



# PAKISTAN - INDIA Relations

## Old Problems: New Initiatives

August 2011

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**PREFACE**

**Pakistan-India Relations: Old Problems: New Initiatives** is authored by **Dr. Hasan-Askari Rizvi**, renowned scholar of Pakistan, as a background paper for the 2nd round of Pakistan-India Parliamentarians Dialogue, facilitated by PILDAT. Written from the perspective of Pakistan, the paper explores diplomatic initiatives that have been undertaken by both Pakistan and India since January 2011 to resume dialogue.

The paper is built on the argument that *acrimony and conflict spread over six decades has strained both countries' material resources, caused societal distortions and sustained extremist tendencies* and the two countries need to recognise that such a troubled and frustrating state of affairs should not continue. Dialogue is the only option which should continue under all circumstances with a focus on conflict-resolution.

The paper concludes by saying that *Parliamentarians from India and Pakistan can play a key role in facilitating the dialogue process and conflict resolution on mutually acceptable and advantageous considerations*.

As an independent Pakistani think-tank, PILDAT believes that while diplomatic channels for Dialogue must continue, Parliamentarians from both countries should be facilitated on both sides for a greater interaction and developing a better understanding for resolving issues that should lead diplomatic initiatives. It is for this objective that PILDAT has been facilitating Parliamentarians Dialogues.

**Disclaimer**

The views, opinions, findings and conclusions or recommendations expressed in this paper are those of the author and do not necessarily reflect the views of PILDAT.

Islamabad  
August 2011



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**Dr. Hasan-Askari Rizvi** is an independent Political and Defence Analyst. He was Quaid-i-Azam Professor of Pakistan Studies at SIPA, Columbia University, New York, Allama Iqbal Professor at the South Asia Institute, Heidelberg University, Heidelberg, Germany, and a Visiting Professor with the South Asia Programme of the School of Advanced International Studies (SAIS), Johns Hopkins University, Washington, D.C. He was also a Visiting Scholar at the University of Illinois, Urbana-Champaign, and Cooperative Monitoring Centre, Sandia National Laboratories, Albuquerque, NM. He was on the Faculty of Political Science Department, University of the Punjab, Lahore, where he also served as Professor and Chairman of the department. Currently he is Professor Emeritus.

Dr. Hasan-Askari Rizvi obtained MA and PhD in Political Science and International Relations from the University of Pennsylvania, Philadelphia, USA, and M.Phil. in Politics from the University of Leeds, UK.

A prolific writer, Dr. Askari is the author of many internationally-acclaimed books which include *“Military, State and Society in Pakistan,”* (Macmillan-Palgrave Press, New York and London, 2000); *“Pakistan and the Geostrategic Environment,”* (Mamillan-Palgrave, New York, London, 1993); *“The Military and Politics in Pakistan,”* (Several editions/reprints since 1976, latest reprint 2009 by Sangemeel, Lahore) and *“Internal Strife and External Intervention,”* (Lahore: 1981). He also writes for national and international journals and newspapers and regularly appears on national and international media as analyst.

He is also a recipient of the Presidential Award *“Sitara-i-Imtiaz”* in 2010.



**Pakistan-India Relations: Old Problems: New Initiatives**

The relations between Pakistan and India are characterized by periodic ups and downs, hot and cold diplomacy and intermittent breakdown. This makes predictions about the future direction of their relations and endurance of the dialogue process somewhat problematic.

Despite the 1947-1948 war in Kashmir, propaganda campaigns against each other and non-resolution of bilateral problems that led India and Pakistan to oppose each other at the regional and international levels on a number of issues, the two countries maintained a relatively smooth working relationship until the 1965 war. Until then, traveling between the two countries was relatively easy. People could drive in their vehicles to the other side after completing international travel requirements and print material could be exchanged in routine. Trade and commercial exchange, though limited, took place with much less problems.

Everything changed in the post-1965 war period. The relations deteriorated because of a host of subsequent developments. Though there were periods of normal interaction between the two countries but this interaction never returned to the pre-1965 war level. In fact, not many people remember that period, although the published record is available. The periods of working relations were interrupted from time to time by the policies that the other state viewed as hostile.

However, the silver lining in the troubled India-Pakistan relations is that the disruption in the dialogue process is not permanent. The leadership of the two countries always returns to dialogue after some time. What India and Pakistan need is an uninterrupted and wholesome dialogue on all issues and problems so that whatever they achieve through small steps accumulates over time into a major improvement in their bilateral relations.

**A New Effort**

A new effort to revive the dialogue process has been initiated by India and Pakistan in 2011. This has brought an end to the suspension of the dialogue by India after the

tragic terrorist attacks in Mumbai on November 26, 2008. The latest dialogue process was initiated in January 2004 when Prime Minister of India, Atal Behari Vajpayee, and President of Pakistan, General Pervez Musharraf, met on the sidelines of the SAARC Summit Conference in Islamabad. The dialogue process moved at a painfully slow pace but it was viewed as a constructive development.

The day Mumbai experienced the terrorist attacks, Pakistan's Foreign Minister was in New Delhi (November 25-28, 2008) for wide-ranging talks with India's Foreign Minister. The Interior/Home Secretaries of two countries had met in Islamabad on November 25-26, 2008 and they had agreed to work together for, among other things, countering terrorism. India suspended the dialogue process after the Mumbai terrorist attack.

The roots of the latest revival of the dialogue go back to the 16th SAARC Summit Conference held at Thimphu in April 2010 where the Prime Ministers of India and Pakistan met on the sidelines of the Summit Conference on April 29, 2010 and agreed to revive the dialogue "without any preconditions."<sup>1</sup> There were other inconclusive contacts between the two countries in 2010 in addition to telephonic contacts. These included Pakistan's Foreign Secretary's visit to New Delhi in February 2010, India's Foreign Secretary's visit to Islamabad in June and India's Foreign Minister's visit to Islamabad in July 2010. All these visits could not make any breakthrough except that the two sides agreed to meet again. India insisted that Pakistan must first satisfy India on the terrorism issue with reference to the Mumbai terrorist attack.

It took India almost nine (9) months after the Thimphu meeting of the two Prime Ministers to come to the decision to resume talks with Pakistan on all issues including terrorism rather than insisting on its earlier position of resolving the terrorism-related issues first before anything else. This set the stage for the resumption of the dialogue towards the end of March 2011. Table 1 shows the diplomatic exchanges and talks held between the two countries during January-July 2011.

1 "India, Pakistan Agree to resume Comprehensive Dialogue" by Steve Herman, Voice of America, April 29, 2010 <http://www.voanews.com/english/news/news-analysis/Indian-Pakistani-Leaders-Meeting-Seen-as-a-Positive-Step-92396954.html>, as accessed on August 04, 2011.

