



# Management of Pakistan-India Relations: *Resolution of Disputes*

Islamabad Policy Research Institute

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Resolution of Disputes**

**by  
Dr Noor ul Haq**

**Islamabad Policy Research Institute**

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# Acronyms

AIML	All-India Muslim League
AJK	Azad Jammu and Kashmir
ASEAN	Association of Southeast Asian Nations
ATS	Anti-Terrorist Squad
BJP	Bharatiya Janata Party
CASA-1000	Central Asia South Asia Electricity Transmission and Trade Project
CBM	Confidence-Building Measure
CENTO	Central Treaty Organization
DG	Director-General
FATA	Federally Administered Tribal Areas
GATT	General Agreement on Tariffs and Trade
GB	Gilgit-Baltistan
IB	Intelligence Bureau
ICJ	International Court of Justice
IDP	Internally Displaced Person
IG	Inspector-General
IHK	Indian Held Kashmir
IISS	International Institute for Strategic Studies
INC	Indian National Congress
IOK	Indian Occupied Kashmir
IP	Iran-Pakistan
IPI	Iran-Pakistan-India
IPNI	India-Pakistan Neemrana Initiative
ISAF	International Security Assistance Force
ISI	Inter-Services Intelligence
ISPR	Inter-Services Public Relations
IWT	Indus Waters Treaty

JKPDP	Jammu and Kashmir Peoples Democratic Party
KP	Khyber Pakhtunkhwa
LeJ	Lashkar-e-Jhangvi
LNG	Liquefied Natural Gas
LoC	Line of Control
MAF	Million acre-feet
MD	Managing Director
MFN	Most Favoured Nation
MO	Military Operations
NA	Northern Alliance
NACTA	National Counter Terrorism Authority
NAP	National Action Plan
NATO	North Atlantic Treaty Organization
NDMA	Non-Discriminatory Market Access
NDMARB	Non-Discriminatory Market Access on a Reciprocal Basis
NGO	Non-Government Organisation
NTBs	Non-Tariff Barriers
OIC	Organization of Islamic Cooperation
PDP	Peoples Democratic Party
PSA	Public Safety Act
PTV	Pakistan Television
RAW	Research and Analysis Wing
RCSS	Regional Centre for Strategic Studies
RSS	Rashtriya Swayamsevak Sangh
SAARC	South Asian Association for Regional Cooperation
SAFTA	South Asian Free Trade Agreement
SCO	Shanghai Cooperation Organization
SEATO	Southeast Asia Treaty Organization
SSP	Sipah-e-Sahaba Pakistan

TADA	Terrorist and Disruptive Activities Act
TAPI	Turkmenistan-Afghanistan-Pakistan-India Pipeline
TJP	Tehrik-e-Jafaria Pakistan
TNSM	Tehrik-e-Nifaz-e-Shariat-e-Mohammadi
TTP	Tehrik-e-Taliban Pakistan
U.S.A.	United States of America
UK	United Kingdom
UN	United Nations
UNCIP	United Nations Commission for India and Pakistan
UNSC	United Nations Security Council
USSR	Union of Soviet Socialist Republics
WTO	World Trade Organization

## Preface

This IPRI Paper primarily discusses the Pakistani perspective vis-à-vis Indian policies about the settlement of the state of Jammu and Kashmir, as well as other contentious issues bedeviling Pak-India relations, among which Kashmir, the core issue, tops the agenda. An amicable resolution of issues will hopefully not only lead to good neighbourly relations between the two countries, but also make South Asia a region of peace and prosperity. This is a goal worth pursuing.

So far, both India and Pakistan have sought to pursue the interests of their respective states and stuck to their rigid positions. Ideally, they should have resolved their differences on the principles of law, justice, morality and human rights with a focus on the welfare of their people.

During the colonial period, as the prospects of independence approached, Hindu-Muslim differences were increasing. When reconciliation about sharing power became impossible and Hindu-Muslim riots were increasing, the partition of the South Asian Subcontinent into two sovereign states — Pakistan and Bharat (India) — became inevitable so that both nations could live peacefully in their respective majority regions. Unfortunately, before independence, the intense opposition to the establishment of Pakistan had led to widespread communal riots assuming the proportions of a civil war in some provinces.

After independence, besides some issues of lesser importance, the Muslim majority princely state of Jammu and Kashmir became the bone of contention and led to two all-out and three localised wars and several crises and border skirmishes. After about seven decades of independent existence, the Kashmir dispute and some other issues are yet to be resolved, depriving the Subcontinent of its potential for progress.

The main factors due to which the two states have not been able to reconcile are the ‘tyranny of power disparity’ and lack of mutual trust. India being a major power must show magnanimity, shed its superiority complex and allow its smaller neighbours to enjoy sovereign equality and deal with them justly on equal footing.

The issue of Kashmir cannot be resolved militarily, the United Nations is not enforcing its resolutions, nor is India prepared to grant self-determination and plebiscite under UN auspices to the people of Kashmir. Proxy wars, confrontation and half-hearted international pressures have also not worked. Hence, soft power tools instead of warfare, multilateralism instead of bilateralism, emerge as the preferred options for the solution of this issue.

The past decades have seen the world transform. South Asia, too, is in transition. Several new blocs have emerged such as the European Union and the Association of Southeast Asian Nations (ASEAN). However, while South Asian countries are a cohesive geographical bloc under the South Asian Association for Regional Cooperation (SAARC) umbrella, they still remain the least integrated. The member states need to display a spirit of flexibility instead of stubbornness, and accommodation instead of rigidity, if problems are to be resolved. The SAARC agenda should be made more effective by instituting a conflict resolution mechanism in its structure to enable it to work for an amicable resolution of differences and ensure a bright future for one-fifth of humanity inhabiting the Subcontinent.

Despite its long rule, the Congress government in India showed no serious interest in resolving the Kashmir dispute, nor other issues with Pakistan. Prime Minister Nawaz Sharif's initiative of travelling to Prime Minister Modi's swearing-in ceremony in May 2014 was not reciprocated by India with any goodwill gesture. Subsequent events proved that the initiative taken by Nawaz Sharif to visit India had little relevance to the agenda set by the Bharatiya Janata Party (BJP) government for itself.

India called off Foreign Secretary level talks with Pakistan in August 2014 on the pretext of Pakistan High Commissioner's meeting with Kashmir's Hurriyat leaders in New Delhi. The cancellation of talks by India was the first serious setback to the efforts by Pakistani leadership to normalise relations. Since 2014 to date, the Line of Control (LoC) and Working Boundary have not only remained tense, but also witnessed repeated violations coupled with hostile statements by Indian politicians against Pakistan.

Since Modi came to power in 2014, the dynamics of relations between Pakistan and India have changed dramatically. The role of Rashtriya Swayamsevak Sangh (RSS) has substantially increased in Indian policy formulation. Several high profile Indian government officials, including the General Secretary of the BJP, have direct links with the RSS.

Pakistan should keep the Kashmir issue alive through moral, political and diplomatic support; and by highlighting the atrocities of the Indian occupation forces at the international level. Pakistan should not stop meeting with the Kashmir leadership who are the main party to the dispute. In fact, the Government should not resume dialogue unless India shows its readiness to unconditionally discuss the Kashmir dispute.

Pakistan is committed to a result-oriented, sustainable and meaningful dialogue with India to address all issues of mutual concern including the core issue of Jammu and Kashmir. But India's trend of focusing on issues of its choice and ignoring the core issue is a flawed strategy. Similarly, the Indian opposition to the China-Pakistan Economic Corridor (CPEC) has

surprised many. The Corridor is going to be a ‘game-changer for the entire region’, as it would enhance regional connectivity in all sectors. Addressing a seminar on CPEC at Gwadar on 12 April 2016, General Raheel Sharif said that ‘hostile intelligence agencies, especially the Indian spy agency, Research and Analysis Wing (RAW), are trying to destabilise Pakistan after many countries of the world have appreciated the true potential of the China-Pakistan Economic Corridor (CPEC).’ Among several RAW agents captured periodically, a serving officer of the Indian Naval Forces Commander Kulbhushan Yadav (service No. 41558Z) operating as a RAW agent was recently caught red-handed for promoting unrest in Balochistan and Sindh.

It is high time that sanity prevailed. Enmity and hostility must be eschewed. The two states should sit together as friendly neighbours to work out possible solutions to all issues, including Jammu and Kashmir. If they fail to do so bilaterally, they should resort to mediation and arbitration under the UN auspices.

In this monograph, Dr Noor ul Haq has convincingly brought out the lack of legitimacy in the Indian arguments to continue their occupation of the disputed territory of Kashmir. By proposing solutions and options for Pakistan, he has made valuable contributions to the subject. He has also explained the historical background of the issue, which helps in providing a context of the problem to those who have not studied the implications of India’s forceful occupation of Kashmir.

The author himself is a witness to the political developments in Pakistan-India relations since his PhD dissertation was related to the struggle for Pakistan. In addition, he has the advantage of interactions with academia, bureaucracy and other intellectuals at seminars, conferences and talks which he has been attending on Pakistan-India relations. Given this background, he has delineated a workable framework for management of relations, and keeping mutual differences and current developments in view, has indicated possible solutions.

Ambassador (R) Sohail Amin,  
President,  
Islamabad Policy Research Institute,  
Islamabad.

**TYRANNY OF POWER  
DISPARITY**



## **I. Tyranny of Power Disparity**

Gaining independence by exercising the principle of self-determination, the nascent state of Pakistan wished, as its founding father repeatedly said, to build friendly and co-operative relations with its neighbours. Idealistic in inspiration, the state's foreign policy had to come to grips, however, with the reality of the challenge to its right to peaceful co-existence. The failure of its own efforts and those of the United Nations for the settlement of disputes in the wake of Partition in conformity with the principles of international law and justice illustrated the tyranny of power disparity in the region.<sup>1</sup>

-Agha Shahi, former Foreign Minister of Pakistan

**T**he purpose of the monograph is to discuss causes of the strained relations between Pakistan and India and possible solutions so as to achieve peace, development and prosperity for the people of the Subcontinent. But certain fault lines are to be surmounted.

Ever since independence and Partition of the South Asian Subcontinent in 1947, on the basis of Two-Nation Theory, into a Muslim majority state 'Pakistan' and a Hindu majority state 'Bharat' or 'India', there has been animosity between the two states. The Hindu-Muslim riots and resistance to hegemonic designs were among the main causes of Partition. The riots had escalated to an unprecedented proportion. About half a million people died in extensive violence, especially in the province of Punjab, accompanied by a mass exodus of the population both ways. These communal riots are still recurring in India. According to Narendra Damodardas Modi, the Bharatiya Janata Party (BJP) leader and the Prime Minister of India, nearly 700 riots happened in India in one year (2013), including Hindu-Muslim violence in Muzaffarnagar which left 50 people dead and thousands fleeing their homes.<sup>2</sup>

The relations further deteriorated with the invasion of Kashmir by Indian troops on 27 October 1947 leading to Pakistan-India wars in 1947-48, 1965, 1971, and 1999. The forcible occupation of Kashmir and non-implementation of UN Security Council (UNSC) resolutions requiring plebiscite in Kashmir under UN auspices strengthened Pakistan's fear that

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<sup>1</sup> Agha Shahi, Foreword, *Pakistan's Foreign Policy (1947-2005) A Concise History* by Abdul Sattar (Karachi: Oxford University Press, 2007), ix.

<sup>2</sup> 'Muzaffarnagar: Tales of Death and Despair in India's Riot-hit Town', *BBC News*, 25 September 2013, <<http://www.bbc.com/news/world-asia-india-24172537>>.

Indians would be in a position to hurt the country because the Indus River system, which irrigates its lands, originates in Kashmir.

Prior to independence, there was a conflict between the Hindu-dominated Indian National Congress (INC) and the All-India Muslim League (AIML) for an equitable share in power. The INC was determined to wield supreme authority on the basis of its absolute majority and was resisting demands of the AIML. This attitude eventually alienated seventy-nine million Muslims, who then formed about one-fourth population of the Subcontinent.<sup>3</sup> They were not prepared to live as second-class citizens and a permanent minority under Hindu dominated INC which had a 'lot of Hindu symbolism'. For instance, the anthem of the INC was taken from a novel where it was sung by freedom-fighting 'Hindus rebelling against their Muslim Kings.'<sup>4</sup> Initially, the AIML had sought constitutional safeguards for Muslims in a united India. When that proved impossible, their quest turned towards the establishment of an independent state in regions where they were in a majority.

Muslim separatism was essentially a struggle for political and socio-economic emancipation from the clutches of British imperialists and the projected authority of upper caste Hindus who were enjoying an overall 55 per cent majority in a united British India.<sup>5</sup> Conceptually, the conflict between Hindus and Muslims was not a conflict between two religions, but a struggle between the urge for equality among the Muslims and the desire for domination of upper caste Hindus, which was perhaps a reaction to the 700 years' Muslim rule in India.

The 'fear of the domination of Hindus governed Muslim policies and actions; the Muslim minority in undivided India considered itself to be in perpetual domination by an intolerant majority.'<sup>6</sup> After independence in 1947, the belligerent mental attitude continued. India has remained on course to dominate the South Asian region,<sup>7</sup> whereas Pakistan has been struggling for security, equality and peaceful co-existence.

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<sup>3</sup> According to the Census of 1941, the population of the Subcontinent was 388,988,000 (Muslims: 79,058,000; Hindus: 254,930,000 [including Scheduled Castes: 48,813,000]; Christians: 6,317,000; Sikhs: 5,691,000; and others: 30,002,000).

<sup>4</sup> Humera Niazi, 'Predicting a Fourth Pakistan-India War', *Defence Journal*, May 2002, citing Kingshuk Nag, *The Saffron Tide: The Rise of the BJP (Politics)* (India: Rupa Publications, 2014).

<sup>5</sup> Census of 1941.

<sup>6</sup> G. W. Choudhury, *Pakistan's Relations with India, 1947-1966* (London: Pall Mall Press, 1968), 4.

<sup>7</sup> Some politicians in India want their country to follow in the footsteps of an imperialist power and dominate the South Asian region.

## **Mindset**

The Indian mindset is inherently influenced by the concepts of *Hindutva* (i.e. Hindu religious nationalism and superiority complex), *Akhand Bharat* (i.e. the undivided greater India) and animosity towards Pakistan, which, according to Hindus, was responsible for bifurcation of ‘mother India’ and had obstructed the establishment of *Akhand Bharat*.

## ***Hindutva***

*Hindutva*, i.e. the concept of Hindu nationalism, supremacy and dominance, was demonstrated in the demolition of historical Babri Masjid (1992) and anti-Muslim riots (2002) in the Gujarat state of India, where more than 2000 people – mostly Muslims – were killed and more than ‘a hundred thousand [were] in makeshift shelters’. ‘The central and state governments, both run by the Hindu nationalist BJP have been disturbingly slow to curb Hindu retaliation’, wrote Radha Kumar, Senior Fellow in Peace and Conflict Studies at the Council of Foreign Relations in the United States.<sup>8</sup> She further added that ‘[the] state’s chief minister [Narendra Modi] makes no secret of his belief that Muslims must be *second-class citizens* in the Hindu nation’<sup>9</sup>(emphasis added). The BJP, contesting on the same slogan, won the December 2002 elections in the state of Gujarat with an overwhelming majority. The BJP headed a coalition government in India after the 1998 General Elections and again in 1999 mid-term elections and ruled India from 1998 till 2002. The BJP emerged as the dominant party in the 2014 elections and elected Narendra Modi as the Prime Minister of India.

After the BJP’s victory in Gujarat elections (2002), the then Prime Minister of India, Atal Bihari Vajpayee, had said, ‘[T]he real face of secularism has come out in the open after the recent elections in the State.’ He explained that ‘[T]he elections would not change the national political scenario but concepts such as secularism were now being defined correctly.’<sup>10</sup> According to an Indian columnist, even the INC, which boasts of advocating secularism, had adopted the strategy of ‘soft *Hindutva*’ and was described as ‘BJP’s B-team’, because both the INC and the BJP ‘believe that the Hindu voter is communal, and can only be persuaded by a communal dialectic.’

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<sup>8</sup> Radha Kumar, ‘India’s House Divided’, *Foreign Affairs* 81, no. 4, July-August 2002, 172.

<sup>9</sup> *Ibid.*, 175.

<sup>10</sup> Rediff *Hindu*, 26 December 2002, <<http://www.hindu.com/stories/2002122604080100.htm>>.

Congress candidates and leaders shy away from being seen with Muslims in localities that are predominantly or totally Hindu.<sup>11</sup>

‘Religious nationalism [Hindutva] is reshaping the national agenda of the world’s largest democracy’ and is being sponsored by several right wing parties, collectively known as *Sangh Parivar* (joint family),<sup>12</sup> whose intolerance was demonstrated in the Gujarat communal riots commencing February 27, 2002, where more than 2000 people – mostly Muslims – were killed and about 100,000 displaced.<sup>13</sup> According to the *New York Times* (7 February 2015), editorial titled ‘Modi’s Dangerous Silence’:

What will it take for Prime Minister Narendra Modi to speak out about the mounting violence against India’s religious minorities? Attacks at Christian places of worship have prompted no response from the man elected to represent and to protect all of India’s citizens. Nor has he addressed the mass conversion to Hinduism of Christians and Muslims who have been coerced or promised money. Mr Modi’s continued silence before such troubling intolerance increasingly gives the impression that he either cannot or does not wish to control the fringe elements of the Hindu nationalist right.

### ***Akhand Bharat and Expansionism***

The philosophy of Indian expansionism is enshrined in the concept of *Akhand Bharat* (i.e. undivided greater India). It refers to the cherished historic dream of Hindus to reconstitute a great Hindu empire from the headwaters of the Indus River to eastern Burma and from Tibet to Cape Comorin.<sup>14</sup> It is reported that:

[T]he geography books introduced by the BJP in the twenty thousand *Sang Parivar* schools had shown a new map of India with Pakistan, Bangladesh, Tibet, Myanmar, and the kingdoms of Nepal and Bhutan as integral parts of *Akhand Bharat*. [The]

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<sup>11</sup> M. J. Akbar, ‘Congress is BJP’s B-team’, *Dawn* (Islamabad), 12 December 2002.

<sup>12</sup> These parties are (1) Akhil Bhāratīya Hindū Mahāsabhā, (2) Rashtriya Swayamsevak Sangh (RSS), (3) Bajrang Dal, (4) Vishva Hindu Parishad, (5) Shiv Sena, (6) Durga Vahini, (7) World Hindu Council (8) Hindu Jagran Manch, (9) Bharatiya Janata Party, (10) Akhil Bharatiya Vidyarthi Parishad, (11) Bharatiya Janata Yuva Morcha, (12) Swadeshi Jagaran Manch, and (13) Bharatiya Mazdoor Sangh. They are a threat to the 216 million Indian minorities (150 m Muslims, 30 m Christians, 20 m Sikhs, 8 m Buddhists, 4 m Jains and 4 m other religious groups).

<sup>13</sup> Siddharth Varadarajan ed. *Gujarat: Making of a Tragedy* (New Delhi: Penguin Books India, 2002), 135-176.

<sup>14</sup> Larry Collins and Dominique La Pierre, *Freedom at Midnight* (New Delhi: Vikas Publishing House (Pvt.) Ltd., 1976), 294.

Indian Ocean was renamed as Hindu Mahasagar, the Arabian Sea as Sindhu Sagar, and [the] Bay of Bengal as Ganga Sagar.<sup>15</sup>

The ancient concept of *Akhand Bharat* is further strengthened by the Hindu belief that they are the inheritors of British imperialism east of Suez. It is in pursuance of this ideology that India used its Armed Forces to occupy territories that did not accede or belong to it. For example, 'The most alarming development was India's resort to arms to settle the accession of three princely states: Junagadh, Hyderabad and Kashmir.'<sup>16</sup> The Government of Pakistan accepted the request of the ruler of Junagadh for accession of his state to Pakistan on 15 September 1947. Initially, Nehru, in his letter of 12 September 1947 to Prime Minister Liaquat Ali Khan of Pakistan, had suggested that the accession should be decided through a 'referendum' in accordance with the 'wishes of the people', to which Government of Pakistan agreed.<sup>17</sup> Instead of a referendum, India resorted to arms. Indian troops marched into the city of Junagadh on 9 November 1947, taking advantage of the superiority of their Armed Forces. Pakistan's Foreign Minister retaliated in the Security Council:

Hundreds of states, including . . . Kapurthala which has a Muslim majority in the population, acceded to the Indian Union, but in no case did the Pakistan Government intervene in any way. Junagadh was the first state to accede to Pakistan and at once the Indian Government started a campaign of vilification, threats and economic blockade . . . [and the Indian occupation of Junagadh was a] clear violation of Pakistan territory and breach of international law.<sup>18</sup>

*The New York Times* of 11 October 1948 commented that the Indian action was 'extremely unwise and unfortunate.' Ian Stephens observed:

A technique of aggrandisement had been learnt to be repeated later elsewhere not only in 1961 successfully against Goa and in a modified form in 1950-51 and again in 1961-62 against Nepal, but in 1948 against another of three princely states which on Independence Day had remained undecided and a very much bigger and more important one, Hyderabad.<sup>19</sup>

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<sup>15</sup> Tanya Newar, *Dalistan Journal*, July 2001, <<http://www.dalistan.org/journal/hindia/hin000/hind0005.html>>.

<sup>16</sup> Choudhury, *Pakistan*, 6.

<sup>17</sup> *Ibid.*, 69 and 71.

<sup>18</sup> Sir Muhammad Zafarullah Khan, "Security Council Official Record", no. 64, (New York: United Nations Security Council, 1948). Also see Choudhury, *Pakistan*, 73.

<sup>19</sup> Ian Stephens, *Pakistan – Old Country, New Nation* (London: Penguin Books Ltd., 1964), 236.

Like Junagadh, Hyderabad had to suffer the consequences of Indian military aggression immediately after the death of M.A. Jinnah on 11 September 1948. *The Times of London*, dated 18 September 1948, observed:

[O]nce again a powerful Government by resort to arms has imposed its will upon a weaker neighbour . . . [The Indian Government] has, in the judgment of world opinion, violated the moral principles upon which hopes of international security must rest.

The Security Council heard the Hyderabad complaint at several meetings in September 1948. However, it merely kept the question on its agenda without taking any action.<sup>20</sup> India camouflaged its military aggression calling it a 'police action'.

The state of Jammu and Kashmir is a glaring example of how all legal, political and moral factors are sacrificed at the altar of Indian Union's interests. In June 1947, Nehru had formally asked Mountbatten to award the State of Jammu and Kashmir to India, in spite of the fact that Muslims formed 77.11 per cent of the population. The foremost reason advanced by him was that the State was 'of the first importance to India as a whole . . . because of the great strategic importance of that frontier state.'<sup>21</sup> There is ample evidence to prove that the people of Kashmir had revolted against their ruler, Hari Singh, who had fled from his capital, Srinagar. India reportedly sent its troops<sup>22</sup> into the Valley of Kashmir to secure the Srinagar airfield; then the Armed Forces in great numbers were airlifted to Srinagar and the signature of the fugitive ruler was obtained on the Instrument of Accession.<sup>23</sup> Thus, the fate of the Kashmiris was settled not in accordance with popular demand but in pursuance of the expansionist policy of India. In October 1947, Pakistan's Armed Forces were in a formative phase. Later, when the Pakistan Army was somewhat organised, it prevented the Indian advance and forced it to seek a ceasefire. An editorial in *The Times* (London) on 5 November 1947, had this comment to make:

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<sup>20</sup> Choudhury, *Pakistan*, 80.

<sup>21</sup> Nehru to Mountbatten, 17 June 1947, IOR:R/3/1/137, 90-80.

<sup>22</sup> '[The] Instrument of Accession is reported to have been executed on October 26, 1947, but much earlier than that Indian Forces were detected by locals active in fighting positions around Srinagar city', wrote G. N. Gauhar (a former District and Sessions Judge in Kashmir), *Elections in Jammu and Kashmir* (New Delhi: Manas Publications, 2002), 247.

<sup>23</sup> Listowel to Mountbatten, 'Viceroy's Personal Report no. 15, August 1, 1947', IOR:L/PO/6/123 ff.

## *Management of Pakistan-India Relations: Resolution of Disputes*

The course of events in Kashmir and Kathiawar [i.e. Junagadh] is steadily imperiling good relations between the Indian Union and Pakistan. Of the two Dominions . . . [Indian] action . . . seems . . . sheer exploitation of superior forces.

The practical manifestation of the concept of *Akhand Bharat* does not end with the Indian occupation of Hyderabad, Junagadh and Kashmir. India had border conflicts with China, which had led to the Sino-Indian War of October 1962; Indian Armed Forces occupied the Portuguese colony of Goa (1961) and the state of Sikkim (1975); they were enthusiastically sent to Sri Lanka in 1987 after a skewed Indo-Sri Lankan Accord was signed on 29 July 1987. India withdrew its forces after about three years under the intense pressure of the Sri Lankan Government. It is in pursuance of its policy of *Akhand Bharat* that India continues to occupy Kashmir on the pretext of a 'fraudulent' Instrument of Accession signed by the *Maharaja* of Kashmir and not in accordance with the will of the people and the UN Security Council resolutions (Appendices 1 and 2).

Pakistan seems to have reconciled itself to the forcible occupation of Junagadh and Hyderabad states by India, but not to that of the State of Jammu and Kashmir. It is difficult for Pakistan to barter Kashmir away against the dictates of geography, economy, ethnicity, religion and, above all, against the imperatives of popular will and its own security and survival.

### ***Animosity***

The enmity between India and Pakistan goes back to 1947, when Pakistan was created despite the intense opposition of the INC. Earlier, the INC had accepted Pakistan in the hope that it would seek reunion with the rest of India.<sup>24</sup> J.B. Kripalani, the President of the INC, had stated that Pakistan, after playing a fleeting role on the international stage, would be absorbed into India.<sup>25</sup> The Akhil Bhāratīya Hindū Mahāsabhā, a component of BJP, voiced the claim that:

India is one and indivisible and there will never be peace unless and until the separated areas are brought back into the Indian Union and made integral part thereof.<sup>26</sup>

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<sup>24</sup> Minutes of 25<sup>th</sup> meeting of India and Burma Committee, 17 May 1947, Mountbatten Papers, IOR: MSS. F.200/247.

<sup>25</sup> Also see the All-India Congress Committee Resolution of 14 June 1947, accepting the partition plan but expressing their earnest trust that 'the false doctrine of two nations ... will be discredited and discarded by all.' V. P. Menon, *The Transfer of Power in India* (Bombay: Orient Longmans, 1957), 384.

<sup>26</sup> *Ibid.*, 384-5.

Jawaharlal Nehru, who was the first Prime Minister of India, had already told General Frank W. Messervy, General-Officer-Commanding, Northern Command, India, that his:

... deliberate plan would be to allow Jinnah to have his Pakistan and then to make things so difficult for them that they would have to come on their bended knees and ask to be allowed back into India.<sup>27</sup>

It is, therefore, not surprising that, immediately after Partition, Jinnah had complained to the Chief of the Viceroy's Staff, Lord Ismay, about issues such as the unprecedented and unmanageable influx of refugees into Pakistan, which showed that the Indians were determined to strangle Pakistan at birth.<sup>28</sup>

### **Coercive Diplomacy**

Indian foreign policy presents a classic case of the use of coercive diplomacy to achieve its objectives by threatening, encircling and weakening the adversary and undermining its linkages with its allies, neighbours and potential friends as well as promoting internal subversion. India believes that the best way to strike a deal with Pakistan is from a position of strength without involvement of any foreign power or agency. The way out according to them is to stick to their just or unjust stance and since Pakistan cannot match its increasing economic and military prowess, it would have to accept sooner or later the solution imposed by it.

India has been using coercive diplomacy against Pakistan since the beginning. This was demonstrated several times from 1950 to 2002 when its Armed Forces were deployed on the borders of Pakistan in an aggressive posture. The Prime Minister of Pakistan, Liaquat Ali Khan had stated in a press conference on 15 July 1951:

Heavy concentrations of Indian Armed Forces are taking place in East Punjab and in Jammu and Kashmir. As a result of these troops' movement, the bulk of the Indian Army is now concentrated against the Pakistan borders, in particular all its armoured formations have been moved forward within easy striking distance of West Pakistan. This constitutes a grave threat to the security of Pakistan and to international peace. ...

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<sup>27</sup> Sir George Cunningham's Diary, 1947-48, entry dated 21 September 1947, 12, cited in Khalid bin Sayeed, *Pakistan: The Formative Phase 1857-1948* (London: Oxford University Press, 1968), 260.

<sup>28</sup> Lord Ismay, *Memoirs* (London: Heinemann, 1960), 439.



It will be recalled that over a year ago even smaller concentrations of Indian Armed Forces against the Pakistan borders led to so grave a situation that two countries were brought to the brink of war. Throughout last year, I tried my best to persuade the Prime Minister of India *to agree to an effective no-war declaration under which all disputes between India and Pakistan would be settled by the recognised peaceful methods of negotiation, mediation and arbitration* [emphasis inserted]. Unfortunately, the Prime Minister of India [Jawaharlal Nehru] did not accept the formula proposed by me which would have established effective procedures for settling every dispute between the two countries.<sup>29</sup>

Earlier, Liaquat Ali Khan, speaking in the Parliament, had asked for a ‘No War Declaration’:

I suggested through our High Commissioner on December 3, 1949, that the only method in my opinion by which we can restore cordial relations between the two countries and carry conviction to our peoples that there would be no war between them, is to lay down a precise procedure with a time-table so that everyone in India and Pakistan should feel that at least now, for better or for worse, all the principal disputes between the two countries would be settled once and for all. My efforts have failed.<sup>30</sup>

Nirad C. Chaudhuri wrote that ‘India held the pistol at the head of Pakistan, until, in 1954, the American alliance delivered the country from that nightmare.’<sup>31</sup> India has demonstrated time and again its tendency towards coercive diplomacy threatening to attack Pakistan, confident because of its superiority in resources and armed strength. For instance, as early as 1950, India moved its Armed Forces to the borders of East Pakistan. The situation eased as a result of Pakistani Prime Minister Liaquat Ali Khan’s visit to New Delhi. A declaration, subsequently referred to as Liaquat–Nehru Pact, was issued on 8 April 1950.

In August 1965, India and Pakistan clashed in Kashmir. Instead of limiting the conflict to this disputed territory, India escalated and its forces crossed the international border in West Pakistan on 6 September 1965 and a full-fledged war began. The intervention of the United States and the

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<sup>29</sup> M. Rafique Afzal ed. *Speeches and Statements of Quaid-i-Millat Liaquat Ali Khan 1941-51* (Lahore: Research Society of Pakistan, University of the Punjab, 1967), 598-600.

<sup>30</sup> Afzal ed, *Speeches and Statements of Quaid-i-Millat Liaquat Ali Khan 1941-51*.

<sup>31</sup> Nirad C. Chaudhuri, *The Continent of Circe* (London: Chatto & Windus, 1965), 224.

USSR made a ceasefire possible. In January 1966, the Tashkent Declaration<sup>32</sup> was concluded, restoring the *status quo ante* and an agreement by both countries that their relations ‘shall be based on the principle of non-interference in the internal affairs of each other.’

After six years, India again flouted the Tashkent Declaration and the UN Charter in 1971. Internal fighting and insurgency in East Pakistan had caused thousands of refugees to enter India. The then President of the United States, Richard Nixon, had assured Indian Prime Minister Indira Gandhi of the American ‘intention to continue to carry the main financial burden for care of the refugees.’<sup>33</sup> But India did not wish to miss this opportunity to dismember Pakistan through the use of its military might. Pakistan which was the fourth largest democracy and the biggest Muslim country in the world was bifurcated into two halves.

After thirteen peaceful years, in April 1984, in a clandestine move, Indian forces occupied the Siachen glacier once again in violation of the Tashkent Declaration (1966) requiring the settlement of ‘disputes through peaceful means’, and the Simla Agreement (1972), which barred both countries from unilaterally altering the Line of Control in Kashmir. India occupied the glacier taking advantage of the fact that there was no physical demarcation of the border and it was unoccupied. Since then, the Armed Forces of both countries are engaged in conflict on the highest battlefield in the world.

India conducted a military exercise codenamed ‘Brasstacks’ in 1986 in Rajasthan very close to Pakistan’s borders. Pakistan counteracted with a military exercise codenamed ‘Zarb-e-Momin’ in 1989. The conflict between these two nations was at its peak in 1999 when Pakistan, in an attempt to dislodge Indian troops from Siachen glacier, occupied the Kargil summit (part of Azad Kashmir according to the 1949 ceasefire, considered to be on the side of Indian Held Kashmir under Line of Control after the 1971 war. The Kargil mountains dominated the Srinagar-Leh highway through which Indian troops were sent, deployed and supplied on the Siachen glacier. The intervention of the U.S. led to Pakistan’s withdrawal from Kargil, but Indian troops continued to occupy Siachen arbitrarily.

In December 2001, when there was a terrorist attack on the Indian Parliament (13 December) — which Pakistan forcefully condemned — India moved the bulk of its forces to the borders of Pakistan and Azad Kashmir and remained there for ten months in an aggressive posture. Ari

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<sup>32</sup> Appendix 3.

<sup>33</sup> Draft reply from Nixon to Indira Gandhi, 17 December 1971 in Roedad Khan, *American Papers: Secret and Confidential India-Pakistan-Bangladesh Documents 1965-1973* (Karachi: Oxford University Press, 1999), 746-7.

Fleischer, a White House spokesman, speaking on 20 December 2002 about the situation between India and Pakistan said:

[T]he tension reached alarming levels . . . As a result of the intervention of the President, the Secretary of State, and numerous leaders around the world including [Russian] President [Vladimir] Putin and [British] Prime Minister [Tony] Blair, there is now a markedly diminished point of tension.<sup>34</sup>

What was the Indian objective? The identity of those who assailed the Indian Parliament is not yet known as all of them were killed. It is not surprising that the so-called ‘trained terrorists’ were not able to damage any part of the building; nor, except for security guards, were they able to harm any of the legislators who, it is claimed, were their target. Later, India arrested three Kashmiris (including Professor Afzal Guru living in Delhi), accusing them of planning the attack. The Kashmiri leader Afzal Guru was executed in February 2013 after the Indian Supreme Court confirmed the death sentence awarded to him for the attack. If Indian nationals were responsible, how was Pakistan involved? Whatever the truth maybe, immediately after the incident, the Indian Prime Minister belonging to the BJP leveled the allegation that Pakistan was responsible for the attack, stating: ‘*Yeh larai ab aar-par ki larai hai*’ (this will be a fight to the last).<sup>35</sup> As is the pattern with India, Pakistan was blamed without evidence even before any inquiry was initiated, let alone concluded.

It may be possible that the reported crime might well have been the work of the Indian intelligence agency, Research and Analysis Wing (RAW), in an attempt to forge a case of terrorism against Pakistan. It might have been an attack by the Taliban or Al- Qaeda, against whom India was actively supporting the Northern Alliance in Afghanistan.<sup>36</sup> It might have been intended to put a strain on Pakistan’s economy.

According to Pakistan’s former Chief of the Army Staff, General (retired) Mirza Aslam Beg, the objective was ‘to seek strategic relations with the U.S., force Pakistan to change [its] stand on Kashmir, to test [the] nuclear capability of Pakistan and to compel [the] Pakistan Army to control religious elements.’<sup>37</sup> In the opinion of Pakistan’s High Commissioner in India, the allegation was meant to provide an excuse for India to cross the

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<sup>34</sup> *Dawn* (Islamabad), 21 December 2002.

<sup>35</sup> Bhardeep Kang, *Outlook India* (New Delhi), 13 December 2001.

<sup>36</sup> Iqbal F. Quadir, ‘Pakistan- In the Vortex of International Realignments’, *Defence Journal*, January 2002,  
<<http://www.defencejournal.com/2002/january/vortex.htm>>.

<sup>37</sup> *Dawn* (Islamabad), 16 April 2003.

Line of Control and destroy the terrorist training camps allegedly being run by Pakistan.<sup>38</sup> In any case, the amassing of troops on the border was an act of coercive diplomacy.

It is also conceivable that the attack on the Indian Parliament was devised in order to start a fourth war against Pakistan: the Central Intelligence Agency (CIA) indicated this possibility.<sup>39</sup> The Indians had already expressed their intention of starting a war. Immediately after the explosion of their nuclear devices in 1998, Indian Prime Minister, Atal Behari Vajpayee, had warned that his country was a 'nuclear weapons state' and would not hesitate to use the bomb if attacked, and that they had 'the capacity for a big bomb now.'<sup>40</sup> The then Union Home Minister of India, L. K. Advani, had told Pakistan that a 'qualitatively new stage in Indo-Pak relations had been brought about by the country [India] becoming a nuclear weapons state.'<sup>41</sup>

The Union Minister for Parliamentary Affairs and Tourism, Madan Lal Khurana, had said, 'India was ready to fight a fourth war with Pakistan.'<sup>42</sup> BJP's Vice President and spokesman, K. L. Sharma, was quoted as saying that if Pakistan continued its 'anti-India' policy, it 'should be prepared for India's wrath.'<sup>43</sup> The then President of the Vishwa Hindu Parishad (an ally of the BJP), Ashok Singhal, termed the nuclear tests 'Hindu revivalism'; and that, 'a war would be a better step to teach Pakistan a lesson.'<sup>44</sup> Later, it was disclosed that their 'Army wants war, but [the] U.S. and Pakistan's nuclear capability make the government favour coercive diplomacy,' as per an article in *Outlook India* of 27 May 2002.

Similarly, immediately after a terrorist attack in Mumbai on 11 November 2008, in which 186 people were killed, India indulged in blame game, coercive diplomacy and even threats of surgical air strikes against Pakistan. Whereas extremism and insurgency are internal problems of India, terrorism is mostly a transnational crime. It needs to be dealt with jointly, for which bilateral and multilateral cooperation is required. Pakistan had, therefore, asked for a joint investigation, but Indian leaders did not accept the suggestion for reasons best known to them. However, after receiving the Indian dossier on Mumbai attacks, Pakistan had asked for details, mostly pertaining to the identity of the terrorists to bring the murderers and their accomplices to justice.

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<sup>38</sup> *Asian Age* (New Delhi), 22 December 2001.

<sup>39</sup> George Tenet, Director CIA, cited by Niazi, 'Predicting a Fourth Pakistan-India War.'

<sup>40</sup> *News International* (Rawalpindi), 16 May 1998.

<sup>41</sup> *Telegraph* (Calcutta), 19 May 1998.

<sup>42</sup> *Asian Age* (New Delhi), 22 May 1998.

<sup>43</sup> *Telegraph* (Calcutta), 23 May 1998.

<sup>44</sup> *Asian Age* (New Delhi), 24 May 1998.

In addition, Pakistan had also asked for information about the killing of Hemant Karkare, the Chief of the Indian anti-terror squad in the Mumbai attacks. He was investigating the Samjhauta Express train terrorism that happened on 18 February 2008, in which 68 people, mostly Pakistanis travelling to Pakistan, died on Indian soil. Contrary to the Indian blame game, Indian Lieutenant Colonel Prasad Shrikant Purohit, in collaboration with other Indian extremists, was said to be involved. The Indian Maharashtra Police informed an Indian court that ‘Purohit procured 60 kg of RDX [explosive compound] from Jammu and Kashmir in 2006, part of which is suspected to have been used in Samjhauta Express train explosion and Malegaon blasts.’<sup>45</sup> India is so far reluctant to share the investigation details of this case.

