South America, they will come to the firm conclusion that the United States and Europe are ungenerous partners in the WTO if they come to the table alone.

Even with regional coordination, it is not easy, you will still find Europe and America ungenerous, but at least together you have some prospects of creating a more equal environment. So as far as your own direct economic interests are concerned, and also the indirect benefits of the peace process, the WTO makes cooperation almost compulsory, as the Secretary said.

On the issue of indirect benefits, if I have understood the discussions at this conference correctly, what you have is a composite and unraveling style of peace process, in which agreements will come each at a time rather than all geared towards a predetermined end goal. This is similar in some ways to the Northern Ireland context, where we have not yet defined the end goals. To some extent the ambiguity has strengthened the weaknesses of the peace process, but it has also, certainly, kept the process alive, and cemented the ceasefires. I know that setting off in a bus with no known direction can be a troublesome journey, but sometimes it may be the only journey one can make.

**Last Word, General Ashok Mehta:** I would like to underline Balraj Puri's point about South Asian identity. I have had opportunity to interact with a number of Pakistani businessmen, scholars and journalists. The last occasion we met, they were all very

gung-ho about the scope for interaction as South Asians, even within the limits that are there today between India and Pakistan. Without going into any details, I thought that the situation is far more optimistic than it is bleak. True, it is the smaller countries in SAARC that have done the most – if you travel to Sri Lanka, for example, there is a separate counter for South Asians at immigration, and there is no visa. At no other airport in South Asia can I go and queue up and say, I am a South Asian. So that's something that maybe we could emulate.

General **ASHOK MEHTA** is a defense analyst and journalist.

## **Closing Comment:**

**VIJAY NAMBIAR**

This two day meeting shows that we are in a situation of changing stereotypes. There have been in the past a range of stereotypes which typified relations between India and its neighbors, mainly in the context of India and Pakistan. Indeed, as Mr. Anam says, it is clear that if the major relationship in the subcontinent – between India and Pakistan – pushes onto a good trajectory, everything else suddenly seems to take on a different prospect. This holds true for SAARC as well as for other bilateral relationships. Therefore our efforts to alter our stereotypes must first reflect the changed relationship between India and Pakistan.

Generational factors have not been discussed at this meeting, but the changing age structure of the population of the two countries has also had an impact on changing stereotypes. Economic growth in the two countries has made the younger population more focused on an improved quality of life, and they look at the potential of the India-Pakistan relationship in terms of these parameters rather than the more emotional parameters that were set by the historical memories of previous generations.

To what extent are the changes in the India-Pakistan relationship a result of the changing or increased interest of outside powers, especially after the 1998 nuclear tests? Irrespective of how much we in India may like to deny any outside influence, the fact is that international interest, particularly by the United States, does affect our approach to the peace process. For a start, it calls upon official authorities on both sides to move with much greater deliberation, and with a much greater sense of being able to convince the outside world that they are actually moving in a positive direction. We do feel responsible to the larger world community, especially in an era of globalization, when we talk about India's own increasingly global concerns and interests in the multilateral international field.

I had thought that there would be a discussion of Afghanistan but I understand that Mr. Stanekzai was unable to attend. Nevertheless, as I am sitting next to a former Indian ambassador to Afghanistan and have served there myself, I cannot resist the reference in Mr. Stanekzai's paper to Allama Iqbal's description of Afghanistan as the heart of Asia. If plenitude comes to Asia then it has to start from Afghanistan, and if there is penury in Afghanistan it will affect all of Asia.

Clearly the same can be said for South Asia in relation to India and Pakistan. If we can sort out our underlying emotional and historical problems, which are also reflected in political tensions, we could create a vested interest on both sides for the broader development of our relationship.

Indian diplomats are fond of using the India-China parallel as an example of how we can move to improve our relations. Though this example does not have the kind of resonance which we would like it to have in Pakistan, its validity lies in its approach. By building around a broad phalanx of issues, and trying to score achievements in the easier to resolve areas, we can build a vested interest in the relationship, we can involve as many actors as possible in strengthening it, and in the process we can build up an automatic kind of momentum for better relations which will then help to address some of the more difficult questions.

There has been considerable discussion of the pros and cons of launching a process without really knowing what the end goal, or the ultimate destination, is going to be. But the broader destination of the India-Pakistan peace process is known. We are looking for a cooperative relationship. True, the details on its signposts, indeed the order of the signposts, are being identified only as we progress. The easier signposts to identify are probably the ones that address what the Chinese are fond of referring to as "issues of mutual benefit". And that is really the economic issues.

Judging by the frank manner in which these issues have been discussed at this conference, I think we are on the way to creating precisely the kind of atmosphere and environment – certainly among public-spirited and influential individuals in the South Asian countries – that will contribute towards building a durable peace.

**VIJAY NAMBIAR** is Deputy National Security Advisor of India

# The Student Program

*“When the offer to hold this program was made to me on the telephone, I did not take a minute’s time to accept it, realizing that the training imparted to our students will be of immense use... We have to come to terms with a world where peace is contingent on the preservation and articulation of differences. According to this view, peace is not so much a matter of resolving differences as much as resolving to understand differences.”*

*Inaugural speech by Prof Abdul Wahid, Vice Chancellor, University of Kashmir, at the Srinagar student workshop, April 6, 2005.*

*The student program on developing durable peace processes and partners was launched in Delhi, Mumbai, Jammu, Srinagar and Dibrugarh from March 30-April 8, 2005, thanks to the remarkable speed with which our partner institutions came on board.*

*Students were given two scenarios and asked to make presentations on the basis of assigned roles, which would be discussed with them by a panel of national and international experts, from policymakers to operational commanders and academics. We were fortunate that experts such as Kiran Bedi, General Dipankar Bannerjee, Arundhati Ghosh and KPS Gill agreed to participate at very short notice – giving us heart that our aim of bringing together students with practitioners to stimulate further policy-oriented research was not a vain one .*

*In most cases this was the first time that students had been given scenarios to complete and asked to play the roles of key actors in a peace process, and their presentations were salutary in a number of ways. In the pages that follow, we present extracts from their presentations, and the discussions with their fellow students and experts’ panels that we had set up.*

# The Student Program

**ANJALI PURI**

**T**he student component of the Delhi Policy Group's peace processes program is critical to the program's success. Comprising a two-year series of workshops in six different cities, its aim is twofold: to reach next generation policymakers at the formative stage, on the "Catch them young" principle; and to encourage more policy-oriented research through intensive interaction between students and practitioners. Our ultimate hope is to insert both our methodology – role playing, simulation and scenario-building – and our subject into existing graduate and post-graduate teaching, through a course module on developing durable peace processes and partners.