**Table 1: Pakistan-India Diplomatic Exchanges in 2011**

<b>JANUARY</b>	India's Foreign Minister invited Pakistan's Foreign Minister to New Delhi to resume talks in the first three months of this year. Later, he also talked to his Pakistani counterpart on phone on January 06, 2011 on this issue.
<b>FEBRUARY</b>	The Foreign Secretaries of India and Pakistan met at the SAARC meeting at Thimphu, Bhutan, on February 6, 2011 and agreed on the need for a constructive dialogue to address all outstanding issues.
<b>MARCH</b>	<ol style="list-style-type: none"> <li>i. The resumption of the dialogue process: the Secretary of Interior Pakistan and Home Secretary of India held a meeting in New Delhi on March 28-29, 2011. They agreed to, among other things, set up a "terror hotline" to communicate quickly on the possible terrorist threats.</li> <li>ii. On the invitation of India's Prime Minister, Pakistan's Prime Minister visited Mohali along with a delegation to watch the semi-final of the World Cup between India and Pakistan on March 30, 2011. Both Prime Ministers watched the cricket match together, followed by dinner that was attended by top Congress leaders. This was viewed as a major breakthrough and most positive development in bilateral relations between Pakistan and India since the Mumbai terrorist attack.</li> </ol>
<b>APRIL</b>	<ol style="list-style-type: none"> <li>i. The fourth meeting of India-Pakistan Judicial Committee on Prisoners was held in Karachi on <b>April 18-23, 2011</b></li> <li>ii. The meeting of Commerce Secretaries of India and Pakistan was held in Islamabad on extending commercial and economic cooperation on April 27-28, 2011. They agreed to revive all working groups established before the Mumbai attacks for facilitation of trade.</li> </ol>
<b>MAY</b>	<ol style="list-style-type: none"> <li>i. The Railway officials of India and Pakistan met at zero point/Wagah on extending railway travel facilities on May 3, 2011. They decided to add more goods trains between the two countries.</li> <li>ii. The delegations led by India's Secretary for Water Resources and Pakistan's Secretary for Water and Power met in Islamabad to discuss the Wuller Barrage/Tulbul Navigation Project on May 12-13, 2011.</li> <li>iii. Talks on Sir Creek boundary issue were held at Islamabad on May 20-21, 2011. Pakistani delegation was led by Additional Secretary, Ministry of Defence and Indian side was led by the Surveyor General. These talks remained inconclusive.</li> <li>iv. Meeting of Defence Secretaries of two countries in New Delhi were held to discuss the proposed withdrawal from the Siachen Glacier on May 30-31, 2011. The 12<sup>th</sup> round of talks on the Siachen Glacier was inconclusive.</li> </ol>

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	<ul style="list-style-type: none"> <li>i. First meeting of the Joint Working Group on visa matters was held on June 2-3, 2011 at Rawalpindi. The Indian delegation was led by Joint Secretary, Ministry of Home Affairs, and Pakistani side was led by Additional Secretary, Ministry of Interior.</li> <li>ii. India's Foreign Secretary visited Islamabad for talks on June 23-24, 2011. This meeting showed that India and Pakistan would have to work more earnestly to reduce the divergence in their perspectives and produce mutually-acceptable solutions of the contentious issues.</li> </ul>
<b>JULY</b>	<ul style="list-style-type: none"> <li>i. The Interior/Home Ministers of India and Pakistan traveled together from Delhi to Thimphu, Bhutan, for the 4<sup>th</sup> meeting of the SAARC Home/Interior Ministers. They discussed matters of mutual interest on July 22, 2011. They also met on the sidelines of the meeting.</li> <li>ii. Quarterly coordination meeting between the officers of the Pakistan Rangers and India's Border Security Force was held on the Pakistani side of the Wagha border to take up the border management issues on July 26, 2011. It was a routine meeting.</li> <li>iii. The Foreign Secretaries of India and Pakistan met in New Delhi for finalization of agenda for the meeting of the Foreign Ministers on July 26, 2011.</li> <li>iv. The Foreign Ministers of India and Pakistan, Mr. S. M. Krishna and Ms. Hina Rabbani Khar, met in New Delhi on July 27, 2011. They agreed to continue dialogue in an earnest manner on all issues and problems.</li> </ul>

**Need for Political Will**

The resumption of the dialogue is a positive development but the meetings held from March-July 2011 clearly show that there are strong impediments to improving relations between the two countries. The two sides diverge on most issues and the top most leaders on both sides will have to make a categorical decision on problem-solving. It is only at the level of Prime Ministers, in consultation with the relevant domestic partners, that the decision can be made for seeking solutions of the problems. Without the demonstration of a strong political will at the highest state level, the officials of the two countries are not going to take the "risk" of showing the initiative for resolving the problems.

Two statements by India's Prime Minister, Dr. Manmohan Singh, are very encouraging. He said on March 4, 2011 in Jammu that: *"We will enter these talks with open mind. We wish to resolve all outstanding issues between two*

*countries through friendly dialogues and purposeful negotiations. And this includes the issue of Jammu and Kashmir."*<sup>2</sup>

He made a more profound statement on April 17, 2011 when he said that: *"If I can succeed in normalizing relations between India and Pakistan as they should prevail between two normal states, I would consider my job well-done."*<sup>3</sup>

Pakistan's leadership is equally enthusiastic about resolving bilateral issues through bilateral negotiations. The Pakistani side has argued time and again since the Mumbai terrorist attacks that India should not have suspended the dialogue because the problems cannot be resolved through any other method. The suspension of the dialogue amounts to playing into the trap of religious extremists and terrorists who do not want normalization of relations between India and Pakistan.

2 *"India will resume talks with open mind, says Manmohan"* by Shujaat Bukhari, The Hindu, March 04, 2011, <http://www.thehindu.com/news/national/article1509338.ece> as accessed on August 04, 2011.

3 *"My job is done if India-Pakistan ties normalize: Manmohan"* The Nation, April 17, 2011 <http://www.nation.com.pk/pakistan-news-newspaper-daily-english-online/Politics/17-Apr-2011/My-job-is-done-if-IndiaPakistan-ties-normalize-Manmohan> as accessed on August 04, 2011

## **Major Impediments to Normal Relations**

The leaders of India and Pakistan will have to address at least five issues which have become major impediments to turning their desire to improve bilateral relations into concrete policy measures. These are the issues of attitude and disposition of the society and a self-serving view of history that makes it difficult for a large number of people to overcome the burden of the past and attitudinal biases.

### **Competing Narratives of History**

India and Pakistan have created two competing narratives of the past and the present focusing on the nation-state. Each narrative projects itself as noble, correct and justified and the other side as evil and trouble maker. In New Delhi, you can get a catalogue of unfriendly and hostile actions by Pakistan. In Islamabad and Lahore, you will find a competing list of grievances against India.

The aura of self-righteousness and projection of the other side as belligerent is inculcated among the young people through education, media and other agents of socialization. This has created an in-built bias against each other on both sides which makes smooth interaction quite difficult. This trend has been re-inforced by the efforts of Indian and Pakistani Governments to compete with each other in the regional context or at the global level. This is a vicious circle. India and Pakistan oppose each other because they view each other as adversaries. As they oppose each other or work to build diplomatic and military pressure on each other, the notion of adversary gets strengthened.

### **Domestic Politics**

India-Pakistan relations are closely linked with the domestic politics of each country. There are groups and parties on both sides, i.e., religious hardliners and political far right, that entertain serious doubts about the intentions of the other side and are not favourably disposed, if not opposed, to improving relations. They are ideologically opposed to normalization of relations. At times, the top leadership may not find itself strong enough to override such opposition. The political circumstances may force the Governments to slow down the dialogue process in order to deflect domestic pressure. On July 16, 2009, the Prime Ministers of India and Pakistan agreed at Sharm el Sheikh to take definite steps for improvement of relations. However, India's Prime Minister could not follow up the commitment because of domestic opposition that also came from his close circles. The Pakistani Government also faces such pressures from the political right and

Islamic elements, especially those based in the Punjab. The Pakistan military has to be kept on board for Pakistan's relations with India as well.

### **Role of Media**

The media in both countries plays a varied role. There are people in the media who support improvement of relations but they appear to be in a minority in both countries. They are often pushed to the sidelines at a time of crisis and the media gets into the bashing spree. Some of the talk show anchors on both sides attempt to improve the ratings of their programmes by using highly inflammatory rhetoric against the other side. The media needs to show restraint and present the issues in a balanced way with a commitment to calming down tensions.

