



ROLE OF DIPLOMATIC RELATIONS OF INDIA AND PAKISTAN IN COMBATING TERRORISM

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ABSTRACT

Diplomacy is the social practice by which states interact with other states. It takes place in the medium of international law as states use international law to explain and justify their policies to other states and other audiences and to understand them themselves. It is clear to see that in practice, states invoke law to strengthen their positions relative to other states by constructing justifications that situate their policies and preferences as consistent with international laws and norms. This is a ubiquitous practice in contemporary international politics. It can also be used to inform a theory of diplomacy as the intersection of international law and international politics. The present paper therefore examines the relationship between diplomatic relations and terrorism with special reference to India and Pakistan ties.

KEYWORDS : Diplomacy, Diplomatic Relations, India, Pakistan

1. INTRODUCTION

Diplomacy is a subset of dialogues where the broader set also includes private negotiations and secret interactions. Negotiation involves trading interests toward an agreement, where reaching a point of agreement is essential to moving forward on a common project. It requires several actors in pursuit of their private interests where coordination with the others carries the possibility of a greater payoff than does independent action. Secret interactions are defined by the state's failure to provide a public justification for its action, the public justification being the crucial component of diplomacy. Diplomacy is also a social practice. It is a form of interaction among social actors that is framed by the existing social structures of rules, norms, and habits, and that is in turn productive of these structures. These rules define and constrain the practice of diplomacy, and they are in turn reproduced and changed in the course of being deployed or invoked. The literature on International Relations (IR) is unified around the idea that there exists "a sociality that always inter-connects, constrains, and enables the 'particles' of social life through-out their motion." The practice of diplomacy is defined by three elements: it is social, it is state centric, and it uses and produces the legal resources of the international system.

2. CATEGORIES OF DIPLOMACY

Diplomacy, the "engine room of international affairs", has played a vital role in developing international relations. Such a role is often visible, familiar and recognisable, yet often understudied, understated and underappreciated. Defined in a classical sense as "the application of intelligence and tact to the conduct of official relations between governments", Traditional Diplomacy is the key historical mechanism by which states achieve their foreign policy goals in complex international relations system. The proverbial means to an end, traditional diplomacy has been the sole enabler for summit, defence, secret and public diplomacy in the War on Terrorism (WoT). Some of these categories of the "dialogue between states" is introduced and substantiated below.

Summit Diplomacy

Summit diplomacy is defined simply as "meetings between incumbent heads of government and/or state, or political leaders" is a common practice in international relations. Across every region in this world summits are advantageous for states for many reasons. They are often faster, cheaper and more efficient than traditional, bi-lateral meetings between states. Because summits advance "negotiations between numerous parties simultaneously", bargaining and transaction costs are substantially reduced. And, most importantly, collective courses of political agreement can be reached over a short period of time.

Defence Diplomacy

A second type of state-centric diplomacy in the WoT is defence diplomacy, "the collective application of pacific and/or cooperative initiatives by national defense establishments and military practitioners for confidence building, trust creation, conflict prevention, and/or conflict resolution." Defence diplomacy involves a range of government departments but is always directed by Ministries of Foreign Affairs (MFAs). It is therefore best understood as the "peaceful application by a state of resources from across the spectrum of defence, for the purpose of achieving positive outcomes in the development of bilateral and multilateral relationships ... using defence assets to support diplomatic objectives and further defence interests."

Secret Diplomacy

A third type of diplomacy evident in the WoT is secret diplomacy, the "practice of intentionally concealing information from other governments, the media and/or the public." Secret diplomacy can also involve private, informal and clandestine backchannel meetings, particularly between states or state and non-state actors that share a publically adversarial relationship, as well as any number of activities associated with the murky world of intelligence gathering.

