

NEGOTIATING PEACE AND COOPERATION IN SOUTH ASIA: TRENDS AND TRAVAILS

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In *War and Peace* Leo Tolstoy wrote that the political leaders are driven by the underlying social forces of which they are indicators rather than commanders. Examples of underlying social forces are population increase requiring to create more social capital; the decay of economic and political system demanding structural change; the different impact of growth and social change on various ethnic groups; the decline of the state power; the fragmentation of society into competitive groups and the reemergence of assertive national identities.

These structural issues and challenges emanating from them have long been ignored in South Asia. The lapses on the part of leaderships to understand the devastating implications of such structural anomalies have cost the building of a peaceful community. Though nationhood in South Asia was broadly achieved through the strategy of non-violence, the nation/state building process, however, has continued to encourage violence both within and without. Rather than becoming a peaceful society sharing a common civilizational heritage, the South Asian states have become a historical narrative of violent conflicts reflecting a symptom of a dysfunctional system. Even though the change in the social relationships has become an imperative, its leaders are, however, bent on to promote structural conflicts to serve their ego. Exacerbation of structural conflicts with the deterioration of socio-economic condition in almost all the South Asian states makes peace more elusive as ever before. Peace talks have indeed become synonymous to the weather talks, "but nobody does anything about it," as Mark Twain had famously remarked. Instead waging a virtual war has become professionally beneficial although we may self-deceptively think that our leaders are keen on peace.

Though the structural anomalies creating conflicts and wars as identified by Tolstoy can hardly be contested, bad leaders, as an "indicator" of social forces, can be least appreciated in the case of South Asian states. The leaderships, that become a *classe politique*, are responsible for refusing to coexist for their personal interests and advancements. They have self-righteously defined their ideology to be superior against the other; they believed that they are right and others' are wrong; they have developed and entrenched thinking that any sign of compromise would be construed by the others as their weakness questioning their ideological moorings. The political class, which represents the states by controlling resources and security apparatuses, endures conflict with others in the name of preserving national interests, which actually is an interest in sustaining its respective power base. While taking self-deceptive and destructive actions under the pretext of preserving national interests, values and commitment, the political class mercilessly engages its own citizens in the criminal enterprises in sustaining violence.

The political class has chosen violence as an instrument of control within and without and do not hesitate to repress those who disagree with them or those struggling against them. The structural violence they are inclined to cause is well reflected, for example, in the pursuit of India and Pakistan, for nuclear deterrence taking the civilian hostage to their popular war game. This suggests that they are not only the arbitrators of the fate of a billion plus civilian population living across the border but also the ultimate means and user of violence to sacrifice their own people to achieve their ultimate goal by prevailing against the enemy. The assertion of nuclear deterrence is also an advertisement of virtual war by compelling the people in South Asia to live a life with growing sense of insecurity. This is explained as a civilized behaviour of sensible and seasoned political class in articulating the consequence of war in modern condition in case the deterrence fails. The political class has expanded the war from the fixed battlefields to states. Any ethical response to self-destruction that can be brought by the use of nuclear weapons, however, has yet to arise.

States are, by their historical formation, a legitimizer of violence. The burst of mushroom clouds and the promotion of holocaust industries in South Asia have significantly lead to a conclusion that rights to resort to violence and destruction are the prized possession of the *classe politique* who are conveniently wedded to the classic conception of the doctrinal realists obsessed with the Hobbesian dilemma posited by the eternal conflicts.

This paper modestly outlines the trends setting in South Asia, which are broadly constricting efforts towards constructive engagement in the region. Secondly, though the structural factors obtaining in the region have made cooperation an imperative for the countries like Nepal, their endeavours towards cooperation have not been rewarded with trust and enduring relationships. Negotiating initiatives towards peace that Nepal has taken in its domestic context to resolve the Maoists' challenges also has to make any progress. Thirdly, the paper looks at India as a compulsive factor in the peace-making process in South Asia, particularly, with weak neighbours who do not possess national means either in preserving their economic or security interests. The situational factor leading India to raise its hegemonic aspirations has, however, dwarfed the incentives for peace in the regional relationships. Finally, this paper concludes with some observations by looking at past failures of peace process and with contemplation on rethinking peace in South Asia.

Underlying Rupturous Trends

Assessing the situation obtaining in the regional matrix at the moment some discernible trends developing in South Asia can be identified as uncongenial to change the conflict parameters, at least, in the first decade of the present century. The strategic choice of the regional leaderships coveting power with heightening military profile while dealing with each other has reinforced their mistrust. Their preferences are to secure best for oneself and worsen the situation for others. In other words, this persistent phenomenon has continued to generate conflicts than cooperation, which is not only pathetic but also requires an independent and in-depth study on the pathology of leaderships in South Asia. Here it should be agreed that without a thorough understanding of the *classe politique*, the attempts at peace building in the region would be futile.

Obviously, the first trend obtaining in South Asia is that despite the expansion of the material bases of the regional countries, they are all undergoing a structural fragmentation from within. All the states are practising the task of rebuilding and consolidating the legatee of the states' rights to rule as sovereign authority by forcibly eliminating tendencies towards further fragmentation and the state collapse.

The second trend, associated with the first is that domestic disputes are becoming growingly susceptible to the influence, manipulation and

subversion by the others. South Asia has long remained a playground for narco-terrorist-corruption nexus where "black economy" fosters parallel to the national economies (e.g. Kumar 1999). The ugly head of terrorism that arises worldwide after the September 11, 2001 attacks in the United States has led South Asian states scrambling for securing their respective domestic sphere against terrorism. Again, pathetic indeed was the case of the October 1 attack on the Srinagar Assembly in Kashmir, which was simply bruised aside as a case for individual state's concern against the collective concern on terrorism developed after the American tragedy. Following the December 13, 2001 attack on Indian Parliament in New Delhi, more than a million troops are deployed from both sides along the Indo-Pak border to counterpoise and contain the cross border terrorism. This context therefore has compelled the regional states to depend more on their own security forces and be manipulated by the interests of their security apparatuses than coordinating a regional consensus against the common menace.

The third trend is that the passion for conflicts remains on both sides of the Indo-Pak border. The nuclear restraint regime attempted to establish by the Lahore Declaration and the Memorandum of Understanding signed on February 21, 1999 was dashed to the ground by the Kargil conflict, when both India and Pakistan rhetorically displayed their nuclear teeth contrary to their previous commitment to construct a "vision of peace and prosperity" in South Asia (Kumar 1999). The Agra fiasco of summer 2001 was therefore not surprising to either negotiating party. Despite the argument to the contrary (Bidwai 2001) the latest Indo-Pak summit was also transformed into a virtual war as intractable positions were publicized with the issuance of the joint statement finally deferred.

Clearly, these leaders in South Asia have mortgaged the future of the region to their self-righteous claims to the entitlement of Kashmir. Their ruthless manipulation of the popular will has narrowed the scope of any positive change in the structure of relationships - particularly between India and Pakistan - that has, in turn, made South Asia itself a hostage to their irreconcilable interests. As a consequence, SAARC as a process of confidence building and peace building has become the greatest victim in this course.

The fourth trend is that the democratization process in South Asia remains unstable, uncertain and incomplete. As we know, literature on democratic peace is in abundance (e.g. Weart 1998; Mansfield and Snider 1995). But the case of industrialized and economically tied up and mature

democracies cannot be replicated in South Asian situation. Because a majority of South Asian states are only through the procedural democracy where liberal values are yet to take their roots. Weak democracies where domestic dissonances are moreover manipulated by political differentiation between the aspiring and entrenched elite preferences are prone to conflict escalation than management. There are studies supporting the view that weak and unstable democracies are dangerously bordering towards conflict than consolidated oligarchies (e.g. Rothstein 1992). Evidently, the critical crisis in the Indo-Pak context, perhaps for the first time after the 1971 War, occurred in 1990, when Pakistan was under democratic regime. Elements of nuclear use for the first time entered in the conflict vocabulary of these rival powers. Thus the ideals of democracy can perhaps work only if such ideals are buttressed by the commonsense liberalism. Regimes in South Asia, though liberated from the colonial yoke, are yet to develop the common sense that the human element in governance is profoundly required in order to develop a healthy society and escape either from the deformative thinking of leaderships or decadent pursuit of estates.