### **Discourse on Doom**

There are people on both sides who offer a doom's day scenario for the other side. Some analysts in India think that Pakistan is going to collapse and therefore there is no need to work towards improving relations with it. Similarly, there are people in Pakistan who think that India would become a dysfunctional state because it faces insurgencies and dissident movements in several states.

These perspectives can be described as negative wish-lists that are not likely to materialize. A stable Pakistan is in the interest of the region because only its Government and security forces can contain extremism and terrorism in Pakistan. If Pakistan falters as a state the major beneficiary would be the extremist and terrorist groups. Pakistan needs a friendly and stable India that addresses whatever internal problems it faces from time to time.

### **Issue Overplay**

There is a tendency on the part of Pakistan and India to overplay a single issue and make the dialogue process hostage to that single issue. For years, Pakistan insisted that the resolution of the Kashmir problem was a pre-condition for meaningful trade and other interaction. Pakistan took a long time to realize that the *Kashmir First* strategy was an impediment to improvement of relations. It changed the policy and adopted a pluralist approach of talking on all issues at the same time with full understanding that all issues will not be addressed at an equal pace.

India resorted to this strategy after the Mumbai terrorist attack when it discontinued the dialogue and insisted on Pakistan satisfying India on the terrorism issue before the

dialogue could be resumed. This insistence unnecessarily delayed the resumption of the dialogue.

While both India and Pakistan can have different order of priorities for raising the issues but it is not advisable to get obsessed with a single issue, i.e. terrorism for India and Kashmir for Pakistan.

All these impediments are cultivated as state or society-sponsored projects in both India and Pakistan. The people are not born with a negative disposition towards each other. Nor are they born with an ideology of hate. Such sentiments get cultivated for a host of reasons. At times the contextual variables and the policy decisions by the Governments or powerful interest groups contribute significantly towards discordant disposition towards each other.

Instead of cultivating negative sentiments or taking an extremely slanted view of history the ordinary people of India and Pakistan should be encouraged to meet with each other so that they get to know each other and develop positive interaction. It is well known that whenever Indian or Pakistanis are allowed to visit the other country for watching a cricket match, they get a warm and friendly welcome. There is a lot of fascination at the common people level to visit the other side. If Delhi and Mumbai fascinate the people in Pakistan, Indians feel attracted to Lahore and Karachi. Add to this the people of divided families who want to visit their relatives in the other country. We also know that Indians and Pakistanis interact smoothly when they meet anywhere outside of South Asia.

### **A Matter of Choice**

It is a matter of choice for the Governments of India and Pakistan and the political and societal elite in both countries to cultivate good relations or pursue negative interaction with each other. If they stay trapped in the self-serving and narrow historical and political narratives, they would never come out of the troubled relationship.

The two countries need to make a choice between the negativeness articulated since independence and an approach that focuses on welfare of the people: *a choice between ultra-nationalism and humanism*. The issues should not be explained in zero-sum term, that is, the gain of one is the loss for the other. Instead, a multiple sum

approach should be adopted where the issues can be resolved in a manner that both sides can benefit from.

There is a need to adopt an “out-of-the-box” approach to address the contentious issues and problems rather than continue losing the chances of improving the quality of life for the people by holding on to biased historical narratives and a paranoid visions of national identity.

As the negative disposition was consciously cultivated over the years, it can be de-cultivated by an equally conscious effort. The afore-mentioned issues need to be addressed if we want to write a new chapter of India-Pakistan relations. Both sides need to outgrow the past and look towards the future in an innovative way. The era of acrimony and conflict has to give way to new efforts to build bridges of trust and confidence. India and Pakistan need to experiment with living like normal neighbours.

### **Innovative and Flexible Approach**

The latest innovative and flexible approach towards India-Pakistan relations was adopted by President General Pervez Musharraf of Pakistan and Prime Minister Atal Behari Vajpayee of India when they met in Islamabad on January 6, 2004 on the sidelines of the SAARC Summit Conference to discuss bilateral relations. This meeting produced a really historical document that attempted to break out of the troubled bilateral relations and laid down a framework for dialogue on all contentious issues with the objective of exploring mutually acceptable solutions to their problems.

The Joint Declaration contained two principles that showed that India and Pakistan were willing to show flexibility and opt for an out-of-the box approach.<sup>4</sup>

1. India agreed to hold dialogue on all issues, including Kashmir. Earlier in December 2003, General Pervez Musharraf had expressed willingness to move away from the UN resolutions on Kashmir provided India also showed flexibility on the issue.
2. Pakistan agreed that it would not allow the territories under its control to be used for supporting terrorism.

Initial steps for resumption of the dialogue were taken in February 2004. When in May 2004, Dr. Manmohan Singh

4 “India-Pakistan Joint Press Statement, Islamabad, January 6, 2004,” South Asian Terrorism Portal, January 06, 2004 [http://www.satp.org/satporgtp/countries/india/document/papers/indo\\_pak-6jan04.htm](http://www.satp.org/satporgtp/countries/india/document/papers/indo_pak-6jan04.htm) as accessed on August 04, 2011.

assumed the office of Prime Minister as the head of the Congress-led coalition Government after General Election, he promised to continue with the dialogue process, described at the time as the *Composite Dialogue*. It covered 8 issue areas, originally agreed by the Foreign Secretaries of the two countries in 1997.

The Composite Dialogue lasted for over four years (June 2004-November 2008) with two brief suspensions imposed by India. The two sides discussed all the contentious issues but they diverged in their priorities. India's preference was for normalization of relations rather than conflict resolution. Pakistan emphasized that normalization of relations should be accompanied by problem solving or conflict resolution.

India-Pakistan relations improved during these four years. There was a significant improvement in interaction between the societies and people of both countries and the dialogue engendered the hope that they would ultimately move in the direction of resolving the problems.

The two countries made noteworthy progress evolving mutually-acceptable solutions of two problems: the *Siachen Glacier* and the *Sir Creek boundary*. They also made an earnest effort to evolve a phased solution of the Kashmir problem that incorporated the Indian position that the borders cannot be changed and the Pakistani perspective that the Line of Control cannot be turned into an international border. This important progress on Kashmir remained inconclusive because of disruption of the dialogue in November 2008.

### **The Mumbai Terrorist Attack**

Within days of the terrorist attack in Mumbai on November 26, 2008, the Government of India suspended the dialogue process with Pakistan. It maintained that the attack was launched by the Pakistan based Lashkar-e-Tayyaba (LeT) and its counterpart Jamaatud Dawa (JD) with full backing and sponsorship of Pakistan's Inter-Service Intelligence (ISI) as the only surviving attacker was traced back to a village in Pakistani Punjab and the record of telephonic conversation of the attackers strengthened Indian case against the LeT.<sup>5</sup>

Though the dialogue process was put off indefinitely, India adopted a more measured response towards Pakistan as

compared to its response to the terrorist attack on Indian Parliament in New Delhi on December 13, 2001. India avoided some of the extreme measures adopted in December 2001-January 2002 like suspension of all road and rail transport and air flights, stoppage of trade, recall of the High Commissioners, reduction in the staff of the High Commissions and troops mobilization to the Pakistan border though some Indian troops were moved from peacetime positions to locations closer to the Pakistan border but not on the border. Unlike 2002, it did not create an eyeball-to-eyeball military confrontation.