We launched the student program with workshops in Delhi, Mumbai, Jammu, Dibrugarh and Srinagar, in collaboration with partner universities and academic institutions. (Madras University has also now joined us). Students were given two scenarios – one on Northern Ireland and the other an abstract scenario on "Ending the Violence" – assigned key roles, and asked to outline their future course of action for a satisfactory outcome, keeping in mind the responses of other key actors. The sessions were rigorous, lively, and often passionate interactions involving post-graduate students who gamely participated in exercises that were, for most, a new experience in learning. International and national analysts with a wealth of experience in conflict and peacemaking issues – as policymakers, academics, men and women in uniform, media and even an industrialist in Assam – listened, interrogated, commented and offered advice on what makes or breaks a peace process.

The majority of students selected for the program were drawn from the disciplines of political science, international relations and regional studies. But students from fields as diverse as management, law, history, social work, mass communications, English literature and even computer sciences, also contributed their perspectives to a program that believes strongly in an interdisciplinary approach. With three out of five workshops

held in conflict areas, in Jammu and Kashmir and the Northeast, several students reflected in their presentations not just the experience of living with the ground realities of conflict, but a fervent desire to see the conflicts they live with resolved. It was clear the workshops were an important forum for them to learn – but also to be heard. In Dibrugarh, for instance, it was the first time students of this university had held centre-stage at a seminar organized at their university and they seized the opportunity with both hands.

### **THEMES AND CASE STUDIES**

Each set of workshops has a specific theme, and the theme for this series was “Ending the Violence”. Discussions centered on key elements of this process, such as achieving and sustaining a ceasefire, tying the ceasefire to demilitarization and decommissioning, getting arms out of circulation, restoring the rule of law, and human rights protections. A number of provocative issues came up: In Srinagar, there was hot debate on whether or not negotiations for a political settlement should precede a ceasefire, while in Delhi a recurring question was whether militants should have a seat at the negotiating table, even if they had agreed to a ceasefire. What, especially, if they belonged to indeterminate and murky groups, with anonymous leaders and funds? In Dibrugarh, where businesses and properties allegedly owned by surrendered members of the armed separatist group, ULFA, feature in unofficial tours of the city, a hot question was: Is splitting insurgencies by ‘baiting’ militants a valid way, from both a normative and practical perspective, for governments and security forces to try and end the violence?

There were equally interesting variations in approach to the political issue, especially the nature and extent to which each actor must make concessions to his opponents – and in Jammu, there was a fascinating debate over whether the greater good of peace outweighs electoral considerations, and for whom, under what circumstances?

Each set of workshops also focuses on a specific and relevant case study. Mirroring the policy conference in Delhi, the first student series put the spotlight on the peace process in Northern Ireland, with at least one expert from this region interacting with students at each of the workshops. The attempts to overcome issues of territoriality and sovereignty in this peace process were inevitably of special interest in a season of Indo-Pak peacemaking, revolving around phrases such as “soft borders” and “making

sovereignty irrelevant”. More specific to the theme of “Ending the Violence”, participants, especially in conflict areas, were keenly interested in how such difficult issues as decommissioning, reforming a partisan police force, and human rights abuses were handled in the Northern Ireland case.

Many of the students who took on the Northern Ireland scenario did a marvelous job of familiarizing themselves, at short notice, with the complexities of the conflict. A Delhi University M Phil student, called, aghast, to say that she would find it very hard to present her assigned role of the U.S. Government, since it ran contrary to everything she was saying about the U.S. in her thesis. In the end, she was able to slip comfortably into shoes not her own, delivering an insightful and cogent exposition of the US’s mediatory role. A Jammu student won our Northern Ireland panelist by confessing that he had stayed up all night to paint himself a Sinn Fein t-shirt – and remembering to put the accent in the right place!

Most students who attempted the abstract scenario chose to embed it in conflicts that they knew well, even if they were not a perfect fit. In Delhi, Mumbai and Srinagar, it was Kashmir, in Dibrugarh it was ULFA’s secessionist struggle. (A few did, however, look for parallels in Chechnya, Bodoland and Bangladesh.) The advantage of familiarity and affinity with a conflict was that it generated close questioning by fellow-students and panelists, and lent both specificity and rigor to the discussion. “Federal authorities” were challenged from different points of view when they tried to sell economic packages, “fatigue” theories, or make constitutional concessions; rhetorical generalities about “promoting peace” generated demands for concrete proposals; much discussion centered around who could or could not talk to whom, formally or informally, who did and did not have influence over whom, and why; and offers to mediate generated counter questions such as, “why should we trust you?”. Some students felt engaged enough to ask questions not only about their roles, but in role too.

We cannot, unfortunately, include all the interesting presentations in this volume, but the following pages present extracts from both presentations and discussion.

**ANJALI PURI** is director of the student series of the Delhi Policy Group’s peace processes program

## Scenario I: Ending the Violence, Extracts from Student Presentations

### “What Are You Trying To Do, Mr. Prime Minister?”

*Two student participants at Dibrugarh University in upper Assam presented the single role of the recently elected leader of the federal government – Role 3 in the Scenario “Ending the Violence”. English Department student Pankaj Luchan Gogoi played Prime Minister One, and Prime Minister Two was Kundan Hazarika of the Department of Political Science. Like many other students at Dibrugarh, both embedded their roles in the conflict they live with – the face off between the Indian government and the United Liberation Front of Assam (ULFA), an armed group fighting for an independent Assam. Here are extracts from their presentations and the discussion that followed:*

**Prime Minister One (Pankaj Gogoi):** Right from 1979, Assam has been the epicenter of terrorism... As the recently elected head of the central government I have reviewed the security of this region with meticulous care.

To arrive at a solution, I would like to invite ULFA for negotiations.

Because of its violent activities, ULFA has been losing the support that it once got from the people of Assam. The unanimous opinion of the people of the state is: Peace before Progress.

Even the international community is in favor of peace, whether it is in West Asia, Central Africa or Sri Lanka... Prabhakaran demanded a sovereign Tamil Eelam, he now talks about autonomy. To some extent, Isaac and Muivah (*the Naga separatist leaders, Ed*) are also looking for softer options. The ASEAN countries want peace in this region because of India’s recent “Look East” policy. The militant organizations must take cognizance of all this. The North East has an immense possibility of becoming a hub of commercial activity. I should like to assure the people of the North East ... “You are not the periphery, you are the center”.

The Government of India will hold talks within the ambit of the Indian Constitution. No compromise will be made with India’s territorial integrity and sovereignty.