Again, economic imperatives are more congenial in defining relationships either between democracies or any types of regime. The Indo-Pak relations stood contrary to their economic needs. Economically, they are quite independent if one were not to count the invisible trade. Similarly, the generation shift in both countries – even though the Pakistani youths are glued to the Indian satellite TV channels for entertainment – have made their aspirations and priorities really different. They are not sentimental to their past roots. Their materialistic aspirations are not confined to the subcontinental assets. As India finds the South Asian economic space very small for its growing aspirations, Pakistan is also in no mood to put all the eggs in the SAARC basket. Given the situation, India's "Look East" policy was in actuality a follow up of Pakistan's "Look West" approach in economic integration. Therefore SAARC remains a poor man's choice left to be fended by countries like Nepal who cannot make a "Look North" policy realistic enough to serve its economic interests.

Conversion of South Asia into a situation of virtual war between states is the fifth and most devastating trends of all noted above. During the Kargil fighting at the snowy heights of Kashmir in 1999, South Asians were mobilized by the satellite TV channels as spectators, if not as combatants in the duel. Though virtual war is not physically injurious and fatal to the people who wage it, it is a war, which is perennially damaging to human

psychology creating the enemy image (Herrmann and Fischerkeller 1995), and inflaming the social fabric. (During the Kargil conflict many Nepali youths had reportedly gone to India to join the Indian army and fight against Pakistanis. May be this was caused by their economic imperative. But the pulse in Nepal was high in favour of India, which, many thought, was a war unnecessarily provoked by the other side.)

Though wars are a scourge in human history, it created a culture in which conservatism instantaneously clashes with liberalism in social milieu when religious, not secular values, become embedded. Perhaps the rise of political Islam and Hindutva in Pakistan and India is against the liberal values that secularism professes. Tuning war with religious cause makes it easier for the classe politique to groundswell the atmosphere of hatred against the identified enemy in which media has midwived the task of leaders in expanding the war psyche from across the battlefields to the drawing rooms in influencing and shaping public opinion.

The virtual war can also sabotage any atmospherics for change. For example, when president Musharraf of Pakistan was preparing to visit India for a summit meeting with the Indian Prime Minister Vajpayee, the print media perforce a situation by editorializing the context suggesting:

He is, after all, the same man who responded to Vajpayee's Lahore journey by initiating Kargil. This man has done nothing pathbreaking to convince India that he is different from his predecessors, for Kashmir has been a politically and religiously mobilizing slogan for successive Pakistani leaderships. And, Indo-Pak history is replete with instances of grand gestures being followed by grand deceptions. So engagement is fine, but outbreak of peace is fantasy (India Today, June 12, 2001).

Another editorial published in a largely circulating Indian daily was definitive in suggesting that Kashmir, in reality, is a "symptom of feudal obscurantism of the Pakistani ruling class" (Times of India, May 29, 2001). Infuriated by the massacre of the 38 people at the Srinagar Assembly Hall on October 1, a frequent contributor to the media has gone to the extent of labeling the Pakistan president writing "Pervez Musharraf is to India what Osama bin Laden is to the United States - an architect of terrorism" (Chellaney 2001). By dwelling on the tragedy, Prabhu Chawla has reported that the Cabinet Committee on Security in India is wrestling with

the idea of "punitive actions" against Pakistan (Chawla 2001) *a la* American strikes against terrorism in Afghanistan. The Indian Prime Minister Vajpayee, in an address to the nation after December 13, 2001 attack on the parliament, has vowed to "liquidate the terrorists" and their sponsors suggesting that "we will fight a decisive battle to the end as the battle against terrorism had reached its last phase" (Vajpayee 2001).

Fighting the enemy indefinitely was the purpose that the media invoked by turning the homespace into a battleground. The media is not contributing to change the situation under the pretext of press freedom and independent reporting. For instance, Indian media has complicated the situation rather than ease the complexities by understanding the situation in the case of hijacking of the Indian Airlines passenger aircraft en route to New Delhi from Kathmandu on December 24, 1999. The Indian print and electronic media then was unequivocal in their attempts to establish the complicity of Nepali government with the hijacker – understandably the Pakistani ISI. In their attempts to do so, they had not only accused a Nepali gentleman passenger as being the mastermind behind the hijacking, the image of Nepal was also bruised worldwide as being a country infested by terrorists. Supplementing this episode, the Internet edition of India Today weekly magazine in June 2000, posted a long report, supposed to be filed by the Indian Intelligence Service (RAW) working in Nepal, implicating many senior leaders of the ruling as well as opposition political parties being coopted by the Pakistani ISI. Against this background, an episode concerning the cine star Hritik Roshan, that made another media blaze, had not only played over the anti-India sentiments. It has but also critically impaired the communal harmony persisting between the Hill and Tarai Nepalis.

Yes, there is a truth in saying, "no news is good news." But the bad news, as a consequence, has bridged the distance between the home and battlefronts by transforming the role of the journalists from being observers of the scene to protagonist of the case encouraging belligerency causing perpetual damage to relationships by inflicting the civil morale. Virtual war therefore demonizes the states in conflicts but does not demolish the states not because the military power and its use is a bluff but because states shrink with horror of destroying the hated regime; uncertainty of the change and the effects it may cause to the preferred sense of stability. Whatever India senses and feels about Nepal, whether as a terrorist infested state or a pinpricking neighbour, it has preferred stability in Nepal by publicly endorsing support to the "monarch and the prime minister," perhaps at the cost of democracy,

sovereignty and national integrity. Support to the people of Nepal, who are still struggling for democratization, broader participation and the rule of law, did not sensitize the scheme of India's External Affairs Minister Jaswant Singh when he became explicit on India's policy towards Nepal. The stability factor might have compelled democratic India to come out in support of monarchy – still a symbol of unity and stability – and unflinchingly aided by military power, fearing the negative consequence of the country dissolving into terrorist menace and civil war that may cause by the ongoing Maoist insurgency. Thus, while defending India and the Indian interests (Singh 1999) in the neighbourhood, Jaswant Singh's strategic narrative is also reflecting Henry Kissinger's wisdom whose writings are marred by the illusion of a world without concrete human beings.

Finally, these trends, in their combination, may not inspire any innovative approach in the region urging the member countries of SAARC to cooperate as the case of subregionalism itself has shown. This India inspired cooperative venture for the development of Ganges Brahmaputra-Meghana Basin was stillborn as the political leadership in India itself was found wanting to develop any thrust on the issue after the change over of the leadership. Although the physical proximity of the states can be a compelling reason to be concerned with each other, this proximity, when defined only coherently in strategic parameter, becomes relational and relative to territorial defence not development. Perhaps countries like Nepal, Bhutan and Bangladesh matter more for India in terms of defence of the motherland in the northeast than investing in these areas a fortune for the future. In the northwest, Kashmir is relative to India and Pakistan as a fixed good defined in terms of zero-sum game disputing their claims to entitlement wherein the people suffer most. The fatal error, which the states in South Asia are presently indulging into, can be seen in reconstituting their security apparatuses both in managing the domestic civil conflicts and plausible external military conflicts. The overriding concern therefore is avoiding any further conflicts, which could turn deadly than before. Diplomacy, in this context, can be a measured option, purposively used to discourage hostility turning into conflict and prevent military engagement to settle disputes. The bottomline therefore is that there is an acute need of dispute settlement between the parties in conflicts. The experiences in the region, however, are far from adequate to construct a positive picture for the future.