The changed Indian strategy reflected a re-thinking on troops mobilization option. In 2002, India kept its troops on the Pakistan border for ten months (January-October). Pakistan responded by adopting the same strategy. The situation on the border was extremely tense in May-June 2002. However, this strategy did not yield any concession from Pakistan. India's unilateral decision in October to gradually withdraw its troops from the border led to the return of Pakistani troops to their peacetime locations.

While the Indian Government was showing restraint, India's strategic community, including retired diplomats and retired Army officers, explored other options to "punish" Pakistan. It was surprising that some Indian strategists thought that India could launch some kind of limited military action even if Pakistan possessed nuclear weapons. The use of conventional military power under the shadow of nuclear weapons was a dangerous thinking. Some of them suggested surgical air strikes or swift commando raid on militant training camps in Pakistan-administered Kashmir or the LeT/JD centre at Muridke, 30 Kilometres north of Lahore. There were suggestions for adoption of what is described as the 'Cold Start' strategy that envisaged the capturing of some Pakistani territory by quick mobilization of well-equipped and well-coordinated ground and air battle groups rather than mobilization of all troops. India's policy makers did not succumb to these dangerous suggestions.

Pakistan's initial response to the Mumbai incident was confused and the Government of Pakistan denied the claims that the attackers were of Pakistani origin. Though some Pakistani TV channels discovered enough evidence to show that the arrested attacker came from a village in Punjab, the Government of Pakistan remained silent on it and rejected Indian charges of the ISI's involvement.

5 "In 'First Step' India and Pakistan Resume Talks" by Jim Yardley, The New York Times, February 25, 2010 <http://www.nytimes.com/2010/02/26/world/asia/26india.html> as accessed on August 04, 2011

Pakistan's National Security Advisor, Major General (Retd.) Mahmud Ali Durrani was removed in January 2009 for claiming that the surviving attacker hailed from Pakistan.<sup>6</sup>

It took prodding by friendly countries and an internal re-assessment for the Pakistani Government to examine the linkages between the Mumbai attack and the Pakistan based militant groups, especially the LeT.

It was after the decision of the Sanctions Committee of the UN Security Council that the Government of Pakistan banned the JD on December 11, 2008. Subsequently, 7 of its leaders were arrested. However, one of them, Hafiz Muhammad Saeed, was released by the court for lack of credible evidence. Others continue to be in detention since then but the terrorism-related cases against them are proceeding at an extremely slow pace.

The conviction rate of the people arrested on charges of terrorism is very low in Pakistan. A good number of them are released or stay in prison for a long time without the completion of their cases due to non-availability of credible evidence. Not many people are willing to be witness in such cases. In the case of the arrested LeT/JD leaders, the only evidence of their involvement is the dossiers that have been supplied by India. The information provided in the dossiers is weak and no Pakistani court (even any Indian court) will convict these people without giving an opportunity to the defence lawyers to question the evidence and its sources. Even if the first trial court convicts them, the higher court is expected to give them relief unless more solid evidence becomes available which may not be possible without cooperation between India and Pakistan. If the relevant authorities of the two countries work together to strengthen the evidence provided in the dossiers, the case against the JD leaders can be completed successfully.

### **The Challenge of Terrorism**

The terrorism problem is very complex and transnational that calls for effective and persistent counter measures at the domestic, regional and global levels.

#### **Indian Perspective**

India has reduced this problem to two inter-related issues. First, Pakistan should take strong punitive action against

the LeT/JD people named in the Indian dossiers. India's Government and political leaders think that Pakistani Government and the courts should convict the LeT/JD leaders. They want Hafiz Saeed to be dealt with sternly by Pakistani administration or the courts for masterminding the Mumbai attacks. Secondly, they believe that the ISI was at the back of the LeT attack in Mumbai and that it should stop sponsoring terrorism in India.

While insisting on Pakistan to comply with its demands on terrorism, India does not entertain Pakistani demand to share the investigations about the bomb explosion in the Samjhota Express (India-Pakistan train service) in February 2007. Most of the people killed in the incident were Pakistanis returning from India.

It is understandable that India was perturbed by the Mumbai terrorist attack. This incident shocked all Indians because 166 people were killed and the financial capital of India was hit. It also exposed the inadequacies of security arrangements because ten people could enter the city by boat, as claimed by India, and attack more than one location within a short span of time. The initial response of the security forces was slow and it was on the third day that the situation was brought under full control.

#### **Pakistani Perspective**

Pakistan views the terrorism problem in a broader context rather than limiting it to the Mumbai terrorist attack only. Pakistan has to cope with four major types of groups:

- i. First, the Tehrik-i-Taliban-i-Pakistan (TTP) is a conglomerate of several smaller groups based in Pakistan's tribal areas. There are foreign fighters and Al-Qaeda activists based in these tribal areas.
- ii. Second, a number of small localized groups exist in most tribal areas that fight with each other for protecting their domain of control. These groups also fight with Pakistan's security forces.
- iii. Third, there are several Islamic-sectarian groups with their break-away factions that function only within mainland Pakistan. They are mostly based in the Punjab.
- iv. Fourth, there are several groups based in the Punjab and Pakistan-administered Kashmir that focus on Indian-administered Kashmir. The well-known Punjab based groups are LeT/JD and Jaish-i-Muhammad.

<sup>6</sup> "Statement on Kasab was made after consultation: Gen Durrani" by Azaz Syed, Dawn, May 22, 2011 <http://www.dawn.com/2011/05/22/statement-on-kasab-was-made-after-consultation-gen-durrani.html> as accessed on August 04, 2011.

There are linkages among these four types of groups and some activists have overlapping membership. Several break-away groups have also emerged out of the Punjab-based militant groups that are often more violent than the parent organizations.

The Pakistan military moved into the tribal areas in 2003 and took action periodically against these groups. It resorted to sustained counter-terrorism and counter-insurgency operations from 2007 onwards. The militants were dislodged from Swat/Malakand and South Waziristan in 2009. The Army, the Air Force and the paramilitary forces launched security operations in tribal agencies of Bajaur, Khyber, Mohmand and Orakzai which have not so far been fully cleared of the militants. In July 2011, a full-fledged clearing operation was launched in Kurram Agency instead of the limited efforts of the past to push out the Taliban. North Waziristan has been left out for the time being, although limited security operations were undertaken in some parts in the past.

The magnitude of the menace of terrorism in Pakistan can be understood from the fact that over 3000 military and paramilitary personnel, including officers, have been killed in these operations since 2007. Civilian deaths in mainland Pakistan and the tribal areas in terrorist attacks, roadside bombings and suicide attacks have been about 35000 for the same period. This number is increasing because Pakistan's internal terrorist war has not ended.

The Pakistani Taliban and other militant groups resort to bombings, guerrilla-type assaults and suicide attacks against important Government installations and public places. These include the Army Headquarters in Rawalpindi, Army and paramilitary and police training institutions and other centres, government offices, mosques and shrines, hotels and busy markets. Sri Lankan Cricket team was also attacked by the militants in Lahore in March 2009.

### **Non-Cooperation and Slow Progress**

The slow progress in the cases pertaining to the LeT/JD leaders arrested after the Mumbai attack is the result of non-cooperation between Pakistan and India. Unless the investigating authorities of two countries work together to collect credible evidence, the courts may not convict the accused persons, as demanded by India. The evidence supplied by India so far is weak and requires strengthening which is not possible without cooperation between the investigating agencies of two countries.

Now, after the political and bureaucratic wrangling for over two years, India has agreed to the visit of a Pakistani Judicial Commission to talk to the Indian authorities that dealt with the Mumbai terrorist attack. Hopefully, this visit will take place soon and it will usher in operational cooperation between the two countries on a regular basis for controlling the activities of the terrorist groups.