Counterinsurgency will go on, to safeguard the life and property of the people of this country... (but) we realize that there is no military solution to the problem. From the report of the intelligence agencies and the state governments, we learn that the militants also want to have talks with us. We have been informed that some of the cadres want to lay down arms due to sharp differences of opinion among them. In short, the organization has become a group of fragmented minds. Putting aside their bloody track record, if some of the cadres want to surrender, the government will ensure them security. We will give them general amnesty and work for their rehabilitation.

The Government of India promises to address the much talked about economic backwardness in the state... It is alleged that there is constant exploitation of the state's resources, including oil and tea, by the Center. The Government of India will try to remove this.

Since different sections of the people living in Assam want autonomy, the Government of India will reflect on this issue. But we will have to think about whether the proposed autonomy will encompass the aspirations of all the sections of the people or will pave the way for more bloodshed.

**Prime Minister Two (Kundan Hazarika):** I appeal to all separatists and armed groups to come to the negotiating table... As a first step, I ask them to enter into a ceasefire. Let us show a flexible attitude and a spirit of give and take – I will try my best within my limits. In retrospect, I feel that the biggest barrier in earlier attempts for peace was the demand for secession from India... India did not come into being as a result of an agreement between federating units, and our Constitution does not permit secession. Even if one hypothetically assumes that independence is granted, it will not benefit the people. From the security point of view, this region, which is in proximity to many foreign powers, will face similar problems to those faced by Central Asian countries after the breakup of the Soviet Union. It will be particularly vulnerable due to its vast natural resources... I would like to respond to two basic allegations put forward by separatists against the Indian government... exploitation of Assam's natural resources, and suppression. I regard it as a myth that the region has been exploited. The truth is that there is a lack of proper utilization of central funds, due to which much money goes back to the center...

On the question of suppression, the military and the paramilitary forces are present

because of large scale violence. Between 1979 and 2000, 10,000 people died in violence. In the last month, there have been 25 bomb explosions in Assam.

Amendments can be made to provide autonomy to this region, both in financial and administrative matters. I do not rule out the possibility of providing a special constitutional status to this region along the lines of Jammu and Kashmir. But all these possibilities can only be explored when the militants come for negotiations.

**Student:** Your speech is self-contradictory, because in the beginning you said that everything should be within the constitution, and then you said that special constitutional status can be envisioned, which is not permitted by the constitution.

**Prime Minister Two:** I can make the necessary amendments if the situation compels me to take such a state. But the process is not easy... I am not assuring it... it could happen in due course of time.

**Same student:** But ultimately, our system is a multiparty system, and you represent just one party, others may not agree.

**Another student:** Can your promises be fulfilled politically? I don't think so. This is a very hypothetical situation; there are economic and political barriers in reality.

**Prime Minister One:** This may be a hypothetical situation, but there is practical evidence too. The Mizoram Accord is a very good example. If there is will, one can transform the situation in the blink of an eye. But it needs collective and consolidated effort.

**Banu Haralu** (panelist): Mr. Prime Ministers, you contradict yourself when you say there have been 25 bomb blasts and then you say that ULFA is a wasted and fragmented organization. Then why has the government of India been reluctant to talk to a group which has climbed down on two of its demands? Sovereignty still stands, but the demands to have a UN representative at the talks and that the talks should be held in a third country, still stand. Why did you refuse to talk to a fractured, fragmented organization?

**Prime Minister One:** We have reports from the intelligence agencies and the media that ULFA is a fractured and fragmented organization... ULFA's demand for sovereignty is not practical. Where is this geographical sovereign Assam? What are its boundaries? The Bodos have already demanded a Bodoland. There are other

aspirations too. ULFA's agenda, and its aspirations, do not encompass all the aspirations of people living within the boundaries of Assam.

**Sheila Bora** (panelist): When ULFA members surrendered, they were given guns, two lakhs of rupees; no one was allowed to question them, they were given direct access to the district authorities... They were the only ones around who possessed guns because the other ULFA fighters were underground. And they went around killing people, killing each other. When people complained about them to the district authorities, they said go into the building where surrendered ULFA (SULFA) live and talk to them. What are you trying to do, Mr. Prime Minister?

**Prime Minister Two:** Members of ULFA were frustrated and wanted to come into the mainstream, but they wanted some kind of financial security so they could start independent businesses and become part of the mainstream. So the government had offered loans to these surrendered people. But it is very saddening to hear they are carrying guns, and they have illegal relationships with politicians... I will talk to the Chief Minister of Assam. (Laughter)

**Student:** SULFA was created ten years ago, and you do not know anything about their activities?

**Prime Minister Two:** I am hearing about this for the first time.

**Same student:** Then please dismiss your intelligence people.

**Student:** For Prime Minister One, I agree with you that counterinsurgency should go on, but don't you think the means used by counterinsurgents are themselves grossly violent?

**Prime Minister One:** The question is about the violation of human rights. But remember, counterinsurgency is also directed against the violation of human rights.

**Same student:** The people are terrorized more by the army than by militants. People from the countryside give shelter to the militants... they still feel the militants will do something for them. The army is terrorizing women and children.

**Prime Minister Two:** Had there been no insurgency, there would have been no army. The armed forces may have also committed crimes... but those who have committed them will be punished by court martial.

**MNAP MP Bhandara** (panelist): All armies end up being brutal. Don't you think there is a case for a high powered army ombudsman?

**Prime Minister Two:** I agree with you. Though there is a process of court martial, an ombudsman would ensure that those who commit these crimes are brought to justice fast... But let me be clear. I do not regard the army as a brutal force. It is acting against those with weapons in their hands.

**John Doyle** (panelist): Getting yourself into the head of a person you don't normally have an affinity with is a difficult task. You are asked to represent the central government when you are not impressed with them usually, so you have to think, how would they think? You had very fluent people representing the central government and obviously, they have watched a lot of them on television. "I've just heard that". "This is the first time I am hearing this" – we see this so often on television, every leader in the world uses those phrases, I think. The question is how do you get beyond this, how often can a Prime Minister say such a thing before it just becomes cynical? There comes a point when there is a pressure on leaders to really engage and not just do the 15 seconds for the media.

Regarding issues – sovereignty, economy, cultural issues – sovereignty is the most difficult to resolve. But if you ignore it and go for the economic issues, you will usually fail. You can spend and spend money and it just ends up being corruption. On the other hand, it is very difficult to start with sovereignty. So how do you set up a program of negotiation? Economic issues and cultural issues, and security force reduction may be enough to achieve a ceasefire at least, even though more would be needed to sustain it. Is there an order in which things should be done, since everything cannot be done at the same time?