Bamboo Scaffold for Constructing Peace and Cooperation

Arthur Stein (1990) has observed, "cooperation is a product of choice and circumstance." Further he suggests, "an autonomous sovereign state is free to make its own choices and has its own mechanisms and procedures for arriving at decisions.... Yet having this independent decision-making ability does not mean that a state cannot have its payoffs determined by others." Nepali experience at cooperation with India is *prima facie* evidence of the circumstance dictating its choices. Nepal's urge for cooperation with India can be contextualized under a negotiation paradigm construed on bilateralism overwhelmed by asymmetric relationships, conducted on impulsive behaviour and predominated by the agenda setting by the other. Given this context, any satisfactory outcome of negotiation for the weak negotiating party under bilateralism remains just aspiration not achievement. Another characteristic of negotiation in the regional setting is that South Asians do not negotiate across cultures (Cohen 1991), but within cultures where a communication obstacle does not exist. Again, when governments negotiate with each other they generally follow an "international diplomatic culture," which in the case of South Asia is made easy by the English speaking world of governing elite, supplemented by commonly understood Hindi, Urdu, Bengali and Nepali languages. In the case of India and Pakistan, besides their politicians and bureaucrats, the armed forces' top brass was also schooled together as cadets and danced *Bhangra* after the war ended, but they had disagreed and fought against each other in defence of their preferred national interests and values. Perhaps the commonality that South Asians share together itself becomes a hurdle whenever they try to establish their difference in national identity.

Experience of Nepali negotiators with their Indian counterparts, in this case, is a proven reality. The obtaining asymmetry provides a frustrating situation for Nepal that will have to bear the mounting pressure from its strong and overbearing neighbour accusing the weaker to have overstepped its limits and damaged the relationships. Negotiation under asymmetric condition particularly influenced overwhelmingly by the structural factors - strong-weak milieu - has been a diplomatic hazard for Nepal even though its relationships with India are built on the cultural symmetry.

While providing a working definition of culture some say it is understandably a "set of shared and enduring meanings, values and beliefs that characterize national, ethnic, or other groups and orient their behavior"

(Faure and Sjostedt 1993). Indo-Nepal relations are always described as ties governed by centuries old relationships nurtured by traditions, religion, culture, intermarriages and "brotherly" (Joint Statement, June 10, 1990). But nothing explains well the Indian posture towards Nepal explicitly when diplomacy and hard negotiation reality dictates their policies. Some of the top Nepali Congress leaders and former cabinet ministers who had occasioned to negotiate with India on crucial issues during the 1991-94 tenure of the Nepali Congress government and 1996-97 tenure of the Nepali Congress headed coalition government suggest that "Tiniharu Dina Jandainan, lina matra janchan (they are not givers, they are the takers). Frankly, the Indians are the worst negotiators we have ever encountered" (Personal Communication, September 9, 1997). According to them, the Indian temperament is well meaning, they stand tall in front of Nepalis, and no attempt to reduce them to the status of equality would be tolerated.

Perhaps this remark may not be off the mark in view of the experience of others negotiating with India. For example, an American negotiator has described the Indians, "loosing no time to parade litany of all your past failures, abuses of them, sins" while India's record is presented as "one of the great principle and universal approbation"(Cohen 1991). India's sense of superiority bestowed on it by the hierarchical culture of the Brahminical elite governing the country always finds it offending whenever others, including the Hindu Nepal, tries to rub its shoulder (Gupta 1990). "What do you want?" is the question frequently asked reminding Nepal not only of its excessive dependence on India but also reflecting its own hypersensitivity to its image, status and position. The pressure tactics that India applied against its hapless and helpless neighbour had "brought the Palace to its knees" (Mansingh 1984). Tharoor has, thus, described the contemporaneous of Indian diplomacy as "the love-making of an elephant: it is conducted at a very high level, accompanied by much bellowing, and the results are not known for two years" (Tharoor 1982).

This observation is exemplified by the fate of the treaty Nepal and India had signed on "Integrated Development on Mahakali River Project" in 1996 and exchanged the instruments of ratification in 1997 with many fanfares. But the implementation contents of the agreement have disappeared from any serious consideration between the two contracting parties failing to prepare the Detailed Project Report (DPR) as stipulated in the treaty to be completed within the period of six months of ratification of the treaty in the parliament (Gyawali and Dixit 2000). Reflecting on the process, a former Nepali

Congress Minister of State for Water Resources had opined that the ratification was a blunder committed by the political leaders without assessing the cost-benefits after the completion of the DPR (Ghimire 2000). In August 2000, during the then Prime Minister Koirala's visit to India, the joint statement issued had committed to prepare the DPR within 2001. The stipulated time period was again extended to another six months for the preparation of the DPR by June 2002. The Joint Press Statement issued on March 23, 2002 in New Delhi at the conclusion of the Nepali Prime Minister Sher Bahadur Deuba's official visit to India committed both sides to "complete the joint Detail Project Report on Pancheshwor Project as per the revised schedule by June 2002 and jointly work out a plan to Action towards the early commencement of work on the Project" (See Para 20 of Joint Statement, March 23, 2002). But on July 1, 2002, the joint office established to oversee the preparation of the DPR of the much lauded Mahakali Project was unceremoniously closed down without any significant move towards completion of the DPR as stipulated in the series of Joint Statements signed and issued by Nepal and India (Kathmandu Post, July 2, 2002).

The problem of inundation of its territory is another critical challenge that Nepal faces in relations to water resources management between the two countries. India's unilateral decisions to build embankments and barrages downstream in its territory across the Nepal-India border for flood control and irrigation purposes have since long inundated Nepali territory as well as displaced Nepali citizens from their domiciles and agricultural land. In the 1970s, Gaur in the Rauthat district adjoining to the Indian border become the first town to be inundated by the building of embankment in the Indian territory that has continued to play havoc during the monsoon. Recently, the construction of the Lakshmanpur Barrage downstream of Nepali territory has affected some 15,174 people by inundating 2,258 houses and 2,200 hectares of land in the Banke district. As well, the controversy over the Khurdlotan Russiawala embankment on Nepal-India border across the Rupendehi district is caused by the fear of inundation of land and displacement of the people in Nepal. Some 155,120 hectares of Nepali land, which is about 6 per cent of the total cultivable land in Nepal, are likely to be inundated if India were to pursue its unilateral decision in building embankments and barrages. Similarly, the number of people likely to be displaced is around 230,000. In Nepal – India water conflicts, it is actually a reversal of the "Rambo situation" (Haftendorn 2001) in which the upper riparian country's interests and sensitivities are ignored in the interests of the lower riparian country

because of the political economy of Nepal as being excessively dependent on India. Nepal's aspiration for functional collaboration on water resources' use have therefore been put on the deck by India by its unilateral decisions reflecting on its power and capabilities to influence the Nepali government's decisions to acquiescence to Indian interests.

Another instance of the strained bilateral relations of Nepal with India remains the trade treaty. The trade treaty signed in 1996 (perhaps as a payoff to Nepal for signing the Mahakali treaty) has eased the Nepali commodity exports to India without requiring the indigenous contents in the goods manufactured in Nepal. As stipulated, the treaty was also characterized by the provision of self-renewal after the expiry of the given period within five years. India is now rethinking over the entire philosophy behind the trade treaty fearing the destabilization effects caused on the Indian economy by the continuation of the Nepali commodity exports. A realistic appraisal of the Indian and Nepali economies suggests that the former economy constituting a crude estimate of \$500 billion GDP and over a billion population provides a vast market for Nepali economy constituting around \$5 billion GDP - just one percent of Indian GDP. One can therefore imagine if Nepal can malign and destabilize Indian economy, its fragility is seriously pronounced. With such a cumbersome economy India's rise to dominance will always be questioned.

Negotiation on the renewal of trade treaty about to be expired in December 2001 was thus retarding of any progress. India would like to revert back to pre-1996 arrangement while signing the new treaty and had presented Nepal with "take it or leave it" option (Kantipur, October 20, 2001; Rajdhani, October 20, 2001; Kantipur, January 28, 2002). India had clearly stated its reservation against the unrestricted exports from Nepal of banaspati ghee, acrylic yarn, zinc oxide, copper wire and G.I. pipes and had declined to consider Nepali position on these issues. In case the treaty would be finally negotiated on Indian terms - bringing these items under quota system and on others export items with 25 per cent value added tax in the first year and 30 per cent from the second year of export - which is likely, Nepal's trade relations with India would suffer most given the context where the trade balance has always been in India's favour. In case of the failure to negotiate the treaty by December 2001, Nepal feared a repetition of the 1989 economic blockade. After six rounds of negotiations and the extension of the treaty for the three months period with prime ministerial understanding, the trade treaty has been finally renewed on March 2, 2002 in accordance with the Indian

conditions imposed with the quantitative restrictions on the exports of banaspati ghee to 100,000 metric tons, acrylic yarn to 10,000 metric tons, copper wire to 7,500 metric tons, and zinc oxide to 2,500 metric tons per annum. However India has considered not imposing quota on the exports of the G.I. pipes (Rajdhani, March 3, 2002). The ascertained dilemma of being a landlocked and economically weak and dependent country has preordained Nepal thus to a situation of accepting the *fait accompli*.