Public Diplomacy

Public diplomacy, "the process by which direct relations with people in a country are pursued to advance the interests and extend the values of those being represented", has been extremely active throughout the WoT. The key word in this definition is values, an element of PD which "sets it apart from classical diplomacy" and its fixation on issues and interests. Public diplomacy uses a variety of mediums such as television, radio, digital platforms such as YouTube, the internet, and so on, to "build and manage relationships; and influence thoughts and mobilize actions" to advance both the sending state's interests and values. These days, public diplomacy is an essential form of "diplomatic engagement."

Digital Diplomacy

Poignantly, Deos and Pigman claim that the internet has become "the central nervous system of international relations." In this brave new digital world "old phenomena take on new dimensions" and new technologies can seamlessly integrate elements of traditional state diplomacy and boost the pursuit of the aforementioned objectives of public diplomacy. All of these developments are encapsulated in a rapidly growing area of theory and practice called digital diplomacy.

3. NATURE OF DIPLOMACY

3.1 Social Nature of Diplomacy

Diplomacy is, first of all, a **Social Activity**. It connects a public

language to the business of the state, giving meaning, reasons, and explanations for state action. It is embedded in a social context of reasons, rules, and meanings that exists before the interaction. The primary component of the contemporary legalized international order is the notion of an international rule of law in which states are expected to abide by the legal commitments that they take on. Through treaties, custom, and other mechanisms, the content of these commitments might be subject to competing interpretations, but the underlying idea of the rule of law and the importance of compliance are universally espoused and are presented as morally, legally, and politically good by states and publicists.

The pervasiveness of the rule-of-law ideology in world politics is evident in the absence of critical contestation over it and in the degree to which compliance with international obligations is identified as the solution to a wide range of political problems, from human rights abuses to international conflict to economic development.

Diplomacy puts these resources to work to explain, justify, or change the actions of the state. Frederick Schauer describes giving reasons for behavior in society as *"the practice of engaging in the linguistic act of providing a reason to justify what we do or what we decide."* These reasons make action meaningful to the self, and potentially to others. Public reasons are among what Allen Buchanan calls the "epistemic requirements for justified action." They are conceptually essential to action: agents cannot operate without the resources with which to explain and understand their actions. Diplomacy is the international variant of this activity. It draws on international rules, norms, and concepts to construct state action that is meaningful to the actor and its audience.

3.2 State Centric Nature of Diplomacy

The second feature of international diplomacy is that as a practice, it is necessarily connected to states rather than to other kinds of actors. This does not mean that non-state actors cannot engage in the practice, rather, it means that when they do, they are engaged in an activity that is directed toward states, in a process of using international social resources to influence state behavior. This follows naturally from the formal structure of the activity and its connection to the **State-Centric Framework** of public international law: only states are obligated under public international law, and only states find themselves in a position to claim credit or earn demerits for following or breaking international law. The politics of international law center on claims about compliance or noncompliance, and non-state actors are not in a position to comply or violate it. This does not mean that non-state actors may not engage in diplomacy, nor is it a challenge to the widely held view that non-state actors are taking a larger role in diplomacy than they previously had.

3.3 Productive Nature of Diplomacy

As states use international law to explain their behavior, they contribute to remaking and reinforcing those rules. Diplomacy therefore has a "productive" effect in the sense of the term defined by Barnett and Duvall: it produces the public, social, and legal resources with which future state behavior is understood, justified, and argued over. This is the effect identified by Sending, Pouliot, and Neumann by which "forms of diplomacy come to constitute the basic political fabric of world politics." The productive effect of diplomacy provides one dynamic for change in international law and international relations since the content of international law at any point in time is a function of how it has been deployed by actors in the past.

The productive elements of diplomacy can be seen in many cases where international law has developed through practice. Humanitarian intervention, for instance, is

increasingly seen as legal under certain circumstances, despite its tension with the ban on war and other rules of the UN Charter. This process was largely driven by governments using the language of legalized humanitarianism to justify their positions on intervention, and the effect has been to change the prevailing definition of the laws on the use of force. Similarly, one cannot explain the content of the laws on preemptive war without making reference to the moments of state practice in the past when these laws were invoked and argued over in practice.