Such terrorist acts breed hatred and help hate-mongers sabotage the peace process between the two neighbours and put it on the back burner. They seem to have achieved their objective.

### **Encirclement and Undermining Pakistan: India’s Relations with Other Countries and Blocs**

The Indian hegemonic policy of isolating, encircling, weakening and coercing Pakistan into a subordinate position is not new: it dates back to the time when Pakistan had not yet been established. In May 1947, Pandit Jawaharlal Nehru requested Lord Mountbatten to make it obligatory for the new states (i.e. Pakistan and the Indian Union), once power was transferred, not to align themselves with any outside state or power. Even today, Indian leaders are pursuing the same policy: Nehru’s ‘Monroe Doctrine’ for South Asia, was aimed at establishing Indian hegemony over the region in a manner similar to the U.S. encirclement of the USSR during the Cold War. It is partly with this perspective that India has demonstrated its eagerness to develop friendly relations with all the states in the neighbourhood of Pakistan, namely, SAARC countries (less Pakistan), as well as Afghanistan, Iran, Central Asian states, China, and Russia discussed in brief in the next sections.

#### **SAARC**

The South Asian Association for Regional Cooperation (SAARC), which was established in 1985 ‘for promoting peace, stability, amity and progress ... and peaceful settlement of all disputes,’<sup>46</sup> is hostage to the uncooperative

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<sup>45</sup> Mohammad Jamil, ‘Painful Memories – Samjhauta Express Carnage’, *Frontier Post* (Peshawar), 21 February 2015.

<sup>46</sup> Para 1 of the SAARC Charter.

attitude of successive Indian governments. The factors due to which the organisation has not made the desired headway, besides the structural imbalance (size and resources) amongst member countries vis-à-vis India, are the superiority complex of India and its desire to isolate Pakistan. India's motive in sponsoring Afghanistan's SAARC membership was 'to make it more assertive and less susceptible to Pakistani pressure and influence.'<sup>47</sup> Pursuing a policy of bilateralism, the present BJP government under Modi is also attempting to improve relations with all SAARC countries, except Pakistan.

### ***Afghanistan***

Afghanistan shares its longest (2640 kilometres/1640 miles) border with Pakistan, which has affinity with the former culturally, historically and geographically. Afghanistan, as a state, was established in 1774 and its founder, Ahmad Shah Abdali, gradually included the territories now forming Pakistan as part of Afghanistan. Earlier, the territories now forming Pakistan and Afghanistan were under the same administration, whether it was under Ashoka, Hindu Shahiya, Turkish or Mughal empires.

During British colonial era, Afghanistan was a neutral country and had served as a buffer state between British India and Tsarist Russia/USSR. After independence of the Subcontinent in 1947, Afghanistan laid claim to Pakistan's northwestern territories, which were part of British India according to the inter-state border demarcation and a border agreement of 1893 between the two countries (commonly known as Durand Line), as a consequence of the Treaty of Gandamak concluded after the Second Anglo-Afghan War (1878-80). It was later confirmed by the Anglo-Afghan Treaty of 1919. This border was legally and practically inherited by Pakistan following its independence in 1947 from the British being a successor state. Afghanistan went to the extent of casting a negative vote against Pakistan as an independent state in the UN. Afghanistan's initial opposition to Pakistan suited India as it had also been opposing the establishment of Pakistan.

India, which is a distant neighbour, had been allowed to have ingress in Afghanistan, because the United States in their new world order supported its regional role. India carried forward its Pakistan-centric rivalry inside Afghanistan. Ian Stephens, the British journalist and historian, commented that the nascent state of Pakistan was, thus, sandwiched between the not so-friendly states of India and Afghanistan and would be

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<sup>47</sup> Bhumitra Chakma, 'Global Fight Against Terrorism in Afghanistan: Impact on South Asian Security,' in *South Asia in Transition- Democracy, Political Economy and Security*, ed. Bhumitra Chakma (London: Palgrave Macmillan, 2014), 156.

crushed if attacked by them from eastern and western sides.<sup>48</sup> Following the dictum ‘enemy’s enemy is a friend’, India concluded a treaty of friendship with Afghanistan on 4 January 1950; and an India-Afghanistan Strategic Partnership Agreement on 4 October 2011.<sup>49</sup> However, when Afghan President Hamid Karzai visited India and signed the agreement, he told the media that, ‘This strategic partnership is not directed against any country. Pakistan is our twin brother, India is a great friend. The agreement we signed with our friend will not affect our brother.’ The nuance is that a brother at times may not be friendly. Another implication of the agreement is that after the drawdown of the U.S.-led International Security Assistance Force (ISAF), the ‘strategic partner’ status of India will enable it to play the role of a mentor, when needed. The agreement also envisages that India would be training the Afghan National Security and Police Forces. Pakistan was apprehensive of this development in its backyard.

The Soviet entry into Afghanistan in 1979 was a disturbing and an epoch making event. Pakistan and the U.S. had supported the *Mujahideen* fighting against the Soviet Union. After the Soviet withdrawal from Afghanistan, the U.S. also withdrew, leaving country to face the consequences of a civil war between the Talibans, who were mostly Pashtuns, and the Northern Alliance (NA) composed of mainly Tajiks, Hazaras, Uzbeks, etc. for supremacy. As a consequence, around six million Afghans migrated to Pakistan; and till 2015, there were about 1.5 million registered and an equal number of unregistered refugees living in Pakistan.<sup>50</sup>

Another epoch making event was the attack on the Twin Towers in the U.S. on 11 September 2001 which led to the U.S.-led International Security Assistance Force (ISAF) invasion in Afghanistan. Pakistan supported the U.S. as per the UN resolutions. Pakistan had had a greater influence as compared to India during the Afghan War against the Soviets in 1980s as well as during the civil war in the 1990s, but after 9/11, 2001, the U.S. allowed India to enter Afghanistan.

Whereas, after the withdrawal of the Soviet Union, India was not invited to attend the Geneva Conference in 1988, it was made part of the Bonn Conference in 2010 to discuss the future of Afghanistan after the fall of the Taliban. Thereafter, Pakistan’s primacy suffered, and President

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<sup>48</sup> Ian Stephens, *Horned Moon* (London: Earnest Benn, 1963), 108.

<sup>49</sup> ‘Treaty of Friendship between the Government of India and the Royal Government of Afghanistan’, Indian Treaty Series, (Legal Information Institute of India), <<http://liiofindia.org/in/other/treaties/INTSer/1950/3.html>>; and *Dawn* (Islamabad), 5 October 2014.

<sup>50</sup> Editorial ‘Afghan Refugees’, *Dawn*, 16 April 2015. ‘There may be millions of Afghan refugees in Pakistan – a million and a half officially registered and perhaps twice as many registered – for decades now.’

Hamid Karzai's government (1995-2014) remained pro-India, with the latter investing in Afghanistan liberally and becoming its fifth largest donor. Pakistan's assistance to Afghanistan after 9/11 up till 2015 was almost one-fourth of Indian investment.

Indian policies in Afghanistan have been to the detriment of Pakistan's interests. For instance, India through its consulates in Qandahar and Jalalabad financially supported terrorism and insurgency with arms and equipment<sup>51</sup> inside Pakistan especially in Balochistan 'to gather intelligence for anti-Pakistan purposes and to assist the Baloch separatists', and in regions close to the borders of Afghanistan. The Tehrik-e-Taliban Pakistan (TTP) found a safe haven in Afghanistan. For instance, TTP's leader Mullah Fazalullah, who was evicted from Swat in 2009, found refuge in Afghanistan and operated from its Kunar province against Pakistan.

According to Bhumitra Chakma the 'containment of Pakistan's overarching influence in that country [Afghanistan], a by-product of intense Indo-Pakistan rivalry, is thought to be the chief policy objective of New Delhi.'<sup>52</sup> India has also built an Air Force base in Tajikistan near the Afghan-Tajik border, which is being used for multiple purposes, i.e. for all kinds of supplies to Afghanistan and 'projecting power in Central Asia.' It was a 'power project beyond the national border' of India. Indeed, 'India's security interests [in Afghanistan] primarily revolve around denying any political or military space to the Inter-services Intelligence (ISI)-backed Taliban or other such fundamentalist groups.'<sup>53</sup>

Indian economic interests relate to 'extraction of Afghan mineral resources [such as iron ore, copper, etc.] and as a route for Central Asian energy.' India has also strived to promote trade and signed a preferential trade agreement and 'now one quarter of Afghan exports go to India.' India's politico-strategic goals include 'undercutting Pakistan's influence in Afghanistan and enhancing its own leverage in Kabul' as well as to serve its 'geo-political interests in Central Asia.'<sup>54</sup>

So far, India has 'strived to avoid the projection of its military power, although it has deployed 800 Indian troops' in Afghanistan on the pretext of security of its diplomatic missions and workers. It has also provided some assistance to build the capability of Afghan security forces by training them in India:

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<sup>51</sup> Chakma, 'Global Fight Against Terrorism in Afghanistan: Impact on South Asian Security,' 156-157.

<sup>52</sup> Ibid.

<sup>53</sup> Ibid., 157.

<sup>54</sup> Ibid., 161.



India has demonstrated a slightly greater willingness to play relatively greater role in Afghanistan military. Kabul and New Delhi signed a strategic partnership agreement in October 2011 which, amongst others, stated that India would train Afghan Army, police and air force in counterinsurgency and high altitude warfare and supply light weapons.<sup>55</sup>

India does not have any pressing security interests in Afghanistan. Its key objective is to encircle Pakistan and deny it a fallback position towards a friendly Afghanistan in case of an aggression by India. In addition, Indian influence in Afghanistan endangers security because ‘it enables India to fish in Balochistan’s troubled waters’<sup>56</sup> or any other problem area in Pakistan.

Being close neighbours, the destiny of Pakistan and Afghanistan is interlinked. It is in the interest of both countries to help each other. There should be no blame game between neighbours. The issue of the Durand Line,<sup>57</sup> created by vested interests in 1947, has subsided since the Soviet entry into Afghanistan in 1978. One sensitive issue is the six million Afghan refugees in Pakistan (whose number has halved),<sup>58</sup> who need to return to their homeland once conditions improve.

Presently, both countries should focus on terrorism. The National Unity Government formed in 2014 under President Ashraf Ghani is following a positive policy in evolving politico-economic and security cooperation between Afghanistan and Pakistan. President Ashraf Ghani’s historic talks with Prime Minister Nawaz Sharif in November 2014 ‘succeeded in overcoming in three days the accumulated challenges of 13 years and produced a strategic shift in Pakistan-Afghan relations’, according to Dr Maleeha Lodhi, Pakistan’s Ambassador to the United Nations, while addressing the UN Security Council on 16 March 2015. Earlier, President Ashraf Ghani, while in Islamabad, had announced that he would neither allow safe haven to Tehrik-e-Taliban Pakistan (TTP) on Afghan soil, nor allow anyone else to use Afghan territory against Pakistan. Pakistan reciprocated the same policy. Dr Lodhi confirmed in the UNSC that:

[Both countries] have committed not to allow their respective territories to be used against each other. They have initiated actions to intensify security cooperation, promote bilateral trade, streamline transit trade and forge a close economic

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<sup>55</sup> Ibid., 162.

<sup>56</sup> Ibid., 166.

<sup>57</sup> International border between British India/Pakistan and Afghanistan established in 1892.

<sup>58</sup> Editorial, ‘Afghan Refugees’, *Dawn*.

relationship. Renewed interaction in the military and intelligence sphere has strengthened mutual confidence.<sup>59</sup>

It is, therefore, necessary that the inter-state border (Durand Line) should be managed jointly and effectively so as to control the movement of all persons and goods and deny its use to terrorists. In May 2015, a 'landmark agreement' was signed between the ISI of Pakistan and the Afghan security organisation, the National Directorate of Security (NDS), which 'could fundamentally alter the dynamics of a mutually damaging relationship stretching back decades.'<sup>60</sup>

As for Afghanistan's internal affairs, the Afghan President is in favour of a dialogue with all ethnic groups in his country to achieve national reconciliation. Pakistan supports the process and desires that there should be an 'Afghan-owned and Afghan-led' solution without outside interference through dialogue to achieve national reconciliation, unity, peace, stability and development. If this policy is successful and there is peace in Afghanistan, Pakistan will also have peace and the terrorist threats from the Afghan side will subside. The Afghan refugees will also be able to return to their homes with honour and dignity. Trade and commerce between the two countries will flourish. As for Pakistan-India relations, it is in their mutual interest to cooperate with each other in Afghanistan.

### ***Iran***

India is investing in the Iranian Chabahar seaport and its communication network connecting it with Afghanistan and Central Asia. This serves a dual purpose: one, the landlocked countries should not depend on Pakistan alone and have an alternate route to the outside world through Iran; and second, Chabahar would minimise the importance of the Gwadar seaport. According to C. Raja Mohan, an eminent Indian journalist and historian, in his op-ed published in *Indian Express*, 20 October 2014:

Delhi and Tehran see the Chabahar port as a means to improve their geopolitical leverage with Pakistan and pursue their common interest in providing Central Asia alternative routes to the Indian Ocean.

Pakistan, therefore, needs to give priority to the development of Gwadar with the rest of the country and beyond so as to make it fully operational as soon as possible.

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<sup>59</sup> *Dawn* (Islamabad), 17 March 2015.

<sup>60</sup> Editorial, 'Intelligence Accord', *Dawn* (Islamabad), 20 May 2015.

In 2009, India completed construction of 'Route 606', the 218-km long Zaranj-Delaram road connecting Herat-Qandahar highway with the existing roads leading to the Iranian Chabahar. This would provide a 'faster route for Afghan goods to a sea outlet than the Pakistani ports of Karachi and Gwadar' as well as provide India 'commercial access to Central Asia's energy resources and markets bypassing Pakistan.' To further the same objective, India is also planning to build 900-km rail link between Hajigak and Iran's Chabahar port. Similarly, there is a plan to construct a 600-km road connecting Chabahar with Zahidan which is close to southwestern Afghanistan:

Indeed, India's infrastructure building projects were geostrategic moves in the sense that the key Indian objective was to sideline Pakistan and deny Islamabad to use commerce as a strategic bargaining tool.<sup>61</sup>

In the case of Iran, India has managed to develop a very warm relationship. The President of Iran, Mohammad Khatami, was the Chief Guest at the Independence Day celebrations in India on 26 January 2003. A week before his visit, a defence pact between the two countries was signed by the Indian Naval Chief and the Iranian Defence Minister in Tehran.<sup>62</sup> Similarly, as mentioned earlier, India signed a strategic partnership agreement with Afghanistan in October 2011.<sup>63</sup> These pacts 'looked very much like an encirclement of Pakistan by India, putting Islamabad under overwhelming pressure.'<sup>64</sup> An accord with Iran would give India 'the right to use Iranian military bases in the event of a war with neighbouring Pakistan, in exchange for India providing Tehran with military hardware, training, maintenance and modernisation support.'<sup>65</sup>

Narendra Modi's government approved \$ 85.4 billion for Chabahar seaport in Iran not only to have an alternative route to Afghanistan and Central Asia and counter the importance of Gwadar, but to enable India, if permitted by Iran, to deploy its forces against the western borders of Pakistan.

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<sup>61</sup> Chakma, 'Global Fight Against Terrorism in Afghanistan: Impact on South Asian Security,' 162.

<sup>62</sup> *South Asia Tribune*, 24 February 2003; *SIFY News*, 3 March 2003.

<sup>63</sup> The pact is believed to include an Indian commitment to increase its training of Afghan security forces, including the police. 'Afghanistan and India sign "Strategic Partnership"', *BBC News*, 4 October 2011, <<http://www.bbc.com/news/world-south-asia-15161776>>.

<sup>64</sup> *Ibid.*

<sup>65</sup> Yasmeen Aftab Ali, 'Learning Diplomacy from Iran', *Pakistan Observer*, 13 April 2015, <<http://www.pakistantoday.com.pk/2015/04/13/learning-diplomacy-from-iran/>>.

### *Central Asia*

Since the collapse of the Soviet Union, India has been striving to develop cordial relations with the Central Asian states adjacent to Pakistan. This is reflected in India's signing a treaty on the 'Principles of Inter-State Co-operation' with Uzbekistan, and a 'Declaration on Principles and Direction of Co-operation' with Kazakhstan, Kyrgyzstan, Tajikistan and Turkmenistan. Besides, India is investing in these states. As a result of these growing ties, Kazakhstan and Kyrgyzstan supported India's entry into the Shanghai Cooperation Organization (SCO); they also voiced support for a permanent seat for New Delhi in the UN Security Council.<sup>66</sup>

India is maintaining and operating Farkhor and Ayni air bases at Tajikistan in collaboration with the Tajikistan Air Force. Farkhor Air Base is located 130 kilometres southeast of the capital Dushanbe. It is the first military base outside Indian territory. Ayni Air Base is 15 kilometres from Dushanbe and was completed under the 2002 bilateral defence agreement. \$70 million was spent on Ayni, with its runway extended to 3200 metres and state of the art navigational and defence equipment installed. Former President of Pakistan, General Pervez Musharraf raised his concerns about the presence of Indian forces in this region, perceived as part of the Indian attempt to encircle it.<sup>67</sup>

### *China*

India established friendly ties with the People's Republic of China in the 1950s and Indian Prime Minister Jawaharlal Nehru visited China in 1954. He was of the opinion that the Chinese 'considered the rest of the world to be at a lower level fit only to pay tributes to it.'<sup>68</sup> Despite border skirmishes along northeast India and Ladakh in Kashmir (a 4,056 km border), discrepancies in Indian and Chinese maps of Kashmir and of Indian northeastern border with China, differing views on the status of Tibet and Sikkim, the 'catch phrase of India's diplomacy with China ... was *Hindi-Chini bhai-bhai* (India and China are brothers).'<sup>69</sup> These relations were strained when the Sino-Indian border disputes escalated into a war in 1963. China openly supported Pakistan during the 1965 war, but in 1971 it could

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<sup>66</sup> Ministry of External Affairs, 'Press Release', Government of India, New Delhi, 17 August 2002, <<http://www.meadev.nic.in/news/official/20020807/official.html>>.

<sup>67</sup> Rajat Pandit, 'Indian Forces get Foothold in Central Asia', *Times of India*, 17 July 2007, <[http://timesofindia.indiatimes.com/Indian\\_forces\\_get\\_foothol\\_in\\_centralAsia/articleshow/2208676.cms](http://timesofindia.indiatimes.com/Indian_forces_get_foothol_in_centralAsia/articleshow/2208676.cms)>.

<sup>68</sup> K. Satchidananda Murty, *Indian Foreign Policy* (Calcutta: Scientific Book Agency, 1964).

<sup>69</sup> S. Kumar, *India's International Relations* (Delhi: Maxford Books, 2006), 168.

not take any concrete steps to support the latter owing to the Indo-Soviet Treaty of Peace, Friendship and Cooperation signed in August 1971. India and China re-established diplomatic relations in 1979 and ‘renewed their efforts to improve relations after the Soviet Union invaded Afghanistan in December 1979. China modified its pro-Pakistan stand on Kashmir.’<sup>70</sup>

The warming up in relations commenced with the visit of Indian Prime Minister Rajiv Gandhi to China in 1988. High level visits took place during the 1990s. Chinese Premier Li Ping visited India in 1991 and Indian President R. Venkataraman visited China in 1992, when border trade was also resumed after a lapse of three decades. Indian Prime Minister Narasimha Rao and Chinese Premier Li Peng signed agreements to respect the ceasefire line, cross-border trade and cooperation on environmental issues, etc. President Jiang Zemin’s visit to India from 28 November to 1 December 1996 was part of the ‘process of dialogue at the highest level.’ The ‘Sino-Indian relations are characterised by the theory of “unity of opposites.” These opposites involve “estrangement” and “rapprochement”’.<sup>71</sup> About Kashmir, in January 1994, ‘Beijing announced that it not only favoured a negotiated solution on Kashmir, but also opposed any form of independence for the region.’<sup>72</sup>

Later, during the 1999 conflict between Pakistan and India, China sided with former, and is said to have counseled withdrawing forces:

Significantly, Premier Li Peng and Foreign Minister Tang Jiazuan called for both countries ... to resolve the Kashmir issue politically ... through negotiations and consultations.<sup>73</sup>

The renewed Sino-Indian gradual engagement commenced with the visit of Indian President K.R. Narayanan to Beijing in 2000 and Chinese Premier Wen Jiabao’s visit to Bangalore in 2002 to explore cooperation in high-tech industries. Sino-Indian border trade resumed in July 1992 and reached five million dollars in early 1993. China appointed a special representative to resolve the boundary issue and India recognised Tibet as part of China.<sup>74</sup>

During the visit of President George Bush to China on 22 February 2002, ‘the Chinese and U.S. leaders announced their general agreement to cooperate in encouraging a dialogue between India and Pakistan on the Kashmir issue.’ Earlier in January 2001, Chinese Prime Minister Zhu Rongji visited India and the number two in Chinese Communist Party’s

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<sup>70</sup> Ibid., 169.

<sup>71</sup> Ibid., 174.

<sup>72</sup> Ibid., 170, 172.

<sup>73</sup> Ibid., 178.

<sup>74</sup> Ibid., 180-181.

hierarchy Li Peng visited before him during tense times between India and Pakistan. These visits, according to J.N. Dixit, former Foreign Secretary of India:

...have been interpreted as reflecting China's desire to have an even-handed and impartial relationship with India and Pakistan in contrast to the close political and strategic involvement of China with Pakistan.<sup>75</sup>

In 2003, there was a significant visit of Indian Prime Minister Atal Bihari Vajpayee to China when India identified 'economic cooperation as the new focus of India-China ties.' China officially recognised Indian sovereignty over Sikkim. Nathu La and Jelep La Passes in Sikkim were opened in 2004 and Sino-India bilateral trade surpassed \$10 billion for the first time. China was granted an observer status in the SAARC in 2005. But India's defence-oriented 'strategic partnership' with Washington alarmed Beijing which saw it as a move to contain China.<sup>76</sup>

In 2008, Indian Prime Minister Manmohan Singh visited China and met President Hu Jintao and Premier Wen Jiabao and discussed increasing bilateral trade, commerce, defence, military and other issues. In 2010, Chinese Premier Wen Jiabao visited India accompanied by 400 Chinese business leaders.<sup>77</sup> Since then, trade between the two countries has shown significant improvement. In June 2012, both leaders set the goal to increase bilateral trade to \$ 100 billion by 2015.<sup>78</sup> Chinese Premier Li Keqiang visited India in 2013 in a bid to resolve border disputes so as to stimulate economic relations. Chinese President Xi Jinping's three-day visit to India in September 2014 focused primarily on trade and investment:

Relations, which nose-dived after the 1962 war, improved in later years but not to extent where an Indian leader would make a public show of engagement with a neighbour of which people remain wary.<sup>79</sup>

In August 2014, Narendra Modi's five-day trip to Japan was seen as:

An attempt by the two democracies to balance the rising weight of China across Asia. Chinese President Xi Jinping is expected to pledge investments matching or exceeding Japan's

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<sup>75</sup> J.N. Dixit, *India's Foreign Policy Challenges of Terrorism: Fashioning New Interstate Equations* (New Delhi: Gyan Publishing House, 2002), 279-280.

<sup>76</sup> Kumar, *India's International Relations*, 189.

<sup>77</sup> 'Chinese PM Wen Jiabao begins Bumper Indian Trade Trip', *BBC News*, 15 December 2010.

<sup>78</sup> 'India-China Bilateral Trade set to hit \$100 billion by 2015', *Times of India*, 7 June 2012.

<sup>79</sup> *Times of India*, 18 September 2014.

- a sign, they say, of how Modi has been able to leverage the rivalry between China and Japan to maximise gains for India. Despite the continuing tensions, trade between India and China has reached close to \$70bn (£43bn) a year, although India's trade deficit has climbed to more than \$40bn from \$1bn in 2001-2002.<sup>80</sup>

Currently, in a bid to create a multi-polar world, relations between the two countries are improving. The 15<sup>th</sup> Shanghai Cooperation Organisation (SCO) Summit at Ufa, Russia (2015) agreed to admit India and Pakistan as permanent members of the SCO.

Prime Minister Modi during his visit to Beijing in May 2015 'stressed the need for China to reconsider its approach' on issues that were obstructing them from 'realising full potential of our partnership' and that 'China should take a strategic and long-term view' of Sino-India relations.<sup>81</sup> In any case, except for agreement on Tibet and Sikkim, and significant increase in trade and commerce, the talks between the two countries over several decades have 'not resulted in any firm borders either on the Ladakh or Arunachal Pradesh side.'<sup>82</sup> These fluctuating Sino-Indian relations will always have their repercussions on Pakistan-China ties.

It appears that, despite border disputes, the unprecedented improvement in trade and commercial ties and a consensus to admit both India and Pakistan as members of the SCO, there appears a shift in Chinese foreign policy to have 'an even-handed and impartial relationship with India and Pakistan' unlike the past when China was a staunch supporter of Pakistan vis-à-vis India.

## *U.S.*

India maintains three principal strategic objectives:

...consolidating its position as hegemon in South Asia (grounded in military superiority over Pakistan and lesser regional actors); achieving military paramountcy throughout the Indian Ocean and to acquire sufficient armed power to press status elevation demands upon the international community.<sup>83</sup>

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<sup>80</sup> 'Chinese President Xi Jinping begins India Visit,' *BBC*, 18 September 2014, <<http://www.bbc.com/news/world-asia-india-29218466>>.

<sup>81</sup> *Dawn* (Islamabad), 16 May 2015.

<sup>82</sup> Kuldip Nayar, 'India's Tense Ties with China', *Dawn* (Islamabad), 9 October 2009.

<sup>83</sup> Jerrold Elkin, 'India', in *The Defense Policies of Nations: A Comparative Study*, Douglas J. Murray and Paul R. Viotti ed. (Maryland: John Hopkins Press, 1994), 465.

In its desire to become a hegemon in South Asia and to isolate and subordinate Pakistan, India has been attempting to maintain good relations with all great powers, to be in a position to deny their possible support to Pakistan. For instance, during the Cold War, Pakistan had allied itself with the West and became a member of the Central Treaty Organization (CENTO) and Southeast Asia Treaty Organization (SEATO), which were anti-Soviet and anti-communist. India adopted a policy of neutrality to have good relations with the U.S. and the USSR.

Jawaharlal Nehru, the first Prime Minister of India, visited the U.S. as early as 1949 and said 'Friendship and cooperation between our two countries ... [is] natural' but he was 'not much of a success.'<sup>84</sup> Atal Bihari Vajpayee claimed that India and the U.S. are 'natural allies.' In fact, the U.S.-India relations were upgraded when, during the Sino-India Border War 1962, Nehru requested for arms, which President John F. Kennedy provided.<sup>85</sup> This war enabled India to attract the U.S. and get military assistance. The war was a successful step towards getting closer to the U.S. denting the latter's preferential treatment towards Pakistan being its strategic ally in the Cold War.

During the civil war in East Pakistan in 1971, India, deviating from its Cold War policy of non-alignment, concluded a twenty-year 'Treaty of Friendship, Cooperation and Security' with the Soviet Union in August 1971 with the objective of obtaining physical cooperation of the USSR in the Indian invasion on East Pakistan during November the same year. Although the U.S. was sympathetic, it did not match the USSR to tilt the balance in favour of Pakistan.

India exploded its first nuclear device in 1974 which was followed, in 1998, by 'a series of underground nuclear tests close to the borders with Pakistan.' The U.S. imposed sanctions, but economic sanctions were lifted in 1999 and all remaining sanctions were removed by President George W. Bush in 2001 from both India and Pakistan. This was done to enlist their support in 'Operation Enduring Freedom' in Afghanistan. In 2000, President Bill Clinton visited India indicating 'a shift in Washington's regional orientation away from its Cold War alliance with Pakistan.'<sup>86</sup> On 28 June 2005, the U.S. and India signed the 'New Framework for the U.S.-India Defence Relationship' setting priorities for defence cooperation in 'maritime security, humanitarian assistance/disaster relief, and counterterrorism.' After three weeks, on 18 July 2005, they signed a ten-year defence framework 'Civil Nuclear Cooperation Initiative' paving the

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<sup>84</sup> Dixit, *India's Foreign Policy Challenge of Terrorism*.

<sup>85</sup> 'U.S. India Relations Time Line', Council on Foreign Relations, accessed 20 August 2015, <[www.cfr.org/India/timeline-US-India-relations/p32994](http://www.cfr.org/India/timeline-US-India-relations/p32994)>.

<sup>86</sup> *Ibid.*



way for nuclear trade after a three-decade long U.S. moratorium on India. This was finalised in March 2006 when President George W. Bush visited India:

The nuclear deal, completed in July 2007, makes India the only country outside of the Nonproliferation Treaty that has nuclear capabilities and is allowed to participate in nuclear commerce.<sup>87</sup>

Simultaneously, the U.S. decided to de-hyphenate their policy towards India and Pakistan. Thus, the stance to treat both on an equal footing was changed. For instance, unlike the past practice of visiting these countries one after the other, President Barack Obama visited India twice in November 2010 and January 2015, without making a stopover in Pakistan. During the visit in 2015, he announced ‘America can be India’s best partner.’<sup>88</sup> The U.S.-India Strategic Dialogue commenced on 1 June 2010 and President Obama said the relationship will be ‘a defining partnership of the Twenty-First Century.’

To sum up, India was ‘a virtual Soviet ally’ during the Cold War, due to its extensive military reliance on Moscow. During the latter part of 1950s, ‘U.S.-Indian relations became seriously strained on the Goa issue.’<sup>89</sup> However, after the Sino-Indian conflict (1962), relations improved and the U.S. resumed military assistance to India.<sup>90</sup> At present, Washington finds Delhi a ‘durable partner’, while the latter views this partnership as an ‘important message to the region and beyond.’<sup>91</sup>

### ***Russia***

Although India was maintaining a policy of neutrality in international relations, it was closely allied with the Union of Soviet Socialist Republics (USSR or Soviet Union). Their relations were established in 1950s after Indian Prime Minister Jawaharlal Nehru’s visit in 1955. Since 1950s onward, the Indo-Soviet alliance sought ‘to offset American influence in Asia as well as wanting to neutralise the power of China.’<sup>92</sup> Russia also desired the ‘formation of an India-Russia-China strategic axis as a means of

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<sup>87</sup> Ibid.

<sup>88</sup> Ibid.

<sup>89</sup> ‘Foreign Relations of the United States 1955-57’, vol. VIII, South Asia (Washington, D.C.: U.S. Government Printing Office, 1987), 325.

<sup>90</sup> ‘Foreign Relations of the United States 1961-63, vol. VIII, South Asia’ (Washington, D.C.: U.S. Government Printing Office, 1996), 723.

<sup>91</sup> *Dawn*, 12 July 2014.

<sup>92</sup> Louise Tillin, ‘India and Russia’s Common Past’, *BBC News*, 4 December 2002, <[http://news.bbc.co.uk/2/hi/south\\_asia/2542431.stm2002](http://news.bbc.co.uk/2/hi/south_asia/2542431.stm2002)>.

countering America's global reach.<sup>93</sup> The visits of Indian Premier Rajiv Gandhi to the Soviet Union in 1965, 1986, 1987 and President Mikhail S. Gorbachev's to India in 1986 and 1988 are indicative of the cordial relationship during that period. During the Cold War, India supported Soviet intervention in Afghanistan in 1978:

The Soviet Union consistently gave India backing for its position over Kashmir, and as a permanent member of the Security Council was able to use its power to veto in India's favour.<sup>94</sup>

Declaring Indian sovereignty on Kashmir, Soviet Premier Nikita Khrushchev (1894-1971) said:

We are so near that if ever you call us from the mountain tops we will appear at your side.<sup>95</sup>

The climax of Indo-Soviet relations was reached in August 1971 with the signing of the 'Indo-Soviet Treaty of Peace, Friendship and Cooperation.'<sup>96</sup> It was in collaboration with this great power that India invaded Pakistan in December 1971 ensuring the success of the secessionists in dismembering this country and the emergence of an independent state of Bangladesh.

In 1993, Soviet President Boris Yeltsin visited India and signed a new 'Treaty of Friendship and Cooperation' which dropped security clauses directed against the United States and China of the Indo-Soviet Treaty of 1971, which were no longer required. He also expressed 'strong support for India's stand on Kashmir.'<sup>97</sup> The Russian Foreign Minister Igor Ivanov's (1998-2004) also conducted an 'extended trip across Asia – including India, Pakistan and Cambodia – as part of Moscow's "Look East" policy to counter Washington's push in these areas. The U.S. military base at Manas in Kyrgyzstan and its influence in Uzbekistan are of "grave concern" to Moscow.'<sup>98</sup>

Their strategic partnership agreement of 2000 envisaged more concrete steps in the areas of political and defence ties rather than trade and commerce.<sup>99</sup> So far, India's reliance on Russian military hardware

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<sup>93</sup> Ibid.

<sup>94</sup> Ibid.

<sup>95</sup> Ibid.

<sup>96</sup> Javed Hassan, *India: A Study in Profile* (Rawalpindi: Army Education Press, 1990), 232.

<sup>97</sup> Kumar, *India's International Relations*.

<sup>98</sup> Ibid., 281-282.

<sup>99</sup> David Malone, *Does the Elephant Dance? Contemporary Indian Foreign Policy* (New York: Oxford University Press, 2011), 235.

continues: 'India is still Russia's second largest customer for conventional weapons exports, after China.' For instance, India has purchased Admiral Gorshkov (now INS Vikramaditya) aircraft carriers, SU-30MK long-range fighter aircrafts, and is to get on lease an Akula class nuclear attack submarine, besides purchasing T-90 battle tanks.<sup>100</sup>

Under the changed geo-political situation India became a 'natural ally' of the U.S. with whom it concluded strategic partnership agreement and a nuclear deal. Due to improved U.S.-India relations, Russia's position as a dominant supplier is being challenged. For instance, Lockheed Martin is selling to the Indian Air Force six C-130 Hercules transport aircrafts and Northrop is seeking to provide India the E2D Hawkeye airborne early warning and control system (AWACS).<sup>101</sup>

With this shifting of India to the U.S. market, Pakistan is set to improve relations with Russia. The Indian decision to have closer ties with the U.S. prompted Russia to rethink its defence relationships by lifting the embargo on military hardware and armaments to Pakistan. Pakistan and Russia signed a bilateral defence cooperation agreement at strengthening military-to-military relations in November 2014. They also signed a defence deal on 19 August 2015 that includes the sale of four Mi-35 'Hind E' combat helicopters to Pakistan.<sup>102</sup> However, at present, Pakistan cannot match India's defence budget due to economic constraints. The new alignments are likely, in the course of time, to neutralise Russia's traditional support for India vis-à-vis Pakistan.

### **Trust Deficit**

Until the anti-Pakistan mindset in India and its reaction in Pakistan are changed, and Kashmir dispute is resolved, there would remain a lack of trust and suspicion between the two states. Replying to a question in India, President Barack Obama expressed the hope that, with time, trust would develop between Pakistan and India:

Pakistan was born out of much tragedy and violence. May be surprising to some of you, but I think India has the biggest stake in the success of Pakistan. If Pakistan is unstable, that's bad for India. If it's good and prosperous, that's good. India is on the move. My hope is, over time, trust develops between the two countries. That dialogue begins over less controversial issues,

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<sup>100</sup> Ibid., 237.

<sup>101</sup> Ibid., 237-238.

<sup>102</sup> *Dawn* (Islamabad), 20 August 2015.

before moving on to more controversial issues. I hope both can live side-by-side in peace. It will not happen tomorrow but I hope you achieve that goal. We can't impose that on India and Pakistan. Eventually, India and Pakistan have to work towards it.<sup>103</sup>

## Summary

India is successful in becoming a 'natural ally' and a 'strategic partner' of the United States in its 'rebalancing Asia' policy and has clinched an exceptional 'nuclear deal' with that country. At the same time, India is continuing its policy of maintaining its traditional close relations with Russia and improve economic cooperation with China possibly aimed at neutralising the latter's staunch support for Pakistan vis-à-vis India.

Pakistan came into being with the urge for equality and to escape the tyranny of power disparity. Since its birth, the nascent state has had to face an existential challenge, fight five big and small wars with India and was cut into half when Indian Armed Forces, taking advantage of the insurgency, attacked the province of East Pakistan.

Indian animosity is influenced by the concepts of *Hindutva* (i.e. religious nationalism and superiority complex), *Akhand Bharat* (i.e. the undivided greater India) and a grudge against Pakistan for denying the dream of *Akhand Bharat*. It has been following a policy of 'offensive realism' for expanding its influence and territory. Accordingly, it is pursuing coercive diplomacy to isolate, encircle and weaken Pakistan, besides tempering its linkages with traditional allies, neighbours and potential friends. Pakistan, on the other hand, has been following a policy of 'defensive realism', which is aimed at close ties with great powers and neighbours for increasing its own security and ensuring its own existence. The eminent British journalist, Ian Stephens, former editor of *The Statesman*, Calcutta, put it plainly in 1964 that 'a cardinal underlying purpose' of Indian foreign policy is 'to keep her smaller neighbour weak and isolated for eventual absorption.'<sup>104</sup> The same is true till today.

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<sup>103</sup> *NDTV*, 8 November 2010; and *Times of India*, 8 November 2010.

<sup>104</sup> Stephens, *Pakistan – Old Country*, *New Nation*, 267.

# **DIMENSIONS OF KASHMIR DISPUTE**



## **II. Dimensions of Kashmir Dispute**

The non-resolution of the future of the state of Jammu and Kashmir (J&K) is the core issue that has bedeviled Pakistan-India relations. India has defied United Nations Security resolutions that call for holding a plebiscite under the UN auspices to determine ‘the final disposition of the state of Jammu and Kashmir.’<sup>105</sup> It is not serious about bilateral negotiations to discuss Kashmir and negating its own commitments by continuing its unjust occupation of the State.

In the past about 70 years, India and Pakistan, their Presidents and Prime Ministers have met from time to time, but have not been able to make any headway as far as the Kashmir dispute is concerned. In the recent past, Indian Prime Minister Vajpayee visited Lahore (1999), President Pervez Musharraf went to Agra (2001) and Prime Minister Nawaz Sharif demonstrated goodwill by attending the oath-taking ceremony of Indian Prime Minister Narendra Modi on 26 May 2014. Later, they met in Kathmandu, Nepal (November 2014), Ufa, Russia (July 2015), Paris (December 2015) and soon thereafter on 25 December 2015, Modi made an impromptu visit to Lahore to meet Nawaz Sharif giving ‘a strong public message that the ambiguous course he has taken towards Pakistan has shifted to embrace engagement, not confrontation.’<sup>106</sup> So far, there has been no substantive progress and the opportunities for reconciliation continue to be squandered like in the past.

Political parties, leaders and governments have their own agenda – their vested interests and the lure of popularity amongst the masses – in dealing with the Kashmir dispute. As a consequence, after about seven decades, the dispute is nowhere near a solution. It cannot be resolved militarily, nor is the United Nations likely to enforce its resolutions; nor is India prepared to grant self-determination and plebiscite under UN auspices to the people of Kashmir. This monograph, therefore, is an attempt to discuss:

- Why Indian occupation of Kashmir is illegal, lacks legitimacy and is unjust?
- What are Indian arguments to justify its occupation?
- Why Pakistan insists on a solution of Kashmir?

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<sup>105</sup> United Nations Commission for India and Pakistan Resolutions of 13 August 1948 (S/1100); and 5 January 1949 (S/1196) and UN Security Council Resolution of 24 January 1957 (S/3779).