Cooperation between Nepal and India in the condition of asymmetry reminds one of what Henry Kissinger once said: "The weak do not negotiate," reflecting the case of the Middle East conflicts. This is true in the case of Nepal-India negotiations where its options are no options and the governing principles of negotiations are not applicable in the case of India. Negotiation requires a rule setting behaviour in that neither of the party involved have a right to alter rules unilaterally. Negotiation is a joint decision making process where one party however strong cannot change the parameter of negotiation at will and persuade other to agree. Then the negotiation ceases to constitute. The prevalence of an unwritten law suggesting that the weak do not have a right to make a different set of rules for themselves, particularly against the Indian sensitivities, and against the wishes of the strong and powerful, inhibit spontaneity in forging any constructive relationships. Problems settled with the immediacy of cost-benefits will never resolve the conflict, it may postpone which may again recur, as the case of Nepal-India negotiations over the same issue suggests, in which relative power has always determined the outcome.

Unless a sense of justice to the needy is seriously considered conflict resolution would be a mirage. Treaties, agreements and ratification are necessarily means to settle disputes but they are not ends to resolve conflicts unless political will prevails to honour and honestly implement the understanding reached earlier. Perhaps the Nepal-India trade treaty of 1996 was the preference of a political class led by Gujral in India, which reverted back to the preference of another political class whose doctrinal pursuits remain distinctly different from the Gujral Doctrine.

The Nepali politicians, on the other hand, are also a unique classe politique in them. Their case of impulsive behaviour is demonstrated by the mechanism that they agreed to adopt while setting the disputes over Tanakpur Barrage with India under a "package deal" on the Mahakali River. Prior to it, oppositional politics in Nepal was at its peak accusing the Nepali Congress led government of Girija P.Koirala (1991-94) for signing the

Tanakpur Treaty by overstepping the Article 126 of the Nepali Constitution 1990 and not tabling the treaty at the parliament for its ratification. But the issue was transformed with the use of subterfuge for obtaining a package deal over the Mahakali River once the coalition government under the Nepali Congress leadership incorporating the Rastriya Prajatantra Party along with the Nepal Sadbhavana Party was formed in late 1995. The concept of package deal was promoted by the Communist Party of Nepal (Unified Marxist-Leninist) as a shared ground with India when in power between 1994 and 1995 for nine months. Thus the CPN (UML) in its oppositional role also had a coalition of interests with the Treasury in the parliament encouraging both the signing and ratification of the treaty. Radical as well as extremist opposition to the development of mutuality of interests among the three prominent political parties were muted as the political constellation changed in the Nepali domestic context. Interests articulated by these three parties in settling disputes with India led not only to the signing of the treaty but also to its ratification in 1997 with overwhelming majority by forming the national consensus over night. But as the events later proved, the national consensus as well as ratification drama was artificially created.

The Communists accused Koirala for "selling out" to India over the Tanakpur episode in 1991. But when the CPN-UML broke down as a party in March 1998, Bam Dev Gautam, who headed the breakaway party as General-Secretary (who had himself energetically pursued the ratification process as a Deputy Prime Minister in 1997), repeated the same allegation against Madhav Nepal, the General-Secretary of the CPN-UML for persuading his party colleagues to sign and ratify the treaty to serve Indian interests. Hence, the role that political class plays conveniently defines the nature of relationships wherein conflicts are deliberately invented to achieve their personal goals.

To discourage such tendencies inherent in the role of political class, attempts should be made to resolve conflict by adhering to the principle of justice instead of trying to settle disputes through negotiation and treaty making endeavour. The compromise that the Nepali political class made with the Indian political class in sharing the water resources and consolidating their rapport resulted into the former being a loser against the objectives and aspirations set by the latter. In this case, the aspirations of the former as contextualized by setting priority to cooperate with the latter was a rational cost-benefits decision in settling the dispute. Whereas, the higher aspirations of the latter was to establish the rights to an uninterrupted water use and

entitlement to the resources sharing with the legatee of the treaty. Unfortunately, Mahakali treaty, as it stands today, is literally abandoned by the majority of those who had signed and ratified it in Nepal. As Gyawali and Dixit (2000) have observed, the glory over the signing of the treaty has now turned gloomy: "In less than a year, the treaty fell from euphoric heights of celebrity stardom almost straight into the abyss of a leper colony."

As circumstance has dictated, the establishment of a peaceful and cooperative relation with India has always been a priority agenda for Nepal. Harrowing political transition, however, has created a situation where uncertainties writ large. The fragility of democratic institutions thus is in itself an obstruction rather than a function for attaining peace in their relationships. Because the weakening of the state structure is becoming malleable to both internal and external interests. Perhaps the reason for growing suspicion in India about Nepal can be understood with understanding of perennial instability. Reasonably because of this, India is compelled to deploy security forces along the Nepal-India border and cautiously monitoring the movement of the people from across the border that the traditionally open border permits. Behind this Indian gaze remain the suspected ISI (Pakistan's intelligence service) activities in Nepal. The alleged spread of the ISI has become a crucial issue and agenda for deliberation in Nepal-India entanglement creating rapturous impact in their relationships. As the sense of insecurity across the border has heightened due to different reasons, efforts at coordinating security interests should have received the priority. Yet these countries are far from sharing the common destiny.

Nepal's experience with another neighbouring country - Bhutan - is peculiar in the sense that these two countries are presently compelled to interact with each other neither as trading nor as irredentist states but as recipient of and sender of refugees' states. Bhutan's policy of ethnic cleansing has created the exodus of the Bhutanese of Nepali origin into Nepal through crossing the third country - India. The case of refugees' repatriation since over a decade remains unattained as the government of Bhutan is not prepared to accept all the 100,000 refugees living at the UNHCR supervised camps in Nepal as its bonafide citizens. The attitude that the Bhutanese government had initially displayed towards the forcibly evicted people from their homestead was uncongenial to the extent that it had refrained to take any responsibility of the people who were ousted from their homeland. Later certain understanding was reached between Nepal and Bhutan agreeing to classify the refugee status. But instead of the swelling of the refugee number

in Nepal none returned to their homeland as controversy over the category of classification persisted. Through the halting but persistent efforts of the Nepali government supported by the humanitarian agencies from within and without, with expressed American concern on the refugee issue as well as the influence of the European Commission, Bhutan, since late 2000, has agreed to undertake verification procedure jointly with Nepal of those Bhutanese refugees living in Nepal. Accordingly, Bhutan has shown its willingness to take back those forcibly evicted citizens who possess citizenship certificate as determined by the Bhutanese Citizenship Act. Verification is done on the basis of the agreed upon four categories (e.g. Khanal 1998; Baral 1996). The way that the joint-verification has started officially at the snails' pace, it is observed that the process will take nearly 10 years to complete (Kantipur, October 23, 2001). But the gesture that Bhutan has shown after a decade of obstinacy to face the issue head-on has eased the strains creeping in the relations of the two Himalayan Kingdoms.

The problem that Nepal encountered out of the refugees' exodus from Bhutan would have been resolved earlier had India, as expected by Nepal, dissuaded Bhutan from taking this course. But the exclusivist nationalist posture that Bhutan undertook by projecting dissidents as anti-nationalists and declaring that "any Bhutanese nationals leaving the country to assist and help the anti-nationals shall no longer be considered as a Bhutanese citizen. It must also be made very clear that such people's family members living under the same household will also be held fully responsible and forfeit their citizenship." This government circular signed by the Home Minister Dago Thsering on August 17, 1990 was a catalyst in dividing Bhutanese citizens into two separate ethnic categories belonging to southern and northern Bhutan.