The productive effect of diplomacy is not dependent on a consensus around the meaning of the new claims, only on the fact that the rules were deployed and interpreted to fit the case. Arguments about the epistemic community of international lawyers go too far when they presume that this community is in a position of authority over states or over the construction of legal arguments. This overstates the position of international legal experts and understates both the public and the variegated qualities of the diplomatic process.

4. DIPLOMATIC RELATIONS OF INDIA & PAKISTAN & THE ISSUE OF TERRORISM

Relations among nations are the natural outcome of co-existence. Its nature is determined by the internal compulsions of nations and external forces which are at play. Foreign policy's importance can be analyzed in the light of the fact that it is the only policy that proposes interaction among nations. Relations between two countries represent policies of two countries. These policies have direct implications of foreign policy of nation states which decide the course of international politics. Nations do not exist in vacuum; they exist in a particular environment and have to adopt it, like any other organism. Consequently any change in the environment requires change in the behavior of the nations.

No nation is nor can be fully self-sufficient, for the ends that it wishes to achieve always outweigh the resources that it has. In fact the desire to fulfill the national interest and the inability to achieve all the goals of foreign policy independently gives rise to the configuration called interdependence of nations. Interdependence is an incontrovertible fact of international relations and this precisely is the reason why every nation gets involved in the process of establishing bilateral and multilateral relations leading to diplomatic political, economic, cultural and trade relations with other nations.

India and Pakistan are the core states of South Asia which are culturally similar linguistically united geographically closed and historically related. But it is strange that despite the geographical, historical and cultural similarity the relations between these two states are not so much smooth and peaceful. The demand for Pakistan was itself based on distrust. Roots of this kind of relationship between India-Pakistan can be seen in the colonial history of Indian sub-continent. British colonial rules established a tradition by the partition of this subcontinent that creates a chain of struggles, disputes and instability in the region. Bilateral relations between India and Pakistan are undoubtedly the most important in South Asia and the world also.

But relations among both states are not at all smooth in nature and has been full of ups and downs. Now the both countries are overtly nuclear powered, they possess greater risk, if the ongoing crisis is not resolved. It is in this background, the study of Indo-Pak relations is an attempt to analyze the Political, Economic, Strategic issues and other related bilateral issues between these two countries. And efforts will be made to suggest methods by which the peace and security can be maintained in the region.

The history of Indo-Pak Relations has been mainly a story of

conflict and discord, mutual distrust and suspicion. Other than Israel, Pakistan is the only nation in 20th century whose birth resulted from the demand by a religious community for a political structure in which it would be dominant. In the August, 1947 British India was divided into two parts as decolonization process that was the birth of the two independent nations in the subcontinent namely India and Pakistan.

Since, India and Pakistan, became independent it has been rightly stated that Pakistan's foreign policy is made in India but unfortunately India and Pakistan never became good friends and always engaged in conflicts and disputes. There is a fair amount of scholarly agreement that partition occurred not because of Hindus and Muslim could not live together, but because the elite of the two communities could not agree to power sharing. The greatest tragedy was that the deciding feature of this division was religion.

These two nations never come out from the circle of conflicts and disputes since independence. Their relations travel from dispute to peace and peace to dispute subsequently but remain always far from friendship and cooperation. It has resulted from a number of complex factors like legacy, the difference in religion and race, conflicting national interests, ideologies, power struggle. From the very beginning, the two powers became involved in a conflict ridden relationship over the status of the former princely state of Jammu and Kashmir and forced immigration of thousands of Hindu and Muslim.

The dispute has proved severely opposed to resolution because, at bottom, it is infused with the self-images of the two states. Pakistan deemed its identity as a Muslim homeland incomplete without Kashmir; while India sees its control over this Muslim-majority state as a demonstration of its secular identification. This tense relationship has resulted in three major wars (1947-48, 1965, 1971) and a limited one (1999) and multiple crises like the question of minorities, evacuee property, sharing of assets, division of military stores, Hyderabad and Junagarh, the list is endless.