<sup>106</sup> Ellen Barry and Salman Masood, ‘Narendra Modi of India Meets Pakistani Premier in a Surprise Visit’, *New York Times*, 26 December 2015.

- What are the viable options for Pakistan and what is the way forward?

## **Indian Occupation Lacks Legitimacy**

### ***Kashmir's Standstill Agreement with Pakistan***

Immediately after the establishment of Pakistan and India in August 1947, a Standstill Agreement was signed between the Government of Jammu and Kashmir and Pakistan, which stated that pending settlement of fresh agreements, the existing arrangements of the State with British India before 15 August would continue. Almost a similar Standstill Agreement was signed between India and Hyderabad State on 29 November 1947. In October 1948, India occupied the Kashmir State militarily calling it a 'Police Action,' since it had on the basis of the Standstill Agreement also occupied Hyderabad State, which was unwilling and had not acceded to India. Under the same analogy, India should have agreed to the right of Pakistan over Kashmir instead of its own aggression and occupation.<sup>107</sup>

### ***Violation of the Agreed Principle of Partition***

Both the British Government and the Indian National Congress (INC) had agreed to the demand of All-India Muslim League to partition the Subcontinent on communal basis so that contiguous Muslim majority areas in the northwest and northeast were constituted into an independent state of Pakistan. This was to save the Muslims from permanent Hindu majority rule. Kashmir with 77.11 per cent Muslim majority and contiguous to Pakistan should, therefore, have been allowed to join the latter.

### ***Massacres of Muslims in Jammu***

On the request of Maharaja of Kashmir, the forces of the State of Patiala in India had moved to Jammu in Kashmir by 17 October, i.e. five days before the counter intervention by the tribal *lashkar*.<sup>108</sup> The Patiala forces, along with the State's Dogra forces, Hindus and Sikhs massacred and eliminated about half a million Muslims in and around Jammu. As a reaction to the carnage, on 21/22 October, a *lashkar* of 2000-5000 northwestern tribesmen entered Kashmir. They crossed Domel-Muzaffarabad road to wage a war

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<sup>107</sup> For detailed analysis, see chapter II(E) 'Was Kashmir Obligated to Accede to Pakistan because of the Standstill Agreement?', in Ijaz Hussain, *Kashmir Dispute: An International Law Perspective* (Islamabad: National Institute of Pakistan Studies, Quaid-i-Azam University, 1998), 70-72.

<sup>108</sup> Hussain, *Kashmir Dispute*, 109.



against the Dogra forces. The *lashkar* was ‘out of the control of the Pakistan Government’, as informed by the Prime Minister of Jammu and Kashmir, Ram Lal Batra.<sup>109</sup>

General Douglas Gracey, British Commander-in-Chief of Pakistan Army, warned the Government of ‘dire consequences for the security and integrity of Pakistan if the Indian forces were allowed to move very close to the Pakistan territory.’ Accordingly, the Pakistan Government dispatched Army units into Kashmir as a ‘preemptive defensive measure’<sup>110</sup> to stop the Indian advance and save further massacre of Kashmiri Muslims by the Dogra forces.

### ***Peoples’ Revolt and Establishment of Azad Kashmir Government***

The state of Jammu and Kashmir was ruled by a Hindu Maharaja, whereas it had 77.11 per cent Muslim population. Kashmiris with the support of about 60,000 Muslim ex-servicemen in Poonch district, declared independence on 3-4 October 1947, and formally announced on 24 October the Republic of Azad (Free) Kashmir. The Azad Kashmir Government asked in a letter to the UN Secretary-General Trygve Lie, to intervene on its behalf. This was eight weeks before the formal Indian reference to the UN.<sup>111</sup>

### ***Maharaja’s Desertion***

The Muslim element of the State Armed Forces had deserted and joined the freedom fighters. The panicked Maharaja, along with his family, his valuable possessions and all the available cars ran on 24 October from the capital Srinagar,<sup>112</sup> following which India decided to send its forces into Kashmir.

### ***Peoples Revolt in Gilgit Agency***

Similar to the Poonch revolt, the local militia and people in the Gilgit Agency had wrested control from the Maharaja’s representative and sought accession to Pakistan and Maharaja’s forces abandoned the Agency.<sup>113</sup>

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<sup>109</sup> *Daily Express*, 25 October 1947. British officers in Pakistan at that time were of the view that the Governor General ‘Mr Jinnah at least was honestly and completely taken by surprise.’ (Birdwood, *supra* note 45, ch. 2, p.53 cited in Hussain, *Kashmir Dispute*, 115.

<sup>110</sup> Hussain, *Kashmir Dispute*, 120.

<sup>111</sup> Alastair Lamb, *Incomplete Partition: The Genesis of the Kashmir Dispute 1947-1948* (Hertingfordbury: Roxford Books, 1997, reprint Lahore: Services Book Club, 1999), 140.

<sup>112</sup> Hussain, *Kashmir Dispute*, 77.

<sup>113</sup> Lamb, *Incomplete Partition*, 140.

### ***Indian Aggression and Illegal Occupation of Two-third Kashmir***

On the early morning of 27 October 2014, India airlifted its Armed Forces to Srinagar, the capital of the state of Kashmir, without any legal justification. It was later in the afternoon that the instrument of accession was obtained from the fugitive Maharaja in Jammu. This is contrary to the Indian propaganda that they had airlifted its forces after accession was obtained a day earlier on 26 October from the Maharaja. In fact, the accession was obtained from the fugitive Maharaja on 27 October (afternoon) after the Indian forces had already occupied Srinagar and the fugitive Maharaja could not exercise his independent choice.

### ***Instrument of Accession Null and Void***

According to Stanley Wolpert (a distinguished American Professor of Indian History at the University of California, Los Angeles), 'After the Indian troops had started landing at Srinagar airfield on the morning of 27 October, did V.P. Menon and M.C. Mahajan set out from Delhi for Jammu.'<sup>114</sup>

The Instrument of Accession, according to Wolpert, was only signed by Maharaja Sir Hari Singh after Indian troops had assumed control of the Jammu & Kashmir State's summer capital, Srinagar.<sup>115</sup>

The Maharaja had lost *de facto* and *de jure* authority to decide about the accession of the State of Kashmir. Thus,

Accession of Kashmir to India is null and void as it was obtained under coercion because of the presence of Indian troops in Srinagar at the time the Instrument of Accession was signed by the Maharaja.<sup>116</sup>

### ***Conditional Accession Needs Ratification***

However, the Governor-General of India, Lord Mountbatten, while accepting the fraudulent instrument of accession, in his letter dated 27 October, wrote to the Maharaja that 'as soon as law and order have been restored in Kashmir and her soil cleared of the invader, the question of the

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<sup>114</sup> Stanley Wolpert, *Nehru: A Tryst with Destiny* (New York: Oxford University Press, 1999), 416-17.

<sup>115</sup> Lamb, *Incomplete Partition*, 178.

<sup>116</sup> Alastair Lamb, *The Birth of a Tragedy: Kashmir 1947* (Hertford: Roxford Books, 1994), 98; and *Incomplete Partition*, 139-178.

State's accession should be settled by a reference to the people.<sup>117</sup> Except for elections of parliament under military occupation and suppression by India, people of Kashmir have never had the opportunity to express themselves in a free and fair environment.

### **Arguments to Justify Occupation**

Indian arguments to justify its illegal and unjust occupation are:

#### ***Strategic Reasons***

Indian leaders themselves had agreed to the partition of the Subcontinent and had successfully demanded division of Muslim majority provinces (Punjab, Bengal and Assam) on communal basis, but, contrary to their general demand, on 25 October (i.e. two days before military occupation), Jawaharlal Nehru, Prime Minister of India, sent a telegram to UK's Prime Minister Clement Atlee that 'Kashmir's northern frontiers... run in common with those of three countries, Afghanistan, the USSR and China. Security of Kashmir, which must depend upon its internal tranquility and existence of stable government, is vital to the security of India.'<sup>118</sup> Earlier, in a letter dated 17 June 1947, he had requested the British Viceroy Lord Mountbatten that although the state of Jammu and Kashmir had majority Muslim population, it should be given to India for strategic reasons.<sup>119</sup> Thus, India had already decided to occupy the state of Kashmir on 'strategic reasons' in June 1947 in collusion with the British Viceroy, without caring about the wishes of the majority population of the state.

#### ***Maharaja's Accession***

India continues to justify its claim on grounds of Maharaja of Kashmir's fraudulent accession, as discussed earlier. Even that doubtful instrument of accession was superseded by the UNSC resolutions in favour of a plebiscite under UN auspices.<sup>120</sup>

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<sup>117</sup> Hussain, *Kashmir Dispute*, 48.

<sup>118</sup> Lamb, *Incomplete Partition*, 149.

<sup>119</sup> N. Mansergh, ed. *Transfer of Power Documents*, vol. xi, 446-48, cited in Noor ul Haq, *Making of Pakistan: The Military Perspective* (Islamabad: National Institute of Historical and Cultural Research, 1993), 200-201.

<sup>120</sup> United Nations Commission for India and Pakistan Resolutions of 13 August 1948 (S/1100) and 5 January 1949 (S/1196) and UN Security Council Resolution of 24 January 1957 (S/3779).

### ***People's Decision***

This untenable argument that people have decided in favour of India was repeated by the Indian Prime Minister Narendra Modi, while addressing the 69<sup>th</sup> UN General Assembly on 27 September 2014, that:

The people of Jammu and Kashmir have peacefully chosen their destiny in accordance with the universally accepted democratic principles and practices and they continue to do so.<sup>121</sup>

The facts are different. Since 1947, India has been maintaining more than half-a-million strong armed force in the state of Jammu and Kashmir to suppress the voice of the people. Besides, those who earlier migrated to Pakistan or were murdered, tens of thousands Kashmiris have been killed since 1989 and innumerable atrocities committed on those who continue living in Indian Held Kashmir (IHK).<sup>122</sup> The reports of several human rights organisations bear ample testimony to these violations and atrocities. In a hostile environment, they cannot speak or exercise their choice freely. Therefore, the Indian contention that the wishes of the people of Kashmir have been ascertained in elections is not tenable as the elections under Indian Administration and Armed Forces cannot be a substitute for a plebiscite to be held under the UN auspices where the majority population could exercise its choice freely and fearlessly. The UNSC Resolution of 1957 reaffirms that:

The final disposition of the state of Jammu and Kashmir will be made in accordance with the will of the people expressed through the democratic method of a free and impartial plebiscite conducted under the auspices of the United Nations [and that any action of any other Assembly] would not constitute a disposition of the state in accordance with the above principle.<sup>123</sup>

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<sup>121</sup> *Dawn* (Islamabad), 28 September 2014.

<sup>122</sup> The European Union put forward a resolution about the discovery of mass graves in which it strongly condemned 'the unlawful killings, enforced disappearances, torture, rape and other human rights abuses which have occurred in Jammu and Kashmir since the beginning of the armed conflict in 1989.' 'European Parliament Resolution on Mass Graves in Indian-Administered Kashmir,' (Brussels: European Parliament), 8 July 2008, <<http://www.europarl.europa.eu/sides/getDoc.do?type=MOTION&reference=B6-2008-0359&language=EN>>.

<sup>123</sup> Appendix 2.

### ***Misrepresentation as ‘Terrorism’***

The struggle for freedom of the people of Kashmir since the last seven decades was initially referred to by India as an ‘insurgency’; later, as ‘militancy’; and since 11 September 2001, it is referred to as ‘terrorism’.<sup>124</sup> All these terms are used to mislead international opinion and to disguise its continued forcible occupation of Kashmir. In the joint statement issued after the Obama-Modi meeting in New York on 30 September 2014, the U.S. and India committed to take ‘joint and concerted efforts’ to dismantle terrorist groups like Al-Qaeda, Lashkar-e-Taiba, Jaish-e-Mohammad, the Haqqani network and the D-company. India, therefore, has succeeded to group Kashmir-centric Lashkar-e-Taiba with the U.S.-centric Al-Qaeda and the Haqqani group. This is meant to give a false impression to the international community that Kashmiris are aligned with terrorist groups. This is far from the truth. Kashmiris are struggling for freedom, against Indian human rights violations and for implementation of the relevant UN resolutions and should not be linked to any terrorist organisation.

### ***Kashmir an Internal Issue***

Kashmir is not an internal affair of either India or Pakistan. Its status is yet to be decided by its people. It is the responsibility of the international community and the UN to facilitate a plebiscite to let the people decide their own future in a free and fair environment.

### ***Territorial Issue***

India propagates that Pakistan wants the territory of Kashmir as if it is a territorial issue. It is not. The issue is one of human rights and the right of self-determination. It should be up to the Kashmiris to decide their own future, whether to accede to India or Pakistan.

### ***Re-drawing of Borders***

Since Kashmir is the issue of basic human rights of the people of Kashmir and till such time their fate is decided according to their wishes, Kashmir would remain a disputed territory. So far, legitimate borders have not been drawn. There is a ceasefire line re-named as Line of Control (LoC), which is not an international border. India is misleading the international community that Pakistan wants re-drawing of borders.

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<sup>124</sup> Observation of Pervaiz Iqbal Cheema, former President, Islamabad Policy Research Institute, Pakistan.

### ***Secularism***

The Indians argue that since they believe in secularism,<sup>125</sup> Kashmir should be theirs. The Indians seem to have forgotten that it was with their consent that the Subcontinent was partitioned on communal basis; that it was on their insistence that, besides the Subcontinent, the provinces of the Punjab, Bengal and Assam were also bifurcated along similar lines. They refused to accept a secular 'Free State of Bengal'<sup>126</sup> and instead forced the partition of Bengal on communal basis. When it comes to Kashmir, they try to wriggle out of their commitments to the UN and the people of Kashmir as well as to the people of Pakistan on the plea of secularism — the concept which they refused to follow in the case of the Subcontinent and the provinces of the Punjab, Bengal and Assam.

### ***Domino Effect***

Another reason advanced by India is that Kashmir's accession to Pakistan would have a domino effect on other provinces that are facing ethnic unrest. This is not a valid argument because, unlike other Indian provinces, the state of Kashmir is a disputed territory, has its own separate history, whose fate is yet to be decided by its people as per the UN resolutions, whereas other regions and states are an integral part of India. The case of Kashmir cannot be cited as a precedent for other areas. Secondly, almost all Western democracies are based on core religious interests. There is, therefore, no question of domino effect.

### ***'Iron Curtain' on Kashmir***

In order to hide and cover up Indian human rights violations and suppression, they are not allowing foreign agencies to visit Kashmir freely. In September 2014, when people were marooned in 'hundreds of thousands' owing to floods, the Indian government callously overlooked their plight, and refused to allow the United Nations and international aid agencies to carry out rescue and relief work in flood-hit areas of IHK. Thus, Chaudhry Latif Akbar, Azad Kashmir Minister for Finance and Planning and Development announced at a press conference on 21 September: 'Since Pakistan is a party to the Kashmir dispute, it cannot and should not remain oblivious to the plight of the Kashmiris' and should ask India to 'let the world community help the stranded people.'<sup>127</sup>

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<sup>125</sup> The word 'secularism' was inserted in the Indian Constitution under the Forty-second Amendment Act 1976, with effect from 3 January 1997.

<sup>126</sup> Noor ul Haq, *Making of Pakistan*, 196.

<sup>127</sup> *Dawn* (Islamabad), 22 September 2014.

## **Indispensability for Pakistan**

The accession of Kashmir to either Pakistan or India is an unfinished agenda of the Partition. For Pakistan, peaceful resolution to this issue is crucial for the following reasons:

### ***Indian Occupation is a Threat to Pakistan's Security***

Strategically, the Indian occupation of Kashmir close to the capital Islamabad, and the strategic northern areas as well as the vital railroads of Pakistan, linking Lahore-Islamabad-Peshawar, is a constant threat from India. Secondly, all rivers flowing into Pakistan originate in Kashmir. Irrespective of the Indus Waters Treaty 1960, 'the shutting off of water supplies to the canals leading to Pakistan in 1948 was indicative of the damage that India could inflict upon Pakistan.'<sup>128</sup>

### ***Human Rights Violations in Kashmir***

In spite of Indian censorship, there are various reports indicative of gross human rights violations in Kashmir to suppress the peoples' voice under repressive legal framework, such as the Jammu and Kashmir Public Safety Act (PSA), the Terrorist and Disruptive Activities Act (TADA) and Armed Forces Special Power Act giving powers to Indian Security Forces (ISF) for torture and extra-judicial killing. The ISF have committed widespread looting, arson of houses, shops and markets, rape and sexual abuse of women, etc.<sup>129</sup> For instance, the Amnesty International Report (2011) studied cases of 600 individuals detained under the controversial Public Safety Act for years without trial, while 'depriving them of basic human rights otherwise provided under Indian law.'<sup>130</sup> The U.S. State Department's Annual Assessment Report (2010) also pointed out human rights violations in Kashmir when it said:

There were numerous reports that the government and its agents committed arbitrary or unlawful killings, including the extra-judicial killings of suspected criminals and terrorists, especially in areas of conflict such as Jammu and Kashmir, the

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<sup>128</sup> Tai Yong Tan and Ganesh Kudaisya, *The Aftermath of Partition in South Asia* (London: Routledge, 2000), 98-100.

<sup>129</sup> Raja Muhammad Khan, 'Kashmir – A Case of Human Tragedy: Legal and Moral Questions', in Manzoor Abbasi and Ehsan Mehmood Khan eds. *Kashmir: Looking Beyond the Peril* (Islamabad: National Defence University NDU, 2014), 117-37.

<sup>130</sup> *Ibid.*, 122.

North Eastern States, and the Nexalite belt, where non-governmental forces also committed such killings.<sup>131</sup>

Torture in police custody remains a widespread and systematic practice in the country and there is a lack of any effective system of independent monitoring of all places of detention facilitating torture.<sup>132</sup>

In case the international community is desirous of peace and stability in South Asia, sincere efforts are required 'to undo the historical wrongs done to the people of Kashmir, by resolving the Kashmir dispute as per the wishes of the people.'<sup>133</sup>

### ***Pakistan's Commitment to Kashmiris***

Pakistan is concerned about the human rights violations and is committed to the self-determination of Kashmiris from the beginning since they are the basic stakeholders in the settlement of the issue. Addressing the 69<sup>th</sup> session of the UN General Assembly on 26 September 2014, Prime Minister Nawaz Sharif reminded the world that more than six decades ago, the UN passed resolutions to hold a plebiscite in Jammu and Kashmir:

The people of Jammu and Kashmir are still waiting for the fulfillment of that promise... Many generations of Kashmiris have lived their lives under occupation, accompanied by violence and abuse of their fundamental rights. Kashmiri women, in particular have undergone immense suffering and humiliation.<sup>134</sup>

In response, the next day, on 27 September, Indian Prime Minister Narendra Modi, who could not deny the facts, responded, 'Raising issues in this forum is not the way to make progress towards resolving issues,' and declared, 'I am prepared to engage in a serious bilateral dialogue with Pakistan in a peaceful atmosphere, without the shadow of terrorism, to promote our friendship and cooperation.'<sup>135</sup> However, no 'serious bilateral dialogue' has taken place to date.<sup>136</sup>

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<sup>131</sup> Aijaz Hussain, 'India Security Forces kill 13 Kashmiri Protesters', *USA Today*, 8 August 2008, cited in Khan, 'Kashmir', 122.

<sup>132</sup> *Nation* (Lahore), November 1992, cited in Khan, 'Kashmir', 122-23 as stated in the Report of the British Parliamentary Group (1992).

<sup>133</sup> Khan, 'Kashmir', 134.

<sup>134</sup> *Dawn* (Islamabad), 27 September 2014.

<sup>135</sup> *Ibid.*, 28 September 2014.

<sup>136</sup> Editor's Note: Prime Minister Nawaz Sharif in his September 2016 address to the UN urged, 'On behalf of the Kashmiri people; on behalf of the mothers, wives, sisters, and fathers of the innocent Kashmiri children, women and men who have been killed, blinded and injured; on behalf of the Pakistani nation, I demand an independent inquiry into the



***Pakistan is a Party to the Dispute***

The Government of Kashmir concluded a Standstill Agreement with Pakistan. The people of the State have yet to decide about accession to either India or Pakistan. Till Kashmir's fate is finally decided, Pakistan remains a party to the dispute.

***Kashmir is Not India's Internal Affair***

Since Kashmir is a disputed territory, it is an international issue and not an internal affair of India as claimed by them. The Simla Agreement 1972<sup>137</sup> lays down that the parties should respect the Line of Control in Jammu and Kashmir and this should be done without prejudice to the recognised position of either side. It also states that the 'Two countries are resolved to settle their differences by peaceful means through bilateral negotiations or by any other peaceful means mutually agreed upon between them.' This leads to the conclusion that the two countries are under obligation to resolve it. In addition, Kashmir was included as one of the disputes in the composite dialogue between President Musharraf and Premier Vajpayee.<sup>138</sup> Thus, if Pakistan engages India for resolving Kashmir or meets the Kashmiri leaders to ascertain their views for the same purpose, 'India cannot accuse Pakistan of intervention in its internal affairs.'

***Failure of Bilateralism to Resolve Kashmir***

Despite the pledge in the Simla Agreement 1972 to settle differences bilaterally through peaceful means, hardly any progress has been made. No meaningful bilateral discussions have taken place to resolve the Kashmir dispute, which continues to fester. On 15 July 2001, President Pervez Musharraf went to Agra but no joint statement could be issued due to India's inflexibility. 32 years after the lapse of the Simla Agreement, President Musharraf and Prime Minister Atal Bihari Vajpayee agreed (4 January 2004) to have composite dialogue and identified eight issues for the same, i.e. Peace and Security including Confidence-Building Measures (CBMs), Jammu and Kashmir, Siachen, Sir Creek, Wullar Barrage, Terrorism and Drug Trafficking, Economic and Commercial Cooperation, and Promotion of Friendly Exchanges in Various Fields. More than a decade has elapsed without any progress on most of these, including Kashmir.

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extra-judicial killings, and a UN fact finding mission to investigate brutalities perpetrated by the Indian occupying forces, so that those guilty of these atrocities are punished.'

<sup>137</sup> Appendix 4.

<sup>138</sup> Appendix 6.

***Simla Agreement Cannot Overrule UNSC Resolutions***<sup>139</sup>

India has tried to convince the world that Kashmir, as per Simla Agreement, is a bilateral issue and would be solved bilaterally. They propagate that because of this, there is no space for third party mediation, including the UN. This is far from correct. Irrespective of doctrinal divergence of opinions, the fact remains that the Resolutions by the UNCIP of 13 August 1948 (S/100, Para 75) and of 5 January 1949 (S/1196, Para 51) calling for a plebiscite in Kashmir under the UN<sup>140</sup> are international agreements binding on India and Pakistan because both states accepted them.

***Simla Agreement Cannot Deny Kashmir the Right of Self-Determination guaranteed to them under UNSC Resolutions***<sup>141</sup>

Article 103 of the UN Charter lays down in unambiguous terms:

In the event of a conflict between the obligations of the members of the United Nations under the present Charter and their obligations under any other international agreement, their obligations under the present Charter shall prevail.

Besides, the Simla Agreement in its Article (i) specifically states ‘that the principles and purposes of the Charter of the United Nations shall govern the relations between the two countries.’ Article (ii) of the Simla Agreement requires the two countries to settle their differences through ‘bilateral negotiation or by any other peaceful means’ violates its own Article (i) and is, therefore, null and void.

The right of self-determination obtained by the people of Kashmir by virtue of the UN resolutions is not affected by the Simla Agreement for the reason that they were not a party to it, and so, India and Pakistan are not entitled under international law to speak on their behalf. This argument has been accepted by the International Commission of Jurists (ICJ):

However, the peoples of Jammu and Kashmir were not parties to the Agreement and neither India nor Pakistan, both of which had conflicts of interest with the peoples of Jammu and Kashmir, can be regarded as having authority to bind them. The members of ICJ mission do not see, therefore, how the Simla Agreement can be regarded as having deprived the peoples of Jammu and Kashmir of any rights of self-

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<sup>139</sup> Hussain, *Kashmir Dispute*, 180-233.

<sup>140</sup> Appendix 1.

<sup>141</sup> *Ibid.*

determination to which they were entitled at the time of the Agreement.<sup>142</sup>

### ***Modi's Government for Demographic Change and Union with India***

Narendra Modi has emerged as a powerful leader internally after the general elections of 2014. He enjoys increased international support because India and the U.S. have become strategic partners and have signed a nuclear deal, as discussed earlier. The manifesto of Bharatiya Janata Party (BJP), of which Modi is the leader, requires the cancellation of Article 370 of the Indian Constitution which does not permit any non-Kashmiri to acquire property in Kashmir. The declared intention of BJP is to change the demography of the state by settlement of Hindus from other parts of India in Kashmir to convert it into a Hindu majority state with a view to achieving its union with India. This might lead to further repression and civil war in Kashmir and might result in interference in this disputed territory by outside powers with unintended consequences. If so, Pakistan would be closely concerned.

### ***Increased Border Violations***

In a letter of 13 October 2014, to the UN Secretary General Ban Ki-moon, Sartaj Aziz, Advisor to the Prime Minister on Foreign Affairs and National Security 'called upon P-5 countries to urge India to respect the ceasefire agreement and engage in a meaningful and serious dialogue.'<sup>143</sup> A day earlier he had highlighted that during 2014 up till August, '176 ceasefire violations along LoC and 60 along Working Boundary had been reported.' India has escalated the situation and persistent shelling and firing by Indian forces have resulted in several civilian casualties on the Pakistani side.<sup>144</sup>

### ***Unintentional War and Nuclear Flashpoint***

The Kashmir issue is the main source of conflict in South Asia. Already, four Pakistan-India conventional wars have been fought in 1947-48, 1965, 1971 and 1999 and there is always the risk of another unintended war. The declared objective of acquiring nuclear weapons is to create deterrence. In spite of sincere intentions not to use them, as long as there is a serious

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<sup>142</sup> Hussain, *Kashmir Dispute*, citing ICJ Report, supra note 37, ch.4, 63.

<sup>143</sup> *Dawn* (Islamabad), 14 October 2014.

<sup>144</sup> During the first three weeks of October 2014, the border clashes claimed more than 20 civilian lives, 13 on the Pakistan side. *Dawn* (Islamabad), 13, 21 October 2014. Editor's Note: Since September 2016, Indian escalation has been on the rise with Indian firing killing two Pakistani soldiers, injuring another nine, apart from wounding eight civilians in October along the LoC.

conflict and an existence of nuclear weapons, there remains a danger that these might be employed in an unpredicted and unforeseen situation. Kashmir is surrounded and occupied by three nuclear powers — Pakistan, India and China. There is, therefore, a dire need that all three powers should amicably resolve the issue in accordance with the wishes of the people of Kashmir and eliminate the ‘nuclear flashpoint.’ It is because of this that former U.S. President Bill Clinton called Kashmir ‘the most dangerous place on earth.’<sup>145</sup>

### **Summary**

Jammu and Kashmir is not a territorial dispute between Pakistan and India. It is primarily about the Kashmiri peoples’ right of self-determination as granted to them under several UNSC resolutions,<sup>146</sup> which were accepted by Indian leadership. The elections held in Indian Occupied Kashmir under the Indian government cannot be a substitute of a plebiscite under UN auspices in a fair and free environment.

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<sup>145</sup> Harinder Bajwa, ‘Kashmir Losing Control’, *India Today*, 31 August 1991.

<sup>146</sup> K. Sarwar Hasan ed. *Documents of the Foreign Relations of Pakistan: The Kashmir Question* (Karachi: Pakistan Institute of International Affairs, 1966); and Appendix 1.

# **OTHER CONTENTIOUS ISSUES**



### **III. Other Contentious Issues**

Indians have played well in diverting Pakistan's attention from the main issue, Kashmir, to other issues, i.e. IWT, Sir Creek, and Siachen, etc.<sup>147</sup> However, the fact remains that, besides Kashmir, there are some other contentious issues between the two nations which also require solution.<sup>148</sup>

#### **Indus Waters Issues**

The Indus Waters Treaty (IWT) of 1960 permits India the construction of run-of-the river power plants, but forbids the construction of dams in excess of prescribed limits on Rivers Indus, Jhelum and Chenab. Exploiting disagreement on the definition of 'storage capacity', India can control the flow of water into Pakistan by opening or closing the spillways to pass the flood water.

- *Salal*: In the 1970s, India decided to build a dam at Salal on River Chenab. After Pakistan's protest for violation of the Treaty, India agreed to reduce the height of the dam.
- *Wullar*: In the 1980s, India started construction of a barrage at the mouth of Wullar Lake on River Jhelum. In 1987, Pakistan complained that it was thirty-three times in excess of the prescribed limit. No agreement could be reached and the project remains suspended.
- *Kishanganga*: Pakistan objected to the Indian power project on the Kishanganga, tributary of River Jhelum, on grounds that diversion of the stream would violate the Indus Waters Treaty 1960:

Due to Indian obstinacy and inflexibility for resolving this issue through the Permanent Indus Commission, Pakistan, approached the International Court of Justice, which permitted India — while taking into account the basic essence of the IWT to protect the water rights of low riparian countries — to divert minimum water flow from Kishanganga for generating power under certain parameters and limits, i.e. without disturbing the natural flow of River Neelum. Besides, India will be unable to divert permanently complete winter flows over a period of six to eight months in a year.<sup>149</sup>

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<sup>147</sup> Pervaiz Iqbal Cheema, 'Evolving Relations between Pakistan and India', (lecture, Islamabad Policy Research Institute), 10 February 2015.

<sup>148</sup> Abdul Sattar, *Pakistan's Foreign Policy 1947-2005: A Concise History* (Karachi: Oxford University Press, 2007), 187-92.

<sup>149</sup> M. Nawaz Khan, 'Geopolitics of Water in South Asia', *Journal of Current Affairs*, vol.1, nos.1&2, 2016: 66-85.

- *Baglihar*: India decided to build a hydroelectric power project on River Chenab with a dam at Baglihar upstream from the Salal dam. This reservoir was also far in excess of the prescribed limit and Pakistan lodged a protest with the World Bank in 2005. The World Bank's nominee, i.e. the neutral expert imposed a compromise solution. There were two determinations considered by the neutral expert: (i) drop determination and (ii) final determination. Drop determination was almost favourable to Pakistan; But in the case of final determination, India was allowed to lower the water level below the dead storage level for maintenance purposes. In fact, maintenance is a planned activity, not an unforeseen activity and the IWT language clearly states that India is not allowed to lower the water level of any run-of-river project below the dead storage level. Two factors were quite evident in the decision made by the World Bank expert: (i) misinterpretation or bad interpretation of the IWT text; and, (ii) inappropriate *pondage* interpretation of paragraph 8(e) of Annex D of IWT.

According to some analysts, it was a dangerous interpretation in the case of Baglihar project because India would always be able to flush out sediments and empty the reservoir whenever it desired and, then refilling would be dangerous for Pakistan. For example, initial filling of Baglihar dam water inflow to Pakistan was reduced from 55,000 cusecs<sup>150</sup> to 35,000 cusecs, i.e. 20,000 cusecs in a day. If the same thing happened in three or four cases, then where would Pakistan stand in terms of water deficiency? By and large, India remains the upper riparian; and while it did not follow the implementation of the IWT in the case of design criteria and sharing of the requisite data according to the Pakistan Commissioner for Indus Waters,<sup>151</sup> it can only be hoped that there are no further violations.

The issue of Baglihar dam on River Chenab has already been decided by the neutral expert. If, in future, the issues concerning Salal, Wullar, and Kishanganga projects cannot be solved bilaterally, Article IX 'Settlement of Differences and Disputes' under the IWT provides mechanism for resolving disputes.

However, it is essential for Pakistan that internally it should build as many dams and water reservoirs as possible to irrigate vast areas lying barren in the country and also for future needs. Secondly, Pakistan Commissioner for Indus Waters (PCIW) should

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<sup>150</sup> Cubic feet per second.

<sup>151</sup> Mirza Asif Baig, (presentation, Islamabad Policy Research Institute), 12 November 2013.



always remain vigilant to ensure that India does not violate the IWT. Unless this is done, India will be able to build projects which would store more water than authorised to the disadvantage of Pakistan and present them as *fait accompli*.

### **Siachen Glacier**

The Siachen glacier in the north of Kashmir was unmarked and unoccupied since independence. In 1984, in violation of the 1972 Simla Agreement, which prohibits any attempt to ‘unilaterally alter the situation’ in Kashmir, India sent a brigade-strength force and occupied a portion of the Siachen glacier. To check further advance by Indians, Pakistan dispatched its forces. The forces of the two countries are now deployed on the glacier. Pakistan calls for a simultaneous bilateral withdrawal of forces from the glacier to the position where they were prior to Indian occupation. Former Prime Minister Manmohan Singh has been advocating that the glacier should be declared as a ‘peace park’ after withdrawal of forces. In 2013, Pakistan’s Advisor to the Prime Minister on Foreign Affairs and National Security, Sartaj Aziz, asked India to demilitarise the Siachen glacier as human presence and waste disposal is a climate change threat and affecting water flowing into Pakistan.<sup>152</sup> On the insistence of the Indian Army, the Indian Government insists that its illegal occupation of the glacier should be legalised before the withdrawal. A stalemate, thus, continues which is damaging the ecological environment of the virgin snow of the glacier.

### **Sir Creek**

After the settlement of the dispute over Rann of Kutch by an arbitration tribunal in 1966-68, the demarcation of the Line of Control at Sir Creek was disputed by India. The boundary between the state of Kutch and the province of Sindh was already delimited in 1914 and Sir Creek was shown as part of Sindh. India, however, came out with a plea that the boundary should run in the middle of the creek because it was a navigable channel.

The dispute pertains to the demarcation of the boundary from the mouth to the top of Sir Creek, which is about 60 miles long situated in the marshes of Rann of Kutch. Pakistan and India had several meetings to solve the issue. Every time hope for a solution was raised but in vain. Stalemate continues and talks were suspended by India on the pretext of the Mumbai terrorist attack of 26 November 2008.

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<sup>152</sup> Express Tribune, ‘Presence of Indian forces is Harmful to Siachen Glacier: Sartaj Aziz’, 4 December 2013, <<http://tribune.com.pk/story/640977/presence-of-indian-forces-is-harmful-to-siachen-glacier-sartaj-aziz/>>.

The Rann of Kutch dispute was resolved through arbitration. Similarly, the conflict over boundary demarcation in Sir Creek, if not solved bilaterally, can be resolved through arbitration with the consent of both states.

## **Trade and Commerce**

Inter-state trade and commerce is important for development. It not only contributes to mutual understanding and growth, economic cooperation can also lead to political reconciliation and integration.

There is no rocket science involved in determining that liberalising trade relations and enhancing sustainable economic linkages with India is in our long-term economic and security interests, but the real challenge lies in harnessing this potential without compromising on the issues that endanger the very existence of Pakistan.<sup>153</sup>

While Pakistan has developed reasonable potential to compete with other countries of the world, it needs to concentrate on more educated and trained manpower for acceleration of its growth and development. It has to do more in the domain of knowledge-based industrial and agricultural production and services sector.

Under the first article of the World Trade Organization's General Agreement on Tariffs and Trade (GATT) is the principle of the 'Most Favoured Nation (MFN)'. India granted MFN status to Pakistan in 1996. The volume of trade between the two countries is around \$ 2.4 billion and the trade balance continues to be heavily in favour of India because of non-tariff barriers (NTBs) imposed by it. The granting of MFN status to India would allow it access to Afghanistan and Central Asia, which in itself is a big concession. Proponents have also argued that India might remove NTBs once Pakistan granted it MFN status. But as compared to Pakistan, Indian industry is broad-based, subsidised and more competitive. While the Federal Cabinet of Pakistan announced its decision in 2011, 'in principle', to grant MFN status to India on the plea of reciprocity since both are already members of the South Asia Free Trade Agreement (SAFTA), a final decision on this is still pending.<sup>154</sup> In the last quarter of 2013, Pakistan re-named MFN as NDMA (non-discriminatory market access) and again re-

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<sup>153</sup> Kamal Manno, *Economic Management in Pakistan* (Lahore: Bookland, 2013), 143.

<sup>154</sup> Farooq Tirmizi, 'Analysis: MFN Status to India - 'In principle' is a Negotiating Tactic', *Express Tribune*, 7 November 2011, <<http://tribune.com.pk/story/288681/analysis-mfn-status-to-india-in-principle-is-a-negotiating-tactic/>>.

named it as NDMARB (non-discriminatory market access on a reciprocal basis). So far, the Government of Pakistan is still waiting to decide till after the Indian position for establishing good neighbourly relations becomes clear. The BJP government has been in power since May 2014, and its attitude towards Pakistan has been uncertain and hostile.

In the past, the commercial relations between India and Pakistan were suspended during 1965-1974 due to wars. Even after 1974 trade remained negligible. In the recent past, three key bilateral agreements regarding non-tariff barriers were signed, but they were not implemented.

With a view to normalising trade and commerce, bilateral issues between both countries should be resolved, which will bring prosperity to the region. India is eager to gain direct access to Central Asia and Europe via Pakistan. After a few years, India's need for energy from Central Asia and for a passage through Pakistan will increase. This may soften its attitude and may become more conciliatory towards Pakistan.

The way forward for Pakistan-India trade and economic collaboration is to establish new oversight institutions, focus on non-tariff barriers, promote more cross-border travel, open up more land routes, empower the private sector, and lose restrictions on transit and practical implementation of past trade policies and agreements. In any case, as discussed before under the present circumstances, before MFN (Most Favoured Nation) is formally granted to India, Pakistan will have to see the response of the Indian government.<sup>155</sup> It should be realised by both states that 'economic dynamism through mutual economic reliance creates its own peace dynamics and generates growth.'<sup>156</sup> Pakistan can also learn from the China-India trade model in this regard.<sup>156</sup>

Intra-regional as well as inter-regional trade will lead to peace among nations that have conflicts and seen many wars. Not only does trade promote peace, but enhanced trading relations also multiply collective benefits for all stakeholders.<sup>157</sup>

## **Pipelines**

The developing economies of South Asia need energy resources to accelerate their growth to break out of the poverty trap. Some of the states

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<sup>155</sup> Kamal Monnoo, 'Feasibility of Granting Transit Facility to India for Afghanistan and CARS', (lecture, Islamabad Policy Research Institute) 17 April 2014.

<sup>156</sup> Kamal Monnoo, "Regional Trade – Driver for Economic Growth", in *Future of Economic Cooperation in SAARC Countries* (Islamabad: Islamabad Policy Research Institute, 2014), 58, <<http://www.ipripak.org/wp-content/uploads/2014/06/Future-of-Eco-Coop-in-SARCC-Countries.pdf>>.

<sup>157</sup> Ibid.

surrounding the region, i.e. Iran, Turkmenistan, Qatar and Myanmar are surplus in natural gas and oil. Under consideration projects include the Iran-Pakistan (IP) gas pipeline, Turkmenistan-Afghanistan-Pakistan-India (TAPI) gas pipeline, Gulf-South Asia gas pipeline and Central Asia South Asia Electricity Transmission (CASA-1000) and Myanmar-Bangladesh-India gas pipeline. A former Indian Petroleum Minister Mani Shankar Aiyar has even proposed establishment of an Asian Gas Grid which would enable the South Asian states to maximise their economic growth.

