



PAKISTAN-INDIA Relations

A Pakistani Narrative

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PREFACE

State of Pakistan-India Relations: *A Pakistani Narrative* has been especially commissioned by PILDAT in order to provide a background to the current scenario in Pakistan-India relations. Authored by **Mr. Khalid Mahmood**, former Ambassador of Pakistan, the paper essentially presents a Pakistani overview on state of Pakistan-India Relations and the progress the two neighbouring countries achieved through the back-channel diplomacy during 2004-2007.

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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
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ABOUT THE AUTHOR



Mr. Khalid Mahmood

Khalid Mahmood, former Ambassador of Pakistan, holds Master's degrees from the Government College, Lahore and the Kennedy School of Government at Harvard University. He has taught Development Economics at the Government College, Lahore and the Punjab University. He is currently working on a book with former Foreign Minister of Pakistan Khurshid M. Kasuri on the Foreign Policy of Pakistan during 2002-2007.

As a career diplomat, Khalid Mahmood has worked in a number of Pakistani Missions abroad including Paris, Brussels and Ankara. He served in Paris again as the Deputy Chief of Mission. He was the Ambassador of Pakistan in Oman and Poland, and Czech Republic. He also worked in various capacities at the Foreign Office including as the Head of the Foreign Minister's Office and was associated with important negotiations conducted by the Foreign Minister during five years. He represented Pakistan at a number of international conferences, including those held under the auspices of the United Nations, Non Aligned Movement (NAM), Organisation of Islamic Countries (OIC) and South Asian Association for Regional Cooperation (SAARC).

He has delivered lectures at various prestigious institutions in Pakistan and abroad including at the National Defence University at Islamabad, the Lahore University of Management and Sciences (LUMS), the National School of Public Policy at Lahore, the Dedham Rotary Club in the Boston area, the Omani Diplomatic Academy at Muscat, the College of Europe at Warsaw, the European Policy Centre at Brussels and the Institute Francais des Relations Internationales (IFRI) at Paris.

Pakistan-India Relations: An Overview

Pakistan's relations with India are burdened with suspicion and mistrust, and pose a serious challenge to peace and stability in South Asia. At the heart of this mistrust lie the unresolved disputes including Kashmir which not only adversely affect regional peace and security but also hinder economic development and prevent the two countries from realizing their full potential.

The Indian Perspective

"If there is cooperation between Pakistan and India and not conflict, vast opportunities will open up for trade, travel and development that will create prosperity in both countries," in the words of Prime Minister Manmohan Singh, who also noted in a statement in Lok Sabha in July 2009 that *"it is impossible for any Government in India to work towards full normalization of relations with Pakistan unless the Government of Pakistan fulfils in letter and spirit its commitment not to allow its territory to be used in any manner for terrorist activities against India."*

The Pakistani Perspective

For such a cooperation to take place, in the Pakistani view, there has to be a resumption of the composite dialogue where it was left in 2008 with a move towards a negotiated settlement of the Kashmir issue and other issues of mutual concern. Such a move would also be critical in Pakistan's efforts to control and eradicate extremism and terrorism. Also Pakistan's concerns regarding India's growing footprints in Afghanistan and its covert support to the militant Insurgents in Balochistan need to be addressed in the dialogue.

The Backdrop

India and Pakistan have been in conflict over Kashmir since 1947. Over the years, after India had reneged on its commitment under the United Nations Security Council resolutions to holding the plebiscite, Pakistan realised that the plebiscite option was not feasible while it also could not accept the status quo. Various alternatives were discussed, in subsequent years for a negotiated settlement of the issue but with no concrete outcome.

Following the failure to achieve results over this issue peacefully, we have seen the troubled history of wars and proxy wars and mobilization and coercive diplomacy by

Pakistan and India, which has proved to be a zero-sum game.

Nuclear Neighbours

The nuclear tests in 1998 by Pakistan in response to Indian tests were due to regional asymmetry in conventional arms and were based on minimum deterrence and self defence. This has proved to be a source of regional stability and is seen in Pakistan as an equalizer in relations with India since wars are not worth fighting when two countries have nuclear weapons.