Another issue that came up: Can you weaken an insurgency by splitting it? Here, you see all too readily the dangers of such an approach, if it is simply based on individuals. Somebody here used the word 'baiting'. When people are baited one at a time with weapons and money, and there is no overall solution, it is all too easy for those people to slip into criminality. You need political deals. You can't just bring people into the mainstream one at a time. That very rarely works.

## Should Militants Have A Seat At The Table?

*Extracts from a discussion at the Delhi student workshop*

**Role 3, the largest and oldest armed independence group (Vasudha Dhingra, Jawaharlal Nehru University):** I don't have to fight for a seat on the negotiating table. I am already invited (by the federal government). How do I respond? Mine is a tricky situation and diplomacy is the only tool I have. Ceasefire is of course a time-buying activity... I don't deny that.

An incentive for me to join the negotiating table is reduction of troops. I want the government to show that it is sincere.

My problems are accentuated by the role of the (political) separatist groups. They are very comfortably changing their positions from talking about independence and then maximum autonomy. They are not sticking to their goal.

There cannot be a one step solution; we have to try permutations and combinations. I am interested in negotiating only if the government assures me it has an open mind, is sensitive to my needs and has a broad inclusive agenda.

I am not too sure about the development approach of the government. It is a long term approach; you need to have at least 10-15 years in hand to convince the people the government is working for you.

I conclude by saying the true litmus test will be how the government maintains the negotiations and I am not like the separatist groups, changing my stance depending upon convenience. I will stick to independence.

**Student:** I am going to question you from the point of view of the state. Involving you in direct talks means I am giving you a certain amount of legitimacy, which could backfire in later years.

**Dhingra:** You are trying to show that the state is so benevolent in giving me a place on the negotiating table. Darling, you don't have a choice.

**Ambassador Arundhati Ghose** (panelist): The state does have a choice. If it is willing to isolate you and hit you, it is more powerful than you, and it can outlast you. And it can engage the ‘people’ through the ‘not-so-worthy’ separatists who are moving positions... Talks may be unconditional but the state is not going to engineer its own breakup. I have never heard of a suicidal state.

A militant group would realize that the state can hit hard... the state also knows that you can regroup and retrain... so you have an immense feeling of distrust. I think there would not be complacency, either on the part of the state or on the part of the militants. You are in a situation where you are a bit isolated, from the political groups, and from the people.

**Dhingra**: I do agree there is no win-win situation. But considering that our group is the biggest and oldest group in the region, to wipe it out militarily will not be in the state’s interest.

**MNAP Sherry Rehman** (panelist): The state always has an option. Of course, over the years there is scepticism – and in this room there would be – about the optimal value of a military solution, so one has tended to discard it. But it is very much on the list of options available to a strong unitary or federal state. I would still come back to you and say, you are right in being fairly confident that even if you were attacked, you will regroup with a rump, we have seen that in our areas, like Balochistan, and particularly given the terrain you are operating in, which will add value to a resistance operation. So, for these reasons, you pretty much have a place on the negotiating table.

**Same student**: They seem very unstable and very likely to resort back to violence... They are the last people I would have on the negotiating table. I would rather have the separatist groups who have surrendered their arms...

**General Dipankar Bannerjee** (panelist): Getting all elements opposing a settlement into the negotiating process is important for the success of the process. Any significant group that stays out does not allow the process to go through... But the ceasefire process has to be so crafted that people cannot break away from it, or take advantage of the ceasefire in order to restart hostilities.

**Adrian Guelke** (panelist): When you get to the stage of negotiations for a new political dispensation, there have to be two sorts of conditions. One, usually any group

coming into formal negotiations has to engage at least in an indefinite ceasefire. Two, there are also some political conditions on what the outcome of the negotiations can be. If there is no requirement of a ceasefire to get into formal negotiations, and there are no limits on what can be negotiated in terms of a new political dispensation, it implies a government of extreme weakness... The Sierra Leone government negotiated from a condition of extreme weakness and the people it negotiated with were not required to go into a ceasefire. But those are not wonderful examples of getting decent results.

Even if you have a situation in which there is agreement by government that after a ceasefire, groups can come into negotiation, there are very large problems... Usually in any long running conflict, people who have been engaged in conflict are labeled as terrorists, as people who are absolutely evil... families of victims feel that letting these people into negotiations after a ceasefire is “rewarding them for not continuing to kill”. I have heard that expression time and time again. Nonviolent groups very often feel upset that government pays so much attention to violent groups. There is a tendency for governments, because they want to end the violence, of paying a lot of attention to the demands of groups that use violence, opposed to those who don't... So it is very difficult to get into negotiations without upsetting an awful lot of people, even after ceasefires.

## **Scenario 2: Negotiating the Good Friday Agreement**

*Extracts from roles presented in the Northern Ireland scenario*

**Role One, Sinn Fein (Nitin, Jammu University):** I am here as a representative of Sinn Fein. At the outset I must state that Nature has made Ireland a single indivisible Nation. It is our misfortune that since the 12<sup>th</sup> Century A.D. we have been subjected to constant aggression and attempts to subjugate our dear motherland. It must be remembered that a lasting solution cannot be found by force and compulsion. Nobody can mortgage the destiny of future generations. In order that a lasting solution is found, it must be based on justice, fair play and international law.

Ours is an Irish Republican party, whose sole objective is to end British Rule in Northern Ireland. We seek self-determination, unity and the independence of Ireland as a sovereign state. We are committed to the transformation of Irish society and to a negotiated and democratic settlement. We know that peace is not simply the absence of the violence. Real peace – a lasting peace – is based on democracy, justice, freedom and equality.

We have a vision that sees beyond the present conflict and beyond the present place of Irish History. The party foresees the Unity of the people of the Island for a free Ireland and a free people, the distribution of wealth for the well being of the aged, for the advancement of youth, for the liberty of women, and for the protection of Irish Children.

Sinn Fein has sought with honesty and integrity to construct a peace process which reaches out and embraces everyone on the Island on the basis of equality, to earn the allegiance and respect of all sections of the Irish people. We back the Good Friday Agreement, which we reached with other Northern parties and the Irish and British governments following multi-party negotiations in Belfast. These negotiations arose from the Irish peace process which was initiated several years ago. Our participation

in these negotiations was supported by the IRA's cessation of armed struggle and was endorsed again at the party's annual conference.