Pakistan is facing a serious energy crisis. The existing shortage is affecting industry, commerce and daily life of people. The Government has planned to import gas from Iran and Central Asian Republics and LNG from Qatar. The cost, security, transition fee and other technical and financial matters of different pipelines have been worked out. Following the historic Iran nuclear agreement<sup>158</sup> signed between Iran and six major powers on 14 July 2015, the IP gas pipeline might be completed. In addition, India which backed out of the IP gas pipeline might re-consider its decision. India, is however agreeable about TAPI.

Both countries require gas for their growing energy needs, and the pipeline projects will have significant economic and political benefits. Economic cooperation and integration may substantially contribute to prosperity and political stability. These pipelines could signify enduring economic linkages between them and would be a significant confidence building measure. Some analysts have termed them as ‘peace pipelines.’

## **Terrorism and Counterterrorism**

Terrorism has become a significant subject for Indo-Pak relations given the situation in Kashmir (discussed in Chapter II) and in neighbouring Afghanistan. Afghanistan had relative peace under King Zahir Shah (1933-1973). In 1973, he was removed and kingship was abolished. Mohammed Daoud Khan became the President and the *status quo* was disturbed. In 1978, a Communist led coup by the Peoples Democratic Party killed Daoud and installed Nur Muhammad Taraki. This became known as the ‘Saur (Red) Revolution.’<sup>159</sup> A backlash against it led to infighting and civil war.

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<sup>158</sup> Michael R. Gordon and David E. Sanger, ‘Deal Reached on Iran Nuclear Program; Limits on Fuel Would Lessen with Time’, *New York Times*, 14 July 2015, <[http://www.nytimes.com/2015/07/15/world/middleeast/iran-nuclear-deal-is-reached-after-long-negotiations.html?\\_r=0](http://www.nytimes.com/2015/07/15/world/middleeast/iran-nuclear-deal-is-reached-after-long-negotiations.html?_r=0)>.

<sup>159</sup> One the morning of 28 April 1978, the author happened to be present at Torkham (Pak-Afghan border). There was influx of Afghans who had trickled from Kabul. According to them, there was gun fight around the Presidential Palace Kabul the preceding night and President Daoud had been killed. The Afghan soldier on duty at the border looked worried and a gunship helicopter was flying on the Afghan side. That night, the U.S.

Peace was restored when, in 1992, Afghan political parties met and signed the Peshawar Accord creating the Islamic State of Afghanistan under Sibghatullah Mojaddedi. Again, in 1996, civil war commenced with the rise of Taliban under Mullah Umar which culminated in the occupation of Kabul by the Northern Alliance in 2001 as a result of Operation Enduring Freedom by the U.S.-led forces.

There was peace in Pakistan till the Saur Revolution and subsequent developments in Afghanistan had their impact on both countries. Following the passage of UNSC Resolution 1368 (2001), Pakistan actively supported the North Atlantic Treaty Organization (NATO)-led International Security Assistance Force (ISAF) participating in the War on Terror in Afghanistan.

Internally, the next year in 2002, President Pervez Musharraf in his address to the nation, on 12 January 2002, banned several terrorist organisations, which included Lashkar-e-Jhangvi (LeJ), Sipah-e-Mohammad, Jaish-e-Mohammad, Lashkar-e-Taiba, Sipah-e-Sahaba Pakistan (SSP), Tehrik-e-Jafaria Pakistan (TJP), Tehrik-e-Nifaz-e-Shariat-e-Mohammadi (TNSM). Sunni Tehrik was placed under observation.

In the fight against terror, 'few countries suffered as much from terrorism ... as Pakistan and few did as much to combat it.'<sup>160</sup> Although Pakistan gave top priority to its fight against terrorism, India has been trying to brand it as a terrorist state. When the U.S. President Barack H. Obama visited St Xavier College, Mumbai, India on 7 November 2010, a student asked 'Why is Pakistan so important an ally to America that so far America has never called it a terrorist state?' He laughed and said 'I must admit I was expecting it.' He went on to say that:

Pakistan is an enormous country, strategically important for U.S. and the world. People have enormous potential. Also right now, [it is] a country that within it have some extremist elements. That's not unique to Pakistan but it does exist. Pakistan is very much aware of that. What we have tried to do over the past year is to engage aggressively with Pakistan government that we want nothing more than a stable, prosperous Pakistan. That we will work with Pakistan to eradicate extremism, that we consider a cancer that can engulf the country. They now understand the threats within their borders. Progress is not as quick as we'd like. North-West territories are very entrenched, very difficult to aim. [The] Pakistan Army has shifted focus on those areas. They have to adapt to these new dangers. They are not trained to do this.

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Vice President was in Islamabad and on 28 April, his lunch was arranged in Khyber Rifles Mess near the Afghan border. Coincidence?

<sup>160</sup> *Dawn* (Islamabad), 29 April 2004.

There is a growing recognition of the problem. Our feeling has been to be honest and forthright. There are more Pakistanis who have been killed by terrorists inside Pakistan than anywhere else.<sup>161</sup>

Pakistan is categorised as ‘a critical counterterrorism partner’ in the U.S. annual report on terrorism for 2014 released on 19 June 2015. The report has also acknowledged that in 2014 ‘the Pakistani government launched a two-pronged operation against the terrorists: the military operation in FATA and countering terrorist retaliation in urban areas.’<sup>162</sup>

The Chief of the Army Staff General Raheel Sharif<sup>163</sup> told the troops, while visiting front positions in Khyber Agency on 19 June 2015, that ‘terrorists strongholds in the agency had been reduced and now the fighting was in progress in the remaining few pockets, close to the Pakistan-Afghanistan border... The noose had been tightened around the terrorists and they would not be allowed to regroup.’ He added that all terrorists and their facilitators, abettors and financiers will soon be apprehended.<sup>164</sup>

Philip J. Crowley, former U.S. Assistant Secretary of State told the audience in one of his daily briefings that ‘There is no country that has suffered more significantly from terrorism than Pakistan itself.’<sup>165</sup> Citing a study, Bruce Riedel of Brookings Institution said ‘there were 2,113 terrorist attacks in Pakistan last year [2010 alone]. No country in the world even comes close to that. Almost 3000 people died and 6000 were wounded.’<sup>166</sup> This figure has so far risen to more than 50,000 civilians and 5000 Armed Forces personnel killed with a proportionate increase in the number of wounded. The figures will keep increasing till the terrorists are completely annihilated from the country. As against them, the U.S. and NATO, comprising 43 nations, have suffered much less.

Besides innumerable terrorist attacks in Afghanistan and Pakistan, there have been a few attacks in India discussed earlier, such as the Mumbai attacks on 11 November 2008, attack on Samjhauta Express train, and lastly an attack on Pathankot Air Force Station on 2 January 2016 killing seven

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<sup>161</sup> ‘Obama addresses Students at St Xavier: Full Transcript’, *NDTV*, 8 November 2010 <<http://www.ndtv.com/india-news/obama-addresses-students-at-st-xavier-full-transcript-438490>>.

<sup>162</sup> *Dawn* (Islamabad), 20 June 2015.

<sup>163</sup> Editor’s Note: The General served as the 15<sup>th</sup> Chief of Army Staff of the Pakistan Army, appointed by Prime Minister Nawaz Sharif on 29 November 2013. He retired on 29 November 2016.

<sup>164</sup> *Ibid.*

<sup>165</sup> *Frontier Post* (Peshawar) online, 12 January 2010.

<sup>166</sup> Bruce Riedel introducing his book *Deadly Embrace: Pakistan, America and Future of Global Jihad* at the Brookings Institution, Washington, D.C. on 18 January 2011.

personnel, which is being investigated by a Joint Investigation Team of both countries.

As for Pakistan, soon after the tragedy of 11 September 2001, it allied itself with the U.S. in the war against militant Taliban, who were defeated but could not be eliminated. Their resistance transformed into an insurgency and an armed struggle, against the foreign forces and their local supporters, persists in Afghanistan.

During the past about four decades (1978-2016), Afghanistan has been in a state of war and Pakistan has had to accommodate millions of refugees entering the country. Since Pakistan supported the war against the militants/terrorists in Afghanistan, the insurgency in that country had spillover effects. These terrorists, often supported from outside the country, were and are a source of numerous acts of violence and terrorism in Pakistan.

### ***Military Operations***

Although the centre of gravity of militancy and violence was in Afghanistan, it had spillover effects on Pakistan. Initially, it was mostly restricted to areas adjacent to the Pak-Afghan border, where most of the Afghan refugees were located. Pakistan launched military operations in several affected areas and hideouts against suspected foreign fighters and their local allies and supporters. After 9/11, Pakistan's Armed Forces entered the Federally Administered Tribal Areas (FATA) to fight against the Taliban and foreign fighters who had retreated from Afghanistan owing to the U.S. attack. Initially, the Armed Forces were not successful in gaining control over them in South Waziristan (2004 and 2005) and North Waziristan (September 2007). Later, the Armed Forces were successful in Operation Rah-e-Rast (2007-09) in Swat, Operation Rah-i-Nijat (2009) in South Waziristan, Operation Khyber-1 (2014) in Khyber Agency, Operation Khyber-2 in Tirah Valley, and finally Operation Zarb-e-Azb (2014-16) in North Waziristan. These operations are discussed briefly in the next section.

#### ***Operation Rah-e-Rast (2007-09) in Swat***

The Pakistani Taliban under the leadership of Sufi Muhammad and Maulvi Fazlullah, expelling the police and civil armed forces, occupied Swat region in the northwest of Pakistan adjacent to the Pak-Afghan border, in the name of enforcing *Sharia* (Islamic code) and established their brand of government. They occupied several police posts; and the local police and Frontier Corps failed to dislodge them. On 12 November 2007, as requested by the Government of Khyber Pakhtunkhwa, the Army took over command

of the security forces.<sup>167</sup> They launched a full-fledged military operation *Rah-e-Rast* against the terrorists equipped with sophisticated weapons in Swat in May 2009. Prior to the operation, a massive exodus of over 4.5 million residents took place from the region. By the end of June 2009, the Army dismantled the terrorist network and those who survived found refuge in Afghanistan, where they are still located. This made the return of the residents back to their homes possible.

*Operation Rah-i-Nijat (2009) in South Waziristan*

The military launched operation *Rah-i-Nijat* in South Waziristan against terrorists led by Baitullah Mehsud. After suffering several heavy casualties, the terrorists retreated into Afghanistan.

*Operation Khyber-1 (2014)*

Operation *Khyber-1* was launched against three groups of terrorists named Ansarul Islam, Mangal Bagh and Lashkar-e-Islam who were operating around Bara in Khyber Agency. They retreated into the challenging terrain of Tirah Valley.

*Operation Khyber-2 (2015)*

Under operation *Khyber-2*, the Army advanced into the difficult Tirah Valley terrain, where pitched battles were fought. There were casualties on both sides and the terrorists retreated close to the Pak-Afghan border.

*Operation Zarb-e-Azb (2014-16)*

This has been a major and, perhaps, final military operation against well entrenched and hardened terrorists in a most demanding territory. Initially, after his election, Pakistan's Prime Minister Nawaz Sharif announced peace negotiations with the Taliban. The terrorists called for the implementation of *Sharia* in Pakistan, but the Government of Pakistan demanded the cessation of hostilities and negotiations within the framework of the Constitution. The negotiations came to an end after the terrorist attack on Karachi International Airport on 8 June 2014, killing 28 people and wounding at least 18 including security personnel.<sup>168</sup> On 15 June 2014, i.e. a week after the attack on the airport, a joint military operation *Zarb-e-Azb* was launched targeting the main bases of terrorists in North Waziristan. Drone strikes were resumed and caused sufficient damage to the terrorists.

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<sup>167</sup> *Dawn* (Islamabad), 13 November 2007.

<sup>168</sup> *Dawn* (Islamabad), 9 June 2014.



Afghanistan was requested to seal the border so that militants could not escape.<sup>169</sup> General Raheel Sharif, former Chief of Army Staff, during the passing out parade address at the Pakistan Military Academy, Kakul, on 18 October 2014 said:

Zarb-e-Azb is not merely an operation, it is a concept, [and] it is a resolve and a commitment of the nation. The commitment is to cleanse Pakistan of the scourge of terrorism once and for all. Pakistan Army is the cutting edge of this resolve. A resolve that is currently evident in North Waziristan, where the military operations are delivering decisive results. Pakistan's Law Enforcement Agencies aided by intelligence agencies are also playing a commendable role in hunting down terrorists and their networks across the country.<sup>170</sup>

After a year, on 13 June 2015, Major General (now Lieut. General) Asim Saleem Bajwa, Director General, Inter-Services Public Relations (ISPR)<sup>171</sup> informed that:

2,763 militants had been killed, including 218 terrorist commanders in 9,000 intelligence-based operations and thousands of terrorists were arrested. Some 837 hideouts of terrorists have been destroyed and 253 tonnes of explosives recovered, besides 18,087 weapons, including heavy machine guns, light machine guns, sniper rifles, rocket launchers and AK-47s. As for own casualties, 347 officers and soldiers of Pakistan Armed Forces have embraced martyrdom.<sup>172</sup>

Internally, the operation has had the support of the nation as well as all major political parties. According to the Defence Minister Khawaja Asif said:

The decision was taken after the strategy of dialogue failed. The operation will continue until it reaches its logical conclusion. Any group that challenges Pakistan's Constitution, attacks civilians, soldiers, and government installations and uses Pakistani territory to plan terrorist attacks will be targeted.

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<sup>169</sup> *Dawn* (Islamabad), 16 June 2014.

<sup>170</sup> *Hilal Magazine* (Rawalpindi), June 2015.

<sup>171</sup> Editor's Note: On 11 December 2016, he was appointed Inspector General Arms at General Headquarters.

<sup>172</sup> Inter-Services Public Relations (ISPR), 13 June 2015; *Express Tribune* (Islamabad), 14 June 2015.

He added that internally displaced persons (IDPs) would be assisted by the Federal and Khyber Pakhtunkhwa governments.<sup>173</sup>

Internationally, the operation has had the support, among others, of Afghanistan, UN, U.S., China and Russia. On 5 November 2014, Lt. Gen. Joseph Anderson, a senior commander for U.S. and NATO forces in Afghanistan, acknowledged in a Pentagon-hosted briefing that the Haqqani network was ‘fractured’ like the Taliban as a result of Pakistan’s military operations in North Waziristan. It made them ‘less effective in terms of their ability to pull off an attack in Kabul.’<sup>174</sup> Chinese Foreign Minister Wang Yi said that terrorism was a common problem of China and Pakistan and that the former fully supported the operation.<sup>175</sup> The Chairman of the State Duma Sergey Naryshkin commended the operation and said:

We will stand by Pakistan in its fight against terrorism and extremism for stability in the region. Our relations are independent, more consistent and will further grow.<sup>176</sup>

The final phase of the operation was directed at the mountainous and forested Shawal Valley adjacent to the Afghan border, where militants were holed up after fleeing from other parts of North Waziristan.<sup>177</sup> After intense fighting, the Army succeeded in clearing the area from terrorists, as per the announcement by the Army on 18 April 2016.<sup>178</sup>

All military operations against terrorists, especially Zarb-e-Azb, have not only destroyed the remaining infrastructures of the terrorists and eliminated their domination in tribal areas, but have also had a positive impact on the rest of the country and abroad. In addition, Pakistan’s intelligence community, law enforcement agencies and antiterrorism forces have been engaged in deadly police encounters, especially in Karachi, fighting and eliminating terrorists. As a consequence, the overall security situation has improved significantly.

### ***Counterterrorism and Deradicalisation Efforts***

Pakistan has participated in the U.S. State’s Department’s Antiterrorism Assistance (ATA) programme in the U.S., and promulgated four laws: the

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<sup>173</sup> *Dawn* (Islamabad), 15 June 2015.

<sup>174</sup> ‘Operation Zarb-e-Azb disrupted Haqqani Network: U.S. General’, *Dawn* (Islamabad), 6 November 2014.

<sup>175</sup> *Dawn* (Islamabad), 10 July 2014.

<sup>176</sup> ‘Russia praises Operation Zarb-e-Azb’, *News International* (Islamabad), 18 June 2015.

<sup>177</sup> *Dawn* (Islamabad), 14 June 2015; ‘Pakistan to Launch Final Phase of Operation Zarb-e-Azb Next Month’, *Business Standard* (New Delhi), 14 June 2015.

<sup>178</sup> ‘Army declares Shawal Operation Successful’, *Dawn*, 19 April 2016.

National Counterterrorism Authority Act (NACTA), the Fair Trial Act, amendments to the Antiterrorism Act of 1997, and the Protection of Pakistan Ordinance (PPO) 2013. According to a U.S. report, 'Pakistan actively participated in counterterrorism efforts in both regional and international venues.'<sup>179</sup> The country is also an active member of the Global Counterterrorism Forum (GCTF), attended its meetings and supported its initiatives. Pakistan, in consultation with other countries, formulated strategies for countering violent extremism and integration of militants into society.

Pakistan's military and civil society worked to operate the Sabawoon Rehabilitation Centre, a de-radicalisation programme for youth in a military camp in Mingora, Swat. Militancy-exposed youth are rehabilitated through a combination of education and counseling. Sabawoon centres claim success in reintegrating militant youth into society, and there are now nine such centres operating in KP and FATA.<sup>180</sup>

The project has three programmes, *Sabawoon* which focuses on juveniles, *Mishal* works on adult detainees and *Sparlay* includes working with family members of the detainees. 'Four modules incorporating a psycho-social educational curriculum were designed, which provide formal education to juveniles along with psychological counseling and family therapy culminating in vocational training.' The modules of the programme 'stress importance of religious dialogue to address a detainee's understanding of Islam, a strategy critical for challenging the extremist's mind, which relies on religion for legitimacy of his behaviour. Emphasis is on educational efforts aiming to modify a detainee's behaviour, not change his religious beliefs. A wide range of programmes are offered, including educational classes for adolescents, psychological counseling, vocational training and family support.' Thousands of youth have been integrated into society through these programmes. The project appears to be successful, but the exact rate of recidivism cannot be determined.<sup>181</sup> The programme must continue and be expanded to other affected areas.

Pakistan has also raised a National Counter Terrorism Force (NCTF) with four-pronged strategy, i.e. 'tracing the terrorists, trailing coordination among intelligence agencies, tackling terrorists and

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<sup>179</sup> 'Pakistan Lost 1500 Lives to Terrorism in 2013: Taking Counterterror Steps: U.S. Report', *Aaj TV*, 1 May 2014, <<http://www.aaj.tv/2014/05/pakistan-lost-1500-lives-to-terrorism-in-2013-taking-counterterror-steps-us-report/>>.

<sup>180</sup> Ibid.

<sup>181</sup> Fawad Kaiser, 'Swat Deradicalisation Project- Part 1', *Daily Times* (Lahore), 20 January 2014, <<http://www.dailytimes.com.pk/opinion/20-Jan-2014/swat-deradicalisation-project-i->>.

transforming the roles of *imams* (clerics), mosques and religious *madrassahs* (religious seminaries) in accordance with the true meanings of Islam.<sup>182</sup> This Force needs to be strengthened and expanded to cover the whole country.

National Action Plan (2014)

A 20-point National Action Plan (NAP) to fight terrorism and extremism was adopted unanimously by all political parties and was announced by the Prime Minister of Pakistan on 16 December 2014. The plan is summarised in Appendix 7. It envisages the use of both hard and soft power to combat terrorism, to stop funding of terrorist outfits and supplement the ongoing antiterrorism operations. To ensure its implementation, the Government has formed 15 committees to deal with specific actions required under an umbrella committee composed of the Federal Ministers for Interior, Finance, Planning, Information, Defence, the KP Governor and the PM's advisor on Foreign Affairs, and headed by the PM himself. Other committees include ministers, senior government officials and top army officials such as the Director General of the Inter-Services Intelligence (ISI) and Military Operations (MO). However, the military will focus primarily on antiterrorist matters and they are not included in committees dealing with religious minorities, registration of *madrassahs*, sectarianism and media curbs. The composition and role of various committees is given in Appendix 10.

Under NAP, the physical operations in FATA and the intelligence-based operations choking the funding of terrorists groups have been significant achievements, so far.<sup>183</sup> In addition, there is continuous monitoring of non-governmental organisations, trials of terrorists in military courts, award of death punishment and execution of several terrorists after lifting of moratorium on death penalty.

With a view 'to permanently wipe out and eradicate terrorists from Pakistan' and 'to provide constitutional protection to the necessary measures taken hereunder in the interest of security and integrity of Pakistan', the 'Constitution (Twenty-First Amendment) Act, 2015' was passed on 6 January 2015.<sup>184</sup>

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<sup>182</sup> Ibid.; Also see 'Rehabilitation Programme: Mishal Centre releases 60 Former Militants', *Express Tribune* (Islamabad), 24 August 2013.

<sup>183</sup> 'NAP will Take Time to Implement due to Political Challenges: DG ISPR', *Geo News*, 19 June 2015, <<https://www.geo.tv/latest/3932-nap-will-take-time-to-implement-due-to-political-challenges-dg-ispr>>.

<sup>184</sup> National Assembly, 'Constitution (Twenty-First Amendment) Act, 2015', Government of Pakistan, <[http://www.na.gov.pk/uploads/documents/1420547178\\_142.pdf](http://www.na.gov.pk/uploads/documents/1420547178_142.pdf)>.

***Indiscriminate Action Against Terrorists: Yet Wrongly Accused***

Terrorism has become Pakistan's biggest problem and the country has suffered the most from this menace and is unjustly being blamed for not doing enough and for supporting terrorist organisations. Although there are several terrorist organisations<sup>185</sup> in India, they are in the habit of blaming Pakistan for any violence or terrorist attack occurring in their country. They do not realise that Pakistan itself is the greatest victim of terrorism. For instance, the most tragic terrorist attack was on the Army Public School in Peshawar on 16 December 2014, which killed as many as 142 children (including one who later died in hospital), two teachers including the Principal and three soldiers, making a total of 147 dead. Besides, 133 children, seven soldiers and two Army officers were injured and admitted to the hospital.<sup>186</sup> Besides sacrificing thousands of soldiers and civilians, Pakistan has suffered a cumulative economic loss of more than \$ 100 billion in the War against Terror. The country's Prime Minister Nawaz Sharif has announced his resolve to take on terrorists of all hues wherever they may be in the country.<sup>187</sup> Speaking at the UNSC, Pakistan's Ambassador Maleeha Lodhi said:

Let me be clear: we will be relentless in rooting out terrorism, whosoever its sponsors, external or internal. Any effort to destabilise parts of our country or to attack its territorial integrity will be responded to forcefully.<sup>188</sup>

India, instead of supporting Pakistan in its War on Terror, is involved in destabilising it, especially its Federally Administered Tribal Areas (FATA) and Balochistan. The Indian Consulates in Afghanistan, especially those in Jalalabad and Kandahar, which are adjacent to the borders of Pakistan, are providing support to insurgents in the border provinces. Recently, a serving officer of Indian Navy Commander Kulbhushan Yadav operating as RAW agent was caught red-handed in

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<sup>185</sup> As of 27 January 2014, there were about three dozen terrorist organisations in India. See Ministry of Home Affairs, 'Banned Organisations', Government of India, <<http://www.mha.nic.in/BO>>.

<sup>186</sup> Confirmed from school authorities. 'Taliban Massacre 131 Schoolchildren: Principal among 141 Dead in Attack on Army Public School, Peshawar', *Dawn* (Islamabad), 17 December 2014, <<http://www.dawn.com/news/1151361/taliban-massacre-131-schoolchildren-principal-among-141-dead-in-attack-on-army-public-school-peshawar>>.

<sup>187</sup> Khawar Ghumman, 'PM Pledges to Target Terrorists of All Hues, Come What May', *Dawn* (Islamabad), 24 December 2014, <<http://www.dawn.com/news/1152844/pm-pledges-to-target-terrorists-of-all-hues-come-what-may>>.

<sup>188</sup> Masood Haider, 'Pakistan Warns of Forceful Response in Case of Attack', *Dawn* (Islamabad), 24 June 2015, <<http://www.dawn.com/news/1190076>>.

Balochistan for creating unrest in the province and Karachi.<sup>189</sup> According to Pakistan's Foreign Office:

Revelations of Indian designs by Kulbhushan Yadav have vindicated Pakistan's position on the issue and also exposed Indian designs against Pakistan and involvement in terrorism.<sup>190</sup>

The Indian Prime Minister Narendra Modi during his visit to Bangladesh in early June 2015 acknowledged Indian action in raising non-state actors in India and, along with them, interfering in the eastern province of Pakistan. Instead of regretting his illegal intrusion in a sovereign country, he blamed Pakistan for creating 'nuisance' and promoting 'terrorism'.<sup>191</sup> This provoked condemnation in unanimous resolutions of the National Assembly and the Senate of Pakistan. Following are the extracts:

The National Assembly of Pakistan on 11 June 2015 unanimously ... Takes serious note of the statements of Prime Minister Narendra Modi during his visit to Bangladesh in which he acknowledged Indian Government's conspiracy and involvement in the events of 1971 in the then Eastern Province of Pakistan. Such statements confirm Pakistan's belief about past and present Indian involvement in destabilising Pakistan. ... Urges the international community and especially the United Nations to take notice of such provocative statements by India's Political Leadership which not only negatively impact on but are a direct threat to prospects of regional peace and stability.<sup>192</sup>

The Senate of Pakistan also passed a resolution:

The House condemns the recent disturbing pattern of provocative and hostile statements from Indian Leaders including threatening strikes against Pakistan territory. Such crude attempts by India at trying to bully and browbeat Pakistan are unacceptable and Pakistan rejects this hegemonic mindset. ... Such statements confirm Pakistan's apprehensions about

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<sup>189</sup> 'Capture of Spy proves India's Interference in Pakistan: Army', *Dawn* (Islamabad), 30 March 2016, <<http://www.dawn.com/news/1248776/capture-of-spy-proves-indias-interference-in-pakistan-army>>.

<sup>190</sup> 'Spy Issue Flagged at World Forums: FO', *Dawn* (Islamabad), 1 April 2016, <<http://www.dawn.com/news/1249229>>.

<sup>191</sup> Shubhajit Roy, 'Bangladesh: PM Narendra Modi Blames Pakistan for Creating "Nuisance" and "Promoting" Terrorism', *Indian Express*, 8 June 2015, <<http://indianexpress.com/article/india/india-others/bangladesh-visit-pm-reaches-out-to-dhaka-targets-pak/>>.

<sup>192</sup> Appendix 9.

India's intention to destabilise Pakistan. ... At a time when the entire Pakistani nation, particularly the Armed Forces, are engaged in a battle against terrorism, Indian provocations are not only undermining Pakistan's anti-terror campaign, but are actually ending up aiding and abetting the terrorist fighting against Pakistan.<sup>193</sup>

Unfortunately, India has been indirectly helping terrorists by firing on the Line of Control and Working Boundary of the state of Jammu and Kashmir since 2013, although these boundaries were peaceful during the previous decade 2003-13. The skirmishes on Pakistan's eastern borders since 2013 are distracting operations against terrorists on its western frontiers as well as inside the country.

While the terrorist activities are persisting, besides enormous human loss, Pakistan's economy is adversely affected, the much-needed foreign investment is not forthcoming and the development of the country is retarded. The cumulative economic impact runs into billions of dollars. Pakistan is likely to continue to suffer as long as there is no peace in Afghanistan and the menace of terrorism is not eradicated.

Pakistan, for its own sake, has been continuously fighting terrorists, without discrimination, in its western tribal areas close to the Afghan borders. This has led to false propaganda that Pakistan is supporting the Taliban. In its fight against terrorists, Pakistan is the greatest victim in the world. Pakistan's human and material loss is much more than any other country fighting in Afghanistan.

Without acknowledging its positive role in the War on Terror, India and Karzai Government of Afghanistan were more or less on one page in blaming Pakistan for supporting militants in Afghanistan and Indian Occupied Kashmir. The U.S. and Afghan government made Pakistan a scapegoat for their failure by blaming it for providing safe haven to terrorists who attacked the U.S. and Afghan forces. They ignored the fact that the terrorists were also on the offensive against Pakistan's Armed Forces and civilians.

Pakistan had to lodge an official protest against certain remarks and 'unsubstantiated allegations' leveled against it in the U.S. Defence Department's report titled *Progress towards Security and Stability in Afghanistan* (October 2014). Pakistan particularly took offence on the uncalled-for (perhaps Indian-inspired) comment that, 'Afghan- and Indian-focused militants continue to operate from Pakistani territory to the detriment of Afghan and regional stability. Pakistan uses these proxy forces

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<sup>193</sup> Ibid.

to hedge against the loss of influence in Afghanistan and to counter India's superior military.<sup>194</sup> However, the Pentagon acknowledged that Pakistan's operations in North Waziristan were successful: '...ongoing Pakistani military operations in North Waziristan disrupted militant networks that relied on this area for safe haven and slowed extremist attack plotting in Afghanistan' and referred to Pakistan's commitment of not allowing terrorists to return to the territory cleared.<sup>195</sup>

Lt Gen Joseph Anderson, who assumed command of the U.S.-led ISAF in Afghanistan in January 2014, in a Pentagon-hosted video briefing from Afghanistan in October 2014 differing from the DoD report which said that the Haqqani network was still 'one of the most potent strain of insurgency', said that like the Taliban, this network too was 'fractured'. He credited Pakistan's military operation in North Waziristan for weakening this lethal force:

They are fractured. They are fractured like the Taliban is. That is based pretty much on the Pakistan operations in North Waziristan this entire summer-fall. This has very much disrupted their efforts here and has caused them to be less effective in terms of their ability to pull off an attack here in Kabul.<sup>196</sup>

In a briefing, Pakistan's Foreign Office spokesperson, also confirmed that the Armed Forces were carrying out 'a comprehensive operation' against militants in North Waziristan. 'The operation has successfully eliminated terrorist hideouts and is directed against all militants, without any distinction.' The spokesperson added that Pakistan had extended its operations to other tribal areas, bombing and destroying terrorist hideouts along the Afghan border.<sup>197</sup>

Pakistan is correct in its policy of non-interference in the affairs of any country. As far as Afghanistan, the Advisor to the Prime Minister of Pakistan on Foreign Affairs and National Security, Sartaj Aziz, while speaking on 'Post-2014 Transition in Afghanistan: Pakistan's Perspectives on Regional Security and Stability' at the International Institute for Strategic Studies (IISS), London, on 13 March 2014, stated:

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<sup>194</sup> Department of Defence, 'Progress towards Security and Stability in Afghanistan', October 2014, 95, <[http://archive.defense.gov/pubs/Oct2014\\_Report\\_Final.pdf](http://archive.defense.gov/pubs/Oct2014_Report_Final.pdf)>; and 'Operation Zarb-e-Azb disrupted Haqqani Network: U.S. General', *Dawn* (Islamabad), 6 November 2014, <<http://www.dawn.com/news/1142664>>.

<sup>195</sup> Department of Defence, 'Progress towards Security and Stability in Afghanistan,' 7.

<sup>196</sup> 'Operation Zarb-e-Azb disrupted Haqqani Network: U.S. General.'

<sup>197</sup> Mateen Haider, 'Pakistan Summons U.S. Ambassador over "unsubstantiated" Pentagon Report', *Dawn* (Islamabad), 5 November 2014, <<http://www.dawn.com/news/1142451>>.



There is need for consensus among the regional countries and other stakeholders on strict non-interference in Afghanistan. Pakistan has no favourites in Afghanistan. It is our hope that other regional players will refrain from meddling in Afghan affairs and there is no repeat of what had happened in the 1990s. There should be no scope for anyone using Afghan territory to destabilise others.

In fact, the document titled the 'Kabul Declaration on Good-Neighbourly Relations', dated 22 December 2002, endorsed by the UN Security Council and signed at the Istanbul Conference by Afghanistan, China, Iran, Pakistan, Tajikistan, Turkmenistan and Uzbekistan requires 'constructive and supportive bilateral relationships based on the principles of territorial integrity, mutual respect, friendly relations, co-operation and mutual non-interference in each other's internal affairs.'<sup>198</sup> In any case, there is a need that Pakistan should strictly adhere to the document and launch an extensive diplomatic effort to dispel the erroneous impression that it supports the terrorists in Afghanistan or is providing them safe haven. In fact, Pakistan should go all out to assist the government and the people in their efforts to attain peace, prosperity and development in Afghanistan, which in turn would be in its own interest.

After the May 2014 Presidential elections and the change of government in Afghanistan, there are prospects of better Pak-Afghan relations to the disadvantage of terrorists in the border regions. It may be hoped that there would be lesser space available to India in supporting terrorism in Pakistan.

Apart from military operations, there is a need to discredit the terrorist masterminds, who recruit, persuade and convert the youth to become militants/terrorists/suicide bombers, the state should win the hearts and minds of young people through formal and informal education using media to wean them away from extremist paths, so that Pakistan is free from this scourge which is tarnishing its image. This would help in denying Indian propaganda that Pakistan is an 'epicentre' of terrorism and Pakistan would be able to earn the good name in the world.

## **Summary**

Besides Indus waters, Siachen glacier, Sir Creek, trade and commerce, pipelines and terrorism, the most contentious and the core issue between

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<sup>198</sup> As cited in UN General Assembly, 'Letter dated 3 February 2010 from the Permanent Representative of Turkey to the United Nations addressed to the Secretary-General', 5 February 2010, 3, <<http://www.securitycouncilreport.org/atf/cf/%7B65BF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/Afgh%20S%202010%2070.pdf>>.

India and Pakistan remains the state of Jammu and Kashmir. With more than 5000 security force personnel and 50,000 civilians lost, and cumulative damages of over \$ 100 billion, the allegation that Pakistan is supporting terrorism becomes irrelevant. Already, there is a paradigm shift in Pakistan's policy after the terrorist attack on the school in Peshawar, after which all political parties and the Armed Forces together formulated the National Action Plan to have zero tolerance against extremism, militancy and terrorism in the country.

As for Pak-Afghan ties, President Ashraf Gani has initiated co-operative relations with Pakistan and hopefully the TTP's safe haven in Afghanistan and in areas around the borders would be eliminated.

**FRAMEWORK OF  
INTERACTION  
(PART I)**



## **IV. Framework of Interaction (Part I)**

### **Modus Vivendi**

Let there be no ambiguity that the conflicts in South Asia are a colonial legacy. Extremism, terrorism and non-state actors have further spoiled Pakistan-India relations. India's uncompromising attitude and arrogance is due to its large size with its military preponderance and economic strength as well its nuclear deal with the United States. Narendra Modi's communal and anti-Pakistan tilt and India's persistent policy to brand Pakistan as a spoiler and blaming it for any wrong doing or incident in India is an impediment in improving mutual relations. President Musharraf had declared a ceasefire on the Line of Control (LoC) in Kashmir in 2003. This enabled India to unilaterally construct a fence along the LoC during 2003-13. After having completed the fence, Indian violation of the ceasefire commenced with a corresponding response from Pakistan. This did not augur well.

The Indian and Pakistani positions on Kashmir seem irreconcilable. The President of Pakistan, Mamnoon Hussain, in his speech at the Pakistan Day parade on 23 March 2015, said:

Pakistan wants to resolve all outstanding issues with India amicably... resolution of Jammu and Kashmir issue as per the aspirations of Kashmiri people and in the light of United Nations resolutions is the key to regional security and peace.

On the same day, Narendra Modi tweeted:

It is my firm conviction that all outstanding issues can be resolved through bilateral dialogue in an atmosphere free from terror and violence.<sup>199</sup>

In spite of these statements, India remains involved in blame game and not coming closer to reconciliation. It should be flexible in its policies, choose the path of peace and remove the cause of the insurgency and militancy, besides taking all necessary steps to stop human rights violations by its armed forces in Kashmir.

There have been Government initiatives in the past. From the inception of the two states, their Presidents and Prime Ministers have met time and again, but they have been unable to make any headway as far as the Kashmir dispute is concerned. In the recent past, Prime Minister Vajpayee visited Lahore (1999), President Musharraf went to Agra (2001)

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<sup>199</sup> *Dawn* (Islamabad), 24 March 2015.

and Prime Minister Nawaz Sharif demonstrated goodwill by attending the oath taking ceremony on 26 May 2014 of Narendra Modi at Delhi, and lastly a meeting of the two leaders at Ufa in Russia on 11 July 2015 and Lahore in Pakistan on 25 December 2015. There was no substantive progress made and the opportunities for reconciliation were squandered.

The political leaders can play a role. But the political parties and governments in both countries have their own agenda, their vested interests and the concern for attracting votes. As a consequence, after more than half a century, the dispute is nowhere near a solution. On 26 May 2014, Prime Ministers Nawaz Sharif and Narendra Modi met at Delhi and there was a hope that it might be a good beginning towards rapprochement, but in vain. The after-effects of the meeting at Ufa in July 2015 and Lahore in December 2015 are yet to be witnessed.

India needs to be reminded that its policy of suppression and non-implementation of the UNSC resolutions on the issue of Jammu and Kashmir will continue to haunt it. Its claim that an elected parliament in Jammu and Kashmir has voted for accession to India is not valid, as it cannot be a replacement of plebiscite as clarified under the UNSC resolution S/3779 of 24 January 1957.<sup>200</sup>

A workable solution can be found by ensuring face-saving of the political leadership in both countries. Secret negotiations can be held amongst all concerned parties, i.e. the representatives of Pakistan, India, the people of Kashmir (representatives of the Governments of Indian-held Kashmir, Azad Kashmir and the All Parties Hurriyat Conference), supervised or facilitated by representatives from Russia and China (as adjacent countries), and U.S.A. The solution, thus, arrived at should be enforced in the interest of the future prosperity of the people of Kashmir and of the Subcontinent as a whole.

Externally, Pakistan's foreign policy should be proactive. It should concentrate on influencing the peoples' opinion in all states and territories of the Indian Union, which could have an impact on future relations. Pakistan should enhance its ties with regional countries, especially neighbouring Afghanistan, Iran and China. There is also a need to project the correct picture on Kashmir to the outside world. This could be possible through generating discussion on Kashmir in seminars, talk shows, virtual plebiscite in Kashmir on social websites.

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<sup>200</sup> Appendix 2.

## **Suggested Solutions for Kashmir**

Depending on the political will, there is no reason why the Kashmir dispute cannot be resolved amicably. To find a way out for resolving the dispute the following may guide the contending parties towards an amicable solution acceptable to all:

### ***UN Resolutions***

Both countries must seek a *modus vivendi* on Kashmir. First priority should be given to UN Security Council resolutions which call for a plebiscite in Kashmir under UN auspices. The UN resolutions were accepted both by Pakistan and the Indian representative in the Security Council and by Jawaharlal Nehru, the Prime Minister of India.<sup>201</sup> However, it is yet to be implemented.

### ***Mediation***

There is the possibility of third-party mediation. Pakistan and India have solved some of their most sensitive disputes through third-party involvement as mentioned before. These include the determination of the international boundary through the Radcliffe Award (1947); the settlement of the dispute over the distribution of water by concluding the Indus Basin Waters Treaty (1960) with the involvement of the World Bank; resolution of the Rann of Kutch Dispute (1965) through arbitration; the Tashkent Declaration (1966) through the mediation of the President of the USSR, and the Kargil Conflict (1999) with the intervention of the President of the U.S. Similarly, the Kashmir dispute could be resolved through a UN mechanism or with the involvement of a neutral country/countries, or individual/individuals. The countries that advocate solution of the Kashmir issue through dialogue should convince India to accept mediation as a tool for resolving disputes.