This had provided a sense of security to the people of Pakistan to adopt a more flexible position on disputes with India. That is **now** threatened by India's Civil Nuclear Cooperation Agreement with USA and also its ambitious plans for various defence systems including ballistic missiles. Discriminatory policies on strategic export control regimes by various countries undermine the goals of non proliferation and strategic stability in South Asia which need to be addressed.

Kashmiris have done most of the fighting

Before 1989, India and Pakistan fought over Kashmir. Since then, it is the Kashmiris who have done most of the fighting and as a result suffered huge casualties. The Pakistani support to the insurgency and their activities may have stopped after 9/11 but the struggle in Kashmir continues and *"so far 93,274 Kashmiris have been killed including the casualties till June 30, 2010."*¹

Given the abuse of human rights as detailed by International Human Rights Organisations, the situation in the vale of Kashmir remains troubled. The summer of 2010 has seen the biggest protest against the Indian control in Kashmir since the early 1990s.

In looking back over the years, it is noteworthy that starting from the Simla Agreement in 1972, various Governments in Pakistan and India took steps for the purpose of creating peaceful conditions in South Asia for a resolution of the Kashmir dispute during their tenure in power. This was reflected in the Lahore Declaration of February 21, 1999, the Joint Press Statement of January 6, 2004 and the Joint Statement of April 18, 2005. There is no doubt that major political parties in Pakistan and India support a negotiated

1. See "Kashmir: the new wave of uprising," by Shahid Sadiqui, The Dawn, August 1, 2010 www.dawn.com

settlement of the Kashmir issue.

Period of Turbulence

The period between 1999 and 2002 witnessed a high level of tension between India and Pakistan due to a number of factors including among others, Kargil from May-July 1999, the inconclusive Agra Summit in July 2001, attack on the Indian Parliament in December 2001, and the mobilisation of a million troops on the border, which after 10 months India decided to call off in October 2002. The Indian government at that time blamed Pakistan for the attack and their strategy was to have Pakistan declared a terrorist state for which India had initiated diplomatic moves as early as 1990 for supporting militancy in Kashmir.

Progress in the three track peace process

The positive developments of relations in 2003, facilitated by the US, prepared well the two sides for Prime Minister Vajpayee's visit to Pakistan in January 2004, to attend the 12th SAARC summit during which he held talks with President Pervez Musharraf. The two leaders agreed to resume talks with an understanding reflected in their joint statement of January 6, 2004; Prime Minister of India said that *"in order to take forward and sustain the dialogue process, violence, hostility and terrorism must be prevented."* The Pakistani President reassured the Indian Prime Minister that he will not permit any territory under Pakistan's control to be used to support terrorism in any manner and emphasised that a sustained and a productive dialogue addressing all issues would lead to positive results. The statement also expressed the confidence of the two leaders 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 composite dialogue thus commenced in February 2004, and a three track process was started. This was meant to transform the hostile nature of relations between the two countries. The two countries tabled various proposals for working toward normalisation of relations. These steps culminated in the initiation of the composite talks for the settlement of all outstanding issues including Jammu & Kashmir, Siachen and Sir Creek, back channel diplomacy and increase in people to people contacts.

The back-channel discussions between the two countries

began to take concrete shape with a growing degree of focus on the outstanding issues after 2004 and the two sides were able to put together elements of a solution to the Kashmir issue over a period of three (3) years.

Reflecting the trust thus established between the two countries, it is significant that the joint statement on April 18, 2005 expressed their determination that **"the peace process should be irreversible" and acts of terrorism should not "derail it"** which was agreed by the two countries in New Delhi making the peace process and back-channel diplomacy sustainable. The two leaders agreed then to set up a joint Business Council to improve trade and increase the frequency of the bus travel across divided Kashmir. It was such an important development that the Secretary General of United Nations Kofi Annan **welcomed the joint statement.**

Indian Role in Balochistan

Notwithstanding the above, one **area of increasing concern to Pakistan** in recent years has been the issue of Indian Intelligence Agency's role in **Balochistan**. It was taken up officially by Pakistan with India and the Indians were informed that the Pakistani side had credible intelligence about the Indian intelligence activities on its border with Afghanistan and the role played by the Indian consulates at Jalalabad, Kandahar, Mazar-i-sharif and Herat besides the Embassy in Kabul. These Indian diplomatic missions, especially those which have been established in the name of trade and promotion of cultural ties with Afghanistan, have also served, in the Pakistani assessment, as launching pads for undertaking covert operations inside Pakistan especially those areas which are located closer to the Pakistan-Afghanistan border. There was also evidence that the RAW had established training camps inside Afghanistan in collaboration with the elements from Northern Alliance where Baloch separatists and Pashtun dissidents were imparted specialized training to handle explosives and other sophisticated weapons.