Negotiating on the refugee issue is indeed a new experience for Nepal because it concerns the settlement of the unwanted population constraining the economic resources of the country, directly involving the humanitarian dimension and the questions of the rights to domicile of the people evicted from their homeland. The characteristics of the refugees as being of the Nepali ethnicity having their ancestral link with the country have further complicated the situation when Bhutan alleged that these people were illegal migrants to Bhutan escaping their poverty in Nepal. To force its logic the Bhutanese government had distorted the historicity of the settlement of these people of Nepali origin in Bhutan by articulating *Drukpa* identity and transmitting it to the singular notion of one "land, race and faith" considering

ethnic diversity as a threat to the survival of a small state (Kuensel, November 14, 1992). This created a chasm between Nepal and Bhutan in their deliberation on the issue. Because on the one hand, Bhutan had refused to accept the refugees settled in Nepal as its own citizens. It has, on the other hand, publicly announce a policy expressing ethnic diversity as a threat to its national survival, identity and undermining the unity and security of the country justifying the expulsion of the unwanted citizens.

This contradictory approach of Bhutan to the issue in question led Nepal to develop a national consensus that emerged as three moderate strategies attempting to resolve the problem: a direct leadership contact, seek help from India, failing this, internationalize the issue. Leaderships contact are formally maintained, an informal sounding for India's help was discouraged, the issue of internationalization commenced through humanitarian aid agencies and UNHCR. Nepal's "quiet diplomacy," which was a compulsion than a choice, has lately bear some fruit, against the reason compelling delay in agreements reached between the two parties on refugees' repatriation. The India factor, in this case, has also surmounted other reasons for the delay and diversion of the issue. India remained unyielding to the Nepali request for refugees' repatriation fearing the process would destabilize Bhutan and its relationships with the country falling within its strategic orbit. India's failure to manage the long festering ethnic conflicts in the northeast has also discouraged it to involve - even diplomatically - in the bilateral problem between Nepal and Bhutan. India was also not in favour of any sign of militancy from the part of the refugees in their struggle for rights to domicile. Indeed, the former Indian foreign secretary J. N. Dixit while endorsing Bhutan's measures of dealing with internal problem unofficially aired such views.

If there [were] a move towards militancy, India would take firm and decisive action. Rather than ask the Bhutanese to take back the refugees, it would be more likely that we would suppress militancy. India's interest would be to quash it. We would not allow something that has a bearing on internal security to be resolved by restoring to diplomacy (Interview, Himal Magazine, July/August 1994).

In his memoir, Dixit has more explicitly opined, "India has a responsibility to ensure that socio-political changes in Bhutan occur in an orderly and gradual manner. We must be supportive of the King and his

government. Any abrupt destabilization of Bhutan or disruption of its institutions (meaning primarily the absolute monarchy) would constitute a serious strategic threat to India's security" (Dixit 1996). Prior to Dixit, his predecessor foreign secretary Muchkund Dubey had also assured Bhutan that India would not allow any activities directed against Bhutan from its soils. "In more specific terms, we would extend all possible assistance that the Royal government might seek in dealing with this problem, and that we would prevent any group which wants to enter Bhutan illegally and disturb law and order" (e.g. Kuensel, October 27, 1990). The assurances that India has provided to Bhutan on this particular issue are evident enough to encourage Bhutanese obstinacy while dealing on the issue with Nepal. Though the case appeared formally as a bilateral problem, as India posed, it was indeed a case in which the Indian complicity was proven. The Bhutanese refugees' problem has, therefore, been a three-corner contest superimposed by the Indian strategic imperatives complicating the negotiation process. In this context, Nepal again found itself as a loser in the contest for justice against utility principle.

Democratic Nepal was confident in assuming India's natural support on the issue, which was also sustained by its leaderships' historical ties with their Indian counterparts. But the realist orthodoxy of international relations has led Nepal to stand isolated on the issue. Against its expectations, Nepal found Bhutan and India as a pair in building security architecture of the sensitive area along the Siliguri corridor. Even another neighbouring state of SAARC, e.g., Bangladesh, refrained from conceding any point to the Nepali position on the issue because of its overriding priority of developing a cordial relation with Bhutan. The option of internationalizing the issue was very cautiously used avoiding any measure to jeopardize the sensitivities of another smaller state belonging to the region. The best option that Nepal therefore took out of compulsion has been slouching through the problem by trying to win back the confidence of the negotiating party that a reciprocal relationship honouring the sensitivities of each other are the best measure in avoiding tensions in their ties. The cautious movement towards the verification of the refugees' status of the Bhutanese people residing in Nepal is, therefore, certainly a positive sign of rapprochement in Nepal-Bhutan relations. Though the process of verification may be tedious and long, it has indeed opened up the possibility of refugees' repatriation to their home country, which is the fundamental diplomatic objective of Nepal in relations to Bhutan. Negotiations, in this case, have really become a joint-decision

making process in narrowing down the differences and develop compatible interests.

Apart from these interstate arenas, Nepal faces a crucial challenge for political stability and peace from within the state in the shape of the Maoist insurgency claiming nearly 7,000 lives and property damages worth hundreds of million in the past six years. Insurgents till date have declared 25 out of the 75 districts of the country under their control where the governmental presence is confined to district headquarters. Dissuading the challenges to the establishment of parallel governments in these districts for the government has become a problem because of the increasing number of killings of the civilian police contingencies posted in these areas. The development of 25,000 strong-armed police forces as well as use of security forces against the insurgents is in the inventory. But as the thinking of different political parties jockeying for position remains incoherent on the problem, the government has wavered on its decisions to face the problem head-on till the recent past. The Maoist insurgents have thrived over the indecision, differences among the political parties and the increasing unpopularity of the government of the period.

Earlier in 1996, before the insurgency started, the Maoists have tabled a 40-point demand to the government incorporating three crucial arenas of demands related to nationalism, demands relating to public welfare, and demands relating to peoples' living. These demands have covered all the socio-economic, political, foreign policy as well as security aspects concerning the country of which elections for a constituent assembly with scrapping of the Royal privilege figured prominently in the domestic context and making July 1950 treaty with India congenial to nationalism was addressed conspicuously in the foreign policy arena. Synchronizing their demands coherently, the Maoists have urged the government to consider three critical factors if the government is desirous to end further bloodshed and the commencement of civil war, which they have threatened to make inevitable in case their demands are not honoured. These three latest demands are respectively: "1) declaration of the Interim Government; 2) election to the Constituent Assembly; and 3) the Institutional development of the Republican system" (Kumar 2001).

Despite their rigid public posturing, the Maoists had, however, responded positively to the appeal of Prime Minister Sher Bahadur Deuba (appointed to the post on July 22, 2001 after the resignation of Girija P. Koirala) to cease hostility. Two rounds of negotiations commenced with the release of some

400 of the imprisoned Maoists by the government have yet to address the substance of the issue that the Maoists have formally table at the second round held from September 13 to 14, 2001. Pressed by the public opinion to be lenient to the Maoists, the government had also withdrawn criminal cases filed against several high ranking Maoist leaders in exchange for negotiating a deal. By tacitly agreeing to negotiation, the Maoists had successfully realized their objective of releasing the captive guerrillas from their imprisonment seconded by the motive of being accepted by the government as a political force or if possible, as a parallel government with territorial control. The Maoists had pursued the negotiations for the structural transformation of the political system.

Conversely, the government, on the other hand, had moved with the objective of luring the Maoists to the constitutional fold. By adopting a policy of impunity, assurance and conciliation, the government was attempting to persuade the Maoists to enter the mainstream politics even by offering to sacrifice its entitlement to the majority rule. To this effect, the public announcement of the Prime Minister and some members of the governmental negotiating party at different forum could be attested as a testimony to its intent. These announcements had unequivocally endorsed the Maoists' contention for the forming of an interim government provided that the Maoists clarify their position on the constitutional monarchy and the multiparty democracy, which the government was not in a position to revoke under the 1990 constitution (e.g. Kantipur, October 22 and November 2, 2001).