A number of promising agreements were made. For instance, the Tashkent and Shimla agreements, and Lahor declaration. Although they resolved the Indus Water dispute in 1960 and the Rann of Kutch dispute in 1968 through negotiations, there was no agreed mechanism to guide their stable conflicted relationship. After 1971, consequent the liberation of East Pakistan and formation of Bangladesh, India gained legitimate status of being an emerging power in South Asia. In the 1980s the two sides began to talk on the Siachen, Sir Creek and the Tulbul-Wullar disputes and put in place a series of confidence building measures pertaining to conventional and nuclear weapons power.

These negotiations had no set time table and were held on a need to meet basis. There was no compulsion on either side to continue their negotiations when their relationship declined in the face of terrorist attack or armed aggression. However, with the coming in of the BJP government in 1998 and the nuclear tests by both states give status of nuclear power to these. The period between 1999 and 2002 witnessed a high level of tension between India and Pakistan.

Indian Prime Minister Atal Bihari Vajpai started a bus service between Delhi and Lahore on 20 Feb, 1999 by a great journey through this bus. At the time of this journey the Prime Minister signed a MOU (Memorandums of Understanding) with their Pakistani counterpart on 21 Feb, 1999, this MOU known as the Lahore Declaration. In this declaration the focus was given on co-operations, to fight against terrorism, to give respect to human rights, to don't interfere in their internal issues and to behave like good neighbors.

But unfortunately Pakistan started war against India in May, 1999 in the Kargil but this become great tensions between these nations. After Kargil conflict and attacks on J&K legislative assembly and Indian Parliament in 2001 there was tensions on border across LOC and the ceasefire declared. The Prime Minister of India Atal Bihari Vajpayee extending "the hand of friendship" towards Pakistan. Pakistan responded large number of CBMs including announcement of the ceasefire on the LOC.

Thus there are many ups and downs between these nations in the last century. The peace process launched in January 2004 had been one of the most productive and sustained in the history of a dismal bilateral relationship. This process has seen significant expansion of bilateral trade, improved people to people contact, a ceasefire on their borders, the implementation of number of confidence-building measures in disputed Kashmir, and above all serious back channel negotiation on the Kashmir question.

While its policy makers have increasingly talked about the urgent need to construct a 'peaceful periphery' for many of its leader an integrated North West region of the subcontinent was a living memory. None exemplifies this better than Prime Minister Man Mohan Singh of India, whose family lived in the North West part of what is now Pakistan and migrated to India after partition. In early 2007, speaking on India's relations with its neighbors, Singh mused on his aspirations for restoring these historic connections: 'I sincerely believe... that the destiny of the people of South Asia is interlinked. It is not just our past that links us, but our future too. India cannot be a prosperous, dynamic economy and a stable polity if our neighborhood as a whole is also not economically prosperous and politically stable.

Similarly, our neighbors cannot prosper if India does not do so as well. There are enormous opportunities for promoting mutually beneficial cooperation in South Asia. To exploit these opportunities, the nations of South Asia have to work sincerely to control the scourge of terrorism and extremism... I dream of a day, while retaining our respective national identities, one can have breakfast in Amritsar, lunch in Lahore and dinner in Kabul. That is how my forefathers lived. That is how I want to our grandchildren to live."

Today, more than sixty five years after independence, the common people as well as the elite of India and Pakistan are concerning towards establishing condition for permanent peace. But unfortunately the situation is not so much better for India and Pakistan which it should be but the power of the old mindset is declining and the momentum for peace is growing. Relevance of the Study: It is well documented that in contrast to India, Pakistan started its journey as an independent state without the political infrastructure around which democracy could grow and develop. This institutional deficit created the space for the early rise of the military as an autonomous and powerful actor in domestic politics in Pakistan but in India, civil authority is supreme.