However, in order to build confidence in the peace process and reduce the level of disillusionment of the Irish people, we believe the following steps are necessary:

- Firstly, our people who are languishing in jails should be immediately released.
- Secondly, the Royal Ulster Constabulary should be dismissed and there should be a Neutral Army with equal representation of both ethnic groups.
- Northern Ireland should have cross-border cooperation with the Republic of Ireland and Britain in education, tourism, health, energy, communication and cultural exchanges.
- Last but not least, there should be free movement of people in the Island.

As the representative of the Sinn Fein I give a categorical assurance that we are prepared to consider any other confidence building measure which may be proposed by the Unionists. They are our brothers and sisters. They are our flesh and blood. Our only contention is that we should resolve to build up a united and prosperous Ireland.

In the end I would say let's be clear that we have to come forward with open minds and not preconceived notions. It is possible only if the British government decides to shed its old colonial mindset.

### **Role Two, the Social Democratic and Labour Party (Debashis Chaudhuri, Delhi University)**

The SDLP not only stands for Irish unification, but also for peaceful resolution of the Irish problem. The ground reality is that in Northern Ireland we have two traditions – Unionist as well as Republican. Armed struggles, i.e., terrorist activities, are a major trend in the history of anti-colonial movements. But here we are killing our own people. There is no major ideological dispute between the Protestants and the Catholics, except that the Protestants prefer to remain under British sovereignty and the Catholics want to be a part of a United Irish Republic. But still 2,273 civilians died as a result of terrorist activities since 1969. The hard fact is that most terrorist affected areas are locations where people's sociopolitical and economic status is low.

We have already seen that the death toll immediately came down when organized armed forces – the Irish Republican Army and the Combined Loyalist Military Command – proclaimed a ceasefire in 1994. From 1969 to 1994, on an average 123 people died every year, but in the last three years only 46 people. The improved situation after the truce is a success of ongoing peace negotiations.

We cannot expect sustainable peace by isolating Sinn Fein. There will be a local government, and on the democratic principle Sinn Fein should be a part of it, provided they cooperate in decommissioning and work along with others to resolve the Northern Ireland problem by nonviolent means. We hope that the Unionists will agree to disassociate themselves from the loyalist paramilitaries if Sinn Fein abides by the preconditions for their inclusion in the local government.

Both Sinn Fein and the loyalists want their prisoners released. The issue of prisoners' release cannot be a precondition for supporting the deal. This demand is negotiable and can be solved when internal security will improve.

The Royal Ulster Constabulary and the Ulster Defence Regiment are predominantly Protestant institutions, and for a long time they engaged in suppressing nationalists. To create a normal security environment, we need new institutions for policing and a fair system of justice.

Guarantee of reform for equal opportunities is our civil right, and on this point we nationalists will never compromise. Our movement started with these demands, and if we compromise on this issue the whole Irish nation will accuse us of dishonouring our civil rights' demonstrators, who sacrificed their life for this noble cause. Issues such as recognition of the Irish language and Irish national symbols are also on our agenda, but we can discuss these issues in the future.

The Unionists fear that such reforms undermine the 'British' nature of Northern Ireland. What our Unionist friends perceive as British, many of us consider as being specific to Ulster.

We earnestly appeal to our Unionist and Sinn Fein friends to seek a solution based on the real situation of Northern Ireland. Our economy depends heavily on the British economy. But an explicit recognition of British sovereignty over Northern Ireland is not possible; just as the implementation of the Irish Republic's constitutional claim is not possible.

The Anglo-Irish Agreement of 1985 provided an Irish dimension to the political settlement of the Northern Ireland problem, and the Irish Government is a party in the negotiation team. This is an achievement. We hope the peace deal will ensure the Republic's active role in institution building in Northern Ireland.

On the question of holding a referendum to amend the Irish constitution, we shall demand that the British government must recognize the sentiment of the Catholics for a United Irish Republic. In the Anglo-Irish Joint Declaration of 15 December 1993, the British government said it "now has no selfish, strategic or economic interest in Northern Ireland". In this situation we believe that there is enough scope for consensus.

**Role Two, the Social Democratic and Labour Party (Gazi Touseef, Srinagar University)**

If we are to continue to have a successful ceasefire, if we are to reach a political settlement, let us include the Sinn Fein... Some fear that releasing prisoners may give them the name of political prisoners. But my dear friend, it is time to take some brave decisions... The key is "peace by pieces". Nothing comes about at once, or by itself. I am not suggesting at this time that we withdraw British troops from Northern Ireland. On the question of independence, let us first prepare the ground, have confidence building measures, address the trust deficit, only then can we think of bigger issues. Policing is crucial in the sense that the police must represent society as a whole; they must truly be a democratic institution.

**Role Four, the Democratic Unionist Party (Pankaj Sharma, Jammu University):**

I represent the *Democratic Unionist Party*. We are the largest Unionist party in Northern Ireland, led by Ian Paisley.

The Democratic stance of our party can be better judged from the unchallenged popularity and the majority verdict that our leader, Ian Paisley, has got since 1971. We have won seats at local council, province and national level. Paisley has also been elected as one of the Northern Ireland's three *European Parliament* members (*MEP*) since 1979, with a higher percentage of votes than any other from Northern Ireland.

We have come with a positive mind and *our seven principles* for the negotiations on a new agreement are as follows:

- The *DUP* is a devolutionist party. We believe in democratic, fair and accountable government.
- We will oppose negotiation with the representatives of terrorism, but we will talk to the other democratic parties.
- Those who are not committed to exclusively peaceful and democratic means should not be allowed to exercise executive power.
- Any relationship with the Republic of Ireland should be fully accountable to the assembly.
- Terrorist structures and weaponry must be removed before the bar of negotiation.
- We stand firmly for the restoration of the morale and effectiveness of the police force.
- We will strive to ensure genuine equality for all, including equality in funding.

Plausible ideas for a good negotiation are:

- Any agreement must command support of both Nationalists and Unionists.
- Any assembly must be democratic, fair and accountable. Any executive power must be accountable to the assembly.
- Ministerial responsibility should be shouldered by those who are committed to exclusively peaceful and democratic means.
- A settlement must be able to deliver equality of opportunity to Unionists as well as nationalists.
- Agreements must be capable of delivering an efficient and effective administration.

- The outcome must provide a solution within the UK, not the proclamation of a United Ireland. It must provide a safe and secure government for the people of Northern Ireland and not be susceptible to recurring suspension.