Yet there was no narrowing down in the divergent thinking posing difficulties for the agreed upon third round of negotiation to commence. In between the period since August 30 to November 2001, violence had certainly scaled down. There were no known reports on killings from either of the protagonists. Despite such a momentous change, it was also widely suspected that both of the contending parties were seriously preparing for a final show down that may perhaps be unfortunate for resolving conflicts in the immediate future. Reportedly, the Maoists had progressively intensified their unlawful activities destroying public property, looting and even kidnapping commoners and threatening an uprising with the completion of their military arrangements for "people's war" (Rajdhani, October 29, 2001). In view of this Maoists intransigence, the Prime Minister had also warned that he will not tolerate their armed threat even though he was committed to resolve the problem peacefully (Kantipur, October 30, 2001).

The Maoists knew that the stake in stability and continuity of Deuba government rest on the resolution of these contentious problems in which the values of the contending parties are far from reconcilable. They were also aware of the fact that the government was in defensive because of the failings in democratic practices and the consequent public apathy. The public disapproval of government functioning had particularly constrained the government authority to mobilize security forces at will with a coherent constitutional mechanism at work. This had weakened the government's position vis-à-vis the Maoists leading the latter to mount their bargaining leverage more coherently to built pressure on the former and force the government to concede to their demands. The Maoists challenged the preservation of democratic values, political stability and systemic continuity by alternately pressing for the establishment of a Republic in Nepal.

The compromise that the government made was to assure the Maoists that their minimum demands would be fulfilled, perhaps by agreeing to dissolve the majority parliamentary government with the establishment of an interim government. The outcome therefore could signify that the government as being a loser in the process of bargaining for "peace and stability." As the government does not possess an electoral mandate to destroy the political system under the democratic constitution by forming an interim government, it would be a difficult commodity for the government to sell to the public and those political parties dissociated with the governmental position on negotiation with the Maoists. The government would perhaps face two-prong challenge if it were to decide to dissolve the parliament to accommodate the Maoists' demands for interim government from the adherents of present constitution as well as the public forums apathetic to the demand.

By apparently conceding to the first demand of the Maoists the government had wavered on its commitment to the democratic order functioning under the present constitutional dispensation. But the government had been preparing itself to take risk of sacrificing entitlement benefits to rule with majority against the cost-benefits of ending violence in exchange for stability. The settlement, on this score, however was not the priority of the Maoists. The goal set by the Maoists was the ultimate destruction of monarchy and parliamentary democracy in Nepal. Their mission was to weaken the power base of the state and compel the government to make far-reaching concessions. Perhaps to force an immediate compromise, the Maoists resorted to violence by unilaterally declaring the "peace talks" as irrelevant to realize their goal after the much awaited third round of talks

ended. This changed the domestic scenario in Nepal from “jaw, jaw to war, war.” The Maoists attack on a military contingent and the destruction of the Royal Nepal Army barrack resulting into fatalities on November 23, 2001 had forced the government to declare the national emergency by formally depicting the Maoists as terrorists with eventual mobilization of the army on November 26, 2001, for the first time against the insurgents. The country therefore was entangled into a web of uncertainties in domestic as well as external relationships. The situation was so complicated that the government had neither been able to win confidence of neighbours, nor had it been able to manage the domestic problems in the course of dispute settlement. Initiatives undertaken for cooperation and peace through negotiations had certainly optimized the prospect for constructive engagement. Negotiations with the Maoists, in this context, had however become the double-edged sword for the government because the government had not comprehend the situation properly and its assorted implications. The government had failed to realize the fact that negotiations can work either way in resolving the conflict as well as exacerbating the conflict. Unfortunately, any option against the case of a failed negotiation was not seriously considered. The result therefore was the hasty mobilization of troops without preparation and strategy to countervail guerrilla war.

Settling for Half a Loaf

Negotiation leads to a compromise described as mutually compatible. But, according to Anderson, “the question of compromises arises when [only] when it becomes apparent that it is better to settle for half a loaf than to get nothing at all” (Anderson 1977). Indeed, such a tendency characterizes aspects of negotiations in South Asia, which are mostly determined by the Realist power centered interactions between states. Peace therefore becomes a precious commodity that eludes the expectations of the weaker negotiating party whenever their calculus of agreements are framed by the cost-benefits or utility aspects of signing the treaty documents than determining a congenial and enduring relationship for the future.

The controversies over entitlement and cost-benefits have, therefore, become a feature in the history of negotiation. A necessary condition for attaining cooperation is a need of goal directed behaviour with sensitivities to others’ objectives and compulsions, not the unilateral behaviour being indifferent to others’ interests. As said, “cooperation can occur when actors

adjust their behaviour to the actual or anticipated preferences of others', through a process of policy coordination" (Keohane 1984). As a common denominator of cooperation, this definition emphasizes for a win-win situation for the negotiating parties irrespective of their socio-economic and power attributes. Again, this definition addresses the utility or cost-benefits conception of cooperation stressing the need of coordinating different goals to ascertain mutuality in sharing varied interests with policy adjustment to arrive at a congenial situation in order to avoid conflicts.

Bilaterally, there were numerous ways through which cooperation was achieved, particularly, in Nepal-India relations. Nepal had tacitly cooperated with India during both Sino-Indian and Indo-Pak wars. These were no strategic cooperation arrived at through explicit agreements. Perhaps Nepal has signed numerous treaties and agreements with India than any other countries based on negotiations and bargaining. But the condition under which Nepal has been forced to sign agreements by imposing Indian priorities remains a phenomenon complicating the process of understanding between the two. Ever since the signing of the July 1950 Peace and Friendship Treaty, Nepal's negotiation experiences with India on vital issues, including the water resources sharing and trade and transit problems, have widely been documented as being unsatisfactory for the weaker party. The self-image of Nepal as being the weak against strong India has psychologically played havoc in the interaction processes, which are also being determined by the increasing asymmetry between the two. The undercurrent, as noted before, is again the domestic factor influencing Nepal's diplomatic engagements with India. Coercion and concessions, side payment and lobbying are all considered facts in negotiations. In Nepal-India case, non-cooperation, however, not only be adverse to the interests of the weak but also could be punished with sanctions by the powerful (as the case of economic blockade in 1989 exemplified). This situation is succinctly described as "cooperation under security dilemma"(Jervis 1978).

Cooperation is also problematized by the mode of subjective thinking in the interstate relationships. As the norms of cooperation become equality, rights and justice, these values would be more endearing to the weak and small states than vice versa. In reality, considerations of these norms would hardly make any tangible progress in forging a relationship. Nepal's vulnerabilities have also made it openly sensitive to any form of relations that India offers sensing negative impact in domestic context. Therefore the likely mode of relationships between Nepal and India would be couched with

uncertainty, suspicion and mistrust making their ties unstable and unpredictable rather than "brotherly."

At the multilateral level, a focused endeavour towards cooperation was indeed made in the 1980s by initiating the SAARC process. The underlying motive of the process was to arrest the regional strategic drift with confidence building through interactions over the commonly shared economic issues, the success of which was expected to lead towards a strain free regional relationships by narrowing down differences even pertaining to their strategic interests. These expectations are also belied as certain progress made on the economic and human relations fronts are also buried under the sands of bilateral confrontations between India and Pakistan.

Thus, it is necessary here again to recall the *classe politique* phenomenon that have developed an entrenched interest to thwart any initiatives towards a better future. This political class aided by the military-industrial complex and the scientific establishment has not only distorted the meaning and objectives of being political leaders of sovereign and independent countries but also the context of being independent and sovereign. Preservation of territorial integrity and maintaining internal control remains the fundamental objective of the political class in any state. This practice, however, should also be observed with respect and recognition of others' integrity and rights. The violation of this institutional premise and practice of the states naturally invites conflicts. The imbroglio over Kashmir is perhaps the result of the violation of the norms that states should practice. The problem however is also overstated by the claims to the entitlement of the territory but rejected by the voices arising out of Kashmir demanding independence. The Kashmiris' voices of independence are again drowned in the contentious claims of both India and Pakistan as their objectives against independence for Kashmir are paired. There is element of tacit cooperation between India and Pakistan to oppose the independence motive of the Kashmiri people. If this can be called a negative cooperation for amplifying their clashes of interests involving national security, national identity and territorial integrity, both the rival countries can also attempt for a positive cooperation on the agenda considering that their interests would be better served and security preserved if they were to avoid clashes in Kashmir. Also, by considering the implementation of agreed upon power supply deal as well as taking initiatives towards a nuclear restraint regime as conceived by the Lahore declaration, they can make their engagements constructive by discouraging destructive motives.