India has denied the anti-Pakistan activities of their consulates in Afghanistan whenever a demarche was made with them. Clearly, India's growing foothold in Afghanistan and covert support to the militant insurgents in Balochistan needs to be tackled in a meaningful manner.

At the same time a number of Pakistani fugitives had taken **refuge** in Afghanistan, after committing act of terrorism and Afghanistan was providing sanctuaries to them. In fact

it had become a safe haven for some militant elements from Balochistan who have been receiving military training in Afghanistan.

Impact of Pakistan-India Relations on Afghanistan

In view of the above, a view is gaining ground that **Afghanistan would not become peaceful unless Pakistan and India normalize their relations**. Christine Fair of the Georgetown University has noted that: *“India is interested in retaining Afghanistan as a friendly state from which it has the capacity to monitor Pakistan and even, where possible, cultivate assets to influence activities in Pakistan.”*²

At the same time, a test, which the two countries passed, was the aftermath of July 2006 Mumbai Attack and agreement subsequently by them to sign at Havana in September, 2006, the Joint Anti-Terrorism Mechanism and resumed composite dialogue which was interrupted briefly; however, this mechanism failed to produce positive results.

Back Channel Diplomacy

India and Pakistan continued their back-channel negotiations during 2004-2007 and agreed in principle to establish conditions of peace based on the principles of the Charter of the United Nations and the peaceful co-existence between the countries. They agreed that the conditions in Jammu and Kashmir would be addressed through agreed principles and structures to assure the people of the region a life of dignity, prosperity and peace where they enjoy fundamental freedoms and rights and that peace in the region will be assured through complete cessation of terrorism, violence and hostility and full respect for human rights.

The two sides agreed that there would be two Units covering the entire area of the erstwhile state of Jammu and Kashmir, the two units will comprise respectively the areas presently controlled by Pakistan and India. This will protect the Pakistani position that the Northern areas are non-negotiable. Ladakh is important to India for similar reasons.

The two sides also agreed that trade and economic

interaction, tariff and non-tariff barriers between the two Units of Kashmir in the locally-produced goods will be removed. Liberalised arrangements would be put in place for freer flow of investment and services between the Units.

Defence of each of the Units will continue to be the responsibility respectively of the two countries in accordance with existing position.

Giving details, of the progress made, General Pervez Musharraf, in an interview with Karan Thapar, On July 18-19, 2009 said that the two countries were close to an agreement on three issues i.e., Kashmir, Siachen and Sir Creek. He added that the agreement on Kashmir was based on three principles: demilitarization, self-governance and a joint mechanism. He said it was his idea that *“we should carry out demilitarization on the Line of Control and also within Kashmir and on our side reciprocal action.”*

He noted that there was an agreement in principle to carry out demilitarization on the Line of Control and also within the two sides of Kashmir. However, the two countries had not worked out the schedule and the time line for doing so.

On self-governance, he said *“this would have meant giving maximum governance to the people of Kashmir on both sides, on the Indian side as well as the Pakistan side.”* He added that there was a common understanding on the devolution of the power to both Srinagar and Muzaffarabad, based on what self-governance could mean since there was also an understanding that both sides needed to give maximum power to the people of Kashmir so that they have a feeling of governing themselves. There was a large measure of understanding on this point. This would have meant the restoration of Article 370 which was also designed to ensure self governance.

The joint mechanism according to him was meant *“to be an over-watch on whatever we have decided, since the problem was the Line of Control (LoC), the idea was to make the Line of Control irrelevant by free passage of people, goods and trade,”* in other words, by removing all the obstacle in facilitating this movement.