Pakistan's ISI is said to have created some of the Punjab based groups that target Kashmir, quietly patronized others or allowed some to grow autonomously in the 1990s. However, these groups have outgrown their direct and indirect relationship with the ISI and these groups, especially their breakaway factions, are not under the control of Pakistan's intelligence apparatus. Had there been full control, these groups would not have resorted to violence in Pakistan's major urban centres. The intelligence and security agencies monitor these groups and talk to some of their leaders for managing them, especially their violent activities. This does not mean that the security and intelligence agencies command these groups. Most have become autonomous with their partisan, narrow religious-political agendas.

The Punjab based groups like LeT/JD and Jaish-e-Muhammad benefit from troubled relations between Pakistan and India. This provides them with a good opportunity for building support for themselves by playing up anti-India sentiments. They exploit the non-resolution of the Kashmir problem, especially the reports of mistreatment of Kashmiris by Indian security forces or violation of their human rights. For example, the Summer 2010 agitation in the Kashmir Valley and the use of force by Indian security forces gave them a new opportunity to mobilize support to their plea for liberation of Kashmir from Indian domination.

The militant Islamic groups do not favour improvement of Pakistan-India relations and oppose the dialogue process. One recurring theme of Hafiz Muhammad Saeed's statements is that India is not interested in resolving problems with Pakistan, especially Kashmir. He believes that India should be dealt with firmly.

If India and Pakistan pursue dialogue in an un-interrupted manner and resolve some of the contentious problems the militant groups will have less opportunity to build support within Pakistan. It will also give space to the Government of Pakistan to argue that the dialogue is producing result. This will enable the Government of Pakistan to deflect the

pressure of the militant groups.

Pakistan's military and intelligence establishment has come to the conclusion that all militant groups, whether based in the tribal areas or in the mainland, are a threat to internal peace and harmony and cause problems for Pakistan's interaction with many countries. However, it is neither possible nor advisable for Pakistan to take on all militant groups at the same time or determine its priorities on countering terrorism on the basis of India's coercive diplomacy or the manipulation of economic and military aid by the United States.

Had Pakistan been successful in controlling the security situation in the tribal areas, it could have adopted a tougher policy towards the Punjab-based groups. The Pakistan Army and the paramilitary forces continue to be engaged in all tribal areas and Swat. They are also looking after the security on the Pakistan-Afghansitan border. Since June 2011, hoards of militants are crossing into Pakistani tribal areas from Afghan regions of Kunar and Nuristan and attack Pakistan security posts in the tribal areas. These are the Pakistani Taliban and other groups that took refuge in Afghansitan when the Pakistan Army cleared Swat/Malakand and South Waziristan and launched security operations in other tribal agencies. In other words, Pakistan continues to be heavily engaged in the tribal areas.

There are other problems in dealing with the Punjab-based militant groups including the LeT/JD. These groups have developed strong societal links and their activists live in the urban and rural areas. The JD has built reasonable support for itself by engaging in welfare and social development work among the poor people. They were also active in providing relief to the earthquake victims in Kashmir (2005) and the floods (2010). Though their relief and welfare operations are limited in scope, these help to build societal support for them.

The tribal areas type military operation cannot be undertaken against LeT/JD and other Punjab based militant groups because they are based in populated areas. Any military action will result in heavy material and human losses without a guarantee of success.

A subtle and targeted policy is needed to cope with the Punjab-based groups. This may include a measured police and intelligence pressure on the activists, no direct or indirect support to individual leaders by any official and semi-official quarters and an opportunity for rehabilitation. In case enough credible evidence is available, individual

activists and leaders can be arrested and put on trial.

This requires the easing of security pressures in the tribal areas and containment of the activities of foreign and Pakistani militant elements there. An improvement of relations and conflict resolution between Pakistan and India will also increase the options of the Government of Pakistan to deal firmly with these groups. However, coercive diplomacy or repeated public demands by India to eliminate the militant groups that target Kashmir are counter-productive. Such statements help these militant groups to win sympathy in Pakistan.

Pakistan is also restrained from tough action because of the fear of retaliatory violence in mainland Pakistan by these groups, especially because these groups have developed functional interaction with the Pakistani Taliban based in the tribal areas. Further, the LeT/JD activists drop hints from time to time that if the Pakistani authorities played really tough with them under Indian pressure they could resort to violent action in India which can create a serious security crisis between the two countries, diverting Pakistani attention away from the militant groups.

### **The Future Direction**

It is a positive development that Pakistan and India have returned to the dialogue process. Hopefully, it will continue without another breakdown, enabling the two sides to accumulate the positive impact of the progress that different working groups will make in the near future.

The suspension of the dialogue process by India after the Mumbai terrorist attack did not serve any purpose except satisfying domestic Indian public opinion. This interruption eroded the gains in terms of flexibility in the disposition of the two countries on some contentious issues like the Siachen Glacier, Sir Creek Boundary and the Kashmir problem during 2004-2008. Various steps taken for normalization of bilateral relations were reversed. Both began to reiterate their traditional positions on Kashmir. Pakistan returned to its demand for holding a plebiscite in Kashmir in accordance with the UN resolutions of 1948-49. India started repeating its official position that Kashmir was the integral part of the Indian Union. After several years India and Pakistan diverged on Kashmir in the UN General Assembly session in 2010.

The negative impact of the dialogue interruption could be noticed in the first round of the meetings held in March-June 2011 after the revival of the dialogue. These were

routine diplomatic exercises and the concerned officials showed no interest in restarting the dialogue from where it was discontinued in 2008. They may later draw on from the earlier work but the emphasis appears to be on taking a fresh look on the contentious issues rather than continuity from the earlier round of talks. This means the solutions of the contentious issues will not be evolved quickly.

### Need for a Spirited Effort

In order to overcome the negative impact of the dialogue impasse (November 2008-March 2011) the officials of Pakistan and India should make a spirited effort to move in the direction of normalization of relations and conflict resolution. The top leadership of the two countries should direct their officials in unambiguous terms that they have to evolve mutually acceptable solutions to all contentious issues and agree on a framework for bilateral cooperation on mutually advantageous considerations.

The following key issue areas need immediate attention:

1. **Liberalised Visa Regime:** Encourage societal linkages between Pakistan and India by liberalizing visas and extending travel facilities. Individuals and organizations should be encouraged to interact. Group tourism should be initiated. College and university students should visit the other country to directly experience that society. This interaction will make them conscious that there are more commonalities than differences between the two countries which will remove biases about the other side caused by the absence of contacts.
2. **Student and faculty exchange programmes:** This is particularly important because South Asia University has now been functioning on a small scale in Delhi since September 2010. The spirit of setting up this university will be compromised if Pakistani students are not able to join it because of visa restrictions. Similarly, qualified Pakistanis need to be recruited to faculty positions.

Another strategy to strengthen societal links is to work for returning each other's prisoners that may or may not have completed their sentences. This should also include an Indian national on death row in Pakistan. The fishermen that get arrested by both sides and those who cross the border by mistake need a sympathetic treatment. The two countries have returned a good number of prisoners in 2010-2011,

but there are many more prisoners in each other's jails. The role of the India-Pakistan Judicial Committee on Prisoners should be expanded to expedite the release of prisoners.