It should also be recognized that the individual means of security, that is the military power of the state, has also become an inadequate and insufficient instrument in preserving the security interests of the states arrayed against the intra-state and inter-state disputes. In the case of India and Pakistan, the consideration of the nuclear use by the *classe politique* has dissolved the military power to guarding the post than its professional thrust of fighting and defeating the enemy. Small states in South Asia do not even have this national means to rely on properly (as the case of Nepal indicates). They see their security better preserved by the power of the other. This security practice has made smaller states more dependent on their powerful neighbours whom they see both as protector as well as predator. By contrast, the security practice of big and powerful states differ as their central decision makers or the national security elite rely heavily on the national means to determine their security interests through self-help (Alagappa 1998). The central decision makers in India, who have increasingly become wedded to the concept of national security through military power, have practiced security with "expediency, arising from deficiencies in national power; and conviction based on the existence of evolution of norms against untrammelled pursuit of power and exercise of coercion" (Bajpai 1998). Influenced by the precept of peaceful coexistence, India is, indeed, opposed to any aggressive use of force but there are certain attributes of power, besides the military, that India has not hesitated to use in the course of its pursuit for power. Examples are the cases of economic blockade against Nepal, food drop violating Sri Lankan air space and support to Shanti Bahani against Bangladesh. India is also convinced of itself as being a power, which should be respected and recognized. This conviction may be further supplemented by a sustained economic growth (around 6 percent) leading it to evolve policy initiatives to achieve its aspired role in the region. Along with this, the nuclear trappings, as observed by Kissinger (2001), has certainly raised India's ambition to the world power status.

Bajpai (1998) has also noted that the economic crisis of the early 1990s had reversed India's role to a Nehruvian fold determined by the expediency of cooperation, the reversal of this policy in an ideational mould has occurred with the May 1998 nuclear weapons' tests exemplified by increasing defence allocations, and restructuring of the security apparatuses to emerge as a powerful national security state. As Tanham (1992) has noted, geography, culture, history and the British rule mold the Indian strategic thinking. The overwhelming influence of the British security practice in the security

conception of the Indian central decision-makers in the post-colonial period is depicted in the Indian security doctrine with a warning to hand-off the extra-regional powers to infringe in regional affairs. On the other hand, by strictly confining cooperative incentives under bilateralism, India has discouraged even-level play in the South Asian geopolitics. But the interactive format construed on bilateralism has, unfortunately, defeated India's aspiration to emerge as a hegemonic power through regional consensus by legitimizing its role as such (Ayoob 1989-90; Ahmed 1993).

India could have achieved the role legitimization through consensus building to certain extent had it demonstrated its political will by undertaking mediation in refugees' repatriation issue between Nepal and Bhutan. By overzealously guarding a wrong cause under the rubric of bilateralism, India inversely supported a partisan interest than being and becoming bipartisan. This is, in fact, unbecoming of a major power. Instead, India could have invested its diplomatic influence and power of persuasion to resolve the refugees' crisis in the beginning by projecting itself as a credible democratic state sensible to the issues involving human rights. Both the neighbours could have accepted India's mediatory role easily by legitimizing its interests of being a regional power collectively. This role expectation did not materialized. An opportunity for consensus building, therefore, was lost.

On the other hand, the commitment that India had made by signing the 1996 trade treaty with Nepal was irrevocable in the sense that the treaty was a long considered concession provided by a strong and friendly country to a weak and dependent neighbour to meet the latter's development aspirations through intensive economic interactions. India's behavioural pursuit, in this context, is incredible. The unilateral imposition of luxury tax, quarantine charges and anti-dumping tax in the export of Nepali commodities like banaspati ghee and zinc oxide and copper wire by the provincial state governments in India are the violation of the intent and spirit of the treaty in effect. Reportedly, India has also proposed unpalatable conditions for the renewal of the treaty at the recently concluded secretary level talks in New Delhi and Kathmandu (Kantipur, October 20 and November 5, 2001). As well, the Nepali aspirations for the constructive cooperation on water resources sharing by concluding Mahakali River Treaty remains buried under the technical morass of the DPR.

Both the trade and water resources sharing issues involve Nepal's development aspirations that can only be sustained by India's unwavering support and assistance. Muni (2001) is explicit in suggesting that genuine

“differences and tensions” will guide Nepal’s development aspirations, which may also evolve a thrust for a constructive engagement between Nepal and India in the future. But the question remains, on what cost such a constructive engagement should be realized? Should Nepal always settle for half a loaf than what it is entitled to? The treaties signed in 1996 were termed as constructive engagement. But these treaties did not put the past strains into the past. These treaties have led the Nepali decision-makers now to burn the mid-night oil.

Some Observations

The universal concern for peace and cooperation is stifled by the security sensitivities of the states in South Asia. Preponderant military approach to national security has unfortunately made the concept of governance entirely irrelevant to societal sensitivities. Thus, as most of the South Asian states are entangled in the simmering intra-state conflicts, the human face of security lapses when it is needed most. This being the case, cooperation has become difficult to attain by renouncing conflict, which is an imperative to achieve peace. According to Buzan (1984), peace as a concept “emphasises both the international system as a whole, and individuals as its ultimate building bloc.” The peace perspective relegates state and conflict to insignificance by emphasizing the dynamics of harmony between and within states. “Peace directs attention towards the need to remove violence in relations between and within states. The peace perspective is oriented towards solving the insecurity problem by removing its causes,” Buzan says. Against this concept of peace and cooperation (harmony) are arrayed the concept of power and security. Power is related to the individual state's capacity to administer and control internally and pursue competitive interests within the state system. Security, on the other hand, is a pursuit of a policy to find methods to satisfy the legitimate concern of the states, without, at the same time, jeopardizing the sense of insecurity among them (Buzan 1984).

Peace explores the methods to create universal condition for the elimination of violence and war. The concept of peace, however, fails to understand the role of states under anarchy, which are self-righteously defined and justified irrespective of international norms. As the peace perspective neglects the state at the core of international system, the attainment of peace is emotive as well as imaginative than substantive. Because states under anarchy are least inclined to develop a taste for

collective interests than prone to preserve self-interests making peace essentially difficult to achieve. As the states are profoundly influenced by their self-interests of preserving territorial integrity, political stability and regime security, they would, moreover, be guided by their preference to power and security than peace and cooperation. South Asia is not an exception in this regard.

The South Asian experience is that states in the region have failed to evolve a coherent, peaceful and harmonious society internally. If their intra-state relations are so marred with conflicts, their inter-state relations are not different. Relations pursued from the standpoint of national security are a pointer towards difficulties in interactions and understanding between and among South Asian states. Domestic fragility and external uncertainty in relationships have amplified the insecurity dilemma of the states that has further eroded the prospect for peace and cooperation, as two major states in South Asia are at the verge of war and rest of the small states are left to fend for themselves in the absence of regional cooperation.

For example, Nepal is threatened with the enormity of economic problems and violent insurgency. Its uncertainty is therefore related to the weak natural base and governments without governance. Unending civil war and fear of disintegration ascertain Sri Lankan insecurity. Bangladesh remains a basket case with population implosion. Whereas Pakistan has already been depicted as a failed state. Comparably, India stands fairly apart in characterizing such features of states in South Asia. But the problems and challenges facing India are also in extremity. If one were to narrate the features of the problems that the states in South Asia face, which are moreover identical, there should have been a collective interest to share and initiatives taken for cooperation to resolve them.