He said that joint mechanism would oversee that self-governance and what had been devolved to the people of Kashmir was also implemented. There will be a body with Kashmiris of both sides. It is sharing of sovereignty and giving comfort to the people of Kashmir with the approval

2. See “India in Afghanistan, part I: strategic interests, regional concerns” by Christine Fair, October 26, 2010 in Foreign policy, New York.

of the Governments of Pakistan and India. LoC would have become “like borders in the European Union today which exists on paper but people can cross freely.”

There was agreement on the principles. A lot of work had also been done on the details with various stakeholders including with Kashmiri leaders from both sides of the LoC, including Omar Abdullah who had come for a Pugwash meeting in Islamabad and met Pakistani leaders at that time.

This was also based on **common understanding** on demilitarising Kashmir and providing self-governance to the people of Kashmir. The joint mechanism would promote cooperation in various areas including water management issues. This would also enhance further movement between the people on two sides of the LoC, since there will be soft borders across the LoC. Kashmir-related confidence building measures (CBMs) included intra-Kashmir bus and truck services, opening of crossing points on the LoC, meeting points for divided families on the LoC and greater interaction amongst Kashmir leadership on both sides of the Line of Control. These CBMs improved the political atmosphere in the region which, together with conducive international environment, offered a unique opportunity for both Pakistan and India to resolve the Kashmir dispute.

A Monitoring and Review Agreement was envisaged under which the two Foreign Ministers would meet to monitor the progress and the agreement itself will be subject to review at the end of 15 years to re-visit, to determine what needs to be changed or to carry on in the same manner.

It may be noted here that the sine qua non of all negotiations is that both sides go into them without prejudice to their position and that is what India and Pakistan were doing during this period.

'Cleansing peace and a transformational peace between Pakistan and India'

By early 2007, the two sides had developed a non-paper which served as a deniable but detailed basis for a deal, which would have changed the nature of relations between India and Pakistan.

Steve Coll in the New Yorker of March 2, 2009, in an article titled “The Back Channel” noted that it was not just the settlement of Kashmir itself but an end to covert wars and suspicion and greater trade and transit cooperation between the two countries and this would have become a 'cleansing peace' and a transformational peace between

Pakistan and India.

Many in Pakistan however felt that the President had made a **U-turn on Kashmir** while there was also a feeling amongst a number of those associated with policy making that the world is changing and that Pakistan has to change. Critics of the back channel in Pakistan maintain that India would get what it has always wanted. According to Indian columnist Prem Shankar Jha, “Pakistan has conceded 95% of India's conditions on the issue.” Kashmiris will get some powers of trade, travel across the LoC and their comfort level would increase with the withdrawal of troops.

Association of the Kashmiri Leadership in the Peace Process

It will be recalled that dialogue was initiated with the Kashmiri leadership by Pakistan after the commencement of the composite dialogue in 2004. India agreed to the Pakistani proposal that the All Parties Hurriyat Conference (APHC) leadership should be associated with the peace process. The top Kashmiri leaders were, however, divided. Syed Ali Shah Gillani was opposed to even the proposal to start the bus service between Muzafarabad and Srinagar. He criticised President's four points and his position on UN Security Council's resolutions on Kashmir. He was against adopting a flexible position. Other Kashmiri leaders recognised the need for unity, but were not willing to go along with Gilani's approach. In the view of most of them, militancy was counter-productive and made life difficult for the Kashmiris while bread and butter issues were proving to be their priority. Notwithstanding the division between the Ali Gillani, Mirwaiz Umar Farooq and Yasin Malik Groups, Pakistan was keen to promote the endorsement of the idea of the dialogue process for which Pakistan maintained contacts and held consultations with all the major Kashmiri leaders of the two countries.