3. **Deal with Do-able Issues:** Significant progress was made in addressing the Siachen Glacier Issue and the boundary in the Sir Creek waterway before the dialogue process was suspended in November 2008. The final survey of the Sir Creek had been completed and they had agreed on redeployment of Indian troops to the last demarcated boundary point, NJ 9842, and its monitoring. The implementation of this decision was held back because India insisted on the authentication of the existing troops position on the Siachen Glacier before Indian troops return to NJ 9842. This demand was initially made by the Indian Army high command. Later, the Indian Government adopted this as a precondition to its withdrawal. Another problem pertains to demarcation of the boundary beyond NJ 9842. These issues were taken up in the meeting of the Defence Secretaries on May 30-31, 2011, but they failed to resolve the deadlock.

The boundary in the Sir Creek waterway and the troops redeployment in the Siachen Glacier area are "do-able" issues. The demand for authentication by the Indian Army appears to be a delaying tactic. In any case the maps will show India's troops withdrawal from the present location to the new location. The stalemate shows the growing clout of India's Army in Pakistan related matters. This is not an issue that cannot be resolved if the top political leadership decides to go ahead.

4. **Controlling Terrorism:** India has been assigning the highest priority to controlling terrorism since the Mumbai terrorist attack. However, for India, this simply means the containment of Pakistan based LeT/JD and other groups that target Indian-administered Kashmir or mainland India. It hardly recognizes that Pakistan faces a more complex terrorist problem. From time to time, India provides a lists of persons with a demand that Pakistan should take action against them or hand them over to India on account of their terrorist activities in India. The names in this list are changed periodically.

India's coercive diplomacy is not going to force Pakistan to accept India's demands on terrorism. Nor limited war, surgical air strikes or the use of the Cold

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Start will work. These strategies can plunge the region into multiple dangerous crises. India and Pakistan should agree on measures to deal with different militant groups, exchange information on terrorist activities and coordinate their counter terrorism strategies.

India needs to view the Mumbai incident as one dimension of the terrorism problem that also afflicts Pakistan. India's focus on a Pakistan-based militant group shifts its attention away from local hardline and violent groups that have become active in India. The July 2011 bombings in Mumbai were traced to a local Indian group.

If India has to revise its approach towards terrorism, Pakistan should also be more forthright in dealing with militant and violent groups. It needs to convince India and the rest of the world that its intelligence and security authorities do not view militancy as an instrument of foreign policy. Why should the Punjab based militant groups enjoy freedom to function in urban areas? The freedom enjoyed by the JD leadership is amazing and its leader, Hafiz Muhammad Saeed, moves around freely, addressing seminars and conferences.

Other related issues are narcotic trafficking, smuggling of goods and food items and unauthorized cross-border movement of people.

5. **Water-related Issues:** The shortage of water in the rivers in Pakistan that flow from Kashmir in 2010 caused much concern in Pakistan. There is a growing concern in Pakistan about the new hydro power generation projects and water storages being constructed in Indian-administered Kashmir. There is a need for India and Pakistan to take up the issues of river water and its use against the backdrop of the Indus Water Treaty. If the shortage of water is being caused by climatic changes, this needs to be looked into jointly by both countries.

They should also explore the prospect of joint management of rivers and how to use their water for agriculture, storage of water in dams, changes in flow

of water and related issues.

India and Pakistan were unable to resolve their differences on the Kishanganga project which has now been referred to international arbitration as provided by the Indus Water Treaty. This clearly shows the inability of India and Pakistan to resolve the water related problem at the bilateral level.

6. **Trade and Economic Relations:** This is another important field where there is a lot of scope for cooperation. The bilateral trade has increased over time<sup>7</sup> but it is still a tiny portion of the international trade of two countries. The two countries need to pay immediate attention to deal with the technical, procedural problems and bureaucratic snags that hinder trade and economic relations. Both sides should ask their Federations of Chambers of Commerce and Industries to consult each other and make recommendations on expanding trade facilities to their Governments. The two Governments should accept their recommendations. If these issues are left to the bureaucracies of both countries, there is no possibility of early expansion of trade.
7. **CBMs:** The imperative of security and stability require India and Pakistan to adopt confidence building measures regarding conventional and nuclear security. Some significant steps have been taken in the past and it is hoped that the two countries would continue to increase CBMs so that the threat of conventional war and its escalation to nuclear exchange is averted.
8. **Kashmir Issue:** The Kashmir issue should be taken up with the objective of evolving a mutually acceptable solution. There are two dimensions of this problem. The immediate issues relate to periodic eruption of violence in the Kashmir Valley and complaints about human right violations by India's security forces. The long term issues relate to the political future of the whole state of Jammu and Kashmir.

In the pre-2008 dialogue, India and Pakistan agreed on several steps for evolving a solution of Kashmir that neither involved territorial transfers nor any

7 Pakistan's Imports in 2010-2011 grew to be US \$ 1.79 billion from US \$ 1.57 billion in 2009-2010, an increase of 14%; whereas Pakistan's Exports in 2010-2011 stand at US \$ 238 million, decreased by 14% from US \$ 275.94 million in 2009-2010. Source: Department of Commerce, Ministry of Commerce and Industry, Government of India (<http://commerce.nic.in/eidb/default.asp>)

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change in the LoC. They focused on four issues:

- i. greater movement of people, goods and services across the LoC;
- i. self governance and autonomy for both parts of Kashmir;
- ii. troops withdrawal by India and Pakistan in a phased manner; and
- iv. joint mechanism on selected issues across the LoC.

They were working on the operational side of these proposals when the dialogue process was disrupted.

In pursuance of these ideas, initial steps were taken to soften the LoC. The first bus service between Muzaffarabad and Srinagar was inaugurated in April 2005. Another bus service between Rawalakot and Poonch was launched in June 2006. In October 2005, five crossing points were opened on the LoC. All these crossing points are no longer operational. The cross LoC barter trade was initiated in October 2008. (According to sources the trade across LOC, routed between Srinagar and Muzaffarabad and Poonch and Rawalakot, takes place only on two designated days of the week. Even so, the average weekly trade is to the tune of Indian Rs. 20 crore).<sup>8</sup> The bus service and trade is greatly hampered by very slow and cumbersome procedures, including scrutiny by the intelligence agencies of India and Pakistan and the absence of normal trade support mechanisms.

India and Pakistan do not seem to be interested in owning all the work done for solving the Kashmir issue during 2004-2007. However, they agreed in July 2011 to adopt several steps to strengthen bus service and trade across the LoC. If two countries return to their traditional positions on Kashmir, there is no chance of resolution of the Kashmir problem.

9. **Afghanistan:** India and Pakistan should discuss the Afghanistan situation keeping in view the US decision to gradually pull out NATO/US troops by the end of 2014. The US has already handed over the control of 7 areas to Afghan security forces. Most analysts feel that Afghanistan is likely to face internal conflict after

Western troops quit Afghanistan. This can generate competition among the neighbouring states for influencing Afghanistan's internal situation. Pakistan is much concerned about the possibility of instability in Afghanistan because this can further destabilize Pakistan's tribal areas. Pakistan has already started a dialogue with Afghanistan, Iran and Saudi Arabia for evolving a shared approach for post-America Afghanistan. Pakistan should also take up the Afghan issue with India that has revived its interest in Afghanistan. It is engaged in development and reconstruction work in Afghanistan and has developed strong linkages with the Kabul Government through the Northern Alliance that dominates the Kabul Government.

The talks can focus on at least two issues:

- i. Pakistan-India cooperation for promoting stability and harmony in Afghanistan; and
- ii. Pakistan's concern that India is using its presence in Afghanistan to provide financial support to Baloch dissident movements.

Such a dialogue can avert a clash of interest between India and Pakistan in Afghanistan.

### **Concluding Observations**

It is a positive development that India and Pakistan have returned to the dialogue table. The two Foreign Ministers reiterated their commitment on July 27, 2011, to continue with the dialogue on all issues.