Therefore if democracy succeeds in Pakistan then peaceful environment can be harvested in South Asia. India is very much alive to this and has made considerable efforts in this direction and wanting a stable neighbor at peace with itself. Yet, the Indian Strategy has not been able to translate the intent into reality. There is no doubt that people on both sides want contact, not distance. In 2006, the year of writing, it had to be seen to be believed. A huge number of people gathered at the same border nearly 500,000 people had only one slogan on their lips: 'Hindustan Pakistan Dosti Zindabad' (long live India-Pakistan friendship).

This shows that people of both states want always live

together, then why government of both states cannot engage for permanent peace of the subcontinent. In this row then foreign secretary Nirupama Rao and her then Pakistani counterpart Salman Bashir in Thimphu on the sidelines of a South Asian Association for Regional Cooperation (SAARC, 2010) meeting and agreed to hold talks on traditional issues as well as talks incorporating a new subject Afghanistan and came up with new ideas and said that "why should we be just struck with discussing these issues, why cannot we discuss more issues? Why cannot we discuss the situation in our region?"

Further Indian foreign Minister SM Krishna and his Pakistani counterpart Hina Rabbani Khar announced new Confidence Building Measures (CBMs) and expected that these will expand the scope of people to people contacts and humanitarian issues. The CBMs include increasing cross-LOC trading days and expanding travel to include tourism and religious aspects, apart from relaxing permit conditions for travel by people of Jammu and Kashmir to the other side of LOC by having a system of Six-month multiple entry.

5. CONCLUSION

Both countries had tried everything including war and mobilization of troops to force the other to accept its version of Kashmir Settlement. They failed in this. Secondly, nuclear parity in South Asia made war almost impossible. Thirdly, the economies of both the countries were doing very well at this time and the rising middle classes in both countries desired peace for continued growth.

Pakistan has realized that it will be a gain by according the most favored nation status to India in matters of trade and commerce. India took such a decision in the case of Pakistan a few years back. Pakistan's community has made a strong recommendation for MFN status to India, saying that it changed scenario. This necessitated an alternative strategy for a solution of the Kashmir dispute which would satisfy the people of Kashmir, India, Pakistan. That being the case, it was clear that any solution we found would not be an ideal one from the perspective of all Kashmiri's, Pakistani's, and Indians. It could only be the best under the circumstances.

Despite all this it was convinced that we were on the wrong track as far as neighborhood management was concerned. We needed a new approach to convert the traditional confrontation and conflict approach to one of cooperation and convergence. People in South Asia, home to a vast majority of the world's poor, need the availability of employment opportunities more than anything else. This is essential so that no one takes interest in destructive activities like terrorism. If there is cooperation between India and Pakistan and not conflict, vast opportunities will open up for trade, travel and development that will create prosperity in both nations.

Bilateralism in Indo-Pak relations remains the fundamental principle of conflict resolution initiatives. The 1972 Simla agreement signed following the 1971 war provided that both parties will settle their pending disputes through bilateral negotiations or through any other means mutually agreed upon between them. This agreement ruled out the possibility of any third party involvement in Indo-Pakistan affairs, especially on the disputes which are being negotiated within the rubric of the eight baskets mechanism. But here is not to deny the influence of the third party indirect influence, particularly the United States, in Indo-Pak relations. In the 1990s, after the withdrawal of the Soviet troops in Afghanistan, there was a discernible plunge in US interest in Pakistan on the one hand and growing warmth in relations with India on the other. Such a paradigm shift in US foreign policy added to Pakistan's insecurity, driving it to establish a mechanism for engagement with India to address its security interests, independent of US support.

The need for Pakistan to engage India in dialogue continues today. Likewise, the rapprochement with China with both sides bolstering their trade relations and engaging in talks to resolve their boundary disputes indicated India's increasing control over its foreign relations with neighbors, who also had good relations with Pakistan. As a result Pakistan was slowly coming to terms with the new realities in which, like India and China, it needed to move away from a confrontationist approach towards a policy of engagement and address pending disputes in a peaceful and negotiated manner.

The conventional wisdom that one cannot choose neighbours and therefore must learn to live with them had begun to shape India and Pakistan's foreign policy formulations, irrespective of the challenges and difficulties such an approach entailed.

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