As the dialogue between India and Pakistan gained momentum and progress was made on various issues, the Hurriyat leaders paid a visit to Pakistan at which Mirwaiz said that there could be no military solution to the Kashmir issue and that the Kashmiri people cannot be ignored in any dialogue process aimed at resolving the issue. Subsequently, Mirwaiz was quoted by Indian Express of January 21, 2007 as having told people in Pakistan that the time to end armed struggle in Kashmir has come as “*it has achieved nothing but graveyards.*”

Progress on Sir Creek and Siachen

There was progress on Sir Creek also. Sir Creek is an old

issue which was tackled by the government of India in 1914 between Sind and the Kutch state and involves demarcation of the land boundary of the Sir Creek. While India supports the centre of the creek for this purpose, Pakistan's position is to demarcate along the Line agreed earlier. The issue became alive because of the changing course of the Indus River and the need to demarcate the boundary. The Indians claimed that the boundary should be drawn on the western side of the river on Sir Creek while Pakistan was claiming it to be on the eastern side. Unfortunately fishermen face hardship on trespassing on the territorial waters of the other. Also, this has implications for the Exclusive Economic Zone under the Law of the Sea provisions as the two countries have to agree to some form of the extension of these points into the sea. The two countries have carried out a joint survey and have an agreed map which should facilitate an early decision.

Siachen is a 72 km long and 2/3 km wide glacier which was vacant prior to 1984. However India started sending troops and expeditions in 1970s and moved its troops in 1984. The two countries agreed in principle in 1989 and 1992 to refrain from use of force and to work towards a comprehensive settlement. The two countries in 2004-2006 worked out certain schedules of disengagement whereby both Indian and Pakistani concerns could be met. The Indian concerns were that they wanted the two positions from which they were withdrawing to be authenticated on the map that were to be signed. Pakistan could not authenticate these positions because these were disputed. However, Pakistan was willing to include them in an unsigned Annexure of the Agreement.

If the two countries decided to sign the agreement on Siachen and Sir Creek, they could do so at any time.

American Facilitation

The Bush Administration played an active role in initiating the dialogue in 2003 between India and Pakistan. The active engagement of the US Secretary of State Collin Powell and Deputy Secretary Richard Armitage and later on Secretary Condoleezza Rice, with the Foreign Ministers and leaders of the two countries, enabled Washington to nudge, facilitate and move the peace process. While a major role was played by the Americans, other countries provided support to the peace process by the two countries. There was also a feeling at that time that the two countries were in a political and strategic balance and that the way forward was in the dialogue.

President Bush at a joint press conference during his visit to

Pakistan in March 2006, referred to the historic opportunity that Pakistan and India had to work towards lasting peace noting that: "*President Musharraf and Prime Minister Manmohan Singh have shown themselves to be leaders of courage and vision*" and referred to his own "*encouragement to all sides to continue to make progress on important issues including Kashmir.*"

A difference in this regard again can be made by a holistic approach by the United States. It has leverage with the two countries because of the agreement it has signed with the Government of India on peaceful uses of nuclear energy and Pakistan because of its military support in counterinsurgency and tripling of economic assistance. The Obama Administration should begin to use its leverage to pacify the area through sustained diplomacy and movement on the resolution of outstanding issues

including Kashmir more actively- "**but quietly.**"

The Way Forward

1. Pakistan has been fighting against militancy since April 2009. Its efforts and great sacrifices have generally been commended for its move against the militants in Swat Valley, Malakand and South Waziristan and destroying their safe havens. India, however, blames Pakistan for the lack of will to punish those responsible for the **terrorist attack in November 2008, in Mumbai**. Some commentators also believe that Pakistan has yet to make a full course correction in respect of action against militants of all shades and hues.

Its critics believe that this it is not a question of government's inability but unwillingness to go after some of these groups, and that Islamabad would determine its position toward these groups once the endgame in Afghanistan becomes clear since it would not like to be left with elements there that are hostile to Pakistan.

The Pakistani response to its critics is that its operations against various terrorist groups would be based on its **timeline, operational needs and resources** and the evolving situation in the region including Afghanistan, wherein both India and Pakistan should pledge not to use Afghan territory for undermining the other.

Given the current differences between India and Pakistan on resumption of composite dialogue and on Afghanistan, instead of **making one issue as the pre-condition for its resumption**, a prior understanding and decision to address all issue of concern is the way forward. This has been tried before successfully and can be done again; there is no need to reinvent the wheel.

Dialogue will promote a narrative of relations which will take into account **new realities and challenges including the recognition of terrorism as a common enemy**. This will also help strengthen the Pakistani government's hands to dismantle the militant infrastructure focused on Kashmir and reinforce its ability not to allow its territory to be used in any manner for terrorist activities against its neighbours.