### ***Bilateral Negotiations***

The problem with the bilateral approach between India and Pakistan is that India believes that the best way to strike a peace deal is through Confidence-Building Measures (CBMs) and enhanced trade ties, while Kashmir is kept on the back burner.<sup>202</sup> India somehow thinks that time is on its side and Pakistan would have to accept the solution desired by India. On

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<sup>201</sup> S. M. Burke, *Mainsprings of Indian and Pakistani Foreign Policy* (Karachi: Oxford University Press, 1975), 27-9.

<sup>202</sup> *Nation* (Lahore), 16 July 2001.

the other hand, Pakistan feels that without the settlement of the Kashmir issue, there can be no real friendship between the two countries. A sane approach would be for India to start bilateral talks on all issues raised by either side, including the core issue of Kashmir.

### ***Demilitarisation***

The U.S. scholar Stanley Wolpert suggests that ‘Kashmir must first of all be demilitarised on the one hand and de-terrorised on the other.’ Barbed wires should be removed to allow free and open travel in every direction within Jammu and Kashmir and between its various regions and Pakistan and India.<sup>203</sup> This will have a check on military on both sides, provide space for continuing ethnic and cultural bonds and lessen human rights violations.

### ***Musharraf Formula***

Former President Musharraf had suggested a four-step mechanism: the first step is to keep the dialogue between the leaders of the two countries alive; step two should be the acceptance that Kashmir is the main issue to be resolved; step three would be to look at all possible solutions to the Kashmir problem and agree which of these can be mutually discarded as unworkable. The fourth step would be to go on to further discussion with a view to arriving at some reasonable solution acceptable to all parties concerned. This can be a starting point towards a solution.

The big difficulty in Kashmir is not the end solution, but the creation of a path towards the solution zone.<sup>204</sup>

Later, President Musharraf, in an interview to an Indian television channel, in December 2006, even suggested an ‘out of box’ solution and put forward a four point formula, i.e. the free movement of people within the state with unchanged borders, self-governance or autonomy to the State, a phased withdrawal of troops, and a joint supervision mechanism with the participation of India, Pakistan and Kashmiris.<sup>205</sup> The formula was generally criticised in Pakistan, but Hurriyat leader in Indian Held Kashmir, Mir Waiz Umar Farooq, considered it a ‘strong starting point’. The response from Indian leaders was muted.

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<sup>203</sup> *Beyond the Blame Game – Finding Common Grounds for Peace and Justice* (international Kashmir Peace Conference, Capitol Hill, Washington, D.C., 2003), 97-98.

<sup>204</sup> Verghese Koithara, *Crafting Peace in Kashmir through a Realist Lens* (New Delhi: Sage Publications, 2004).

<sup>205</sup> Zubeida Mustafa, *Dawn*, 13 December 2006.



### ***Chinese Advice***

Former President of China Jiang Zemin during his visit to Pakistan in 1996, without referring to Kashmir, advised Pakistan ‘to put the thorny issues aside and develop co-operative relations with India in less contentious sectors like trade and economic cooperation.’<sup>206</sup> The Chinese are patiently waiting for the resolution of the status of Taiwan at an appropriate time. New Delhi and Beijing are seeking to resolve their problems including the Himalayan border dispute peacefully through bilateral negotiations. But they have drawn a red line: no compromise on the South China Sea. As for Kashmir, the Chinese Foreign Ministry said:

Our position is clear and consistent. Kashmir issue is an issue left over from history between India and Pakistan ... and the Kashmir issue should be properly resolved through dialogue and consultations between India and Pakistan.<sup>207</sup>

China has been issuing stapled visas to residents of Jammu and Kashmir because according to them the state is ‘disputed’ and not an integral part of India. Referring to Indian objection about the presence of Chinese personnel in Azad Kashmir, the Ministry explained that China’s activities are ‘entirely focused on the local peoples’ livelihood and not targeted at any third party.’<sup>208</sup>

### ***Belfast Agreement Model***<sup>209</sup>

There are lessons to be drawn from conflict management models such as those used in the case of Aland islands<sup>210</sup> and Trieste.<sup>211</sup> If the models of

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<sup>206</sup> Jiang Zemin, ‘Crying Forward Friendly and Neighbourly Relations from Generation to Generation, and Working Together for a Better Tomorrow’, *Foreign Affairs* (Islamabad), xxii, no.12 (December 1996).

<sup>207</sup> ‘China: Personnel in POK involved in Livelihood Issues’, *Daily Pioneer*, 30 July 2014, <<http://www.dailypioneer.com/world/china-personnel-in-pok-involved-in-livelihood-issues.html>>; *Indian Express*, 16 May 2015.

<sup>208</sup> Ibid.

<sup>209</sup> Northern Ireland Agreement 1998 (also known as Good Friday Agreement) was approved in two referendums in both parts of Ireland. It ‘affirms the legitimacy of the aspiration to a United Ireland while recognising the current wish of the majority of Northern Ireland to remain part of the United Kingdom.’ Department of Foreign Affairs and Trade, ‘The Good Friday Agreement and Today’, <<https://www.dfa.ie/our-role-policies/northern-ireland/the-good-friday-agreement-and-today/>>.

<sup>210</sup> The autonomous territory of Aland islands situated midway between Sweden and Finland was given to Finland as per Treaty of Fredrikshamn 1809 and Aland Convention 1921 guaranteed its demilitarised status.

<sup>211</sup> Trieste is a city and seaport in northern Italy. The Memorandum of London 1954 gave vast majority of Zone A including the city of Trieste to Italy. Zone B was given to Yugoslavia and was divided between Slovenia and Croatia.

the Camp David Peace Treaty (1979)<sup>212</sup> or the Oslo Peace Accord (1993)<sup>213</sup> are not considered suitable, a multi-party solution on the lines of the Belfast Agreement (1998)<sup>214</sup> should be considered. The opening paragraph of the Agreement says:

The two Governments [the Governments of the UK and of Ireland] (i) recognise the legitimacy of whatever choice is freely exercised by a majority of the people of Northern Ireland with regard to its status whether they prefer to continue to support the Union with Great Britain or a sovereign united Ireland; recognise that it is for the people of the island of Ireland alone.<sup>215</sup>

### ***U.S. should be Involved***

The U.S. can be helpful. President Obama has termed India-U.S. relations as a ‘defining partnership’ for the Twenty-First Century and desired to strengthen economic relations with India for security and prosperity in Asia.<sup>216</sup> It supports India’s regional role. This could be possible if there is no conflict in South Asia. The U.S. has leverage both in India and Pakistan and should play a role in settling Indo-Pakistan irritants and conflicts. Recently, while referring to the Middle East’s unresolved dispute, President

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<sup>212</sup> Egyptian President Anwar Sadat, Israeli Prime Minister Menachem Begin and U.S. President Jimmy Carter signed the Accords on 17 September 1978 in Washington, D.C. envisaging peace, diplomatic relations and Israeli withdrawal from the Sinai Peninsula within three months and five-year period for withdrawal from the West Bank and Gaza, introduction of Palestinian self-government and for settling the question of East Jerusalem. ‘Camp David Accords Fast Facts’, *CNN Library*, updated 10 September 2016, <<http://edition.cnn.com/2013/08/23/world/meast/camp-david-accords-fast-facts/>>.

<sup>213</sup> On 13 September 1993, Israeli Prime Minister Yitzhak Rabin and Palestine Liberation Organization (PLO) Negotiator Mahmoud Abbas signed a Declaration of Principles on Interim Self-Government Arrangements, commonly referred to as the ‘Oslo Accord’ at the White House. Israel accepted the PLO as the representative of the Palestinians, and the PLO renounced terrorism and recognised Israel’s right to exist in peace. Both sides agreed that a Palestinian Authority (PA) would be established and assume governing responsibilities in the West Bank and Gaza Strip over a five-year period. Then, permanent status talks on the issues of borders, refugees, and Jerusalem would be held. Office of the Historian, ‘Milestones: 1993–2000 The Oslo Accords and the Arab-Israeli Peace Process’, U.S. Department of State, <<https://history.state.gov/milestones/1993-2000/oslo>>.

<sup>214</sup> Belfast Agreement 1998 was reached in multi-party negotiations and signed on 10 April 1998. It covered three areas: (i) the creation of a democratically elected Assembly; (ii) a North-South Ministerial Council; and (iii) a British-Irish Council and the British-Irish Governmental Conference. GOV.UK, ‘The Belfast Agreement’, (policy paper, 10 April 1998), <<https://www.gov.uk/government/publications/the-belfast-agreement>>.

<sup>215</sup> Department of Foreign Affairs and Trade, ‘The Belfast Agreement’, (Government of Ireland) accessed 28 July 2015, <<http://www.gov.ie/iveagh/angloirish/goodfriday/BIA.htm>>.

<sup>216</sup> *Dawn* (Islamabad), 14 July 2014.

Obama had warned that ‘unless there was a political solution to the internal strife affecting the region, the threat of extremism would persist.’<sup>217</sup> India should take note of it.

### ***Other Options***

A number of solutions, summarised in Appendix 8, have been proposed by various people and quarters around the world for the resolution of Kashmir dispute, which mostly include partition proposals, such as Owen Dixon’s partition plan<sup>218</sup>; Line of Control as an international border; a district and region-based plebiscite to accede to India or Pakistan; Chenab formula recommends Kashmir be partitioned in a way that Rivers Indus, Jhelum and Chenab, which have already been allotted to Pakistan under the Indus Waters Treaty 1960, should be the western part of Kashmir aligned to Pakistan and the remaining area be in the eastern part to be given to India; a semi-independent or autonomous federal Kashmir where security of borders is the responsibility of India and Pakistan under an international agreement; as discussed in the section before peace agreements including on the Aland island,<sup>219</sup> Trieste, Northern Ireland<sup>220</sup> can be used as blue prints; entire Kashmir or Kashmir Valley be placed under UN Trusteeship Council for a specified period followed by a UN managed vote for a final decision; and independence for whole or part of Kashmir.<sup>221</sup>

## **Legal Recourse and Diplomacy**

### ***Principled Stand***

Ahmer Bilal Soofi, former Law Minister and an Advocate of the Supreme Court writes that ‘all aspects of the Kashmir issue are essentially legal propositions... involving the interpretation of UN law and bilateral

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<sup>217</sup> *Dawn* (Islamabad), 26 March 2015.

<sup>218</sup> ‘The State of Jammu and Kashmir is not really a unit geographically, demographically or economically. It is an agglomeration of Territories brought under political power of one Maharajah. ... Great areas of the State are unequivocally Muslim. Other areas are predominantly Hindu. There is a further area which is Buddhist.’ (P.L. Lakhnupal, *Essential Documents and Notes on Kashmir Dispute* (New Delhi: International Publications, 1958), 122.

<sup>219</sup> Aland Islands are a part of Finland but have their own parliament, Swedish is the official language and practically act as a nation.

<sup>220</sup> In 2004, the Good Friday Agreement settled that all those born in Northern Island would be citizens of the UK. The Irish Government excluded persons for citizenship born without one parent who is Irish. This facilitated the implementation of the multi-party solution on the lines of Belfast Agreement 1998.

<sup>221</sup> Waheguru Pal Singh Sidhu, Bushra Asif, and Cyrus Samii eds. *Kashmir: New Voices, New Approaches* (Boulder: Lynne Rienner Publishers, 2006).

treaties.<sup>222</sup> Pakistan's stance for the implementation of UN resolutions is supported by law. The government, therefore, should not deviate from its principled stand and continue giving moral, political and legal support to Kashmiri aspirations.

### ***Legal Approach for Peace***

In the past, India and Pakistan had adopted warfare approach and suffered several wars and crises. Instead of fighting, both countries should take the path of peace. Pakistan has already taken measures to control all elements that might desire offensive action across the Line of Control and to ensure that there is peace on the LoC and no violation is reported from its side. Pakistan is on the right when it adopts a legal approach by writing a letter to the UN Secretary-General while responding to Indian aggressive violations along the ceasefire line and working boundary of Sialkot.

### ***Highlight Human Rights Violations***

Without compromising on its principled position, Pakistan should highlight the human rights violations to press world opinion to 'tarnish Indian image.'<sup>223</sup> Pakistan should mobilise world opinion against human rights violations and the plight of the people of Kashmir.

### ***'Internationalise' the Issue***

Kashmir, being a disputed territory, is not an internal affair of either Pakistan or India but an international issue. Bilateralism has failed to make any progress during the last several decades, and hence, multilateralism is the answer. The international community should be involved. The determination of Kashmiris and the collective conscience of the free world will bear fruit. Pakistan should launch a diplomatic offensive to 'internationalise' the Kashmir cause.

### ***Keep Process on Track***

If no immediate solution can be found, it is necessary to keep the slow-moving peace process on track. If necessary, it may even be kept on the back burner for sometime, which 'does not imply that one was moving away from one's principled stand.'<sup>224</sup>

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<sup>222</sup> *Dawn* (Islamabad), 25 October 2014.

<sup>223</sup> Ambassador Khalid Mahmood, 'Revisiting Kashmir Policy', (conference, Islamabad Policy Research Institute, Islamabad, 30 January 2014).

<sup>224</sup> Pervaiz Iqbal Cheema, 'The Kashmir Dispute: Key to South Asian Peace', *IPRI Journal*, winter 2014, vol. xiv, no. 1: 20.

### ***Movement of Kashmiris***

India should be persuaded that, without changing the status of the LoC, the movement of Kashmiris and trade from one part to the other should be made hassle free. This would create a better environment in Kashmir.

### ***Resumption of Composite Dialogue***

The composite dialogue initiated in 2004 had eight items on the agenda (peace and security including CBMs; Jammu and Kashmir; Siachen; Sir Creek; Wullar Barrage; terrorism and drug trafficking; economic and commercial cooperation; and promotion of friendly exchanges) and when the dialogue process is resumed, progress should be made on all issues.

### ***Diplomatic Support for Kashmir's Peaceful Struggle***

Internally, in the Indian Held Kashmir, peaceful struggle for their rights should continue. Pakistan should provide its moral, diplomatic and legal support. However, warfare and an armed struggle will be fraught with dangerous consequences.

### ***No Compromise on Economic Development***

Pakistan should not make its economic development hostage to the Kashmir conflict and pursue its economic interests through trade and commerce.

### ***Representation in Parliament***

There is dissatisfaction among the people of Azad Kashmir and Northern Areas who complain that they are being treated as 'colonies' of Pakistan because they have no representation in the Parliament of Pakistan. It is desirable that as a stopgap arrangement they may be given representation in the Parliament till final settlement of the dispute.

### ***LoC on Official Map***

It has been argued that 'Pakistan should aggressively acknowledge the authority it exercises over territory under its control west of the LoC, including through the delimitation of the LoC (up till the Karakoram Pass so that the whole of the Siachen glacier appears west of it) on official maps. This is to deny the Indian claim to the territory so that it becomes harder for a title to "justify under international law."<sup>225</sup>

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<sup>225</sup> Sikander Ahmed Shah, 'Delimiting the LoC', *Dawn* (Islamabad), 16 October 2014.

### ***Resist the Move for Cancellation of Article 370***

India, under the BJP government, is committed to cancel Article 370 of Indian Constitution. This would allow Indians to purchase property and settle in Kashmir. The Muslim majority in the valley would be compromised. There would be a demographic change in favour of India. Pakistan must resist such a move peacefully on legal grounds through diplomatic channels.

### **Raising Awareness**

Kashmir cause should be pursued through negotiations, arbitration, and propaganda through media, diplomacy and by raising the awareness of the world community to the genuineness of Kashmiris right to self-determination.

### ***Regional and International Awareness***

It is necessary to educate and create awareness among the people of the Subcontinent, the Muslim world and the international community about the Kashmir cause through well-researched material and its extensive dissemination. The literature should be available in all major languages of the world.

### ***Expose BJP and India's Violent Policy***

At the same time, the world should be informed that the ruling BJP is pursuing the agenda of *Hindutva*, i.e. Hindu nationalism, which is an injustice on the communities other than Hindus. This is in gross violation of democratic norms and casts aspersions on the image of India as the biggest democracy.

### ***No Regional Peace without Kashmir Settlement***

The international community should be informed that the U.S. agenda to make India a regional hegemon will not be fulfilled till Kashmir issue is settled and relations with Pakistan are improved. According to the recently retired Chief of the Army Staff General Raheel Sharif:

Lasting peace in the region will only come about with a fair and just resolution of Kashmir issue in accordance with the will of Kashmiri people as enshrined in the UN resolutions.

In his opinion, the solution of Kashmir is possible and ‘cohesive, dedicated and timely involvement of all stakeholders and state institutions is essential.’<sup>226</sup>

### ***Role of Diaspora***

Pakistan should make sincere efforts to use diaspora, especially Kashmiri diaspora, who are concentrated in UK and number about five million and have influential people amongst them like Lord Nazir. They are helping and should continue to help in keeping the Kashmir cause alive in the world, especially in Europe.

### ***Role of Pakistani Missions Abroad***

Pakistan embassies world over should be instructed to hold regular seminars, workshops on Kashmir as well as use print, electronic and social media to highlight the plight of Kashmiris.

### ***International Conferences***

There is a need to arrange international conferences in Pakistan and abroad to highlight Kashmir case for self-determination granted to them by the UN, besides highlighting human rights violations.

### ***Support of Open-minded Intellectuals and Media Persons***

The support of non-partisan and open-minded intellectuals and media persons about the just Kashmir cause is necessary.

### ***Win over Open-minded Indians***

The Indian scholars and media persons, who are neutral and not essentially pro-India, must be approached and moulded in favour of the solution of Kashmir according to the wishes of its people.

## **Summary**

Since Kashmir is a disputed territory, it is neither an internal affair of India nor Indian claim on grounds of ‘secularism’ or ‘domino effect’ can deny the right of self-determination to its people. A number of solutions have been offered from various quarters to resolve the Kashmir dispute, but due to Indian obduracy no progress has been possible. It remains ‘the most

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<sup>226</sup> *Dawn* (Islamabad), 19 October 2014.

dangerous place on earth' because more than half a million Indian soldiers are deployed there; and because 'torture and extrajudicial execution remain commonplace in Kashmir today.'<sup>227</sup>

The state is indispensable for Pakistan on legal, geographical, ethnic, and cultural grounds. Pakistan should use all means necessary including dialogue, negotiations, arbitration, legal recourse, diaspora, literature, media, and diplomacy to highlight Kashmir's nonviolent struggle with a view to achieving peaceful resolution of the dispute.

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<sup>227</sup> Basharat Peer, *Curfewed Night: One Kashmiri Journalist's Frontline Account of Life, Love, and War in His Homeland* (New York: Scribner, 2010).



**FRAMEWORK FOR  
INTERACTION  
(PART II)**



## **V. Framework for Interaction (Part II)**

### **Clarity of Objectives**

While interacting with India, Pakistan should have clarity of mind. There should be a clear-cut 'India policy'. This can be achieved when objectives are formulated on the basis of realities. The realities are that the world is in transition; America's 'defining partnership' with India and its attitude towards Pakistan vis-à-vis India; changes taking place in China's policy seeking the status of world power and mending ties with India; China's vision of One Road One Belt and America's 'Rebalancing Asia' policy; the growing redundancy of the UN as a source of dispute resolution; inadequacy of the Islamic world as a supporter of Muslim causes including those of Pakistan; the changing scenario in Afghanistan; Iran's own problems and its overall lukewarm attitude towards Pakistan; the option of war for the solution of a problem cannot be entertained; and Pakistan should employ peaceful means.

Secondly, Pakistan should have clarity concerning irritants between India and Pakistan. For instance, India has put terrorism on top of its agenda and has successfully propagated Hafiz Saeed as top terrorist.<sup>228</sup> In 2012, the U.S. put \$10 million bounty on his head. Pakistan should either negate Indian propaganda, or, if that is not possible, proceed against him. If no action can be taken against him due to lack of evidence, he should be treated as a suspect and his movement restricted till Indian accusations are falsified.

Pakistan's internal realities include a struggling economy; poverty, population growth and unemployment; energy deficiency; challenges to security; menace of terrorism; simmering danger of sectarianism; immature and irresponsible media often misleading people instead of guiding them; weak leadership which appeases the public instead of leading it; inefficient governance which cannot take a clear and bold stand on policy matters that may be thought unpopular, is weak-kneed before the exploiters of religion and cannot stand up to protect minorities and revoke retrogressive laws; the political opposition is desirous to dislodge elected governments through disruptive agitation; and generally the political forces are wanting in vision and foresight.

Keeping the above realities in mind, the objectives should be well thought out, well-defined and realistic. They can be delayed but should not be abandoned; and have the support of the people. While having dialogue

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<sup>228</sup> Editor's Note: Hafiz Muhammad Saeed is co-founder of Lashkar-e-Taiba and the chief or *amir* of Jama'at-ud-Da'wah.

with India, the objectives should be kept in view and should be tackled on the front foot as far as possible. It should also be kept in mind that there cannot be a compromise on issues such as the sovereignty and territorial integrity; self-determination of the people of Kashmir; Pakistan's international borders; elimination of terrorism and insurgency anywhere in the country.

However, the fact remains that Pakistan has serious security concerns against India. There is trust deficit between the two and India's sincerity is under question. India has never shown an interest in creating long-term linkages with Pakistan such as technology transfer, joint resource management mechanism, cross-border investments, financial connectivity, and regional anti-trust treaties etc. Instead, the Indian investment in Afghanistan, the Agreement on Strategic Partnership between Afghanistan and India (2011), Indian Air Force bases in the immediate north of Pakistan in Tajikistan and strategic cooperation with Iran, portrays India's policy focused on isolating and encircling Pakistan. In any case, Pakistan should consider the changed geopolitical environment in the world where military concepts are being replaced by theories of regional connectivity and economic interdependence.

### **Set Own House in Order**

Foreign policy begins at home.

The internal strength of a state in economic, military, diplomatic and cultural realms determines the potential of effectiveness of its foreign policy.<sup>229</sup> Pakistan's foreign policy would not be result-oriented unless 'we set our own house in order.'<sup>230</sup> During 1960s, when Pakistan was stabilised, it was respected all over the world. The *New York Times* had commented that 'Pakistan may be on its way toward an economic milestone that so far has been reached by only one other populous country, the United States.'<sup>231</sup> The *Times* (London) was of the view that 'survival and development of Pakistan is one of the most remarkable examples of state and nation building in the post-war period.'<sup>232</sup>

Since the 1970s, Pakistan's economic progress was adversely affected. This was mainly due to the insurgency in East Pakistan supported

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<sup>229</sup> Richard Hass, *Foreign Policy Begins at Home: The Case for Putting America's House in Order* (New York: Basic Books, 2013), 15-20.

<sup>230</sup> Riaz H. Khokar, 'Pakistan, India should Resolve their Issues', (seminar, Pakistan's Neighbourhood: Afghanistan, India, the Middle East, Institute for Policy Reforms, Islamabad, 19 April 2016).

<sup>231</sup> *New York Times*, 18 January 1966.

<sup>232</sup> *Times* (London), 26 February 1966.

by fully fledged Indian armed aggression in that part, which led to the bifurcation of the country and separation of Bangladesh.<sup>233</sup> During the following decade, there was the virtual occupation of Afghanistan (1978-88) by the Soviet Union followed by the counter-invasion by U.S.-led coalition International Security Assistance Force (ISAF) in that country in 1991 and consequent Taliban insurgency (1991-98). This had a fallout effect on Pakistan, resulting in human loss of over 50,000 civilians and 5000 armed soldiers and a cumulative loss of over \$ 100 billion. It could be expected that with the establishment of new Afghan government (2014) led by President Ashraf Ghani, drawdown of U.S. forces, and negotiation with insurgent Talibans, peace might return in that country. This would have a positive effect on Pakistan; help in its fight against extremism and terrorism; and, with good governance, the country would be able to set its own house in order.

But Pakistan should improve its internal governance,<sup>234</sup> root out corruption, inefficiency and militancy and ensure justice and rule of law. It is essential that the nation is appropriately educated, health facilities are available and there is sustainable economic development to ensure all kinds of securities, especially energy, water and food security. There is, therefore, an urgent need to focus on domestic challenges. The U.S. State Department has also warned that ‘corruption fuels extremism, increases economic instability and has a corrosive effect on society.’<sup>235</sup>

As for defence, Pakistan should continue to maintain a credible level of nuclear deterrence and conventional preparedness to serve as a shield against aggression. It could also benefit from the example of Israel, which maintains a well-trained and well-equipped regular force as well as a large reserve force that can be quickly mobilised during an emergency.

In short, the country must improve governance; strengthen itself economically, politically and militarily as far as possible. There is a close nexus between internal strength and external relations. If the home is in order and Pakistan’s economy is sound, the country will be respected. Every nation big or small seeks respect, honour and dignity, said President Pervez Musharraf in his breakfast meeting with journalists in Agra (India)

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<sup>233</sup> Fazal Muquim Khan, *Pakistan’s Crisis in Leadership* (Islamabad: National Book Foundation, 1973); J.R. Saigal, *Pakistan Splits, The Birth of Bangladesh* (New Delhi: Manas Publications, 2000), 155-172; Hasan Zaheer, *Separation of East Pakistan* (Karachi: Oxford University Press, 1994), 353-426.

<sup>234</sup> Noor ul Haq, *Challenge of Identity and Governance Quaid-i-Azam’s Vision: The Way Forward* (paper, Islamabad: Islamabad Policy Research Institute, 2015).

<sup>235</sup> The U.S. State Department’s spokesman John Kirby made these remarks when asked ‘if the United States supported the opposition’s demand for Prime Minister Nawaz Sharif to step down because of his alleged involvement in the Panama leaks scandal or continued to back him.’ *Dawn* (Islamabad), 16 April 2016.

on 16 July 2001.<sup>236</sup> To preserve its honour and dignity, Pakistan has to strengthen itself internally and pursue a proactive foreign policy.

### Perception and Mindset

The basic requirement for improved inter-state relations is the general transformation in perception and mindset of the people and governments in both India and Pakistan. Unfortunately, several Indian leaders, during the struggle for Pakistan, had opposed its establishment so vehemently that serious communal riots had erupted, which assumed the proportion of a civil war in northern Subcontinent. Since its birth in 1947, Pakistan has been confronting an existential threat from the Indian Union and has been allying itself with world powers to have a protective balance of power against a powerful neighbour.

As per the accepted principle of partition of the Subcontinent, the state of Jammu and Kashmir, which had 77.11 percent Muslim majority and was geographically contiguous to Pakistan, should have been part of Pakistan because, according to the British policy in respect of princely states, they 'must join one of the two dominions according to their geographical position.'<sup>237</sup> Secondly, security-wise Kashmir is important to Pakistan because it can be annihilated if its water resources remain under the occupation of an adversary. Thirdly, Indian military occupation of Kashmir against the dictates of demography and geography was designed to deny Pakistan direct access to China and Central Asia. Fourthly, for a similar strategic objective, India is not implementing the UNSC resolutions requiring the accession of the state to India or Pakistan to be decided by the people through a fair and free plebiscite to be held under UN auspices.

When there were disturbances in East Pakistan (now Bangladesh), India raised *Mukti Bahini*, a non-state actor, to fight against the Pakistan Army. It was financed and given necessary military training. Since this force alone could not fulfill Indian designs, Indian regular Armed Forces launched a full-fledged attack against East Pakistan and ensured the break-up of Pakistan in 1971. Thereafter, in violation of the Simla Agreement (1972), Indian military occupied Siachen glacier in northern Kashmir (1984) and Pakistan, in reaction, attempted to get the Siachen glacier vacated by India, but were hampered due to the U.S. intervention.

During the past seven decades, India and Pakistan have fought two all-out wars in 1965 and 1971, three localised wars in Kashmir (1947-48), Rann of Kutch (1965) and Kargil (1999), and several crises, especially

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<sup>236</sup> *News International* (Rawalpindi), 17 July 2001.

<sup>237</sup> Noor ul Haq, *Making of Pakistan*; *Economist*, 2 August 1947.

Brasstacks 1986-7, the compound crisis of 1990, and ten-month long border confrontation crisis of 2001-02 as well as recurrent violations of LoC and the working boundary.<sup>238</sup> After nuclearisation of the Subcontinent, India is engaged in fourth-generation warfare against Pakistan by creating instability and supporting terrorists and anti-state elements inside the country by helping them financially and militarily.<sup>239</sup> India is fighting a proxy war with Pakistan wherever it is possible and one of the main objectives of its foreign policy is to isolate and weaken it.

In 2009, a dossier containing proof of India's active involvement in subversive activities in Pakistan was handed over by the then Pakistani Prime Minister Yousuf Raza Gilani to his Indian counterpart Manmohan Singh during their meeting at Sharm el-Sheikh in Egypt. The dossier also broadly covered the Indian connection in terror financing in Pakistan. A video on the Facebook of a recent lecture delivered by Ajit Doval, India's ex-spymaster and present National Security Advisor reveals Indian involvement in sponsoring anti-state elements in Pakistan. He calls 'Pakistan the "enemy"'; extols Indian intelligence's ability to compromise and infiltrate the Kashmir insurgency; crows about the beheading of Pakistani soldiers by the TTP and advocates a policy of "defensive offence" against Pakistan.'<sup>240</sup>

## **Nuclearisation**

Nuclearisation has transformed the entire dynamics of Pakistan-India relations. Professor Rajesh M. Basrur, of S. Rajaratnam School of International Affairs, Nanyang, Singapore, argues that the effects of nuclear weapons in India and Pakistan had 'a powerful impact on the India-Pakistan relationship.'<sup>241</sup> The period between 1947 and 1971 saw recurrent wars in 1947-48, 1965 and 1971. Pakistan became weak following separation of Bangladesh and the Indian nuclear test in 1974. The period from 1971 till mid-1980s [probably 1984, when Pakistan had acquired nuclear capability] was a period of 'cold peace'. In 1986, there was the Indian 'Brasstacks' military exercise which was the 'largest and most controversial peacetime exercise in South Asia since World War II' mobilising 150,000 troops and

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<sup>238</sup> P.R. Chari, Pervaiz Iqbal Cheema and Stephen P. Cohen, *Four Crises and a Peace Process: American Engagement in South Asia* (Washington, D.C.: Brookings Institute Press, 2007).

<sup>239</sup> An Inter-Services Public Relations statement on a meeting of the Corps Commanders held at the General Headquarters on 4-5 May 2015 said: 'The Conference also took serious notice of RAW's involvement in whipping up terrorism in Pakistan.' *Dawn* (Islamabad), 6 May 2015.

<sup>240</sup> Munir Akram, 'War in the Shadows', *Dawn*, 4 January 2015.

<sup>241</sup> Rajesh Basrur, 'The Consequences of South Asia's Nuclear Revolution', in *South Asia in Transition*, 181.

more than a thousand armoured vehicles spread across its western desert near Pakistan's borders, which was considered a 'provocation' by Pakistan.<sup>242</sup> Pakistan did fear a possible pre-emptive strike against its newly acquired nuclear arsenal. Pakistan developed and retaliated with its 'own conventional counter-thrust strategy through the Zarb-e-Momin exercise in late 1989.'<sup>243</sup>

After Brasstacks, there was the 1990 freedom struggle of Kashmiris and following 1998 nuclear tests, there were two serious crises in 1999(Kargil) and 2001-02 (troop confrontation).

The post-2002 period, thus, appears as one in which there is an unpredictable swing between co-operative stabilisation and conflict-oriented business as usual..[But] they have avoided combat even while threatening it and, from time to time, have begun negotiations that have produced an array of confidence-building agreements, both nuclear such as notification of missile tests and non-nuclear (the softening of the LoC).<sup>244</sup>

Basrur thinks that there are five future possibilities:

(a) follow the same pattern as the Cold War, with one side capitulating; (b) end with an agreement to end hostility by means of a mutually acceptable agreement, which is said to have nearly happened in 2007 before General Musharraf's political fortunes plummeted; (c) stretch out as a prolonged series of confrontations going into the distant future; (d) shift to mutual distancing and a long-duration cold peace of sustained tensions without precipitating crisis, as was the case with Sino-Soviet conflict after 1969; and, most worrisome, (e) spiral into a war involving nuclear weapons.<sup>245</sup>

India has been pursuing wide range of military options, including ICBMs and underwater launch capability. Pakistan has tested a nuclear-capable cruise missile and a short range tactical missile in order to enhance its security to counter a possible Indian aggression.

Nuclear weapons have also weakened autonomy of the Pakistan-India relationship. Unlike India's past stance, both countries tried to induce American intervention. The U.S., fearing a nuclear war, was more inclined than ever before to be involved, such as in 1999 and 2001-02 crisis. President Bill Clinton exerted considerable pressure on Pakistan's Prime Minister Nawaz Sharif to withdraw forces from Kargil in 1999. The George Bush Administration pressurised President Musharraf in 2002 to ban

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<sup>242</sup> *New York Times*, 6 March 1987.

<sup>243</sup> Basrur, 'The Consequences of South Asia's Nuclear Revolution', 181-82.

<sup>244</sup> *Ibid.*, 183.

<sup>245</sup> *Ibid.*, 183-84.



terrorist groups, including those operating in Kashmir.<sup>246</sup> President Obama having a tilt towards India said that Pakistan has been 'very obsessed' with India and that the biggest threat to Pakistan is homegrown.<sup>247</sup>

Other changes in dynamics include (i) given U.S.-China-India triangle, India is assuming a prominent role; (ii) it has shaken the nuclear non-proliferation regime; (iii) in response to the U.S. nuclear deal with India, Pakistan is obliged to obtain nuclear reactors from China; (iv) the U.S. is supporting Indian membership of NSG; (v) the discriminatory policy of the U.S. has led Pakistan to hold up negotiations on the Fissile Material Cutoff Treaty in the Conference on Disarmament at Geneva; (vi) there are global efforts to tighten the non-proliferation regime.

All of these constitute a globalisation process by which South Asia's strategic autonomy has been rapidly eroded and its linkages with the global system have become more numerous.<sup>248</sup>

It may be hoped that, as there was the end of fighting in Western Europe following their nuclearisation, India and Pakistan would be encouraged in maintaining peace and stability in South Asia with maturity and responsibility. But this is only possible if they 'accommodate one another to reduce their conflicts.'<sup>249</sup>

### **Involve International Community**

The Indian misperception that Jammu and Kashmir is simply a bilateral issue should be dispelled. The issue continues to be on the UN agenda since 1947. Indian governments have been trying to disconnect the issue from the UN so that they could unilaterally impose their solution on the people of Kashmir. Since bilateralism has not succeeded in resolving the Kashmir dispute, Pakistan must involve international community to awaken world conscience about the suffering of the people in Kashmir so that they could decide their future in accordance with UNSC resolutions in a free and fair environment.

With the end of the Cold War and the break-up of the Soviet Union, the world became unipolar heralding an era of Pax Americana with changes in the patterns of world politics.<sup>250</sup> Now rising China, rising India and

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<sup>246</sup> As discussed in the section under 'Terrorism and Counterterrorism', several terrorist organisations were banned in January 2002.

<sup>247</sup> Basrur, 'The Consequences of South Asia's Nuclear Revolution', 184-87.

<sup>248</sup> Ibid., 189.

<sup>249</sup> Stephen P. Cohen, *Emerging Power: India* (New Delhi: Oxford University Press, 2002), 224.

<sup>250</sup> Noor ul Haq, 'Unipolarism and Pak-U.S. Relations', *IPRI Journal*, Winter 2006, vol. vi, no. 1: 93.

resurgent Russia are indicating that a multi-polar world is emerging. Former Russian President Boris Yeltsin was interested in trilateral cooperation between Russia, China and India.<sup>251</sup> The idea was repeated on the eve of Russian President Vladimir Putin's trip to India in October 2000. Again, in December 2002, Putin underlined the need for this cooperation. This triangle has now merged into a yet bigger setup, the Shanghai Cooperation Organization (SCO). However, the Indo-U.S. strategic partnership concluded in 2005 is likely to have a greater impact on India's relations with both Russia and China. The mutual cooperation between China, Russia and India can take economic, and to some extent political dimension, but it may not turn into a strategic partnership.

South Asia is also in transition. First, the region's countries have introduced 'economic and market reform policies' and 'switched from import-substitution industrialisation to the export-oriented economic growth model' as well as have 'emphasised economic issues in their foreign policies.' Second, India and Pakistan became nuclear powers in 1998 and a 'stability-instability paradox' has emerged. Third, the anti-terror war which began in 2001 in Afghanistan had a spillover effect on Pakistan, which became a frontline state in the fight against terror. Fourth, in 2004 India and Pakistan started composite dialogues to resolve their disputes. Fifth, the drawdown of the U.S. from Afghanistan is impacting foreign policy of South Asian countries. Sixth, the U.S. has developed a strategic partnership with India. Seventh, China and Pakistan have become iron friends.<sup>252</sup> This transformation and change may have its own repercussions.

The above changes could work both ways in promoting or further straining the relations between Pakistan and India. For instance, cooperation is possible in dealing with terrorism, which is an international problem. It is in the interest of all South Asian countries to adopt a joint strategy to fight against this menace. Second, the possibility of physical war has decreased because of nuclear deterrence. Third, the emphasis on the economy is likely to divert the hawkish mindset of some political leaders towards peaceful co-existence. Although Pakistan is a close friend of China, it must try to maintain good relations with the U.S. and the West as well as Russia and should not become a party in any confrontation.

Pakistan should not compromise on principles and deal with India on an equal footing. Pakistan should utilise diplomatic channels to raise Kashmir issue at all international forums. It should give priority to

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<sup>251</sup> T.T.Poulose, 'Russia-China-India: A Strategic Triangle', *Asian Affairs*, 2003, <<http://asianaffairs.com/jan2003/diplomacy.htm>>; Prakash Nanda, 'Why is a Russia-China-India Triangle Not Feasible', *Asian Affairs*, 2003, <[http://asianaffairs.com/jan2003/viewpoint\\_triangle.htm](http://asianaffairs.com/jan2003/viewpoint_triangle.htm)>.

<sup>252</sup> Chakma ed. *South Asia in Transition*, 2-5.

maintaining, improving and strengthening cordial relations with all UN member states. Following the policy of ‘friendliness and goodwill towards all the nations of the world’ as advised by the founder of Pakistan, Quaid-i-Azam Mohammed Ali Jinnah,<sup>253</sup> Pakistan should continue to seek the support of great powers — China, Russia and the U.S. — as well as the countries of South Asian Association for Regional Cooperation (SAARC), Association of Southeast Asian Nations (ASEAN), Organization of Islamic Cooperation (OIC), and Shanghai Cooperation Organization (SCO).

### ***China***

The state of Jammu and Kashmir is presently divided in three parts under the control of China, India and Pakistan. China’s Kashmir policy was initially based on neutrality. In 1957, the Chinese Prime Minister said that Pakistan and India should resolve the Kashmir issue bilaterally through peaceful means.<sup>254</sup> However, China has never recognised Indian occupation of the state of Jammu and Kashmir as legitimate nor as an integral part of India. China always considered Kashmir a disputed territory.

Pakistan-China relations were friendly since 1950s-1960s even when Pakistan allied itself with the West and became a member of the U.S.-led alliances CENTO and SEATO. The relations were deepened when Pakistan defied Anglo-American pressure to support India against China in the Sino-Indian border war 1962.<sup>255</sup>

A firm foundation of the relationship was laid by the Chinese Premier Zhou Enlai (under the guidance of Chairman Mao Zedong) and President Muhammad Ayub Khan of Pakistan. Their initiatives were of far-reaching consequence: First, Pakistan approached China in November 1959 for demarcation of borders between the two countries.<sup>256</sup> On 2 March 1963, a border agreement between China and Pakistan was signed. Since Kashmir territory was involved ‘a formula was found whereby the borders to be demarcated would be between Xinjiang and the contiguous areas the defence of which was under the control of Pakistan,’ thus, bypassing the question of sovereignty over the territory.<sup>257</sup> Article VI of the Boundary

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<sup>253</sup> *Quaid-i-Azam’s Speeches as Governor-General of Pakistan 1947-48* (Karachi: Pakistan Publishers, n.d.).