The legal bearings of treaties, agreements and understandings, the norms set by diplomatic conducts, the culture and tradition emanating from civilizational bond as well as the public sentiments have all become inadequate explanatory tools for comprehending the interactive process and development of relationships in South Asia. Why and how has this happened? One understandable feature is the past failings. For instance, both the Simla Agreement and the Lahore Declaration were genuine moves made to manage Indo-Pak relations. These understandings were reached in the aftermath of two crucial historical episodes: the Bangladesh War 1971 and the Nuclear tests in 1998. Once violated, these agreements became the contentious issues driving the energies of the protagonists to name-calling.

The fate of numerous bilateral and multilateral documents signed in the diplomatic history of South Asia after 1947 is also not different.

A compelling reason therefore is the nature of the *classe politique*. The ego, identity and interests of the ruling elite have provided meanings to their objective in constructing security practice by reflecting negatively on the security practice of the other. This self-regarding interest of the states led them to be manipulative by exploiting others' weakness to satisfy one's interests. The chasm such interaction creates is conflict generating, which should have been discouraged with alternative thinking on cooperative security. The element of positivism in cooperative security is that states identify with each other as equals and security of each is perceived as responsibilities of all.

The constitutive structure of South Asia, easily identifiable as a geographical compact, should have encouraged a tendency towards building a regional compact as the failure in one territorially defined sovereign state can have immeasurable social, economic, demographic and relational impact on other. Conjecturally, India as the largest and accessible state in the region stands cursed to bear the burnt of state failures in South Asia. Perhaps India can easily defend its territory in case of aggression. But it would be a really insurmountable challenge for India to prevent the human movement towards it whenever any of the other states in the region - Pakistan, Nepal, Bhutan, Bangladesh and Sri Lanka - fail to manage domestic chaos either caused by national disintegration or by natural or political calamities of unprecedented magnitude. The exodus of 10 million refugees from East Pakistan during the Bangladesh war, or say nearly 2-3 million Bangladeshis illegal migrants and nearly 2-4 million Nepalis working in India under the reciprocal treatment clause stipulated in the 1950 treaty may qualify this contention.

Given India's potentialities in the future in comparison to retarding progress in the neighbourhood, the situational factor has primarily made India as a base for migration from its periphery and this population flow perhaps would not facilitate a ground to play power politics and ideational role for India. The challenges to Indian security in the future, thus, relates much to the circumstances in which states surrounding it are; not in their unidimensional military power but in their governance and societal relationships. In this case, the regional relationships defined in anarchist mode, power politics, self-interest and self-help would all be swamped under the morass of the human tragedies. Neither the computerized power game simulation nor the military contingency planning would be adequate for India

to adjust with state failures. It is thus advisable that the genius who chants security *mantras* with nuclear proliferation should, at least, try to comprehend this possibility and also work towards developing a national security doctrine to deter the human calamity caused by misgovernance in the region.

It would, indeed, be a tall order to think about deterring such human tragedy. Realism is silent in contemplating such a possible phenomenon. The liberal approach to construct security and peace is a wide net that remains debatable. Without being engrossed in such theoretical marsh, a consensus, however, can be forged to change attitude towards conflicts, war and security consciously because these have brutalized the South Asian image as "a most dangerous place on the earth,"- to borrow the former US President Clinton's depiction.

Although, culture changes slowly, one need not be a pacifist to see that experiences that South Asia gained through conflicts and wars have served no possible rational cause. Wars, however, have served the purpose of *classe politique* to make some political gains as the recent Kargil fighting substantially helped restore the popularity of Prime Minister Vajpayee in India. But this gain cost India Rs 15 crores a day and fighting for 74 days defending its territory. It was in 1999 and the total economic cost of Kargil conflict then, besides young blood and equipment, was Rs.1, 110 crores (India Today, July 26,1999). As noted, a recently estimated cost of fighting a two-week battle to destroy the alleged "terrorist camps" across the LOC is Rs. 5,000 crores in 2001 (Chawla 2001). The deployment of 500,000-700,000 Indian troops along the Indo-Pak border at the conservatively estimated cost of Rs. 200 crore a month after December 13, 2001 terrorist attack on Indian Parliament has not substantially changed the situation. (Rather this coercive diplomacy has aggravated the Indo-Pak tensions.) The withdrawal of troops may become another additional burden for national exchequer. The enormity of the cost of conflict, as the total cost of Kargil fighting indicates, could have provided clean drinking water to about 75,000 Indian villages. Rs.5, 000 crores can meet the cost of building a 1000 MW power plant to generate electricity for home and industry, as a primary estimate implies (Reddy 1998). However, the belief that defence is the core of national security and sovereignty has led to develop the military muscle of states at the cost of social sector, which, in fact, is the true indicator of national capacity and resilience than some crude nuclear weapons.

If conflicts and wars had provided some short-term gains for the *classe politique* (Indira Gandhi benefiting from Bangladesh war and Atal Bihari Vajpayee from Kargil conflict), these conflicts had also deprived the citizenry of their basic needs. Consequently, deprivation and denial of rights have become the rational cause for domestic dissonance and disputes weakening the national power in India as well as other South Asian countries. Thinking security in terms of territorial integrity at the cost of national economic disruption compounded by domestic dissonance needs to be reassessed in the context that the territorial integrity as well as the rulers' legitimacy are moreover challenges from within. The sources of challenges are the social cleavages, which are dangerously moving towards the violent edge. The lessons to the *classe politique*, therefore, are their failed governance making the situation within the countries of South Asia increasingly ungovernable. Learning can start from rethinking over the challenges from within and without and learn from others' experiences, if possible.

In this context, it is advisable to ponder on John Mueller's observation in restructuring the mindset of *classe politique* premised on the Realist paradigm of international interactions under anarchy to comprehending whether the idea of conflict and war remains a "conceivable option"? Accordingly, he surmises that

An idea becomes impossible not when it becomes reprehensible or has been renounced, but when it fails to percolate into one's consciousness as a conceivable option. Thus, two somewhat paradoxical conclusions about the avoidance of war can be drawn. On the one hand, peace is likely to be formed when war's repulsiveness and futility is fully evident - as when horrors are dramatically and inevitably catastrophic. On the other hand, peace is most secure when it gravitates away from *conscious rationality* to become a *subrational*, unexamined mental habit.... Peace, in other words, can proved to be habit forming, addictive (Mueller 1989, emphasis added).

If Kashmir remains the most dreadful factor imperilling peace in South Asia, it is for Pakistan to objectively decide whether the agreed upon partition across the Radcliff Line was incomplete. The conflict over Kashmir can be

reassessed from this point and the gains that Pakistan has made from two wars over Kashmir with India. The record is straight in indicating that Pakistan as a weak and war-initiating state in the subcontinent is a loser. Fighting a war to loose can no more be a rational option. This is particularly so between India and Pakistan, which are not only heavily armed but also, nuclear armed. The continued stalemate on the issue has proved that conflict has to be negotiated out rather than fought out causing astounding damage to national economy and human psyche. The need for the classe politique is, therefore, to change their fighting habits to negotiating habits by making war as "subrationally unthinkable" option for both the prosperity and the prospect for peace in South Asia.

Negotiating cooperation and peace also requires the powerful to desist from its desire to set rules based on a process of reducing the regional relationships to a supplicant framework. The theoretical construct of peace based on the power matrix with sustained habits and interests to absorb the heat of challenges by systematically peripheralizing or neutralizing undercurrents of strategic defiance would again be adverse to the peace process. Desire for peace in the region is not simply an illusion. This desire can be transformed into reality through commitments to genuinely negotiate conflicts. Scaling down of conflict requires either unilateral decision or mutual compliance in favour of unpacking threat rather than by continuing armament and deployment of troops at the sensitive or disputed areas. Conflict should not lead the relations to crowd out. Attempts to mitigate conflict can lead to a better order. The first step towards peace initiative should be taken by reintroducing and implementing the existing and agreed upon agreements honestly. Peace preserves the value of being a nation-state, which is ultimately directed towards the economic well being of the people and creating conducive environment for social integration within the state, not the rupture in social peace and the destruction of values of being a state.

Note

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240 CNAS Journal, Vol. 29, No. 2 (July 2002)

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