The key question is if the new dialogue process will break some new grounds or revert to its traditional mold of making noteworthy progress in confidence building and normalisation of relations but no progress on conflict resolution.

Pakistan recognizes the importance of building trust and confidence and normalization of relations. However, this cannot be a substitute to problem solving. For Pakistan the resolution of the contentious issues is no less important.

Pakistan wants the dialogue process to succeed because the resolution of India-Pakistan problems is expected to

8 "Monetise cross-LoC trade", The Hindu, February 21, 2011 <http://www.thehindu.com/opinion/editorial/article1474883.ece> as accessed on August 04, 2011

weaken the capacity of the Punjab based militant Islamic group to build support by anti-India rhetoric. These militant groups cash on the tension and conflict between India and Pakistan.

There are several soft issues that can be resolved in a couple of months provided the top leadership decides to do so. These include the *Siachen Glacier*, the *boundary in the Sir Creek waterway*, *return of prisoners*, *easing of visa and travel restrictions* and *trade relations*. An early resolution of these problems, especially the Siachen Glacier and the Sir Creek Boundary will generate much goodwill in Pakistan. This will result in significant increase in support for the dialogue process. The current perception in Pakistan is that India is interested in normalization of relations and trade but it has no interest in resolving the contentious issues.

There is a need to focus on all issue areas, although some issues may show faster progress than others. However, if India attempted to overwhelm the dialogue process with its terrorism related demands and Pakistan insisted on resolution of the Kashmir problem at the earliest, the dialogue process will be stalemated.

Each country is expected to have different priorities. But the progress of the dialogue process cannot be conditioned on each country's high priority issue. Terrorism and Kashmir are two complex and multi-dimensional issues and require patience and uninterrupted dialogue.

A supportive media is crucial to the success of the dialogue. Similarly, the political and societal elite who play an important role in shaping public opinion should help the two Governments to show flexibility for evolving mutually acceptable solutions of the problems.

There is a need to recognize that *acrimony and conflict spread over six decades has strained both countries' material resources, caused societal distortions and sustained extremist tendencies. Both sides continue to face poverty and underdevelopment.* Why should such a troubled and frustrating state of affairs continue? It does not help the mass of humanity in both countries. Perhaps some special interests that are in minority benefit from the troubled Pakistan-India relations.

The salvation of the people of India and Pakistan is closely linked to how these countries resolve their contentious issues and cultivate normal interaction as two

neighbouring states. India and Pakistan can neither change geography of neighbourhood nor can they resolve their differences by military means. Dialogue is the only option which should continue under all circumstances with a focus on conflict-resolution.

Parliamentarians from India and Pakistan can play a key role in facilitating the dialogue process and conflict resolution on mutually acceptable and advantageous considerations. They have a clout with official circles, local influentials and the ordinary people which they can use to urge their respective Governments and political parties to work towards building normal and peaceful relations and engaging in regular dialogue for addressing the contentious issues.

Parliamentarians are public representatives. They can underline the importance of good neighbourly relations and peaceful resolution of India-Pakistan problems through negotiation and political accommodation when they speak in their respective Parliaments or Parliamentary committee, address others on a public platform, participate in a TV talk show or talk to people in their constituency. They can help to create supportive public opinion for the dialogue process and remove the existing biases that distort the perception of the other side. They can change the mindset that entertains strong reservations, if not distrust, about the other side, replacing it with a positive and normal view of the other side.

The dialogue process cannot succeed without a supportive public opinion and a positive disposition of the political parties and important sections of the civil society. This objective cannot be achieved without the full support of the political leaders, especially the members of the Parliaments of both countries.



# Appendices

## **APPENDIX - A**

### **Joint Statement on the Meetings of Foreign Ministers of Pakistan and India, July 27, 2011**

The Minister of External Affairs of India, Mr. S. M. Krishna and Pakistan's Foreign Minister Ms. Hina Rabbani Khar met in New Delhi on July 27, 2011. The following joint statement was issued on the occasion:

1. The Minister of External Affairs of India, H.E. S. M. Krishna and the Minister of Foreign Affairs of Pakistan, H.E. Ms. Hina Rabbani Khar met in New Delhi on July 27, 2011.
2. The Ministerial level talks were preceded by a meeting between the Foreign Secretaries of India and Pakistan on July 26, 2011.
3. The talks were held in a candid, cordial and constructive atmosphere.
4. The Ministers reviewed the status of bilateral relations and expressed satisfaction on the holding of meetings on the issues of Counter-Terrorism (including progress on Mumbai trial) and Narcotics Control; Humanitarian issues; Commercial & Economic cooperation; Wullar Barrage/Tulbul Navigation Project; Sir Creek; Siachen; Peace & Security including CBMs; Jammu & Kashmir; and promotion of friendly exchanges.
5. The Ministers affirmed the importance of carrying forward the dialogue process with a view to resolving peacefully all outstanding issues through constructive and result oriented engagement, and to establish friendly, cooperative and good neighbourly relations between Pakistan and India.
6. The Ministers underlined the need for sustained effort by both countries to build a relationship of trust and mutually beneficial cooperation in conformity with the determination of the people of both countries to see an end to terrorism and violence and to realise their aspirations for peace and development.
7. The Ministers agreed that terrorism poses a continuing threat to peace and security and reiterated the firm and undiluted commitment of the two countries to fight and eliminate this scourge in all its forms and manifestations. Both sides agreed on the need to strengthen cooperation on counter-terrorism including among relevant departments as well as agencies to bring those responsible for terror crimes to justice.
8. The Ministers noted with satisfaction the fact that since the resumption of dialogue earlier this year, the process of release of prisoners and fishermen from both sides has continued. In this regard, the Ministers agreed with the recommendations of the Judicial Committee on Prisoners regarding (a) early repatriation of the prisoners who have completed their sentences and whose travel documents are available; (b) adoption of a humane approach in dealing with cases of fishermen, women, elderly, juvenile prisoners, prisoners terminally ill or suffering from serious illness or physical / mental disability and (c) need to monitor the welfare of prisoners in order to ensure their humane treatment.
9. The Ministers attached importance to promoting peace and security, including Confidence Building Measures, between India and Pakistan and agreed to convene separate meetings of the Expert Groups on Nuclear and Conventional CBMs, in Islamabad in September 2011.
10. The Ministers held discussions on the issue of Jammu and Kashmir and agreed to the need for continued discussions, in a purposeful and forward looking manner, with a view to finding a peaceful solution by narrowing divergences and building convergences.
11. On Cross-LoC trade and travel facilitation for Jammu & Kashmir the Ministers decided the following:-

**CROSS-LoC TRADE**

- i. List of 21 products of permissible items for Cross-LoC trade will be respected by both sides. The Working Group will review the trading list with a view to further specifying permissible items to facilitate intra-Jammu & Kashmir Cross-LoC trade.
- ii. Both sides will provide adequate facilities at the trade facilitation centres on each side.
- iii. The number of trading days stands enhanced from 2 to 4 days per week. Truck movements shall take place on Tuesdays, Wednesdays, Thursdays and Fridays, both on Srinagar-Muzaffarabad and Poonch-Rawalakot routes.
- iv. The Designated Authorities will resolve operational issues concerning cross-LoC trade through regular interaction.
- v. Regular meetings between the Chambers of Commerce and traders of both sides will be facilitated.
- vi. Existing telephone communication facilities should be strengthened.
- vii. The meetings of the Designated Authorities will be held alternately at the Terminal of the Crossing Points on both sides of the LoC every quarter or as and when deemed necessary.