<sup>254</sup> Chinese Prime Minister and Cylonese Prime Ministers Joint Statement discussed in J. Korbel, *Danger in Kashmir* (New Jersey: Princeton University Press, 1966), 331; cited by Syed Waqas Haider Bukhari and Tahira Parveen, ‘China’s Approach Towards Kashmir Conflict: A Viable Solution’, *Journal of Professional Research in Social Sciences* (JPRSS), vol.1, no. 1, July 2014: 18, <<http://www.mul.edu.pk/crd/assets/jprss/Chinaapproachtokashmirnew.pdf>>.

<sup>255</sup> Sattar, *Pakistan’s Foreign Policy 1947-2005*, 72.

<sup>256</sup> *Ibid.*, 68-71.

<sup>257</sup> *Ibid.*, 70-71.

Agreement indicated that the agreement would be re-negotiated about who would exercise sovereignty after the settlement of the Kashmir dispute.<sup>258</sup> Second, the Karakorum Highway linking Chinese Kashgar with Islamabad was constructed during 1960s through the joint efforts of China and Pakistan. The road connectivity further strengthened ties.

In 1964, Chinese Prime Minister Zhou Enlai visited Pakistan and declared that the Kashmir dispute should be resolved 'in accordance with the wishes of people of Kashmir as pledged to them by India and Pakistan.'<sup>259</sup> In 1965, President Ayub visited China and the joint statement supported self-determination of Kashmiris in accordance with the UNSC resolutions.<sup>260</sup>

China's support in 1965 War made a deep impression on the people of Pakistan.<sup>261</sup> The same year, China sent a letter to India supporting self-determination for Kashmiris:

The Chinese government has consistently held that the Kashmir question should be settled on the basis of respect for Kashmiri people's right of self-determination, as pledged by India and Pakistan. That is what is meant by China's non-involvement in the dispute between India and Pakistan. But non-involvement absolutely doesn't mean failure to distinguish between right and wrong; it absolutely does not mean that China can approve of depriving the Kashmiri people of their right of self-determination.<sup>262</sup>

President Agha Muhammad Yahya Khan of Pakistan described friendly relations with China as the 'cornerstone' of Pakistan's policy.<sup>263</sup> In the 60s-70s, China supported Pakistan's position; when China was developing working relations with India, it gave a statement that the issue should be resolved according to Simla Agreement and UN resolutions. In

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<sup>258</sup> The Article VI reads 'The two parties have agreed that after the settlement of the Kashmir dispute between Pakistan and India, the sovereign authorities concerned will reopen negotiations with the Government of the People's Republic of China on formal boundary, of the present Agreement so as to sign a formal boundary treaty to replace the present Agreement, provided that, in the event of that sovereign authority being Pakistan, the provisions of the present Agreement and of the aforesaid protocol shall be maintained in the formal boundary treaty to be signed between the People's Republic of China and Pakistan.' Arif Kamal ed. *China-Pakistan Relations 1947-1980* (Lahore: Vanguard Books Ltd., 1989), 37.

<sup>259</sup> Anwer H. Sayed, 'The Politics of Sino-Pakistan Agreement', *Orbis*, 1967 (Fall): 798-825; cited in Bukhari and Parveen, 'China's Approach', 19.

<sup>260</sup> Abdul Sattar, *Foreign Policy: Relations with the West* (Karachi: Oxford University Press, 2001), 369; cited in Bukhari and Parveen, 'China's Approach': 19.

<sup>261</sup> Sattar, *Pakistan's Foreign Policy*, 105.

<sup>262</sup> Kamal, *China-Pakistan Relations 1947-1980*, 544.

<sup>263</sup> Sattar, *Pakistan's Foreign Policy*, 106.

fact, it adopted the policy of reconciliation in South Asia and a neutral approach. In 1980, Chinese President Deng Xiaoping said that Kashmir was a bilateral issue between India and Pakistan and should be resolved peacefully.<sup>264</sup> Chinese Premier Jiang Zemin in his address to Pakistan's Senate, in 1996, had suggested that 'Islamabad should put Kashmir dispute on backburner and instead pursue economic development.'<sup>265</sup> During Pakistan-India standoff in 2002, China's Ministry of Foreign Affairs issued a statement:

China's position on the issue of Kashmir has been clear cut. We have always maintained that the Kashmir issue is one between India and Pakistan left over by history. China hopes that the two sides should seek new ways to appropriately solve the problem through peaceful exchanges and negotiations and refrain from military conflicts.<sup>266</sup>

Sidelining the Kashmir issue, China-Pakistan relations were further strengthened when President Xi Jinping in an address to the Parliament of Pakistan on 21 April 2015, elevated 'China-Pakistan relations to an all-weather strategic cooperative partnership' as 'iron friends.' He desired to 'strengthen mutual assistance and deepen strategic cooperation'; 'advance our shared interests and achieve common development'; 'use China-Pakistan Economic Corridor to drive our practical cooperation with focus on Gwadar Port, energy, infrastructure development and industrial cooperation so that the fruits of its development will reach the people in Pakistan and the people of other countries in our region'; 'enhance close exchanges to build lasting friendship'; 'stick together in face of difficulty and jointly meet security challenges'; and to 'fulfill our due responsibilities and increase coordination on international issues.'

Since 2009, the Chinese were issuing stapled visas on a separate sheet to the residents of Indian occupied Kashmir and Arunachal Pradesh indicating that these were not integral part of India as claimed by the Indian government. However, in April 2011, during the BRICS summit in Hainan, China hinted that it might reverse its policy of administering stapled visas to

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<sup>264</sup> Ghulam Ali, 'China's Kashmir Policy: Back to Neutrality', *IPRI Journal*, Summer 2005, vol. 5, no. 2: 50.

<sup>265</sup> Mark W. Frazier, 'China-India Relations since Pokhran II: Assessing Sources of Conflict and Cooperation', 16-22 September 2000, cited in Ali, 'China's Kashmir Policy': 52.

<sup>266</sup> Chinese Foreign Ministry Spokesperson's Press Conference, 30 May 2002, cited in Bukhari and Parveen, 'China's Approach', 21.

Kashmiris and the practice was later stopped.<sup>267</sup> In any case, China wants peace and stability in the region, especially in its neighbourhood since a conflict between Pakistan and India will have serious implications for the region and China.

### ***Russia***

Initially, when the Kashmir dispute was being discussed in the UN Security Council, the Soviet Union did not oppose plebiscite, but later when Pakistan joined the U.S. sponsored CENTO and SEATO, Russia supported India. However, Russian President Kosygin helped in the conclusion of the Tashkent Declaration in 1966. In 1968, he advised India and Pakistan to resolve their disputes so as to 'meet the vital needs of the two states, as well as of universal peace.'<sup>268</sup> Kosygin also visited Pakistan in April 1968 and May 1969.<sup>269</sup>

During 1970, Pakistan did not agree to a treaty of friendship with Soviet Russia which they had offered. The next year, India concluded the Treaty of Peace, Friendship and Cooperation with the USSR which 'provided India with an umbrella against intervention by China' allowing the former to invade and to bifurcate Pakistan.<sup>270</sup> Soviet Russia seems to have punished Pakistan for its anti-Soviet role, which perhaps is one of the reasons why it has supported 'Indian hegemonic ambitions in the region.'<sup>271</sup>

After break-up of the Soviet Union in 1989, and conclusion of the U.S.-India nuclear deal in 2005, there is a different dynamic and perceptible change in Russian policy. Recent exchange of visits by leaders of Pakistan and Russia have contributed towards diminishing distrust against each other. It is in the interest of both Russia and Pakistan to develop good relations. 'Russia certainly seeks to further its strategic partnership with India and to continue to develop its relations with Pakistan.'<sup>272</sup> Pakistan-Russia relations are improving, but so far President Vladimir Putin is maintaining silence about the Kashmir dispute. This indicates his neutral

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<sup>267</sup> '2011: India, China solved Staped Visa Issue, Put off Border Talks', *Times of India*, 23 December 2011, <<http://indianexpress.com/article/india/india-others/2011-india-china-solve-staped-visa-issue-put-off-border-talks/>>.

<sup>268</sup> Sattar, *Pakistan's Foreign Policy*, 101.

<sup>269</sup> *Ibid.*, 106.

<sup>270</sup> *Ibid.*, 109-110.

<sup>271</sup> Maqbool Ahmad Bhatti, 'Russian Asian Diplomacy', *Dawn* (Islamabad), 19 December 2002.

<sup>272</sup> Petr Topychkanov, 'Moscow's Silence on the Kashmir Problem' (Moscow: Carnegie Moscow Center, Carnegie Endowment for International Peace, 31 October 2014), <<http://carnegie.ru/eurasiaoutlook/?fa=57085>>.

stance. However, the development at Ufa summit 2015 to agree to accept both Pakistan and India as members of the SCO is significant, which may help in the improvement of relations between Russia and Pakistan, and perhaps in the solution of Kashmir dispute.

### ***United States***

During the discussion on the state of Jammu and Kashmir in the UN Security Council in 1948, the United States had supported plebiscite under UN auspices to decide its future. During the Cold War, Pakistan allied itself with the West and the U.S. helped in the conclusion of the Indus Waters Treaty (1960) and the settlement of Rann of Kutch dispute (1965). In 1962-63, the U.S. Ambassador Averell Harriman and British Commonwealth Secretary Duncan Sandys were asked by their governments to undertake efforts to have a settlement of Kashmir. During those interactions, President Ayub suggested to Sandys that the valley be placed under international control for 5-10 years as an interim arrangement. Nehru turned it down.<sup>273</sup>

After the Indo-China border conflict in 1962, the U.S. tilted towards India and after the 1965 war, certain sanctions were imposed on Pakistan and the U.S. support for Pakistan ended. However, Pakistan-U.S. relations again improved after President Nixon became President in 1969. He did not view Pakistan-China friendship as inimical and in the changing dynamic of China-Soviet split, asked Pakistan for opening a secret channel of communication between Washington and Beijing via Islamabad. In August 1969, President Nixon visited Pakistan and Henry Kissinger's secret trip to Beijing took place from 9-11 July 1971.<sup>274</sup>

After the Soviet withdrawal from Afghanistan in 1989, the Pressler Amendment<sup>275</sup> was activated by the U.S. to deny economic and military assistance to Pakistan, but again, after 11 September 2001 attack on Twin Towers, sanctions were lifted and Pakistan was granted the status of a non-NATO ally, as Pakistan had supported the U.S. against Al-Qaeda. The U.S. State Department's Defence Planning Guide prepared in 1992 aimed, among other objectives, to prevent 're-emergence of a new rival' and

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<sup>273</sup> Sattar, *Pakistan's Foreign Policy*, 78-79; *New York Times*, 11 February 1963, cited by Choudhury, *Pakistan's Relations with India 1947-1966*, 73.

<sup>274</sup> Sattar, *Pakistan's Foreign Policy*, 108-109.

<sup>275</sup> A Pakistan specific amendment was adopted on 28 March 1984 that 'no military equipment or technology shall be sold or transferred to Pakistan unless the [U.S.] President could first certify that Pakistan does not possess a nuclear explosive device, is not developing a nuclear device, and is not acquiring goods to make such a device.' Later, on 3 April 1984, two certifications were required: '(1) that Pakistan not possess a nuclear explosive device; and (2) that new aid "will reduce significantly the risk" that Pakistan will possess such a device.' This was enacted in August 1985 and called the Pressler Amendment.

‘prevent a hegemon ... from dominating the region’ and stated that the U.S. policy would be to:

...discourage Indian hegemonic aspirations over the other states in South Asia and on the Indian Ocean. ... a constructive U.S.-Pakistani military relationship will be an important element in our strategy to promote stable security conditions in South West Asia and Central Asia.<sup>276</sup>

However, after signing the nuclear deal with India in 2005, the U.S. considered India a U.S. ‘lynchpin’ in the region. However, the U.S. did consider Kashmir a ‘flashpoint’ and President Barak Obama, during his election campaign in 2008, is reported to have said that the road to peace in South Asia passes through Kashmir, but did not make any move towards the resolution of the dispute except for the advice that Pakistan and India should resolve their disputes peacefully.

Currently, the close Indo-U.S. relations have made the U.S. turn a blind eye to the sufferings and human rights violations in Kashmir as well as ignore the UNSC resolutions. Pakistan should keep on reminding the U.S. of its obligations to the people of Jammu and Kashmir.

### **SAARC**

As far as SAARC is concerned, the ‘policy of bilateralism has failed in establishing an environment of peace and understanding’ in South Asia and SAARC is ‘a hopeful step’ towards achieving peace and security in the region.<sup>277</sup> SAARC can be effective if there are good relations between India and Pakistan, for which sincere efforts are required.

Akmal Hussain, Professor of International Relations at Dhaka University, Bangladesh in his article ‘The Politics of Regional Cooperation in South Asia: SAARC and Regional Order’ rightly thinks that the SAARC has remained hostage to Indo-Pakistan rivalry. The policy of not discussing inter-state disputes has not helped SAARC. He suggests that SAARC should address ‘politico-strategic issues’ and recommends a ‘framework for regional cooperation in South Asia’. He provides a history of SAARC formation, assessment of its performance, reasons why SAARC has failed to live up to its potential. He concludes that the key barrier to SAARC’s progress is the lack of mutual trust resulting from bilateral political disputes, which are not included in the agenda, but discussed on the

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<sup>276</sup> ‘U.S. Strategy Plan Calls for Insuring No Rivals Develop’, *New York Times*, 8 March 1992.

<sup>277</sup> U.S. Bajpai ed. *India and its Neighbourhood* (New Delhi: India International Centre, 1986), cover page.



sidelines of SAARC summits. He suggests that the political issues should be included in the agenda and should be addressed. As the largest country in the region, India should pursue accommodative diplomacy, if SAARC is to remain relevant.<sup>278</sup>

The SAARC region has not progressed as compared to some other regions represented by other organisations, such as ASEAN. The main reason is that inter-state disputes cannot be discussed and thus, the organisation cannot play an effective conflict resolution role. In spite of this drawback, Pakistan should have cordial relations and fruitful interaction with all SAARC countries.

### ***OIC***

Pakistan is an important member of the OIC, which comprises of 57 member states. It is the second largest inter-governmental organisation after the UN. It is 'the collective voice of the Muslim world' and works to 'safeguard and protect the interests of the Muslim world in the spirit of promoting international peace and harmony among various people of the world.'<sup>279</sup> It is an appropriate forum to pursue the goal of ensuring the rights of the Muslim majority Kashmir. Pakistan must use this forum to apprise the whole world of the injustices and human rights violations being committed in the state, including the denial of the right of self-determination.

### ***SCO***

The SCO is an important inter-governmental organisation emerging as an effective force in Eurasia as well as in the international arena. Both India and Pakistan were granted the status of 'observer states'. The Ufa summit of July 2015 agreed to accept them as members of the organisation. Both countries will be required to agree to the charter, declarations, resolutions and protocols of the SCO. For instance, the main purposes of the SCO are:

..strengthening mutual trust and good neighbourly relations among member states; promoting their effective cooperation in political affairs, economy and trade, scientific-technical, cultural and educational spheres as well as in energy, transportation, tourism, and environment protection fields; joint safeguarding and presenting regional peace, security and stability, striving towards creation of democratic, just, reasonable new international political and economic order. As

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<sup>278</sup> Akmal Hussain, 'The Politics of Regional Cooperation in South Asia: SAARC and Regional Order', *South Asia in Transition*, 245.

<sup>279</sup> Organisation of Islamic Cooperation (OIC), 'About OIC', <[www.oicun.org/2/23/](http://www.oicun.org/2/23/)>.

regards its international relations, the SCO is guided by ‘the Spirit of Shanghai’, which is based on the principles of mutual trust and benefit, equality, mutual consultations, respect for the multifaceted cultures and aspiration to joint development, and with regard to external relations SCO is not a closed block and is not directed against any states and regions.<sup>280</sup>

The SCO summits are held regularly every year. The first SCO summit convened in 2001 announced ‘the launch of the SCO and the Shanghai treaty on crackdown on terrorism, separatism and extremism.’ During the fifth summit held in 2005, member states ‘signed agreements on fighting the three “evil forces” of terrorism, separatism and extremism and on mutual help in emergency relief in disasters.’ The SCO provides a forum to influence members about the Kashmir cause. The ‘SCO will surely help member countries to solve their disputes’, according to Syed Tariq Fatemi, Special Assistant to the Prime Minister of Pakistan on Foreign Affairs.<sup>281</sup>

### **ASEAN**

The ASEAN is an inter-state organisation of Southeast Asia. One of its aims, besides accelerating economic growth, social progress, and cultural development among its members, is to promote regional peace. ‘The ASEAN Regional Forum (ARF) is an informal multilateral dialogue of 27 members that seeks to address security issues in the Asia-Pacific region.’ Its first President explained in 1994 that the objective of the Forum is ‘to foster constructive dialogue and consultation on political and security issues of common interest and concern in the Asia-Pacific region.’<sup>282</sup> Both India and Pakistan are members of the Forum. Pakistan should highlight the Kashmir issue in order to promote the cause of peace in South Asia.

### **UNSC**

Kashmir is already on the agenda of the UNSC. The international community should not ignore its critical importance. Pakistan must keep on highlighting the issue through newsletters and articles so that the issue remains alive and moral pressure is exercised on the Indian government. With Modi in office, it has become all the more necessary to approach and

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<sup>280</sup> China.org, ‘Brief Introduction to the Shanghai Cooperation Organization’, accessed 2 December 2016, <<http://www.china.org.cn/english/features/meeting/171489.htm>>.

<sup>281</sup> Kaswar Klasra, ‘Tariq Fatemi’ (interview, *Pak Observer*, 16 July 2015), <<http://pakobserver.net/detailnews.asp?id=268268>>.

<sup>282</sup> ASEAN Regional Forum, ‘About the ASEAN Regional Forum’, accessed 1 June 2015, <[aseanregionalforum.asean.org/about.html](http://aseanregionalforum.asean.org/about.html)>.

involve regional and international community in all forums so as to highlight India's human rights violations and its uncompromising and hostile attitude in Kashmir. The international exposure might soften India's attitude towards the resolution of Kashmir as well as other inter-state disputes.

### **Détente with India**

Both India and Pakistan should be pragmatic in addressing the underlying causes of conflict and tension, with a view to establishing durable peace. India must renounce any notion of dismembering Pakistan. In any case, it has lost the capability of doing that due to nuclear deterrence. On the other hand, while Pakistan cannot accept Indian hegemony, it should give due importance to India in South Asia because of its clout, size and resources. But Indian hegemony in South Asia is not acceptable because it would imply that all states in South Asia are subordinated to it, whereas pre-eminence would simply mean *primus inter pares*.

India and Pakistan can learn much from the erstwhile Cold War. The United States and the USSR wasted about forty years before coming to the conclusion that they could not afford to be enemies. Europe also provides an example: the European states fought amongst themselves for long; now, they are endeavouring to forge unity on the basis of equality. Since 1871, French foreign policy was focused on ensuring its security against her powerful neighbour, Germany. The two countries fought over the territories of Alsace-Lorraine and Saar for almost a century, but eventually resolved their disputes amicably and established cordial relations. Nuclear weapons have brought an end to fighting in Western Europe. Similarly, these weapons can help India and Pakistan in maintaining peace because nuclearisation demands maturity and responsibility.

India should realise that it can no longer pursue supremacist policies because of the world becoming a global village with little space for regional overlords. It should dispense with the notion that if the U.S. can bomb Afghanistan or launch pre-emptive strikes against Iraq, so India, as the largest and strongest state in the region, can act unilaterally against Pakistan. Seeking cover of the U.S. doctrine of pre-emption, countries like India are behaving more unilaterally. This is a dangerous omen for peace. The alternative course is for all countries in the region to cooperate with each other. India, being the biggest country, should 'take the initiative to call for and work jointly with all the other states to make this region "a zone of peace."<sup>283</sup>

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<sup>283</sup> Statement of the Communist Ghadar Party of India, 21 November 2001,

South Asia is a strategically important region of the world. If its leaders show maturity and wisdom, it can benefit immensely and establish its prominent place in the world. It must be realised that peace and security are in the supreme national interest of both India and Pakistan, and for this purpose, the resolution of all outstanding issues –especially the Kashmir dispute – is essential. If they behave irresponsibly and do not demonstrate the necessary maturity, outside powers are likely to benefit at the expense of both countries. They will play the Indian or Pakistani card at will to further their own objectives and designs. The strategic and economic interests of both states would be better served if they pursue a policy of peace and friendship towards each other. Jawaharlal Nehru's observation is very pertinent:

India and Pakistan cannot help playing an important role in Asia . . . If India and Pakistan follow a contrary policy and are opposed to each other, they will obviously be neutralising each other and cannot play the role . . . conflict and wasteful effort will wipe us out from the face of the earth.<sup>284</sup>

It might be argued that communal disharmony is the root cause affecting the development of relations between the two countries. Theoretically, the Indian Constitution ensures equality of all citizens, as does Quaid-i-Azam's inaugural address to the Constituent Assembly of Pakistan and, later, the Constitution of Pakistan. But is equality seen in practice in either country? Hindu nationalism (*Hindutva*) and Muslim extremism are to be blamed for the continuing communal unrest.

A couple of approaches can be adopted to overcome mutual antagonism. One is for the smaller, weaker nation to accept the domination of India and submit to its dictates. This approach contains the germs of perpetual resentment. The second approach requires the larger nation to discard its mantle of superiority, shed its hegemonic designs, and create an atmosphere of mutual respect. The latter alternative is a more pragmatic and reasonable approach in inter-state relations and should be acceptable to all.

However, there is a need to address obstacles in the improvement of India-Pakistan relations. Major General (retired) Dipankar Banerjee, Mentor of the Institute of Peace and Conflict Studies (IPCS), New Delhi, thinks:

If one state is deliberately trying to undermine another, no amount of persuasion or goodwill is enough to build trust and

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<<http://www.cgpi.org/peace.html>>.

<sup>284</sup> Jawaharlal Nehru, *Speeches*, vol. II, 446, cited in Burke, *Mainsprings of Indian and Pakistani Foreign Policy*, 3.

cooperation. Trust and confidence-building are brought about best through trade and economic interactions, which create interdependence. If goodwill can be created through people-to-people contact, it may then make an impact on the governments ... it is important to alter fundamental attitudes of people and the governments. The 'enemy' image so assiduously cultivated ... has to be countered... equality of humanity has to be accepted and plurality to be promoted.<sup>285</sup>

It appears that Modi's 'strong-arm tactics' would be a hindrance in the progress of dialogue, when initiated, and resolution of disputes. Pakistan should, however, continue its efforts for peaceful resolution of disputes on the basis of equity and sovereign equality.

### **Back Channel Diplomacy**

In order to work out contentious issues, various devices such as tracks I, 1.5, II, III and back channel diplomacy were used. The track I negotiations are carried out formally through official channels by heads of government, secretaries to the government or senior government officials. Track 1.5 is closely related to track I diplomacy because, firstly, its members comprise of both official and unofficial individuals and, secondly, track 1.5 is a 'facilitation-oriented approach' and a 'transmission-belt concept, working to inform the track 1 process.'<sup>286</sup>

Track II diplomacy is conducted through non-official channel normally by retired senior officials. These negotiations are carried out when Track I diplomacy is not effective. Track II diplomacy is useful to ascertain the views and feelings of the other side, which could be helpful in reducing tension and promoting goodwill. In case of Pakistan-India relations, since Track I diplomacy was not achieving the desired results, Track II contacts were initiated in 1991. These contacts became popular and multiplied, e.g. India-Pakistan Balusa Group, the Ottawa Dialogues, the Chaophraya Dialogues, the Pugwash conferences, the Regional Centre for Strategic Studies (RCSS) workshops, India-Pakistan Neemrana Initiative (IPNI), and Track II Islamabad Dialogue.

The Balusa Group founded by Dr Shirin Tahir Kheli and funded by UN Development Programme and the Rockefeller Foundation focused on conflicting issues such as Kashmir. Its meetings maintained a low profile

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<sup>285</sup> Dipankar Banerjee, 'India– Pakistan Strategic Relationship: Its Impact on Regional Transition', in *South Asia in Transition*, 262.

<sup>286</sup> Oliver Wolleh, 'Protocol Track 1.5 Approaches to Conflict Management: Assessing Good Practice and Areas for Improvement' (Germany: Berghof Foundation for Peace Support, May 2007).

and avoided media attention. The group supported the 'peace pipeline', i.e. Iran-Pakistan-India gas pipeline. The meetings of Ottawa Dialogue were led by Dr Peter Jones of the University of Ottawa and held in various locations such as Copenhagen, Dubai, Bangkok and Lahore and were mainly sponsored by foreign affairs ministries of Denmark and Canada. Their report 'Practical Steps toward Nuclear Confidence Building in South Asia' (2011) recommended several nuclear CBMs, such as to inform the other side before conducting nuclear tests. The Jinnah Institute, Islamabad and the Australia India Institute organised meetings of Chaophraya Dialogues in Sri Lanka and Thailand in 2009. Their report had documented challenges and recommendations. The Pugwash conferences commenced worldwide in 1957, held their first meeting on India-Pakistan at Islamabad in 2010, and thereafter, at other places. They aimed at co-operative solution of problems and thus, reducing the possibility of armed conflict. The Regional Centre for Strategic Studies (RCSS), Colombo, founded in 1993 is a leading South Asian institute working on regional strategic and security issues. Dr Stephen Cohen and Dr Chris Smith organised workshops in collaboration with the RCSS at various locations during 1999-2006. These were funded by the Ford Foundation and focused on Indo-Pak relations.

The Neemrana Initiative is the longest surviving channel. It holds regular meetings in New Delhi and Islamabad alternatively. Its membership comprises of retired diplomats, military generals, scholars and media representatives. They freely exchange views on contentious and complicated issues including the Jammu and Kashmir dispute, where the government officials would hesitate to negotiate. They have identified various issues and discuss these in an integrated manner to find a possible solution. For instance, they produced a paper on confidence building measures (CBMs) in respect of the armed forces, evolved a roadmap for joint trade ventures and economic cooperation between the two countries. During 2013, the 35<sup>th</sup> round of the Initiative was held in New Delhi from 17-21 August. Members of the Indian group consisted of M. Rasgotra and 13 other retired senior military and civil officers, ambassadors and academia. Those who went to India from Pakistan included Dr Ishrat Hussain and six others. The remaining four including Mr Inamul Haque could not attend due to their commitments at home. After three days discussion, a draft joint statement was endorsed by all members of the Pakistan Group, but not by the Indian Group and, thus, no joint statement was finalised. The next meeting was scheduled to be held in February 2014, but was postponed.

Jinnah Institute, Islamabad organised Track II Islamabad Dialogue IV on 26-27 February 2015, in collaboration with Centre for Dialogue and Reconciliation, Mumbai. The Dialogue recommended that India and

Pakistan should work in close cooperation in addressing water management, environmental degradation, terrorism, trade, removal of information barriers, travel, visa liberalisation, people-to-people contact, stability in Afghanistan, etc.

Track III is people-to-people non-official interaction. The exchange visits and meetings of the members of civil society create goodwill, understanding and co-operative environment. Track III contacts have become popular among the peace loving people of both countries. For instance, Pakistan-India People's Forum for Peace and Democracy was established in 1994-95. Its active membership is in hundreds in both countries. It is both popular and influential.<sup>287</sup>

Backdoor channel is used through former senior Foreign Service officers, retired Armed Forces Generals, academia and others. The composite dialogue through Track I between India and Pakistan has not made any significant progress. Therefore, in lieu of formal communication, back channel diplomacy was carried out between the two governments almost secretly, especially on issues of Kashmir, Sir Creek and Siachen. Former Foreign Secretary Shehryar Khan of Pakistan and India's former envoy to Pakistan S.K. Lambah were responsible for back channel talks. However, any forward movement on these issues was expected after the Indian May 2014 elections were finalised,<sup>288</sup> but has not materialised so far.

Connected with the backdoor diplomacy, constituencies in the shape of lobbies should be cultivated in the civil society and media to build up public opinion and put pressure on each other's government. Accordingly, India is nurturing friendly constituencies in Pakistan.<sup>289</sup> Pakistan should also seriously work on cultivating public opinion in India and influencing government through them.

Unofficial diplomacy has its limitations as well as some positive effects. The limitations are that they cannot deviate from national interests; there is a tendency of arrogance in the stronger partner to sermonise the weaker partner; and since they maintain anonymity, they cannot influence public opinion. At the same time, their discussions are not exposed to the media. Sensitive issues can be discussed dispassionately. Since there are no official commitments, governments prefer that back channel unofficial

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<sup>287</sup> Niaz A. Naik, 'Track II and III Diplomacy in South Asia', unpublished paper, 55-107.

<sup>288</sup> 'Back Channel Talks are on with India: Pak PM's Advisor', *Times of India*, 4 January 2014, <<http://timesofindia.indiatimes.com/world/pakistan/Back-channel-talks-are-on-with-India-Pak-PMs-adviser/articleshow/28389336.cms>>.

<sup>289</sup> 'India must deal with Pakistan beyond the government-to-government framework; India will need to build and nurture friendly constituencies in Pakistan.' Rumel Dahiya and Ashok K. Behuria eds. *India Neighbourhood: Challenges in the Next Two Decades* (New Delhi: Institute for Defence Studies and Analyses, 2012).

diplomacy should continue. For instance, Pakistan-India official dialogues were stalled since 2013, but backdoor channel discussions continued.

The backdoor channel has been evaluating issues such as pre-notification of ballistic missiles, hot lines between Foreign Secretaries, Director Generals Military Operations, maritime authorities, and ceasefire along Line of Control. The diplomacy has contributed in liberalising the visa policy and the operation of Srinagar-Muzaffarabad bus service. It also generated hopes for the resolution of Sir Creek and Siachen Glacier. It also helped in softening Line of Control in the state of Jammu and Kashmir and promoting trade between the two parts of the Kashmir, but virtually no progress has been made towards its resolution.

Back channel communication works through senior interlocutors named by respective PMs. R.K. Misra and Niaz A. Naik represented India and Pakistan respectively, but were not successful. Later, J.N. Dixit and Tariq Aziz represented India and Pakistan, respectively. After the demise of J.N. Dixit, he was replaced by Satinder Lamba, a former Indian Ambassador to Pakistan. He led 15 rounds. In addition, Track II dialogues at various levels were held quietly, but not acknowledged. Yet these were meaningful with some positive outcomes (see Box 1). It is, therefore, necessary for both India and Pakistan that back channel diplomacy should be encouraged.

### **Military Deterrence**

Simultaneously, Pakistan has perforce been maintaining full spectrum minimum deterrence to thwart any Indian intention for unilateralism, intervention and aggression on the same pattern as the 1971 attack inside East Pakistan resulting in the break-up and weakening of Pakistan. This episode is in line with the verdict mentioned before that a 'cardinal underlying purpose' of Indian foreign policy is 'to keep her smaller neighbours weak and isolated for eventual absorption.'<sup>290</sup>

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<sup>290</sup> Stephens, *Pakistan*, 267.



## Summary

Although Pakistan-India relations have remained strained, Pakistan should be clear in its thinking that it has to resolve disputes and improve relations with India on the basis of sovereign equality and internationally recognised principles. Nuclearisation and globalisation is helpful in encouraging maintenance of peace and stability in South Asia. Pakistan should also continue back-channel diplomacy with India as it has its own intrinsic value. While maintaining détente with India, Pakistan should approach international community in all forums to highlight India's human right violations and its uncompromising and hostile attitude in Kashmir.

In any case, first of all, Pakistan has to set its own house in order. Simultaneous to peace at home and efforts for peace with India, Pakistan should have friendly relations with all countries of the world. Pakistan should impress upon the global community and India that it is in the mutual interest of both countries that their disputes, especially Kashmir, are resolved so that with a positive mindset an era of goodwill, peace and progress is heralded with a view to improving the quality of life of the people of the Subcontinent.

### Box 1- Track II Positive Outcomes

- Formal ceasefire along the LoC, International Border and the Actual Ground Position Line – with effect from 25 November 2003, which till 2013 had remained more or less in effect.
- Delhi-Lahore bus service since 1999 and Srinagar-Muzaffarabad from 2005; Bus services from Lahore to Amritsar, Amritsar to Nankana Sahib and train links between Munabao in Rajasthan and Khokhrapar in Sindh started in 2006.
- The Samjhauta Express between Delhi and Lahore resumed service in 2005.
- The first truck route between the two countries was opened at the Wagah border crossing in 2007.
- Joint Economic Commissions and Joint Business Councils were reactivated in 2004.
- Agreement on Advance Notification of Ballistic Missile Tests brought into effect in 2005, which require both parties to inform the other 72 hours in advance before testing any ballistic missiles within a 40 km radius of the International Border and the LoC.
- Establishment of a communication link between Pakistan Maritime Security Agency and Indian Coast Guard brought into effect in 2005, primarily to facilitate early exchange of information regarding fishermen apprehended for straying into each other's waters.
- Joint Anti-Terrorism Institutional Mechanism to identify and implement counterterrorism initiatives and investigations was brought into effect in 2006.

Source: Banerjee, 'India– Pakistan Strategic Relationship.'

# **EPILOGUE**



## VI. Epilogue

### Retrospect

Pakistan and India have fought two all-out and three localised wars and on several occasions India has deployed its forces on Pakistan's borders in a threatening posture since 1950. The last deployment of Armed Forces was in 2002, about which Ari Fleischer, a U.S. White House spokesman, on 20 December 2002, had stated, 'the tension reached alarming level ... As a result of the intervention of the President, the Secretary of State, and numerous leaders around the world including [Russian] President [Vladimir] Putin and [British] Prime Minister [Tony] Blair, there is now a markedly diminished point of tension.'<sup>291</sup>

The conflicts between India and Pakistan are a legacy of the past. After separation and independence, Pakistan-India relations deteriorated owing to unilateral Indian military occupation of the states of Junagadh (1947), Hyderabad (1948), Kashmir (1947-48) and military intervention in East Pakistan (1971) leading to the break-up of Pakistan.

Since independence, India's expansionist and hegemonic policy,<sup>292</sup> occupying several territories through military force,<sup>293</sup> smacks of following in the footsteps of an imperialist power. But 'India is destined to be compared with Pakistan until it can accommodate Islamabad, or Pakistan "withers away" to the point where it is no longer a major factor in Indian strategy.'<sup>294</sup> Since the later idea may not materialise, the chance of peace between these two countries in the immediate future depends on the Indian Government which has to discard its arrogance as well as pseudo-imperialistic mindset and deal with Pakistan fairly and on an equal footing.

However, in contrast to conflict and confrontation, both countries have often expressed a desire for peaceful neighbourly relations. They have offered 'no-war pacts' and 'joint defence' to each other. For instance, in April 1947, Quaid-i-Azam Mohammed Ali Jinnah had pleaded for a common defence policy between India and Pakistan, but the Indian

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<sup>291</sup> *Dawn* (Islamabad), 21 December 2008. Also see Noor ul Haq, 'Indian Quest for Hegemony', *IPRI Journal*, vol. III, no. 2 (2003): 21-48.

<sup>292</sup> *Ibid.*

<sup>293</sup> India militarily occupied Jammu and Kashmir (1947-48), Hyderabad (September, 1948), Junagarh (September-October 1948), Portuguese colony Goa (December 1961), Sikkim (1975), sent forces in East Pakistan (1971) and Sri Lanka (1987), and 1961-62 aggrandisement in Nepal. *New York Times* of 11 October 1948 commented that the Indian military action was 'extremely unwise and unfortunate.' See Haq, 'Indian Quest for Hegemony.' and Saigal, *Pakistan Splits*, 155-156.

<sup>294</sup> Cohen, *Emerging Power: India*, 303.

National Congress did not respond.<sup>295</sup> Again, on 11 March 1948, Quaid-i-Azam Mohammed Ali Jinnah said:

[I]t is of vital importance to Pakistan and India as independent sovereign states to collaborate in a friendly way jointly to defend their frontiers, both on land and sea against any aggression. But, this depends entirely on whether Pakistan and India can resolve their own differences.<sup>296</sup>

In March 1949, the Prime Minister of Pakistan, Liaquat Ali Khan, suggested an offensive–defensive alliance. Later in 1950, Jawaharlal Nehru proposed a no-war pact, which was welcomed by Liaquat Ali Khan.<sup>297</sup> In March 1956, Pakistan’s Prime Minister Chaudhry Muhammad Ali, and President Zia-ul-Haq in September 1981 made similar offers.<sup>298</sup> On 17 July 1959, President Muhammad Ayub Khan offered joint defence, but Prime Minister Nehru rejected the suggestion with the remark, ‘defence against whom?’<sup>299</sup> There were similar offers from Indian side too, such as, from Lal Bahadur Shastri in 1966, Indira Gandhi in 1968 and Morarji Desai in 1977.<sup>300</sup> Prior to the Agra Summit on 14-16 July 2001, President Musharraf had proposed a no-war pact, but India rejected the suggestion out of hand.<sup>301</sup> The principal reason why these proposals made no headway was the lingering trust deficit and non-resolution of Kashmir dispute.

Both India and Pakistan need good neighbourly relations for the fact that they have to fight against poverty, illiteracy, energy deficiency, etc. Both are energy deficient countries and gas is available in the Middle East and Central Asia. Already, there are schemes, such as Iran-Pakistan-India (IPI) and Turkmenistan-Afghanistan-Pakistan-India (TAPI) gas pipelines. Both countries need energy for development. But regional trade is restricted owing to India’s intransigence on the Kashmir dispute, Pakistan is hesitant to allow India to use its territory for trade with Afghanistan, Central Asia and beyond. Similarly, Pakistan cannot trade with Bangladesh, Nepal, Bhutan through Indian territory. These strained relations are greatly responsible for the slow growth of the region.

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<sup>295</sup> Doon Campbell, ‘M. A. Jinnah’ (interview, *Deccan Times*, 25 May 1947).

<sup>296</sup> Afzal ed. *Speeches and Statements of Quaid-i-Millat Liaquat Ali Khan 1941-51*, 459.

<sup>297</sup> Ardhendu Sekhar Bhol, *Coercive Diplomacy & Indo-Pak Relations* (New Delhi: Axis Books Private Limited, 2013), 112.

<sup>298</sup> Pervaiz Iqbal Cheema, ‘No-War Pact Controversy’, *Muslim* (Islamabad), 28 July 1986.

<sup>299</sup> *Dawn* (Karachi), 25 April 1959. See also, Burke, *Mainsprings of Indian and Pakistani Foreign Policy*, 171; Sattar, *Pakistan’s Foreign Policy*, 69 .

<sup>300</sup> Bhol, *Coercive Diplomacy*, 112-113.

<sup>301</sup> Pervaiz Iqbal Cheema, *News International* (Islamabad), 15 July 2001.

There is a requirement for comprehensive dialogue on all contentious issues. The questions are: would the policy of conflict and confrontation be replaced with peaceful co-existence and cooperation; would the two countries approach each other's concerns positively? Although it is a 'tall order', it is possible if they take along with them the stakeholders and hardliners to ensure the success of the peace process.