Unification with the *Republic of Ireland*, logically, will undo the security of the populace of Northern Ireland. We are strongly opposed to non democratic organizations and will never talk to them till they agree on decommissioning. We believe that peace can never be brought with bullets. Our opposition to groups like Sinn Fein is because of their double crossing nature, towing a terrorist organization like the IRA with them. However we have a particular stand for the negotiation and our stand is as under:

- Local power sharing is possible only with democratic and transparent groups, not *Sinn Fein*, because of the links with the IRA that it always declines to admit.
- Cross-border Institutions are no solution for the pure cause of Northern Ireland; they are a breach with the majority of Northern Ireland and we fear they can lead to shifting the region's sovereignty.
- We have a firm position over the constitutional debate on a referendum. The referendum should be held only within Northern Ireland. We will not accept a referendum that is held in the Irish Republic and Northern Ireland.
- The Prisoners' Question is discussed in a lacuna, because they have no agenda or rightful demands, and they don't have a verdict from the people.

The issue of Security in Northern Ireland is the first and the foremost. DUP admits and accepts review and reform of police recruitment to make it more transparent and equitable, but we oppose the maximum withdrawal of British troops back to their bases in Britain, because it can give the wrong idea to republicans and can also encourage IRA to step up its activities.

We have a democratic and fair-deal nature that serves our cause the best and as an honest and responsible representative of my party I assure you that the DUP will remain responsible to the public and work for the welfare of Northern Ireland in its entirety. But we are firm on our principles and stands and there is little possibility of altering them in any substantial way.

**Role Seven, the U.S. Government (ANISHA KINRA, Delhi University)**

The US government cannot force a solution – Britain is an ally. But because of the special relationship with Britain, it can tread a different path sometimes, like it did by granting a visa to Gerry Adams. It is the only country that can exert pressure on Britain, directly or indirectly.

By granting legitimacy to Sinn Fein, by engaging with them, it is possible to get to a solution faster than by alienating them. We believe Sinn Fein is the best bet because only they can sell the Good Friday Agreement to their supporters. We need to get Sinn Fein to agree to sell this to their supporters. On political and moral grounds, we cannot negotiate with Sinn Fein directly until the IRA does not give up violence completely, so we need to approach them through the Irish American community.

There is no domestic pressure for the U.S. to move out of Ireland, it can be a neutral objective party. The U.S. is effective because the Catholics and the Protestants both distrust their patrons, the Irish government in the case of the Catholics, and the British government in the case of the Protestants. The U.S. can act as the common ground between the two communities in the absence of a mediator whom they trust.

## Lessons Learned at the Student Workshops

**NITIN DESAI**

1. A peace process between warring factions is most often secured at the point at which most (if not all) parties are convinced that they have reached a stalemate that is hurting them more than the cost of any compromise they have to make to get a ceasefire or a peace agreement.
2. When there is a stalemate, there is often one party (usually the one in control on the core area – e.g.: the security forces) which is not convinced about the gains from peace and feels that with a little more effort they can win “unconditional surrender”. This is where political leadership becomes most important.
3. Each of the warring parties will have factions within it and may not be fully united in the commitment to a peace process. These differences may also reflect rivalries between leaders.
4. A disinterested outsider may be able to play a useful role in bringing the warring parties to the table, particularly when one of them is reluctant to do so. (See point 2 above). But the outsider must be truly disinterested with no strategic, political, economic, ethnic or religious interests in the conflict. The United States was accepted as one in Ireland.
5. No party should be expected to denounce its own past behavior even if it is ready to change that behavior, say, from armed conflict to electoral engagement.
6. Disputes about past “atrocities” or “injustices” should not derail the peace process and should be handled by including an agreement on how they will be handled in future in the justice system or through an inquiry commission or the like.

7. The key to a peace agreement is an acceptable arrangement for power sharing.
8. Constitutional issues involving questions about territorial control or sovereignty are most difficult and may need to be resolved through “constructive ambiguity”.
9. The peace process must be robust enough to withstand the ups and downs that will come after the agreement. On the upside it may be best to avoid excessive euphoria about “estranged brothers coming together” etc. On the downside the process must not be thrown off track by some dissident groups’ actions (say, a terrorist attack).
10. The peace agreement must include tests of confidence, like demobilization and security service reform, to maintain commitment to the peace process.
11. The first priority of post conflict development should be the revival of normalcy in daily life e.g. reopening of schools, health centers, markets, local transport, etc.

**NITIN DESAI** is former Undersecretary-General for the Environment at the UN and a trustee of the Delhi Policy Group

## Annex

### Scenario 1, Ending the Violence: A Scenario for Peace

*Note:* This is an abstract scenario – i.e., you can choose to locate it in any place of your choosing that fits the description given below.

#### **BASIC FEATURES OF CONFLICT**

**Place:** somewhere in **Asia**, a territory which is situated at a strategic and civilizational crossroads, i.e., between three or more countries and three or more ancient religious and cultural communities, and is a semi autonomous or recently annexed (more than 50 years ago) part of a larger federation.

**Population:** No more than five million, demographically mixed (three religious, ethnic and/or linguistic communities) and territorially dispersed (i.e., territory not easily divisible into three without enormous displacement of people).

**Nature of Dispute:** Territorial and Communal, that is, a push for an independent homeland – secession from the federation – that is supported by the majority community but disputed by the two minority communities, who threaten they will seek their own homelands if secession is accepted.

**Context of Dispute:** Transition from an authoritarian system to a democratic one, e.g., from colonialism to independence, from communism to democracy, from domination to self rule.

**Roots of Conflict:** Use of policies of divide and rule by previous regime(s), resulting in creation of communal or sectarian organizations claiming to be true representatives for transfer of power, and therefore seeking to thwart or deligitimize the other group's claims to self-determination.

## **CONFLICT SUMMARY**

Your region was annexed to (or reluctantly joined) a larger federation for geopolitical reasons more than fifty years ago. The federation authorities negotiated an arrangement that granted a large degree of autonomy to you, and promised to recognize your sovereignty in imaginative ways, but the agreement was rarely observed and was marred by persistent distrust between your leadership and the federal authorities.

Your people are divided over whether and what kind of sovereignty they want. While the bulk of the majority community (45%) want independence, the bulk of the two minorities (35% and 20% respectively) are afraid that they will be dominated by the majority and will lose what little protection they have from the federation. Up until ten years ago, the vulnerability of the minorities kept the majority in the federation, despite unhappiness at federal domination and perceived discrimination. But worsening relations, rigged political processes, and a growing body of educated and unemployed youth with aspirations for a better life, triggered an armed uprising ten years ago, to which the federal authorities responded by sending in their troops.

The civil conflict has dragged on, and has polarized the three communities. One minority was driven out of the majority localities in your region, and the armed groups have massacred other minorities at key political moments. Though popular support for the insurgency has faded, armed groups have proliferated, and have been joined by foreign fighters. The years of conflict have destroyed administration and the rule of law, and there is now an unholy nexus of criminality and corruption between politicians, administrators, armed groups and security forces (especially the local police).