2. In the new world order, we see a pattern of relations where despite tensions and disputes, countries **cooperate while competing at the same time**.
3. Only good relations between India and Pakistan can realize the full potential of the South Asian Association for Regional Cooperation (SAARC), which has been hostage to the conflict between India and Pakistan. Because of the unresolved disputes and a situation of mistrust and suspicion in the presence of lingering disputes, Pakistan, according to various commentators has taken a negative position on the Most Favoured Nation (MFN) status to India and the South Asian Free Trade Area (SAFTA). The full potential of the SAARC will only be realised if the two countries move beyond CBMs, avoid propaganda, build trust and with patience and political contacts move forward.

There is need for a change of mindset of both sides with a view to tackling the issues of mutual concern, and to **address the trust deficit**. We should not **miss another opportunity** for doing so and to move on to a **win-win situation** where we all have a stake in the movement towards peace and prosperity.

For doing so the two countries should move onto the following:

- i. Adopt a policy of **sensitive communication** and not conduct diplomacy through press but through diplomats based in Delhi and Islamabad.
- ii. Move forward based on the work that was done in the **earlier rounds of talks** on Kashmir and other issues. The two sides should agree to continue the joint search for mutually acceptable options for a peaceful negotiated settlement of Siachen, Sir Creek, Kashmir and terrorism and the water issue.
- iii. Initiate the peace process in which the two countries aim to address each other's core concerns. They should consider the possibility of discrete dialogue to bridge the trust deficit. The two countries should also open a track to discuss strategic issues, including Afghanistan and **strategic**

stability and deterrence because India, Pakistan and Afghanistan share linkages and can resolve differences if they are so inclined.

In creating a new paradigm on cooperation, focus on the following issues is essential:

- a. **Tackle terrorism by treating it as a common threat.** The two countries have many fault lines and instead of exploiting them, they should cooperate with each other in addressing these common threats.
- b. **Develop common interests in the prosperity and welfare of the people of the two countries** through a paradigm shift. The comprehensive framework of regional cooperation and SAARC can be the vehicle for achieving this objective.
- c. **Create a framework for resolution of outstanding issues**, particularly Kashmir, Siachen and Sir Creek. Considerable work has been done by the two countries to finalise the Agreements on the three issues, based on the progress achieved during 2004-2007; the two countries can achieve positive results.

In this regard, the long term challenges of brining a change in the mindset of the two countries through a balanced view of history in the text-books for educational institutions and public narrative of each other and greater interaction through think-tanks should be promoted. All efforts must be made to strengthen the lobby for peace in the two countries. It will not happen quickly and it will not be easy but that is the only way forward.

It is worth stressing that the two countries witnessed the **gains of peace**, in what seemed a paradigm shift in 2003-2008 in their relations, including increased people to people contacts, progress in the composite dialogue in promoting friendly exchanges and enhancement of economic cooperation and conventional and nuclear CBMs and cross LoC CBMs and progress on back-channel negotiations on Kashmir.

Hard work and diplomacy lies ahead. The two

countries should work to move from the **current phase of calibrated dialogue to composite dialogue**, to the back channel and early agreement on outstanding issues. It is clear that the resumption of composite dialogue with work on various tracks would increase prospects for resolution of outstanding issues and enhancement of opportunities for trade, travel, transit and tourism between the two countries. This would ensure **peace and prosperity** for the people of the two countries.

The Parliamentarians from the two countries have an important role to play in the process and in moving it forward. The media has to promote the constituency for peace through balanced assessment of the issues and obstacles impeding progress, which should help to curb the tendency to resort to shrill commentary in the two countries on issues of interest. The support of the people in the peace process is crucial. Accordingly paradigm shift could not occur without the cooperation of important non-governmental actors to back it up.

The resumption of dialogue and picking up the back-channel negotiations from where they were left, is not a question of extra effort that is required on finding a solution to these issues but the **political will and courage by the leaderships of the two countries** to take the process to positive outcome

The way forward, therefore, is to move towards a positive sum approach dealing with the common challenges in the process and focusing on the welfare of the people of the two countries by heeding the words of R W Emerson "**the only way to have a friend is to be one.**"



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