Internationally, the U.S. President and other world leaders have shown interest in the peace process. They asked the two countries to resume dialogue and offered their assistance, should it be required. On 26 January 2003, while addressing the World Economic Forum in Davos (Switzerland), the U.S. Secretary of State, Colin L. Powell, said, '[I]t is crucial that they both take risks for peace on the Subcontinent and work to normalise their relations.' Referring to the efforts of the U.S. to reduce tensions between India and Pakistan in 2002, Powell said, 'The United States has extended a helping hand to both India and Pakistan; we stand ready to do so again.'<sup>302</sup>

Internally, there is no dearth of enlightened and peace-loving people in both countries: they have been raising their voice calling for closer relations and resolution of disputes peacefully through dialogue. Nawaz Sharif's presence on the occasion of Modi's swearing in ceremony as the Prime Minister of India on 26 May 2014, was expected to augur well in softening respective stances towards the resolution of disputes and prove a new beginning in promoting good relations between the two neighbouring states,<sup>303</sup> but in vain.

Keeping in view the realities, the management of relations between Pakistan and India should be to build trust, reduce mistrust, and enlarge the lobby in either country of elements who are not hostile to each other and discouraging anti-Pakistan or anti-India propaganda in the media and promoting commerce, cultural and intellectual exchanges and relaxing travel curbs.

All sensible quarters desire peace between India and Pakistan. With the baggage of the past and current history, there is a negative perception about Pakistan in India and vice versa. There are hardliners in both countries. There is lack of trust which needs to be overcome. This cannot change overnight.

A close and cordial relationship is impossible as long as subversive activities are sponsored in either country. There is a requirement for change of perception and mindset. Both countries need to take appropriate steps which could contribute in correcting the negative perceptions and

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<sup>302</sup> *Hindu*, 27 January 2003.

<sup>303</sup> *News International* (Lahore), 26 May 2014.

promoting peace. Persistent isolation creates misgivings and mistrust and is a barrier to understanding each other.

There is a perceptible change in India since 1990s due to the rise of the BJP and the Hindutva ideology.<sup>304</sup> Many think that that the BJP is a barrier to peace but, at the same time, the 'BJP is actually quite well-positioned to deliver peace. It is less vulnerable to the charge of "sell out" than the Congress.'<sup>305</sup> Similarly, Nawaz Sharif is understood to work sincerely for peace with India. The benefits of peace have to be sold to the public in both countries. The media in both countries can play a big role in this regard. In any case, the responsibility for resolving disputes and promoting peace squarely lies on the political leaders, especially of the bigger country. For instance, when the former Prime Minister of Pakistan, Syed Yusuf Raza Gilani handed over a dossier providing evidence of Indian-sponsored terrorism in Pakistan, to Manmohan Singh the Prime Minister of India at Sharm-el-Sheikh, Egypt on 16 July 2009, he seemed helpful but backtracked on his return to Delhi.

As for Pakistan, it is fighting a defensive and an existential battle. Pakistan needs to have clarity of mind and vision concerning its disputes with India. There should be no ambiguity on core objectives, i.e. no compromise on sovereignty and territorial integrity, self-determination for the people of Kashmir, and elimination of extremism and terrorism in the country.

A few disputes between the two countries were resolved through mediation or arbitration. For instance, the dispute over division of rivers was resolved under the Indus Waters Treaty 1960 brokered by the World Bank (then the International Bank for Reconstruction and Development), the dispute over Rann of Kutch was resolved through International Arbitration under the Award of 19 February 1968, the war of 1965 was brought to a peaceful end through the efforts of the Soviet President Khrushchev, and the wars of 1971 and 1999 ended with the intervention of the U.S. President.

India, however, is not prepared to solve the remaining problems through mediation or arbitration. The most critical problem is that of Jammu and Kashmir, a core issue for Pakistan. It is not a territorial issue. It is primarily a humanitarian issue. It relates to the fundamental rights of the

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<sup>304</sup> 'Hindutva, or "Hinduness", a term coined by Vinayak Damodar Savarkar in 1923, is the predominant form of Hindu nationalism in India. The Bharatiya Janata Party adopted it as its official ideology in 1989. It is championed by the Hindu nationalist volunteer organisation Rashtriya Swayamsevak Sangh (RSS) and its affiliate organisations, notably the Vishva Hindu Parishad, along with the older term *Hindu Rashtra* (Hindu nation).' Wikipedia, 'Hindutva', accessed 10 July 2015, <<https://en.wikipedia.org/wiki/Hindutva>>.

<sup>305</sup> Koithara, *Crafting Peace*, 270.

people of Kashmir for self-determination, for which they have been making tremendous sacrifices since 1947.

India should be convinced that their Parliament's resolution justifying accession of Kashmir cannot be a legitimate substitute to the required plebiscite under UNSC resolutions.<sup>306</sup> To address mutual concerns about terrorism, speedy disposal of Mumbai attack case in Pakistan and Samjhauta Express case in India are required.

The dialogue process was suspended in November 2008 on grounds of the terror attack in Bombay. In July 2009, the Prime Minister of India, Manmohan Singh, and the Prime Minister of Pakistan, Syed Yousuf Raza Gilani, in a joint statement at Sharm-el-Sheikh in Egypt agreed to de-link peace talks from acts of terror, yet the process could not be resumed till March 2011 at the Secretary level, which was again terminated unilaterally on a flimsy pretext by Premier Narendra Modi in 2015.

## **Prospect**

There is both pessimism and optimism about the future. There is pessimism because Pakistan-India relations continue to remain trapped in the past and there seems little change in their mindset. The Indian rulers betray a superiority complex in their dealings with smaller neighbours, and have an ambition to become *chakravartin* (i.e. a powerful ruler whose dominion extends to the entire world) and have officially named India as 'Bharat' (i.e. the son of the Puru Dynasty, who was considered to have conquered 'the whole Indian Subcontinent ... [and] even conquered regions outside the Subcontinent such as Afghanistan and Tibet.'<sup>307</sup> Dr Sampuranand, Governor of Rajasthan, India, asserted that 'Our political frontiers lie in Pakistan on the Pak-Afghan frontiers, and further west in Afghanistan itself.' He also added that 'Afghanistan, Nepal, Pakistan, Bhutan, Tibet, Sinkiang, Burma, Thailand, Cambodia, Vietnam, Malaysia and Indonesia are with[in] "political frontiers" of India.'<sup>308</sup> The policy of expansionism, animosity, coercive diplomacy, isolating, encircling and weakening Pakistan with a view to impose their own solutions, will not be helpful.

The U.S.-India nuclear deal (2005) and defence agreements (2015) coupled with sizeable purchases of arms from Russia, the U.S. and other countries as well as the transfer of missile and nuclear technology are creating an imbalance and destabilising South Asia, adversely affecting Pakistan's interests. Pakistan's prime interest is 'strategic stability in South

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<sup>306</sup> Appendix 2.

<sup>307</sup> Wikipedia, 'Chakravartin', accessed 2 June 2015, <<http://en.wikipedia.org/wiki/Chakravartin>>.

<sup>308</sup> *Dawn* (Karachi), 31 January 1965.



Asia.’ The U.S. should recognise the adverse impact of imbalance. Owing to increased and one-sided U.S. tilt towards India, the nuclear threshold will go down and would be dangerous for the region and the world.

During May 2014 general elections in India, anti-Pakistan voices were often heard in contrast to elections in Pakistan a year earlier, when the Indian factor was not even mentioned. The Bharatiya Janata Party, a hardliner, won an outright majority with 282 seats out of 543 in the Indian Lok Sabha (Lower House of the Parliament) for the first time in Indian history. This is a paradigm shift after almost six decades of Congress rule. However, the BJP got only 31 per cent of the votes cast. Although the party enjoyed comfortable majority in Lok Sabha (Lower House), it represented a minority in India. In the Senate (Upper House), it could have only 64 seats in a house of 240.

Narendra Modi’s economic progress in the state of Gujarat, which he had ruled for almost 13 years (2001-14), also attracted the voters in his favour because Indian economy had not been making worthwhile progress in the past few years. The rise of fundamentalist, nationalist and communal feelings in South Asia also seemed to have contributed to his success in India. Modi earned an image of supporting or at least not curbing the worst communal riots in Gujarat where, according to a report, up to 2000 people were killed, mostly Muslims.<sup>309</sup> His silence on attempts for mass conversions of Muslim and Christian minorities to Hinduism and burning places of worship made U.S. President Obama remark, while in New Delhi in January 2015: ‘India will succeed so long as it is not splintered along the lines of religious faith.’<sup>310</sup> As the Prime Minister, Modi should have shown prudence in his religious policy.

Dipankar Banerjee writing on ‘India-Pakistan Strategic Relationship: Its Impact on Regional Transition’ expresses his pessimism about the future since there is no let-up in poor relations between the two countries. He states that Pakistan considers Jammu and Kashmir as a core issue and wants to resolve it first, unlike India which wishes to solve less intractable issues first. The correct position is that Pakistan considers Jammu and Kashmir as the core issue, but agrees to discuss and make progress on all issues simultaneously. However, unlike their predecessors, the BJP government in India has laid aside all contentious issues to focus on only one, i.e. Mumbai attack. This is a deviation from an earlier 2004 agreement<sup>311</sup> and thus, unacceptable to Pakistan.

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<sup>309</sup> Christophe Jaffrelot, ‘Communal Riots in Gujarat: The State at Risk?’ (Working Paper no. 17, Heidelberg Papers on South Asian and Comparative Politics, Department of Political Science, South Asia Institute, 2003).

<sup>310</sup> Editorial ‘Modi’s Dangerous Silence’, *New York Times*, 7 February 2015.

<sup>311</sup> Appendix 6.

It seems that the recent element of aggressiveness is a premeditated policy of Modi's government. Indian Defence Minister Manohar Parrikar hinted towards a 'proxy war', while speaking in New Delhi on 22 May 2015, that India has to 'neutralise terrorists through terrorism only', which is tantamount to state terrorism.<sup>312</sup> The growing conventional asymmetry between Pakistan and India is worsening strategic instability in the region and is supporting India's aggressive posture. The utterances of Modi in Bangladesh blaming Pakistan for 'promoting terrorism' has evoked a strong reaction from Pakistan and unanimous resolutions were passed in both houses of Parliament. The National Assembly of Pakistan took:

...serious note of the statements of Prime Minister Modi in which he acknowledged the Indian Government's conspiracy and involvement in the events of 1971 in the Eastern Province of Pakistan ... [and] Indian involvement in destabilising Pakistan.

The Senate of Pakistan reinforced that:

At a time when the entire Pakistani nation particularly the Armed Forces are engaged in a battle against terrorism, Indian provocations are not only undermining Pakistan's anti-terror campaign but are actually ending up aiding and abetting the terrorist fighting against Pakistan.<sup>313</sup>

Indians should realise that times have changed. The whole world is undergoing geo-strategic transformation. Enmities have changed into friendships, e.g. the bitter enemies France and Germany, who had been claiming and fighting for three quarters of a century over Alsace-Lorraine, have become friends. The uni-polarism is being challenged by the emerging multi-polar world. China has risen as a global economic power, a resurgent Russia is confronting the West, the international borders of Iraq and Syria conceived and drawn as per Sykes-Picot Agreement (1916), are in a state of flux. The U.S. policy of 'Rebalancing Asia' apparently to contain China is likely to result in changing dynamics in East and South Asia.

China-Pakistan Economic Corridor initiated during 1960s in the shape of Karakorum Highway linking Islamabad with Kashgar, Xinjiang, is planned to be transformed into a communication and rail-road network to serve as trade and commerce corridor for China to South Asia and beyond via the seaports of Karachi and Gwadar and vice versa. The corridor will

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<sup>312</sup> *Express Tribune* (Islamabad), 23 May 2015.

<sup>313</sup> Appendix 9.

also be of great economic and strategic significance for the region. This would be in addition to Maritime Silk Road which would connect Shanghai with the Middle East via the Indian seacoast and Pakistan seaports.

Under this changing geo-strategic environment, it is time that India and Pakistan should not be averse to change, improve relations and resolve their differences through peaceful methods, i.e. 'dialogue, mediation and arbitration' as agreed to by their prime ministers as early as 1950.<sup>314</sup>

Although Pakistan-India relations are strained, one should not lose hope for the future. There is a perception that the younger generation is free from the burden of history. They are more open-minded than their ancestors. The estrangement of the people in India and Pakistan is no longer there owing to the electronic and social media. There is an international pressure on both countries for improvement of relations. There is already a change in governments' policies after nuclearisation of South Asia. Since 2003, several confidence building measures have been adopted and in January 2004 air links and composite dialogues were resumed. The former Prime Minister of India, Atal Bihari Vajpayee and General Pervez Musharraf, former President of Pakistan agreed on a dialogue process and agreed on core issues as pointed out earlier, of which Kashmir remains the core one.<sup>315</sup>

After the Indian nuclear explosion on 13 May 1998, and Pakistan's tit-for-tat reaction with testing its own nuclear devices on 28 May 1998, Prime Minister of India, Atal Bihari Vajpayee, in an address to the nation from the Red Fort, New Delhi on 15 August 1998, had said 'we wish to improve relations with our neighbours. We know that the easiest way to win a war is not to let it happen. We are ready to hold talks with Pakistan on any subject, at any level and at any time.'<sup>316</sup>

There was another positive/goodwill gesture on 20 February 1999, when the bus service was initiated between New Delhi and Lahore; and Prime Minister Vajpayee himself travelled in it. At Lahore, Prime Ministers of Pakistan and India, Nawaz Sharif and Vajpayee, signed Lahore Declaration in 1999 'sharing a vision of peace and stability between their countries, and of progress and prosperity for their peoples.'<sup>317</sup>

On 20 December 2000, Prime Minister Vajpayee made a statesmanlike offer:

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<sup>314</sup> Liaquat Ali Khan to Jawaharlal Nehru, 26 September 1950; and Jawaharlal Nehru to Liaquat Ali Khan, 8 October 1950. See Afzal ed. *Speeches and Statements of Quaid-i-Millat Liaquat Ali Khan 1941-51*, 598-600.

<sup>315</sup> Appendix 6.

<sup>316</sup> Justice M.G. Chitkara, *Indo-Pak Relations: Challenges before New Millennium* (New Delhi: A.P.H. Publishing Corporation, 2001), 183.

<sup>317</sup> Appendix 5.

We shall not traverse solely on the beaten track of the past. Instead, we shall be bold and innovative designers of a future architecture of peace and prosperity for the entire South Asian region.

This was followed by a summit between Musharraf and Vajpayee at Agra in July 2001 to address all outstanding issues in bilateral relations. It failed to reach any positive conclusion and Vajpayee described it as ‘non-successful’ and said that talks with Pakistan would continue.<sup>318</sup> Musharraf formally invited Vajpayee to visit Islamabad.

On 20 February 2003, Prime Minister Vajpayee, in a statement, ruled out the possibility of war with Pakistan and, two months later on 18 April, announced his readiness for a dialogue to settle ‘all issues’. Encouraged with this, Pakistan’s Prime Minister Zafarullah Khan Jamali spoke to Vajpayee on 28 April, breaking the 18-month-old deadlock; then on 5 May, Prime Minister Jamali announced a number of confidence-building measures.<sup>319</sup> President Musharraf and Foreign Minister Khurshid Mahmud Kasuri advocated a dialogue with India.

Despite certain setbacks, during 2003, both India and Pakistan adopted certain confidence building measures, such as India’s decision to resume cricket matches and other sporting links with Pakistan and the offer to increase the staff strength at Pakistan High Commissions.<sup>320</sup> Pakistan banned certain militant outfits and offered for a formal ceasefire along the LoC.<sup>321</sup>

On 1 January 2004 after resumption of air links,<sup>322</sup> a landmark meeting took place between Vajpayee and Musharraf on 5 January 2004 at the 12<sup>th</sup> SAARC Summit in Islamabad, to start a dialogue process in February 2004.<sup>323</sup> Some other measures included the agreement on exchange of nuclear facilities on the first of each year, pre-notification of ballistic missile tests, establishment of hot-lines at the Foreign Secretaries and Directors-General Military Operations’ level, communication link between the Pakistan Maritime Security Agency and the Indian Coast Guards, procedure for periodic flag meetings and speedy return of inadvertent border crossers, and there were hopeful signs for early

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<sup>318</sup> *Hindu*, 20 July 2001.

<sup>319</sup> Resumption of train and bus services and air link between India and Pakistan, immediate release of Indian fishermen, resumption of full strength of the missions of two countries in their respective capitals, and resumption of sports ties beginning with cricket and hockey. (Ministry of Foreign Affairs, Government of Pakistan, 6 May 2013).

<sup>320</sup> *Hindu*, 28-29 October 2003.

<sup>321</sup> *Hindu*, 15 and 23 November 2003.

<sup>322</sup> *Hindu*, 2 December 2003.

<sup>323</sup> *Hindu*, 7 January 2004.

resolution of certain issues, such as Sir Creek and Siachen Glacier, as well as trade and commerce. The optimism was generated due to international pressures, track II diplomacy and people-to-people exchanges. However, the developments were tardy in meeting expectations. Nevertheless, it was considered necessary to keep the slow-moving peace process on track, without being derailed.

Although there were instances of Pakistan bashing by the BJP during electioneering, Narendra Modi invited SAARC leaders, including Prime Minister Nawaz Sharif to his swearing-in ceremony as the Prime Minister of India. Nawaz Sharif attended the function as a goodwill gesture with a hope that his India visit would be 'helpful in resolving unresolved issues.'<sup>324</sup> However, later events would determine the future course of relations between the two countries, which so far are not encouraging.

Prime Minister Modi has two options. He may either pursue the BJP and *Sangh Parivar*<sup>325</sup> communal agenda, which amounts to *Hindutva* and is harsh on minorities, as well as their agenda to expunge Article 370 of the Indian Constitution to make Jammu and Kashmir a state similar to other states of India rescinding Kashmir's special status. He may also be hard on Pakistan. Such an extreme policy could be disastrous for India and the Subcontinent. Alternatively, he may pursue a conciliatory policy as was followed by Vajpayee, for the betterment of all, internally and externally. Pakistan's former Foreign Minister Kasuri said:

Modi would either adopt the aggressive hardliner's approach or carry forward the Sharif-Vajpayee peace model of February 1999 Lahore Declaration or the model of 2002-07 which had effectively demonstrated that progress could be made even on contentious issues like Kashmir, Siachen and Sir Creek.<sup>326</sup>

The encouraging fact is that Modi, who, in spite of his statements against Pakistan, has also indicated that he would follow the policies of Vajpayee. This indicates that the composite dialogue which was being deferred on one pretext or the other might be considered in some form at some stage following the path set by Prime Minister Vajpayee and President Musharraf in January 2004. Sartaj Aziz on his arrival back in Pakistan from New Delhi on 29 May 2014 announced that 'The Indian Prime Minister recognised the need for a dialogue process to address all

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<sup>324</sup> *News International* (Lahore), 26 May 2014.

<sup>325</sup> The *Sangh Parivar* (Family of Sangh) refers to the family of Hindu nationalist organisations which have been started by members of the Rashtriya Swayamsevak Sangh (RSS) or are inspired by its ideas.

<sup>326</sup> *Dawn* (Islamabad), 31 May 2014.

bilateral issues that stand in the way of good relations between the two countries.’ He added that ‘the agenda has to be updated and restructured. The entire process had to be reviewed.’<sup>327</sup> The Indian Foreign Minister Sushma Swaraj was quoted as having said on the same day, ‘We told Pakistan that we want good relations with it. But for good relations, the talks can be effective and successful only if terrorist activities stop.’ She added that Modi did convey to Sharif: ‘The voice of talks gets lost in the sound of bomb blasts. That is why bomb blasts should stop so that we can talk and our voices can be heard. Talks will get subdued under the din of bomb blasts.’<sup>328</sup> At the same time her comment that ‘for the first time the SAARC leaders felt that a government and a prime minister who thinks out-of-the-box have assumed power in India’ is promising. So far, there is no development in the dialogue process.

The Advisor to the Prime Minister on security and foreign policy, Sartaj Aziz, has observed that ‘economic agenda, which is a priority of both the governments, cannot be advanced without peace in the region.’<sup>329</sup> Modi won the elections on the promise of economic development. For this, he would require peace within and without, especially with his neighbours. Since both premiers are interested in the promotion of business and economic progress and both of them enjoy majority in their respective parliaments, they are in a position to deliver and take decisions so that both Pakistan and India can resolve their differences and jointly fight against poverty and terrorism.

The disputes need to be dealt with in a progressive and humanistic way, even if that approach involves a fundamental shift in strategies. Banerjee suggests that conflict resolution is possible because of ‘nuclear weapons deterrence ... no side can “win” a nuclear war ... [and] current strategic policies of the two countries are untenable, be it using non-state actors as strategic assets or [Indian strategy of] “Cold Start.”’<sup>330</sup>

As for Pakistani officials, they view ‘India’s Cold Start doctrine as a real threat to security and are unwilling to give up the defensive mechanism [in the shape of tactical weapons] built to counter the threat.’<sup>331</sup> U.S. President Obama, at a news briefing after the Nuclear Security summit in Washington on 2 April 2016 said that the area where there was need to see

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<sup>327</sup> Ibid., 30 May 2014.

<sup>328</sup> Ibid.

<sup>329</sup> Ibid.

<sup>330</sup> Banerjee, ‘India-Pakistan Strategic Relationship’, 262-3.

<sup>331</sup> ‘Cold Start Doctrine a Real Threat, Warn Experts’, *Dawn* (Islamabad), 11 April 2016.

progress was Pakistan and India, ‘making sure that as they develop military doctrines, that they are not continually moving in the wrong direction.’<sup>332</sup>

Responding to Modi’s accusing Pakistan of ‘promoting terrorism’ and boasting India’s role in the separation of Bangladesh, Nawaz Sharif in a policy statement on 11 June 2015 said that the:

Issue of Jammu and Kashmir cannot be relegated to the back burner of history... we will continue our quest for a peaceful neighbourhood. But there should be reciprocity and acknowledgement of the overtures I have made to promote the dialogue process.<sup>333</sup>

In any case, there is no escape from dialogue process in the short and long term.

Nawaz-Modi during their meeting on the sidelines of the SCO summit in Ufa on 10 July 2015, agreed to re-start the dialogue process. They also agreed on certain CBMs to create trust, such as a meeting between the two countries’ National Security Advisors to discuss all issues connected to terrorism; meetings between DG Border Security Force and DG Pakistan Rangers followed by that of Director General of military operations; releasing fishermen in each other’s custody within fifteen days; working out a mechanism for facilitating religious tourism; expediting the Mumbai case trial as India would provide additional information; and to ensure peace and promote development.<sup>334</sup> Both sides had agreed to take up outstanding issues like Kashmir, Siachen and Sir Creek under the back channel Track II mechanism ‘for better understanding each other’s point of view.’<sup>335</sup> This development was a consequence of both India and Pakistan becoming members of the SCO. This promises to be a ray of hope for better relations between them in the future.

## **Conclusion and Recommendations**

There is pessimism because Pakistan-India relations have a chequered history. They have fought all-out wars and localised wars as well as have recurrent violations of LoC and the working boundary. Innumerable bilateral talks during 1947-2015 have not solved the aforesaid contentious issues except for a few confidence building measures. The Indian Prime Minister Narendra Modi cancelled already scheduled Secretary level

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<sup>332</sup> ‘Obama asks Pakistan, India to Stop Moving in “Wrong Direction”’, *Dawn* (Islamabad), 3 April 2016.

<sup>333</sup> *Dawn* (Islamabad), 12 June 2015.

<sup>334</sup> *News International* (Islamabad), 11 June 2015.

<sup>335</sup> *Dawn* (Islamabad), 11 July 2015.

bilateral talks on a flimsy pretext. Pakistan has already accused India of destabilising activities in Pakistan, especially in the province of Balochistan. Modi, while in Bangladesh in early June 2015, acknowledged Indian interference and involvement in the break-up of Pakistan in 1971. He has also opposed the China-Pakistan Energy Corridor as ‘unacceptable’ which has the potential of transforming the quality of life of the people in Pakistan and the region. India is not prepared to accept any UN role, arbitration or mediation by any other agency.

However, on the positive side, there are constituencies in both Pakistan and India who want resolution of disputes, especially after the nuclearisation of these states. BJP’s coalition partner PDP in the state of Jammu and Kashmir desires dialogue and improved relations between India and Pakistan. The business community in both countries is acting as a pressure group for improvement of trade and economic relations. SAFTA also requires expansion of trade. The common agenda of Modi and Sharif, i.e. economic development, provides a basis for positive engagement by the two governments. Improved relations will promote Indian trade with Afghanistan and Central Asian Republics through Pakistan, and Pakistan’s trade with India and beyond. The SAARC countries are desirous of regional integration.

The world powers, including the U.S. and Russia want dialogue as well; and China’s role in Afghanistan may be helpful in curbing India’s anti-Pakistan activities in Afghanistan and across the borders.

On becoming members of the SCO in 2015, both Pakistan and India agreed to re-start the dialogue process and hold talks on all issues (though still pending). In short, normal relations require resolution of disputes, especially the issue of Kashmir, without which there seems no prospect for cordial relations in the immediate future, but in the long run the international, regional and national imperatives may result in developing converging interests to have normal friendly ties.

## ***Recommendations***

### ***General***

Pakistan should, first of all, concentrate on its own internal strength through unity amongst various segments of its population. It should have stability and resolve issues pertaining to law and order, energy and governance. It should have a strategy for economic development in spite of troubled ties with India, as economic stability has a direct linkage with defence capability. This requires a knowledge-based economy, educated population, industry-led growth, value-added exports, transfer of advanced technology



and import-substitution.<sup>336</sup> It should also have a right balance in efforts for security of the state and human security of its people.

In foreign affairs, it should follow a robust proactive diplomacy. It should have a strong political narrative and not reactive narrative. It should emphasise its importance and contribution for the betterment and development of other nations, e.g. Pakistan's contribution to UN peacekeeping forces. It should continue to improve relations with all countries, especially those who have a greater say in world affairs as well as with own neighbours, i.e. Afghanistan and Iran, besides China and India.

While the country is known to the outside world as a country which is fighting against terrorism and has a security problem, Pakistan needs to use its media and foreign missions aggressively to project its soft power.

### *India Specific*

The international community is favouring India because of its economic rise and its alliance with the U.S. Pakistan should improve relations with all, especially those countries which are prepared to cooperate with it. Pakistan should not indulge in arms race with India but continue with the policy of maintaining full spectrum minimum deterrence.

There is a need to ensure that there is no perception of interference in the affairs of any neighbouring country. There should be no incident of terrorism/insurgency where there may be suspicion of involvement of either country. All efforts should be made that India is not able to destabilise and support terrorism in Pakistan through its agents and RAW.

Sincere efforts are required for peace inside Pakistan and Afghanistan. Pak-Afghan border should be peaceful under the effective control of respective governments, so that terrorists are not able to cross border on either side. Similarly, there should be peace on Pak-India borders, Line of Control and Working Boundary.

Visa restrictions should be relaxed gradually so that free movement of people to either country is made possible. The businessmen, intellectuals and media persons should have easy access to either country. The electronic and print media should be accessible to people across borders in either country. Cultural exchanges should be cultivated. Pakistan should cultivate and nurture friendly constituencies in India. In fact, Pakistan should keep reciprocity as a basic principle in its foreign policy while dealing with India. Political leaders and media should be mature enough not to indulge in provocative rhetoric.

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<sup>336</sup> Yusuf H. Shirazi, 'Think Self-reliance', *Dawn Business & Finance*, 6-12 July 2015.

*Kashmir Specific*

As an ad hoc measure, the people of Gilgit-Baltistan and Azad Kashmir may be given representation in the Parliament of Pakistan, if so desired by the people of the regions, subject to the provision of final settlement of the State of Jammu and Kashmir. Let Kashmiris in Indian Held Kashmir determine their own course of action. Pakistan should continue its moral, legal, diplomatic and political support.

India, under the BJP government, would like to cancel Article 370 of the Indian Constitution with a view to bringing about a demographic change in favour of India. The people of Kashmir would resist the move and Pakistan must support them peacefully through diplomatic channels.

The Kashmir dispute cannot be resolved militarily, neither can the United Nations enforce its resolutions on Kashmir; nor is India prepared to grant self-determination and plebiscite under UN auspices to the people of Kashmir, nor proxy wars, confrontation and half-hearted international pressures can work. Hence, legal and political recourse and not warfare should be a preferred option for the solution of Kashmir.

The humanitarian side of Kashmir issue should be raised persistently in all forums, internal as well as international, by Pakistan. The Indian security forces enjoy 'immunity' for human rights violations, as they are protected under section 7 of the Armed Forces (Jammu and Kashmir) Special Powers Act of 1990, which says 'Army officers have legal immunity for their actions. There can be no prosecution, suit or any other legal proceeding against anyone acting under that law.' The prosecution is not possible without prior permission from the state and central authority, which normally is not granted.<sup>337</sup> Pakistan should re-invigorate its efforts for the improvement of international conscience about human rights violations in Kashmir.

The international community should be involved on grounds of human rights violations and people's right of self-determination in Jammu and Kashmir as enshrined in the UNSC resolutions.

There should be an effort to educate and create awareness among the people of the Subcontinent, especially Indian masses of all its component states, the Muslim world and the international community about the suffering and suppression of Kashmiris through well researched material and its extensive dissemination. The literature should be available in all major languages of the Subcontinent and of the world. Periodical international conferences need be arranged in Pakistan and abroad.

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<sup>337</sup> Rafia Zakaria, 'A Competition of Cruelty', *Dawn* (Islamabad), 8 July 2015.

The Kashmir cause should be explained to open minded Indians on human, legal and moral grounds. A support from non-partisan, open-minded Indians, especially intellectuals and media persons, is important. If possible, they should be contacted to awaken their conscience and to mobilise support. The scholars who are neutral must be approached and moulded in favour of the solution of Kashmir as per the wishes of the people of Kashmir. Already there are signs of resurgence in Kashmir which is not likely to be subdued. Backdoor diplomacy for resolution of Kashmir should continue.

In any case, a congenial climate and a helpful political atmosphere are required. Unless there is change in the mindset of political leadership, there is little hope for peaceful resolution of disputes. In fact, peace lies in getting rid of superiority complex, rejecting hegemonic designs, abandoning the politics of hatred and hostility, having faith in fundamental human rights, and accepting the internationally recognised principles of tolerance, justice and equity. Otherwise, the consequences are bound to be disastrous. As Pundit Jawaharlal Nehru had rightly observed: ‘The conflict [between India and Pakistan] will wipe us out from the face of the earth.’<sup>338</sup>

In an interview given to a Swiss journalist on 11 March 1948, in answer to a question whether there was any hope of India and Pakistan reaching a peaceful settlement, Quaid-i-Azam Mohammad Ali Jinnah had answered:

Yes, provided the Indian Government sheds its superiority complex and deals with Pakistan on an equal footing and fully appreciates the realities.<sup>339</sup>

This statement gives us an insight into the underlying reason for the unending conflict between the two nations.

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<sup>338</sup> Nehru, *Speeches*, II, 4, cited in Burke, *Mainsprings of Indian and Pakistani Foreign Policy*, 3.

<sup>339</sup> M. Rafique Afzal ed. *Selected Speeches and Statements of the Quaid-i-Azam Mohammad Ali Jinnah: 1911-34 and 1947* (Lahore: Research Society of Pakistan, University of Punjab, 1966).

# **APPENDICES**



**Resolution adopted by the United Nations Commission for  
India and Pakistan on 13 August 1948 (Document No.1100,  
Para. 75, dated 9<sup>th</sup> November 1948)**

THE UNITED NATIONS COMMISSION FOR INDIA AND PAKISTAN  
Having given careful consideration to the points of view expressed by the  
Representatives, of India and Pakistan regarding the situation in the State  
of Jammu and Kashmir, and

Being of the opinion that the prompt cessation of hostilities and the  
correction of conditions the continuance of which is likely to endanger  
international peace and security are essential to implementation of its  
endeavours to assist the Governments of India and Pakistan in effecting a  
final settlement of the situation,

Resolves to submit simultaneously to the Governments of India and  
Pakistan the following proposal:

**PART I  
CEASE-FIRE ORDER**

- [A] The Governments of India and Pakistan agree that their respective High Commands will issue separately and simultaneously a cease-fire order to apply to all forces under their control in the State of Jammu and Kashmir as of the earliest practicable date or dates to be mutually agreed upon within four days after these proposals have been accepted by both Governments.
- [B] The High Commands of Indian and Pakistan forces agree to refrain from taking any measures that might augment the military potential of the forces under their control in the State of Jammu and Kashmir. (For the purpose of these proposals, "forces under their control" shall be considered to include all forces, organised and unorganised, fighting or participating in hostilities on their respective sides).
- [C] The Commanders-in-Chief of the Forces of India and Pakistan shall promptly confer regarding any necessary local changes in present dispositions which may facilitate the cease-fire.
- [D] In its discretion, and as the Commission may find practicable, the Commission will appoint military observers who under the authority

of the Commission and with the co-operation of both Commands will supervise the observance of the cease-fire order.

- [E] The Government of India and the Government of Pakistan agree to appeal to their respective peoples to assist in creating and maintaining an atmosphere favourable to the promotion of further negotiations.

## **PART II TRUCE AGREEMENT**

Simultaneously with the acceptance of the proposal for the immediate cessation of hostilities as outlined in Part I, both Governments accept the following principles as a basis for the formulation of a truce agreement, the details of which shall be worked out in discussion between their Representatives and the Commission.

### **A**

- (1) As the presence of troops of Pakistan in the territory of the State of Jammu and Kashmir constitutes a material change in the situation since it was represented by the Government of Pakistan before the Security Council, the Government of Pakistan agrees to withdraw its troops from that State.
- (2) The Government of Pakistan will use its best endeavour to secure the withdrawal from the State of Jammu and Kashmir of tribesmen and Pakistan nationals not normally resident therein who have entered the State for the purpose of fighting.
- (3) Pending a final solution the territory evacuated by the Pakistan troops will be administered by the local authorities under the surveillance of the Commission.

### **B**

- (1) When the Commission shall have notified the Government of India that the tribesmen and Pakistan nationals referred to in Part II A2 hereof have withdrawn, thereby terminating the situation which was represented by the Government of India to the Security Council as having occasioned the presence of Indian forces in the State of Jammu and Kashmir, and further, that the Pakistan forces are being withdrawn from the State of Jammu and Kashmir, the Government of India agrees to begin to withdraw the bulk of their forces from the State in stages to be agreed upon with the Commission.
- (2) Pending the acceptance of the conditions for a final settlement of the situation in the State of Jammu and Kashmir, the Indian Government will maintain within the lines existing at the moment of cease-fire the minimum strength of its forces which in

agreement with the Commission are considered necessary to assist local authorities in the observance of law and order. The Commission will have observers stationed where it deems necessary.

- (3) The Government of India will undertake to ensure that the Government of the State of Jammu and Kashmir will take all measures within their power to make it publicly known that peace, law and order will be safeguarded and that all human and political rights will be guaranteed.

**C**

1. Upon signature, the full text of the Truce Agreement or communique containing the principles thereof as agreed upon between the two Governments and the Commission will be made public.

**PART III**

The Government of India and the Government of Pakistan reaffirm their wish that the future status of the State of Jammu and Kashmir shall be determined in accordance with the will of the people and to that end, upon acceptance of the Truce Agreement both Governments agree to enter into consultations with the Commission to determine fair and equitable conditions hereby such free expression will be assured.

The UNCIP unanimously adopted this Resolution on 13-8-1948. Members of the Commission: Argentina, Belgium, Colombia, Czechoslovakia and USA.

*Source:* K. Sarwar Hassan ed. *Documents on the Foreign Relations of Pakistan: The Kashmir Question* (Karachi: Pakistan Institute of International Affairs, 1966), 180-183.

**Resolution adopted at the meeting of the United Nations Commission for India and Pakistan on 5<sup>th</sup> January 1949. (Document No. 5/1196 Para. 15, dated 10<sup>th</sup> January 1949)**

**THE UNITED NATIONS COMMISSION FOR INDIA AND PAKISTAN**

Having received from the Governments of India and Pakistan in Communications, dated December 23 and December 25, 1948, respectively their acceptance of the following principles which are supplementary to the Commission's Resolution of August 13, 1948;



1. The question of the accession of the State of Jammu and Kashmir to India or Pakistan will be decided through the democratic method of a free and impartial plebiscite;
2. A plebiscite will be held when it shall be found by the Commission that the cease-fire and truce arrangements set forth in Parts I and II of the Commission's resolution of 13 August 1948, have been carried out and arrangements for the plebiscite have been completed;
3. (a) The Secretary-General of the United Nations will, in agreement with the Commission, nominate a Plebiscite Administrator who shall be a personality of high international standing and commanding general confidence. He will be formally appointed to office by the Government of Jammu and Kashmir.  
(b) The Plebiscite Administrator shall derive from the State of Jammu and Kashmir the powers he considers necessary for organising and conducting the plebiscite and for ensuring the freedom and impartiality of the plebiscite.  
(c) The Plebiscite Administrator shall have authority to appoint such staff or assistants and observers as he may require.
4. (a) After implementation of Parts I and II of the Commission's resolution of 13 August 1948, and when the Commission is satisfied that peaceful conditions have been restored in the State, the Commission and the Plebiscite Administrator will determine, in consultation with the Government of India, the final disposal of Indian and State armed forces, such disposal to be with due regard to the security of the State and the freedom of the plebiscite.  
(b) As regards the territory referred to in A 2 of Part II of the resolution of 13 August, final disposal of the armed forces in that territory will be determined by the Commission and the Plebiscite Administrator in consultation with the local authorities.
5. All civil and military authorities within the State and the principal political elements of the State will be required to co-operate with the Plebiscite Administrator in the preparation for and the holding of the plebiscite.
6. (a) All citizens of the State who have left it on account of the disturbances will be invited and be free to return and to exercise all their rights as such citizens. For the purpose of facilitating repatriation there shall be appointed two Commissions, one composed of nominees of India and the

other of nominees of Pakistan. The Commissions shall operate under the direction of the Plebiscite Administrator. The Governments of India and Pakistan and all authorities within the State of Jammu and Kashmir will collaborate with the Plebiscite Administrator in putting this provision to effect.

- (b) All persons (other than citizens of the State) who on or since 15 August 1947, have entered it for other than lawful purpose, shall be required to leave the State.
7. All authorities within the State of Jammu and Kashmir will undertake to ensure in collaboration with the Plebiscite Administrator that:
  - (a) There is no threat, coercion or intimidation, bribery or other undue influence on the voters in plebiscite;
  - (b) No restrictions are placed on legitimate political activity throughout the State. All subjects of the State, regardless of creed, caste or party, shall be safe and free in expressing their views and in voting on the question of the accession of the State to India or Pakistan. There shall be freedom of the Press, speech and assembly and freedom of travel in the State, including freedom of lawful entry and exit;
  - (c) All political prisoners are released;
  - (d) Minorities in all parts of the State are accorded adequate protection; and
  - (e) There is no victimisation.
8. The Plebiscite Administrator may refer to the United Nations Commission for India and Pakistan problems on which he may require assistance, and the Commission may in its discretion call upon the Plebiscite Administrator to carry out on its behalf any of the responsibilities with which it has been entrusted;
9. At the conclusion of the plebiscite, the Plebiscite Administrator shall report the result thereof to the Commission and to the Government of Jammu and Kashmir. The Commission shall then certify to the Security Council whether the Plebiscite has or has not been free and impartial;
10. Upon the signature of the truce agreement the details of the foregoing proposals will be elaborated in the consultation envisaged in Part III of the Commission's resolution of 13 August 1948. The Plebiscite Administrator will be fully associated in these consultations; *Commends* the Governments of India and Pakistan for their prompt action in ordering a cease-fire to take effect from one minute before midnight of first January 1949, pursuant to the agreement arrived at

as provided for by the Commission's resolution of 13 August 1948; and *Resolves* to return in the immediate future to the sub-continent to discharge the responsibilities imposed upon it by the resolution of 13 August 1948, and by the foregoing principles. The UNCIP unanimously adopted this Resolution on 5-1-1949. Members of the Commission: Argentina, Belgium, Colombia, Czechoslovakia and USA.