Though there have been prior efforts to end the conflict they have been hesitant and cautious and have quickly fizzled out. Now the federal and regional authorities are showing signs of greater commitment to finding a lasting settlement: they are seeking a ceasefire with the armed groups while showing readiness to open talks with the separatists. These efforts are still cautious, and depend on what the responses are from the different actors who can make or break peace negotiations.

## **CHIEF ACTORS IN CONFLICT:**

1. You are a leader of the oldest political party in the area, that once had a following amongst all three communities in the region but now has to fight with your main

constitutional rival party and the separatists for support within the majority community (which is itself a narrow majority, around 40%), and you have been in power on and off, both independently and in coalition. Your party had negotiated a semi autonomous position for your region within the federation fifty years ago, but the agreement was observed more in the breach, and you allowed yourself to be pushed into unfair compromises with the federal authorities. Your party has lost a great deal of its credibility. But now there has been a ten year long civil conflict, and the people want peace. The federal authorities too are ready to reconsider their counterinsurgency policies, control human rights violations, and renegotiate autonomy, but only if the armed self-determination groups agree to ceasefire.

You are now in the opposition, and so you have a chance to regain the political space that you lost through compromise with the federal authorities by being more radical than your rival party which is now in power. At the same time, there is now a chance to establish a durable peace process on the ground, and seek a ceasefire, which you need more than anyone else, because it is your cadre that are continuing to be targeted by the armed groups (your party is still the most secular and inclusive one). However, despite your sacrifices, if there is a durable peace process, it is your rivals that will collect the credit. How do you respond?

2. You are a leader of the main separatist/independence group, which is a coalition of about a dozen similar groups. You were originally in an armed organization, but left when you decided armed resistance was not going to win your cause. Nevertheless, you still have some contacts with militant groups, and have been approached by an emissary of the federal authorities to ask if you will use your contacts to probe the possibility for a ceasefire. You do not trust the federal authorities – having been previously approached by them and cooperated, only to be left high and dry at the last moment. However, if you can help get a ceasefire, and be seen to have played a role in getting it, you will regain a great deal of the popular support you lost during the civil conflict. And you might earn a seat at the table when a lasting settlement is negotiated.

However, these gains depend on whether you support a peace process and how actively you are willing to engage in one. You have little reason to trust either the federal or regional authorities, who still believe you are marginal to the political

process, whether it be for war or for peace. In the past their attitude has led you to play the spoiler – breaking off a ceasefire or boycotting local elections. But now you have a new opportunity to regain some initiative: the authorities have offered you talks for a lasting settlement, provided you help negotiate a ceasefire. How do you respond?

3. You are the recently elected head of the federal government. You know you have a historic opportunity to find a lasting settlement – the people want peace, the militants lack support and are divided, many of them want an honorable surrender, the international community will back you in a peace process – but you have inherited a legacy of mistrust, and counter-insurgency has been the dominant federal policy for the past decade and more. If you can achieve a settlement that will keep the seceding area within the federation while giving them autonomy, you will be backed by your party as well as the opposition. But in order to achieve such a settlement, you have to draw the separatists and armed groups into negotiations, and you have to talk a language of self-determination, both of which will subject you to criticism from the opposition as well as many within your own party. Your security and intelligence forces also tell you that they are well on the way to containing the armed groups, while the local ruling political party assures you they have begun to marginalize the separatists.

Recently, however, you have received signals that the separatists might be prepared to enter into talks. How do you respond?

4. You are the head of the federal security forces in the area. Your troops were sent in ten years ago to quell an uprising, and still haven't been able to leave. The uprising has been decimated but it has been replaced with a dozen or more armed groups prepared to fight to the finish, with a hardline ideology. No matter how often you break them up, they re-form, largely because, as you have said over and over, there is no political policy for a lasting settlement. In the meantime, partly because they have been there so long, and partly because they regard the local residents as hostile, your troops have been grossly violating human rights and have become trigger happy. Your own policy in countering the armed groups, too, has become permissive of torture and custodial death.

You want to be able to withdraw your troops, because you are worried about the effects on morale, but you don't believe it is possible to do so unless there is

a ceasefire in place. You are also anxious to ensure that any ceasefire is tied to a long term demobilization and decommissioning plan, because in the past short term ceasefires have allowed the armed groups to re-arm and recruit.

The federal authorities are pushing you to rollback your counterinsurgency policy to pave the way for a ceasefire, but they do not yet have an overarching political policy in place, nor have they opened talks with the separatists. How do you respond?

5. You are the leader of the biggest and oldest armed group fighting for an independent state, and originally had a large support base in the majority community (but not amongst either of the two large minorities). You have come close to a political settlement with the federal authorities, based on autonomy, and have at various points negotiated a cease-fire, but at each point the deal has fallen through due to mistrust. In the ten years of civil conflict, a number of more radical, religious minded armed groups have emerged who have massacred minorities and have been far less protective of civilian life than you were. Because of their religious affiliations, these groups have mobilized more support – especially arms and money – than you have, and their methods of attack, bombs, grenades, suicide missions, have forced you into more radical postures. You are not happy with them, but you are dependent on them, and you do not dare enter ceasefire negotiations without their support.

In the meantime, your cadres are pushing you to find an honorable exit through a ceasefire. The dwindling support for insurgency in the area means that your cadres lack the food and shelter that they could earlier call on. As a result many of them have taken to forcibly seeking food and shelter (coercing reluctant villagers at gunpoint), as well as cash for security, and so a large number of your cadres have been criminalized.

Now the federal authorities have approached you once again to discuss a ceasefire, and they are willing to involve the separatist leadership in the negotiating process. But you are not on good terms with the political leadership of the separatists – in the past they forced you to call off a ceasefire because it had not been negotiated by them. How do you respond?

6. You are a leader of the minority community that was expelled from the political heart of the area, where most of the majority community live, when the insurgency

began ten years ago. Despite your tireless efforts, neither the federal nor the regional authorities have done much to create conditions for your return, or even protect the people and property left behind. In the past you have protested peace initiatives between the federal authorities and the separatists because they have not included measures for your community's safety or right of return; and the idea of federal troops' withdrawal is anathema to you because you fear that whatever little remains of your community in the area will also be driven out. You would like a ceasefire but not if it entails troops' withdrawal, as it inevitably will.