**CROSS-LoC TRAVEL**

- i. Cross-LoC travel would be expanded on both sides of the LoC to include visits for tourism and religious pilgrimage. In this regard, the modalities will be worked out by both sides.
  - i. Facilities including waiting area, terminal and clearing procedures at the operational crossing points will be streamlined by both sides for smooth Cross-LoC travel.
  - iii. The Cross-LoC bus service between Srinagar-Muzaffarabad and Poonch-Rawalakot routes will henceforth run on every Monday.
  - iv. Application forms and requisite documentation in respect of travel across LoC will be exchanged by email between Designated Authorities of both sides. Such email transfer of application forms will be backed up by hard copies.
  - v. Both sides will expedite the processing time for applications, which shall not be more than 45 days.
  - vi. Six month multiple entry cross-LoC travel permits will be allowed by the Designated Authorities after completion of the required formalities at an early date.
  - vii. Coordination meetings between the Designated Authorities will be held at the Terminals alternately on both sides of the LoC every quarter or as and when deemed necessary.
  - viii. It was agreed that the Joint Working Group will henceforth meet on a bi-annual basis to review existing arrangements and suggest additional measures for Cross-LoC travel and trade.
12. The Ministers agreed that increase in trade and economic engagement between the two countries would be mutually beneficial. In this context, they emphasized the importance of early establishment of a non-discriminatory trade regime between the two countries, including reduction/removal of tariff and non-tariff barriers. They also emphasised the need for facilitating trade and redressing trade imbalance. The Ministers noted with satisfaction that during their meeting held in Islamabad in April 2011, the Commerce Secretaries of the two countries had decided on a number of important steps to realize the full potential of bilateral trade.
13. The Ministers agreed that discussions will continue on Siachen, Wullar Barrage/Tulbul Navigation Project and Sir Creek to

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find a mutually acceptable solution to these issues. They reiterated their commitment to seeking early and amicable solutions to all these issues. They reaffirmed their commitment to the Indus Waters Treaty.

14. The Ministers also agreed that people of the two countries are at the heart of the relationship and that issues of people-to-people contacts and humanitarian issues should be accorded priority and treated with sensitivity. They noted with satisfaction the progress made towards finalization of a revised Visa Agreement which would help liberalise the visa regime and facilitate people-to-people, business-to-business and sports contacts.
15. The Ministers also emphasized promotion of cooperation in various fields including, facilitating visits to religious shrines, media exchanges, holding of sports tournaments and cessation of hostile propaganda against each other.
16. The Ministers decided to resume the work of the India-Pakistan Joint Commission and agreed that the Technical Level Working Groups should hold their meetings to identify avenues of further cooperation in these fields.
17. They reaffirmed their commitment to the goals and objectives of SAARC and agreed to make joint efforts to promote cooperation for regional development in the SAARC framework.
18. It was also decided that the Foreign Ministers will meet again in Islamabad in the first half of 2012 to review progress in the dialogue process.
19. The Ministers agreed to the continuation of the dialogue process and to the convening series of Secretaries level meetings on Counter-terrorism (including progress on Mumbai trial) and Narcotics Control; Humanitarian issues; Commercial and Economic cooperation; Wullar Barrage/Tulbul Navigation Project; Sir Creek (at the level of Additional Secretaries/Surveyors General); Siachen; Peace & Security, including CBMs; Jammu & Kashmir; and Promotion of Friendly Exchanges. Dates of all these meetings will be decided through diplomatic channels and will be held prior to the next Ministerial meeting.
20. The Ministers noted that Shri Anand Sharma, Hon'ble Minister for Commerce and Industry of India, has extended an invitation to his counterpart, H. E. Makhdoom Amin Fahim, Minister of Commerce of Pakistan, to visit India at a mutually convenient date.
21. The Minister of Foreign Affairs of Pakistan will be calling on Dr. Manmohan Singh, Hon'ble Prime Minister of India. She will also be calling on Smt. Sushma Swaraj, Hon'ble Leader of the Opposition (Lok Sabha).

## **APPENDIX - B**

### **Chronology of Major Dialogues & Meetings between Pakistan and India<sup>9</sup>**

1. The Dialogue between Prime Minister of Pakistan, Liaquat Ali Khan, and Prime Minister of India, Jawahar Lal Nehru, held in April 1950 which led to the famous Liaquat-Nehru Pact.
2. A round of negotiations and dialogue between Pakistan's President Ayub Khan and Indian Prime Minister Jawahar Lal Nehru was held in September 1960, which concluded with the signing of the Indus Basin Treaty.
3. The Dialogue on Kashmir between Pakistan's Foreign Minister Z.A. Bhutto and India's Minister for External Affairs, Sardar Swaran Singh, was held from December 1962 - May 1963.
4. Dialogue between Pakistan and India took place in Tashkent in January 1966. Pakistani delegation was headed by President Ayub Khan while Indian delegation was led by Lal Bahadur Shastri. The meeting concluded with the signing of the Tashkent Accord.
5. The Simla Accord was signed by the President of Pakistan Zulfikar Ali Bhutto and Indian Prime Minister Indira Gandhi in a meeting held in Simla in August 1972.
6. President of Pakistan Gen. Zia-ul-Haq visited India (named as Cricket Diplomacy by international circles) in 1987 amid tensions due to India's big war games.
7. India's Prime Minister Rajiv Gandhi met his Pakistani counterpart Prime Minister Benazir Bhutto in December 1988 at the sidelines of the SAARC Summit at Islamabad. This was seconded by his official visit to Islamabad in July 1989.
8. Intermittent talks were held from 1986-1997 on the Siachen Glacier, Sir Creek boundary, trade and commerce and other issues pertaining to bilateral relations involving the Secretaries of Ministries of Foreign/External Affairs, Defence Secretaries, and Trade and Commerce senior officials.
9. Formal Meeting took place between the Prime Minister of Pakistan Nawaz Sharif and India's Prime Minister Inder Kumar Gujral on the sidelines of the SAARC summit in Mali in October 1997.
10. A formal meeting took place between the Indian Prime Minister Atal Behari Vajpayee and Pakistani Prime Minister Nawaz Sharif on the sidelines of the UN General Assembly meeting in October 1997.
11. India's Prime Minister Atal Behari Vajpayee took the famous bus ride to Lahore and talks were held with Pakistan's Prime Minister Nawaz Sharif in February 1999 which led to the signing of the Lahore Declaration.
12. The Musharraf-Vajpayee talks were held at Agra in July 2001.
13. President of Pakistan Gen. Pervez Musharraf and Indian Prime Minister Atal Behari Vajpayee met at the sidelines of the SAARC Summit in Islamabad in January 2004. This led to intermittent talks between 2004-2008 on the outstanding issues pertaining to bilateral relations, involving the Secretaries of various ministries. The dialogue process was, however, suspended after the Mumbai Attacks in December 2008.

<sup>9</sup> Excerpts in this chronology have also been taken at some places from PILDAT Briefing Paper: *Pakistan India Relations: The Conflicted Relationship*, June 2003, authored by Senator Mushahid Hussain Sayed.

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14. Resumption of Dialogue between India and Pakistan was initiated through the Joint Statement of Pakistani and Indian Prime Ministers, who met at the 16th SAARC Summit Conference held at Thimphu in April 2010. This round includes visit by Pakistani Prime Minister to Mohali on the invitation of Indian Prime Minister Manmohan Singh in March 2011, visit by Indian Foreign Minister S. M. Krishna to Islamabad in July 2010 and the recent visit by Pakistan's Foreign Minister Hina Rabbani Khar to New Delhi in July 2011.



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