8. PRESS COMMUNIQUE ISSUED BY THE UNCIP, 7 JANUARY 1949

The Governments of India and Pakistan have informed the I.S.C.O.R., 4<sup>th</sup> Yr. Supple for January 1949, p. 45,

United Nations Commission for India and Pakistan that they have accepted the principles proposed by the Commission for the holding of a plebiscite in the State of Jammu and Kashmir for the purpose of determining the State's future status. These principles are supplementary to the Commission's resolution of 13 August 1948 which provided for a cease-fire and truce. Following the agreement of the two Governments to the Commission's last proposals both Governments ordered the forces under their control in the State to cease-fire effective at 11.59 p.m., 1 January 1949.

At its meeting of 5 January at Lake Success, the Commission adopted unanimously the following resolution [Text of the resolution is reproduced above].

**Source:** K. Sarwar Hassan ed. *Documents on the Foreign Relations of Pakistan: The Kashmir Question* (Karachi: Pakistan Institute of International Affairs, 1966), 180-183.

**Resolution 122, 1957**  
**(Adopted by the Security Council**  
**at its 765<sup>th</sup> Meeting on 24 January 1957)**

THE SECURITY COUNCIL,

Having heard statements from representatives of the Governments of India and Pakistan concerning the dispute over the State of Jammu and Kashmir.

Reminding the Governments and authorities concerned of the principle embodied in its resolutions 47(1948) of 21 April, 1948, 51(1948) of 3 June, 1948, 80 (1950) of 14 March, 1950 and 91(1951) of 30 March, 1951, and the United Nations Commission for India and Pakistan resolutions of 13 August, 1948, and 5 January, 1949, that the final disposition of the State of Jammu and Kashmir will be made in accordance with the will of the people expressed through the democratic method of a free and impartial plebiscite conducted under the auspices of the United Nations,

1. Reaffirms the affirmation in its resolution 91 (1951) and declares that the convening of a Constituent Assembly as recommended by the General Council of the "All Jammu and Kashmir National Conference" and any action that Assembly may have taken or might attempt to take to determine the future shape and affiliation of the entire State or any part thereof, or action by the parties concerned in support of any such action by the Assembly, would not constitute a disposition of the State in accordance with the above principle;

Decides to continue its consideration of the dispute.

The Security Council voted on this Resolution on 24-1-57 with the following result:

In favour: Australia, China, Colombia, Cuba, France, Iraq, Philippines, Sweden, UK and USA. Against: None Abstaining: USSR.

*Source:* K. Sarwar Hassan ed. *Documents on the Foreign Relations of Pakistan: The Kashmir Question* (Karachi: Pakistan Institute of International Affairs, 1966), 212-215.

**Appendix 3**

**Text of the Tashkent Declaration**

*(Signed on 10 January 1966)*

The Prime Minister of India and the President of Pakistan, having met at Tashkent and having discussed the existing relations between India and Pakistan, hereby declare their firm resolve to restore normal and peaceful relations between their countries and to promote understanding and friendly relations between their peoples. They consider the attainment of these objectives of vital importance for the welfare of the 600 million people of India and Pakistan.

- I The Prime Minister of India and the President of Pakistan agree that both sides will exert all efforts to create good neighborly relations between India and Pakistan in accordance with the United Nations Charter. They reaffirm their obligation under the Charter not to have recourse to force and to settle their disputes through peaceful means. They considered that the interests of peace in their region and particularly in the Indo-Pakistan Sub-Continent and, indeed, the interests of the people of India and Pakistan were not served by the continuance of tension between the two countries. It was against this background that Jammu and Kashmir was discussed, and each of the sides set forth its respective position.
- II The Prime Minister of India and the President of Pakistan have agreed that all armed personnel of the two countries shall be withdrawn not later than 24 February, 1966, to the positions they held prior to 5 August, 1965, and both sides shall observe the cease-fire terms on the cease-fire line.
- III The Prime Minister of India and the President of Pakistan have agreed that relations between India and Pakistan shall be based on the principle of non-interference in the internal affairs of each other.
- IV The Prime Minister of India and the President of Pakistan have agreed that both sides will discourage any propaganda directed against the other country, and will encourage propaganda which promotes the development of friendly relations between the two countries.

- V The Prime Minister of India and the President of Pakistan have agreed that the High Commissioner of India to Pakistan and the High Commissioner of Pakistan to India will return to their posts and that the normal functioning of diplomatic missions of both countries will be restored. Both Governments shall observe the Vienna Convention of 1961 on Diplomatic Intercourse.
- VI The Prime Minister of India and the President of Pakistan have agreed to consider measures towards the restoration of economic and trade relations, communications, as well as cultural exchanges between India and Pakistan, and to take measures to implement the existing agreements between India and Pakistan.
- VII The Prime Minister of India and the President of Pakistan have agreed that they will give instructions to their respective authorities to carry out the repatriation of the prisoners of war.
- VIII The Prime Minister of India and the President of Pakistan have agreed that the two sides will continue the discussion of questions relating to the problems of refugees and eviction/illegal immigrations. They also agreed that both sides will create conditions which will prevent the exodus of people. They further agreed to discuss the return of the property and assets taken over by either side in connection with the conflict.
- IX The Prime Minister of India and the President of Pakistan have agreed that the two sides will continue meetings both at the highest and at other levels on matters of direct concern to both countries. Both sides have recognized the need to set up joint Indian-Pakistani bodies which will report to their Governments in order to decide what further steps should be taken.

The Prime Minister of India and the President of Pakistan recorded their feelings of deep appreciation and gratitude to the leaders of the Soviet Union, the Soviet Government and personally to the Chairman of the Council of Ministers of the USSR for their constructive, friendly and noble part in bringing about the present meeting which has resulted in mutually satisfactory results. They also express to the Government and friendly people of Uzbekistan their sincere thankfulness for their overwhelming reception and generous hospitality.

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They invite the Chairman of the Council of Ministers of the U.S.S.R. to witness this declaration.

Prime Minister of India  
Lal Bahadur Shastri

President of Pakistan  
Mohamed Ayub Khan

(Tashkent, 10 January 1966)

**Source:** Sukhwant Singh Bindra, *Indo-Pakistan Relations: Tashkent to Simla Agreement*, (New Delhi: Deep and Deep Publications, 1981), 259-261.

**Simla Agreement 1972**

*(Signed 2 July 1972)*

The Government of India and the Government of Pakistan are resolved that the two countries put an end to the conflict and confrontation that have hitherto marred their relations and work for the promotion of a friendly and harmonious relationship and the establishment of durable peace in the sub-continent, so that both countries may henceforth devote their resources and energies to the pressing task of advancing the welfare of their peoples.

In order to achieve this objective, the Government of India and the Government of Pakistan have agreed as follows:

- (i) That the principles and purposes of the Charter of the United Nations shall govern the relations between the two countries;
- (ii) That the two countries are resolved to settle their differences by peaceful means through bilateral negotiations or by any other peaceful means mutually agreed upon between them. Pending the final settlement of any of the problems between the two countries, neither side shall unilaterally alter the situation and both shall prevent the organization, assistance or encouragement of any acts detrimental to the maintenance of peaceful and harmonious relations.
- (iii) That the pre-requisite for reconciliation, good-neighbourliness and durable peace between them is a commitment by both countries to peaceful co-existence, respect for each other's territorial integrity and sovereignty and non-interference in each other's internal affairs, on the basis of equality and mutual benefit;
- (iv) That the basic issues and causes of conflict which have bedeviled the relations between the two countries of the last twenty-five years shall be resolved by peaceful means;
- (v) That they shall always respect each other's national unity, territorial integrity, political independence and sovereign equality;



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- (vi) That in accordance with the Charter of the United Nations, they shall refrain from the threat or use of force against the territorial integrity or political independence of each other;
- (vii) Both Governments will take all steps within their power to prevent hostile propaganda directed against each other. Both countries will encourage the dissemination of such information as would promote the development of friendly relations between them;
- (viii) In order to progressively restore and normalise relations between the two countries step by step, it was agreed that:
  - i. Steps shall be taken to resume communications, postal, telegraphic, sea, land including border posts, and air links including over flights;
  - ii. Appropriate steps shall be taken to promote travel facilities for the nationals of the other country;
  - iii. Trade and co-operation in economic and other agreed fields will be resumed as far as possible;
  - iv. Exchange in the fields of science and culture will be promoted.  
In this connection delegations from the two countries will meet from time to time to work out the necessary details.
- (ix) In order to initiate the process of the establishment of durable peace, both Governments agree that:
  - (i) Indian and Pakistani forces shall be withdrawn to their side of the international border;
  - (ii) In Jammu and Kashmir, the line of control resulting from the cease-fire of December 17, 1971 shall be respected by both sides without prejudice to the recognized position of either side. Neither side shall seek to alter it unilaterally, irrespective of mutual differences and legal interpretations. Both sides further undertake to refrain from the threat of the use of force in violation of this line;
  - (iii) The withdrawals shall commence upon entry into force of this Agreement and shall be completed within a period of thirty days thereof.

This Agreement will be subject to ratification by both countries in accordance with their respective constitutional procedures, and will come

into force with effect from the date on which the Instruments of Ratification are exchanged.

Both Governments agree that their respective Heads will meet again at a mutually convenient time in the future and that, in the meanwhile, the representatives of the two sides will meet to discuss further the modalities and arrangements for the establishment of a durable peace and normalization of relations, including the questions of repatriation of prisoners of war and civilian internees, a final settlement of Jammu and Kashmir and the resumption of diplomatic relations.

Indira Gandhi  
Prime Minister,  
Republic of India

Zulfiqar Ali Bhutto  
President,  
Islamic Republic of Pakistan

*Source:* P.R. Chari and Pervaiz Iqbal Cheema, *Simla Agreement 1972* (Colombo: Regional Centre for Strategic Studies, 2001), 204-206; Sukhwant Singh Bindra, *Indo-Pakistan Relations: Tashkent to Simla Agreement* (New Delhi: Deep and Deep Publications, 1981), 259-261.

### **Text of Lahore Declaration 1999**

LAHORE: Following is the text of Lahore Declaration signed by Prime Ministers of Pakistan and India on Sunday.

The Prime Ministers of the Republic of India and the Islamic Republic of Pakistan:-

Sharing a vision of peace and stability between their countries, and of progress and prosperity for their peoples;

Convinced that durable peace and development of harmonious relations and friendly cooperation will serve the vital interests of the peoples of the two countries, enabling them to devote their energies for a better future:

Recognizing that the nuclear dimension of the security environment of the two countries adds to their responsibility for avoidance of conflict between the two countries;

Committed to the principles and purposes of the Charter of the United Nations, and the universally accepted principles of peaceful co-existence;

Re-iterating the determination of both countries to implement the Simla Agreement in letter and spirit;

Committed to the objectives of universal nuclear disarmament and non-proliferation;

Convinced of the importance of mutually agreed confidence building measures for improving the security environment;

Recalling their agreement of 23 September 1998, that an environment of peace and security is in the supreme national interest of both sides and that the resolution of all outstanding issues, including Jammu and Kashmir, is essential for this purpose;

Have agreed that their respective Governments:-

Shall intensify their efforts to resolve all issues, including the issue of Jammu and Kashmir.

Shall refrain from intervention and interference in each other's internal affairs.

Shall intensify their composite and integrated dialogue process for an early and positive outcome of the agreed bilateral agenda.

Shall take immediate steps for reducing the risk of accidental or unauthorized use of nuclear weapons and discuss concepts and doctrines with a view to elaborating measures for confidence building in the nuclear and conventional fields, aimed at prevention of conflict.

Reaffirm their commitment to the goals and objectives of SAARC and to concert their efforts towards the realisation of the SAARC vision for the year 2000 and beyond with a view to promoting the welfare of the peoples of South Asia and to improve their quality of life through accelerated economic growth, social progress and cultural development.

Reaffirm their condemnation of terrorism in all its forms and manifestations and their determination to combat this menace.

Shall promote and protect all human rights and fundamental freedom.

Signed at Lahore on the 21<sup>st</sup> day of February 1999.

**Source:** *Foreign Affairs Pakistan*, vol. XXVI, issue 1, January 1999, 285-286; and *News International* (Lahore), 22 February 1999.

**Appendix 6**

**Joint Press Statement (6 January) by Pakistan and India on  
the Eve of the 12<sup>th</sup> SAARC Summit  
Islamabad, 4-6 January 2004**

The President of Pakistan and the Prime Minister of India met during the SAARC [South Asian Association of Regional Cooperation] summit in Islamabad.

The Indian Prime Minister while expressing satisfaction over the successful conclusion of the SAARC summit appreciated the excellent arrangements made by the host country.

Both leaders welcomed the recent steps towards normalisation of relations between the two countries and expressed the hope that the positive trends set by the CBMs (confidence-building measures) would be consolidated.

Prime Minister (Atal Behari) Vajpayee said that in order to take forward and sustain the process, violence, hostility and terrorism must be prevented.

President (Pervez) Musharraf reassured Prime Minister Vajpayee that he will not permit any territory under Pakistan's control to be used to support terrorism in any manner. President Musharraf emphasised that a sustained and productive dialogue addressing all issues would lead to positive results.

To carry the process of normalisation forward the President of Pakistan and the Prime Minister of India agreed to commence the process of the composite dialogue in February 2004.

The two leaders are confident that the resumption of the composite dialogue will lead to peaceful settlement of all bilateral issues, including Jammu and Kashmir, to the satisfaction of both sides.

The two leaders agreed that constructive dialogue would promote progress towards the common objective of peace, security and economic development for our peoples and for future generations.

*Source: Foreign Affairs Pakistan, vol. XXX1, issue 1, January 2004, 154-156.*

### National Action Plan for Countering Terrorism

Following is summary of the short-term National Action Plan against terrorism announced by Prime Minister Nawaz Sharif in a televised address to the nation on 24 December 2015:

- 1- Execution of convicted terrorists will continue.
- 2- Establishment of special trial courts for two years for speedy trial of terror suspects.
- 3- A commitment to ensure that no armed militias are allowed to function in the country.
- 4- Strengthening and activation of National Counter-terrorism Authority (NACTA).
- 5- Countering hate speech and extremist material.
- 6- Choking financing for terrorists and terrorist organisations.
- 7- Ensuring against re-emergence of proscribed organisations.
- 8- Establishing and deploying a dedicated counter-terrorism force.
- 9- Taking effective steps against religious persecution.
- 10- Registration and regulation of *madrassahs*.
- 11- Ban on glorification of terrorism and terrorist organisations through print and electronic media.
- 12- Administrative and development reforms in FATA with immediate focus on return of IDPs.
- 13- Dismantling communication networks of terrorist organisations.
- 14- Tangible measures against abuse of internet and social media for terrorism.
- 15- Zero tolerance for militancy in Punjab.
- 16- Taking the ongoing operation in Karachi to its logical conclusion.
- 17- Empowering Balochistan government for political reconciliation with complete ownership by all stakeholders.
- 18- Dealing firmly with sectarian terrorists.
- 19- Formulation of a comprehensive policy to deal with the issue of Afghan refugees, beginning with registration of all unregistered illegal refugees.
- 20- Revamping and reforming the criminal justice system, to strengthen counter-terrorism departments including granting of powers to the provincial Criminal Investigation Departments (CIDs) to intercept terrorist communications.

*Source: Express Tribune, 25 December 2015.*

**Suggested Solutions for Kashmir (1948-2014)**

<b>Seria 1</b>	<b>Name of Proposal</b>	<b>Proponent</b>	<b>Key Components</b>
1	UN Resolutions at Appendices 1 and 2	UNCIP Resolutions of 13 August 1948 (S/1100), 5 January 1949 (S/1196) and UNSC Resolution of 24 January 1957 (S/3779)	The accession of the State of Jammu and Kashmir to India or Pakistan will be decided through the democratic method of a free and impartial plebiscite conducted under the auspices of the United Nations.
2	Force Reduction, Plebiscite	A.G. L. McNaughton (1949-50)	<ul style="list-style-type: none"> <li>• Force reduction</li> <li>• Plebiscite under U.N. supervision</li> </ul>
3	Plebiscite along regional lines	Owen Dixon-I (1950)	<ul style="list-style-type: none"> <li>• Plebiscite in each region of the entire State</li> <li>• Plebiscite choices limited to accession of each region to either Pakistan or India</li> </ul>
4	Partition, Plebiscite	Owen Dixon-II (1950)	<ul style="list-style-type: none"> <li>• Partition of State between Pakistan and India, except for Valley</li> <li>• Demilitarisation of Valley followed by U.N. administered plebiscite</li> </ul>
5	Demilitarisation, Plebiscite	Joseph Korbel (1954)	<ul style="list-style-type: none"> <li>• Kashmir referred to U.N. General Assembly</li> <li>• Demilitarisation and installment of U.N. troops</li> <li>• Plebiscite in entire State</li> </ul>
6	Adjusted LoC as International Border	India (1962-63)	<ul style="list-style-type: none"> <li>• Partition the State along somewhat modified LoC</li> <li>• Adjusted LoC recognised as permanent international border</li> </ul>
7	Division along River Chenab:	Pakistan (1962-63)	Partition the State along River Chenab. This would

	‘Chenab Formula’		represent a rough division along communal lines
8	Partition along communal lines, Valley deferred	Pakistan (1963)	<ul style="list-style-type: none"> <li>• Partition the State along Pir Panjal range</li> <li>• Territory would be divided roughly along communal lines</li> <li>• Decision on Valley to be deferred for 5-10 years during which time the Valley would be internationalized</li> </ul>
9	Partition, Soft borders ‘Trieste’ like arrangement	Pakistan-India negotiations (1964)	<ul style="list-style-type: none"> <li>• Jammu and Ladakh to India, Valley and Azad Kashmir to Pakistan</li> <li>• Free movement across new border allowed for Kashmiri residents</li> </ul>
10	Partition, Independence	U.S.A. (mid-1960s)	<ul style="list-style-type: none"> <li>• Partition Jammu and Kashmir except Valley</li> <li>• Valley to be given independence</li> </ul>
11	Continuing with the Status Quo	Pakistan and India ‘Simla Agreement’ (1972)	<ul style="list-style-type: none"> <li>• Continue for the time being with the <i>de facto</i> division along LoC without formalising it</li> <li>• Both sides would retain their official positions on the issue</li> </ul>
12	Partition, Plebiscite, Trusteeship	Pervaiz Iqbal Cheema (1986)	<ul style="list-style-type: none"> <li>• Azad Kashmir and Baltistan to Pakistan, Jammu and Ladakh to India</li> <li>• Valley under U.N. Trusteeship for at least a decade</li> <li>• Plebiscite to be held sometime after a decade (specific time decided by U.N. Trusteeship)</li> </ul>
13	Demographic maneuvers	BJP (Early 1990)	<ul style="list-style-type: none"> <li>• Revoke special status for Kashmir in Indian Constitution</li> <li>• Encourage immigration of Hindus and Sikhs to</li> </ul>



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			Indian Kashmir to convert Jammu Kashmir into a Muslim minority area
14	Sovereignty Association	Ayesha Jalal (1990)	<ul style="list-style-type: none"> <li>• Reunified Jammu Kashmir under 'sovereignty association'</li> <li>• Referendum to be held in two states on area (geographical) basis with choices of accession to India, independence, or unification with Azad Kashmir</li> <li>• Only limited military presence allowed to India and Pakistan</li> </ul>
15	Autonomy, 'Trieste' like arrangement	Selig Harrison (1992)	<ul style="list-style-type: none"> <li>• Jammu and Ladakh to India, Gilgit, Baltistan and Hunza to Pakistan</li> <li>• Kashmir Valley and Muslim majority areas in Jammu and Ladakh to be given maximum autonomy by India. Pakistan to give maximum autonomy to Azad Kashmir</li> <li>• Current ceasefire line to be accepted as 'soft' international border (like Trieste)</li> <li>• Entire autonomous area to be demilitarised under U.N. supervision</li> </ul>
16	Confederation of autonomous states	Raju Thomas (1992)	<ul style="list-style-type: none"> <li>• Joint Pakistan-India control over a reunified and demilitarised Jammu Kashmir</li> <li>• This could lead to a confederal arrangement with several autonomous states (Jammu Kashmir being one of them) with a single decentralised</li> </ul>

			confederation
17	Autonomy, deferment of the final solution	Jagat S. Mehta (1992)	<ul style="list-style-type: none"> <li>• Demilitarise up to 5-10 miles on either side of LoC</li> <li>• India to give maximum autonomy to Indian Kashmir</li> <li>• Simultaneous elections in Pakistan and Indian controlled Kashmir. New governments allowed to maintain active contact through soft borders</li> <li>• Final solution to be deferred</li> </ul>
18	Autonomy to entire state of Jammu Kashmir	A.G. Noorani (1992)	<ul style="list-style-type: none"> <li>• Autonomy to entire Jammu Kashmir</li> <li>• Soft borders between Pakistan and Indian controlled Kashmir</li> <li>• India to negotiate internally with Kashmiri parties</li> </ul>
19	Joint Pakistan-India control, 'South Asia Houses'	Asia Society (1993)	<ul style="list-style-type: none"> <li>• LoC converted into international border</li> <li>• Pak-India jointly manage Kashmir</li> <li>• Cooperation could be extended to rest of South Asia, perhaps as a confederation</li> <li>• U.S. and Russia to have important role</li> </ul>
20	Autonomy to reunified Jammu Kashmir	Bhawani Sen Gupta (1993)	<ul style="list-style-type: none"> <li>• Autonomy to entire Jammu Kashmir</li> <li>• Kashmir's security to be guaranteed jointly or separately by Pakistan and India</li> </ul>
21	Autonomy 'Co-confederalism'	B.G. Verghese (1993)	<ul style="list-style-type: none"> <li>• Autonomy to Indian controlled Kashmir</li> <li>• Demilitarisation of Line of Actual Control and its acceptance as international boundary</li> </ul>

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			<ul style="list-style-type: none"> <li>• Border to remain soft and border transactions to be overlooked by a specific body</li> <li>• Pakistan-India to discuss modalities through bilateral dialogue</li> </ul>
22	International mediation/pressure	Robert J. Wirsing (1994)	<ul style="list-style-type: none"> <li>• International pressure from U.S. as mediator</li> <li>• U.S. involvement should revolve around demilitarisation, renegotiation, and peacekeeping of the Kashmir boundary</li> </ul>
23	Demilitarisation, U.S. mediation	Kashmir American Council (mid-1990s)	<ul style="list-style-type: none"> <li>• Entire Jammu Kashmir to be demilitarised</li> <li>• Ceasefire line to be put under UN observation</li> <li>• Four-level dialogue: Intra-Kashmir, India-Kashmir, Pakistan-India, Pakistan-India-Kashmir</li> <li>• Neutral facilitator to be present</li> <li>• U.S. as active mediator, who should punish India for human rights violations</li> </ul>
24	Partition, Formation of Autonomous region	Joseph Schwartzberg (1995)	<ul style="list-style-type: none"> <li>• Rationalise Pakistan-India border by territorial exchanges</li> <li>• District level referendum in Jammu Kashmir</li> <li>• Choices to join India or Kashmir Autonomous Region (KAR) or Indian Kashmir and Pakistan on KAR for Pakistani Kashmir</li> <li>• Pakistan-India to reduce military presence in KAR</li> <li>• KAR to have soft borders with Pakistan-</li> </ul>

			<p>India</p> <ul style="list-style-type: none"> <li>• UN to oversee implementation</li> </ul>
25	Partition	Saeed Shafqat (1995)	<ul style="list-style-type: none"> <li>• Active Chinese involvement in negotiations</li> <li>• Valley to Pakistan, Jammu and Ladakh to India</li> <li>• Pakistan to delink Kashmir from Siachen</li> </ul>
26	Division along river basins, 'Indus Waters Treaty' model	Mushtaq ur Rahman (1996)	<ul style="list-style-type: none"> <li>• Partition Jammu and Kashmir along river basins</li> <li>• Kashmir Valley and some eastern areas to Pakistan, parts of Jammu and Ladakh to India</li> <li>• UN and Western nations to facilitate process</li> </ul>
27	Partition, Autonomy to Indian Kashmir	Summit Ganguly (1997)	<ul style="list-style-type: none"> <li>• U.S. involvement to pressure Pakistan</li> <li>• India to give concessions to Pakistan on contentious issues other than Kashmir and limited territorial concessions along LoC in return for acceptance of adjusted LoC as border</li> <li>• Autonomy to Indian controlled Kashmir</li> </ul>
28	Soft changes	Kashmir Study Group-I (1997)	<ul style="list-style-type: none"> <li>• Maintain status quo for time being</li> <li>• Soft changes in the meantime: involving all Kashmiri political parties in negotiations, India reducing security forces and improving human rights record, Pakistan checking cross-border infiltration and allowing international body to monitor, both sides</li> </ul>

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			<p>strengthening peacekeeping on LoC perhaps through a Joint Border Security Group</p> <ul style="list-style-type: none"> <li>• International role in implementation encouraged</li> </ul>
29	Sovereignty, 'Livingston Proposal'	Kashmir Study Group-II (1998)	<ul style="list-style-type: none"> <li>• Sovereignty to a portion of Jammu Kashmir without international entity</li> <li>• Internationally supervised ascertainment at Tehsil level</li> <li>• Adjusted LoC to have soft border</li> <li>• Limited role for Pakistan-India in affairs of sovereign entity</li> </ul>
30	Independence, Plebiscite	Jammu and Kashmir Liberation Front (1998)	<ul style="list-style-type: none"> <li>• Five-step solution leading to a reunified, independent Jammu Kashmir</li> <li>• Country-wide referendum 15 years after reunification to decide whether people want to continue with independence or join Pakistan or India</li> <li>• Process to be overlooked by a specially constituted International Kashmir Committee</li> </ul>
31	Pre-1953 set-up in Indian Kashmir, Maximum Autonomy	Jammu Kashmir State Autonomy Committee (1999)	<ul style="list-style-type: none"> <li>• Return of Indian Kashmir to pre- 1953 status, i.e. maximum autonomy</li> <li>• Kashmir to regain control of nomenclatures</li> <li>• Delhi's control limited to defence, foreign affairs, communications, and financial support</li> </ul>

32	Autonomy along religious and ethnic lines	Jammu Kashmir Regional Autonomy Committee (1999)	<ul style="list-style-type: none"> <li>• Create eight autonomous units roughly along ethnic and religious lines in Indian Kashmir, Jammu, and Ladakh</li> <li>• Each to have its own provincial or district council</li> </ul>
33	Autonomy, Free movement, 'Andorra' like solution	Fazal Haq Qureshi (Hizb-ul-Mujahideen) (2000)	<ul style="list-style-type: none"> <li>• Semi-sovereign status to entire Jammu Kashmir</li> <li>• Highly autonomous with limited role for Pakistan-India</li> <li>• Open borders for residents</li> </ul>
34	Soft changes, Referendum cum Election	Kashmir Record and Research Council (KRRC) (2001)	<ul style="list-style-type: none"> <li>• In Phase I, soft changes aimed at bringing normalcy to Kashmir life</li> <li>• In Phase II, referendum to be held to select three most popular political parties. Chosen parties to nominate candidates for a general election</li> <li>• Election winners to form Kashmir parliament which is to decide (by 80 per cent vote) the final fate of Jammu Kashmir</li> </ul>
35	Trifurcation of Indian Kashmir	RSS (2002)	<ul style="list-style-type: none"> <li>• Trifurcation of Indian Kashmir Jammu, and a Muslim Kashmir comprising of the Valley become new states (within India)</li> <li>• Ladakh to become Union territory</li> </ul>
36	Two autonomous Kashmiris	RKG (2003)	<ul style="list-style-type: none"> <li>• Two autonomous Kashmir/s on both sides of LoC with soft borders</li> <li>• Both to have separate governments</li> <li>• Implementation through a body comprising of</li> </ul>

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			Pakistanis, Indians and Kashmiris
37	Coexistence in autonomous Kashmir, 'Good Friday' like arrangement	Sumantra Bose (2003)	<ul style="list-style-type: none"> <li>• All political preferences in Kashmir must co-exist</li> <li>• Indian Kashmir and Azad Kashmir to be provided maximum autonomy and decision making to be devolved</li> <li>• Borders between the two Kashmir/s to remain soft</li> <li>• Talks to be held between Pakistan and India and concurrently between India and Indian Kashmir</li> </ul>
38	Free movement of Kashmiris in all directions	Professor Stanley Wolpert	<ul style="list-style-type: none"> <li>• Kashmir to be demilitarised and de-terrorised</li> <li>• Remove barbed wires to allow free and open travel in all directions in Kashmir, Pakistan and India</li> <li>• Check on military, develop ethnic and cultural bonds and lessen human right violations</li> </ul>
39	Partition, Autonomy to Valley	M.P. Bhandara (2004)	<ul style="list-style-type: none"> <li>• Azad Kashmir and Baltistan to Pakistan, Jammu and Kashmir to India</li> <li>• India to provide maximum autonomy to Valley and reduce military presence to 1953 levels</li> </ul>
40	Sovereign and demilitarised Jammu and Kashmir	Ved Bhasin (2004)	<ul style="list-style-type: none"> <li>• Entire Jammu Kashmir to be granted sovereignty</li> <li>• Pakistan and India to jointly guarantee security</li> <li>• No troops to be stationed except those necessary for defence of the state</li> </ul>

41	Autonomy, Soft Border	Prem Shankar Jha (2004)	<ul style="list-style-type: none"><li>• Maximum autonomy to Azad Kashmir and Indian Kashmir</li><li>• Freedom of trade and transit across LoC, and subsequently between the State and the respective country it falls under</li></ul>
42	Joint Supervision	Musharraf Formula (2006)	<ul style="list-style-type: none"><li>• Free movement of people</li><li>• Self-governance</li><li>• Withdrawal of troops</li><li>• Joint supervision by India, Pakistan and Kashmiris</li></ul>
43	Tripartite Concord among Pakistan, India and China	Subrata K. Mitra and Radu Corciumaru (2014)	<ul style="list-style-type: none"><li>• Tripartite concord among Pakistan, India and China giving <i>de jure</i> status to ground reality</li></ul>

**Source:** Reported to be compiled by Dr Moeed Yusuf, Director of South Asia Programmes, US Institute of Peace, Washington, D.C. and Dr Adil Najam, former Vice Chancellor Lahore University of Management Sciences (LUMS), Lahore and updated by the author.



**Parliamentary Resolutions 2015**

*11 June 2015*

**National Assembly of Pakistan**

The National Assembly condemns the irresponsible and hostile statements against Pakistan from the Indian Ruling Leadership

**RESOLUTION**

The National Assembly of Pakistan on 11 June 2015 unanimously:-

Vehemently condemns the irresponsible and hostile statements against Pakistan from the Indian Ruling Leadership. The statements called into question India's desire to establish good neighborly relations with Pakistan;

**Takes** serious note of the statements of Prime Minister Narendra Modi during his visit to Bangladesh in which he acknowledged Indian Government's conspiracy and involvement in the events of 1971 in the then Eastern Province or Pakistan. Such statements confirm Pakistan's belief about past and present Indian involvement in destabilising Pakistan;

**Notes** the irony in Prime Minister Narendra Modi's efforts to make a case for India's permanent membership of United Nations Security Council since India has been in violation of United Nation Security Council's longstanding resolutions on Jammu & Kashmir, as well as interfering in the internal affairs of other slates in contravention of the UN Charter;

**Regrets** that the Indian Prime Minister made such statements in Bangladesh aimed at stoking hatred against Pakistan. Indian attempts to sow seeds of discord between the peoples of Pakistan and Bangladesh will not succeed;

**Reaffirms** Pakistan's firm resolve to never allow any country to violate its territory under any pretext. The people of Pakistan and the Armed Forces are fully capable of protecting the sovereignty and territorial integrity of Pakistan and give a befitting response to any threat from India; and

**Urges** the international community and especially the United Nation to take notice of such provocative statements by India's Political Leadership which

not only negatively impact on but are a direct threat to prospects for regional peace and stability.

Sd-

1. Mr Mohammad Ishaq Dar, Minister for Finance, Revenue, Economic Affairs, Statistics and Privatization
2. Rais Ghulam Murtaza Khan Jatoi, Minister for Industries and Production
3. Syed Khursheed Ahmed Shah, Leader of the Opposition, National Assembly
4. Dr Shireen Mehrunnisa Mazari
5. Ms Shazia Marri
6. Mr Muhammad Salman Khan Baloch
7. Maulana Fazal-ur-Rehman
8. Ms Naseema
9. Syed Ghazi Gulab Jamal

Members, National Assembly

Resolution Date: 11 June 2015

**Source:** National Assembly of Pakistan, 'Resolutions', 11 June 2015, <[http://www.na.gov.pk/en/resolution\\_detail.php?id=205](http://www.na.gov.pk/en/resolution_detail.php?id=205)>.

## **Pakistan Senate Resolution**

This House condemns the recent disturbing pattern of provocative and hostile statement from Indian Leaders including threatening strikes against Pakistan territory. Such crude attempts by India at trying to bully and browbeat Pakistan are unacceptable and Pakistan rejects this hegemonic mindset.

This House wishes to emphasise that Pakistan will never allow its territory to be violated by India under any pretext. The Pakistan Armed Forces are fully capable to give a befitting response to any incursion, and Pakistani people stand shoulder to shoulder with their armed forces. Such statements confirm Pakistan's apprehensions about India's intention to destabilise Pakistan.

*Management of Pakistan-India Relations: Resolution of Disputes*

This House urges the international community to take note of such provocative statements which negatively impact on the prospects for regional peace, sovereignty and stability.

At a time when the entire Pakistani nation particularly the Armed Forces are engaged in a battle against terrorism, Indian provocations are not only undermining Pakistan's anti-terror campaign but are actually ending up aiding and abetting the terrorist fighting against Pakistan.

Moved by Senator Raja Muhammad Zafar-ul-Haq, Leader of the House

Passed by the Senate of Pakistan, 11 June 2015.

**Source:** Pakistan Senate, 'Resolution', R.D. No.22-116/2015-Q, 11 June 2015, <[http://www.senate.gov.pk/uploads/documents/resolutions/1434109763\\_349.pdf](http://www.senate.gov.pk/uploads/documents/resolutions/1434109763_349.pdf)>.

## NAP Committees Roles and Membership

**Armed Militias:** The Interior Minister heads the Armed Militias Committee, formed to deal with the issue of eliminating armed militias from the country. This committee has Director-General Inter-Services Intelligence (DG ISI), Director-General Intelligence Bureau (DG IB), Director-General Military Operations (DG MO), all Provincial Home Secretaries including Federal Tribal Areas (FATA), Gilgit-Baltistan (GB) and Azad Jammu and Kashmir (AJK); as well as the National Counterterrorism Authority (NACTA) National Coordinator and the Interior Secretary.

**Hate speech:** The Interior Minister will also steer a second committee that will make recommendations on how to counter hate speech and extremist material. This committee includes the Ministers for Religious Affairs, Planning, Information as well as the Managing Director Pakistan Television (MD PTV), DG ISI, DG IB, all provincial Home and Auqaf Department Secretaries, the NACTA Coordinator and Interior Secretary.

**Proscribed Organisations:** The committee tasked with stopping the re-emergence of proscribed organisations will be led by the Interior Minister and will have the DG ISI, DG IB, all Home Secretaries and Interior Secretary as members.

**Counterterrorism:** To ensure the deployment of a dedicated counterterrorism force, the Interior Minister will lead efforts alongside the Ministers for Finance and Defence, the DG MO, the Secretaries of Finance, Interior and the NACTA Coordinator.

**Religious Persecution:** Another sub-committee was tasked to report on steps against religious persecution. Headed by the Interior Minister, the committee consists of the Minister and Secretary for Religious Affairs, the Interior Secretary, all provincial police chiefs and the Inspectors-General (IGs) of GB, AJK and Counterterrorism, as well as all Home and Auqaf Department Secretaries and the NACTA Coordinator.

**Madrassahs:** A committee on the registration and regulation of *madrassahs*, also led by the Interior Minister, will hold meetings with various organisations that oversee the affairs of over 30,000 *madrassahs*

and will consist of the Minister and Secretary for Religious Affairs, State Minister for Education, all Home and Auqaf Department Secretaries.

**Terror on the Internet:** The Interior Minister will supervise discussions to recommend steps for dismantling terrorists' communication networks and suggest tangible measures against the abuse of internet and social media for terrorism. This is the only committee whose composition was not mentioned in the official press release.

**Karachi:** The committee tasked with dealing with the Karachi law and order situation includes the Interior Minister, supported by the Sindh Governor, Sindh Chief Minister, the Rangers Director-General and other senior officials.

**Punjab:** To check militancy in some parts of the Punjab, the Interior Minister will formulate strategy with input from the DG ISI, DG IB, Home Secretary and provincial police chiefs.

**Sectarianism:** The committee tasked with presenting recommendations on the subject dealing with sectarian terrorism will be headed by the Interior Minister and consist of the DG IB, all provincial police officers, Home Secretaries and heads of Counter-terrorism Departments as well as the Interior Secretary and the NACTA Coordinator.

**Afghan Refugees:** The Interior Minister will make policy guidelines to deal with Afghan refugees with the help of the Khyber Pakhtunkhwa (KP) Governor, Minister of States and Frontier Regions (SAFRON), National Data and Registration Authority (NADRA) Chairman and other senior officials.

**Terror Financing:** Under the supervision of Finance Minister, a committee was tasked to submit recommendations on choking terrorists' financial networks and terrorist organisations. This committee includes Governor State Bank, the DG ISI, Interior Secretary, Federal Board of Revenue (FBR) Chairman, Director-General Federal Investigation Agency (FIA) and the Finance Secretary.

**Media Curbs:** Another committee, chaired by the Information Minister and including the Ministers for Interior and Planning and Development, and the Information Secretary, will furnish recommendations on banning the glorification of terrorism and terrorist organisations through print and electronic media.

**FATA Reforms and Internally Displaced Persons (IDPs) Return:** The Governor KPK has been given the convenership of the committee to

brainstorm and present recommendations on administrative and development reforms in FATA with an immediate focus on return of IDPs. The Ministers of Finance, Planning and Development and SAFRON, Economic Affairs Secretary, Corps Commander 11 Corps Peshawar and FATA Chief Secretary will also be part of the committee.

**Justice System Reforms:** The Information Minister has been given a second committee, which will give its input on how to reform the criminal justice system and strengthen counterterrorism departments. This committee features the Interior Secretary, provincial representatives, ISI, IB heads as well as the Law Secretary.

*Source:* Khawar Ghumman, '15 Committees Tasked with Execution of Action Plan', *Dawn* (Islamabad), 28 December 2014, <<http://www.dawn.com/news/1153581>>.

# MAPS





## Map of Gilgit-Baltistan, Azad Kashmir and Indian Occupied Kashmir



Key:  
Green: Gilgit-Baltistan and Azad Kashmir  
Blue: Indian Occupied Kashmir

*Source:* Google Maps.

## Map of Pakistan



*Source:* Google Maps.