The federal authorities are now telling you that any troops' withdrawal will be phased, and tied to the end of violence, and that your community will be consulted. The regional authorities now say they want members of your community to return, but they have created an enclave for returns (a "safe haven") that will leave your community vulnerable to future attacks should the situation again worsen, as it is likely to given the overall destruction of administration and rule of law in the area.

The separatists have not taken any meaningful steps to reach out to, or reassure, your community.

You have established a strong voice with the federal authorities, but only as a naysayer. You can break a deal, but you still do not have the voice to help make one. The general will for peace has created a new opportunity for you to develop a positive voice in the region, and the best way to do so is to support the rollback of counterinsurgency methods (which have mostly hit the majority community). But can you muster the support for this?

- 8.** You are a leader of the Diaspora that has supported the insurgency with money and arms, and occasionally training and recruits. Though you have received disquieting reports that the armed groups have become criminal and sectarian, killing their own people, you have remained a loyal supporter because of federal obduracy to what you see as legitimate claims to self-determination. Now though you are beginning to believe that the federal government might indeed be committed to finding a peaceful resolution to the conflict.

Because of the support you have given them, you have some influence with the separatists and the armed groups, as well as a powerful influence over other

members of the Diaspora. The federal and local authorities have asked you to use your influence to persuade the separatists and armed groups to a ceasefire, but they are not willing to commit themselves to your proposals for a settlement, which include formal tokens of sovereignty. They have, however, indicated that they would be prepared to negotiate de facto self rule. Are you prepared to trust them and use your influence?

Scenario written by **RADHA KUMAR**

## Scenario 2 – The Last Round of Negotiations for the Good Friday Agreement, April 1998

You are a member of one of the negotiation teams in early April 1998. The U.S. chairperson of the talks, Senator George Mitchell, has said that he wants a deal within one week, or he will leave and publicly blame those he believes to be responsible. He says everyone has had long enough to consider the issues and now they must make choices.

A number of issues remain to be resolved.

On some questions there is a clear need for one actor at least to alter its view. The question is – which demands are negotiable and which are absolute deal breakers. On other issues there may be room for an imaginative compromise which satisfies everyone (or most people) – what might those be?

1. A local **power sharing** government. The Sinn Fein would prefer having no local parliament, but no one else supports this position. If there is a local government, the Sinn Fein insist that they must be included as they represent 17% of the population. Unionists are very unhappy as they see the Sinn Fein as directly linked to the IRA.
2. **Cross-border Institutions.** Even moderate nationalists insist that there must be an institutional link between the governments in Northern Ireland and the Republic of Ireland. They want a joint Ministerial Council – like the EU Council of Ministers, and also functional cross-border bodies to deal with issues of a cross-border nature such as animal health, tourism etc. The Unionists are unhappy with such bodies, seeing them as leading the way to a more all-Ireland focus, and reducing links with Britain. The Nationalists see them as a trade off for their agreement to accept continuing British sovereignty.
3. **Constitutional Issues.** The Unionists and the British government insist on an explicit recognition of British sovereignty over Northern Ireland. In practical terms the Unionists and the British government want the Irish government to agree to hold a referendum to amend their constitution and withdraw the claim to Northern Ireland. They also want an explicit commitment that constitutional

change will require a majority within Northern Ireland. The Sinn Fein oppose the principle of a majority within Northern Ireland but are isolated on this. The Nationalists in general want some open ended process which could lead to a united Ireland. The Irish government argues that unless the Irish citizenship and nationality of people in Northern Ireland is constitutionally guaranteed they cannot hope to pass a referendum in the Republic.

4. **Prisoners.** The Sinn Fein and the loyalists want their prisoners released. They argue they need this to persuade their sceptical members that a deal is worth supporting. The Unionists and the British government are worried that this effectively means they recognize such prisoners as “political prisoners”, something they reject.
5. **Security Issues.** The Nationalists see the British Army and local police force (RUC) as part of the reasons for conflict and are critical of their attitude to the nationalist community and their behavior. The Sinn Fein accuse them of cooperating with loyalist paramilitaries in the killing of nationalists. The Nationalists want a new police force and maximum withdrawal of British troops back to their bases in Britain, with closure of their bases. The Unionists see such forces as ‘their’ defenders against the IRA.
6. **Equality.** The Nationalists want guarantees of reform on issues such as employment equality policy, recognition of the Irish language and Irish national symbols. The Unionists fear that such reforms undermine the ‘British’ nature of Northern Ireland.

## **CHIEF ACTORS**

1. **Sinn Fein** – the negotiation team will most likely have internal divisions, with some very supportive of a deal and others fearful that it means abandoning their campaign for a united Ireland.
2. **Social Democratic Labour Party (SDLP)** – moderate nationalists, internally relatively united. Some might fear that including the Sinn Fein in an agreement will make the Sinn Fein more attractive as a party and see their party lose support to a new ‘post ceasefire Sinn Fein’, others fear that if they make too

many concessions to unionists or are too hostile to Sinn Fein nationalist voters will blame them and shift their support to Sinn Fein.

3. **Ulster Unionist Party (UUP).** The traditional, mainstream, and at this time the biggest unionist party. They are internally divided. Some see the peace process as offering too many concessions to nationalists and oppose a deal. Others including the leadership fear that if they walk away they will be politically isolated by the British and Irish governments and that the governments – to secure the IRA ceasefire – will make even more concessions to the Sinn Fein.
4. **Democratic Unionist Party (DUP).** They have opposed the process from the beginning and walks out of talks when Sinn Fein were allowed in, in 1997. They see the process as inevitably strengthening nationalism and argue that the best position for unionists is to oppose it. They constantly attack the UUP leader for compromising, while being careful not to alienate potential supporters of the UUP who may switch party allegiance – as long as the DUP is not too extreme.
5. **Irish Government.** The Irish government's first priority is to secure a deal. However it believes that the Sinn Fein must be included if the IRA ceasefire is to hold and therefore on occasions join with the Sinn Fein to pressurize the British government.
6. **British Government.** They also want a deal but are more sceptical about the IRA's long term intentions than the Irish government. They want to keep the ceasefires if possible but are also willing to support a power sharing deal between the moderate nationalist SDLP and the UUP. They are more open to unionist concerns and occasionally take their side against nationalist pressure. They are also very concerned to protect their sovereign claim to Northern Ireland and to have that reflected by maintaining British troops there.
7. **U.S. Government.** Traditionally the U.S. government was always supportive of the British position. However, the Clinton administration is more active on Northern Ireland. While publicly very even handed the impact of their involvement is often to add strength to the (normally weaker) nationalist or Irish government position over the British government.

Scenario written by **JOHN DOYLE**