

PAKISTAN-INDIA Relations

Post-Mumbai Deadlock & The Way Forward

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PREFACE

Pakistan-India Relations: Post-Mumbai Deadlock and the Way Forward, a paper authored by **Dr. Hasan-Askari Rizvi**, acclaimed defence and political analysts, provides an overview of the state of Pakistan-India relations today, the differing narratives on both sides, the constituency for peace in both countries as well as the realistic assessment of plausible future scenario. The paper especially focuses on the post-Mumbai stalemate in relations between two countries while looking at the historical perspective, Dr. Rizvi points out that the single-issue stalemate has not helped the two countries in the past and is not likely to be productive even in the future.

The analysis points a way forward in the resumption of the bilateral dialogue. *“It is a matter of Choice,”* says Dr. Askari, *“to stay immersed in the negative aspects of the history of India-Pakistan relations or to shift the focus from the straight-jacketed notion of the state and assertive nationalism to the welfare of human beings.”* *“If the governments and political and societal elite of India and Pakistan stay trapped in the self-serving historical and political narratives, they would never come out of the current troubles in their relations and they would not be able to pursue normal interaction.”*

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Pakistan-India Relations: the differing narratives

It is not an easy task to critically discuss the troubled India-Pakistan relations because lots of emotions are associated with this relationship in both countries against the backdrop of the competing visions of history and how the two countries gained independence in August 1947.

There are two competing narratives of the interaction between India and Pakistan. Focusing on the identity of the nation-state, each side appears convinced of the righteousness of its narrative and rejects the other side's perspective on bilateral relations. In New Delhi, a long list of Pakistan's unfriendly or hostile actions is offered in the discussions of India's relations with Pakistan. The situation in Islamabad or Lahore is not different; many people present a catalogue of grievances against India.

The negative sentiments are inculcated in the society in varying degrees through the socialization process, including education and the media. There are groups and leaders in both countries that thrive on anti-propaganda. Some people have built their political or academic careers on the conflict-ridden India-Pakistan relations.

Despite all this, we cannot be oblivious to the fact that when Indians or Pakistanis are allowed to visit the other country for even watching a cricket match they get a warm and friendly welcome. As a matter of fact there is a lot of fascination at the citizens' level to visit the other side. If Delhi and Mumbai fascinate the people in Pakistan, Indians feel attracted towards Lahore and Karachi. If we add the divided families the number of those desirous of visiting the other country increases manifold.

An inescapable conclusion from the above discussion is that Indians and Pakistanis are not born with a negative disposition towards each other. This is not a natural sentiment. It got cultivated for a host of reasons. At times the contextual variables and the policy decisions by the governments or powerful interests contributed significantly towards discordant disposition towards each other.

A Matter of Choice

If the governments and political and societal elite of India and Pakistan stay trapped in the self-serving historical and political narratives, they would never come out of the

current troubles in their relations and they would not be able to pursue normal interaction. They have to make a clear choice between staying immersed in the negative aspects of the history of India-Pakistan relations and shifting the focus from the straight-jacketed notion of the state and assertive nationalism to the welfare of human beings.

There is a need to adopt an "out-of-the-box" approach to address the issues and problems rather than compromising the prospects of improving the quality of life for the people by staying immersed deeply in the negative aspects of the history of India-Pakistan relations.

As the negative disposition was consciously cultivated, it can be 'de-cultivated' by an equally conscious effort. This requires a break from the past. India and Pakistan have spent most of the last 63 years in acrimony and conflict. Should not they now change this strategy and experiment with living like normal neighbours?

Pragmatism and Flexibility

The relations between India and Pakistan show some improvement when their leaders adopt pragmatism and flexibility in their disposition towards each other. Whenever either side pursues unilateralism or imposes specific conditions for initiating or continuing dialogue, their relations are either stalemated or plunge into crisis.

The best example of pragmatism and flexibility in the recent history is the declaration signed on January 6, 2004 by Atal Behari Vajpayee, then India's Prime Minister and General Pervez Musharraf, then President of Pakistan, on the eve of the SAARC summit in Islamabad. The flexibility reflected in two principles enunciated in the declaration:

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

In May 2004, when Dr. Manmohan Singh assumed the office of Prime Minister of India as the head of the Congress Party led coalition government, he promised to continue

with the dialogue with Pakistan.

The dialogue, described as the composite dialogue, covered eight (8) issue areas, originally agreed to in 1997. Several rounds of talks were held at different levels, including the foreign ministers, which continued until November 2008. During these years, India suspended the dialogue twice. The two sides diverged in their approaches. India made a distinction between normalisation of relations and conflict resolution, with preference for the former. Pakistan emphasized that the normalisation of relations should be accompanied by problem solving or conflict resolution.

The composite dialogue helped to improve their bilateral relations and useful progress was achieved on the Siachen Glacier issue, Sir Creek boundary problem and Kashmir. The major Pakistani criticism of the composite dialogue was that it did not lead to the solution of any contentious issue between India and Pakistan. However, Pakistan stayed in the composite dialogue process, recognising the long term usefulness of resolution of the problems between India and Pakistan. Terrorism and violence was one of the items in the composite dialogue.

The Mumbai Terrorist Attack

Pakistan and India continued to talk until the terrorist attack in Mumbai on November 26, 2008. Pakistan's Foreign Minister was in New Delhi for talks with his Indian counterpart when the Mumbai attack took place. They were said to have constructive talks on November 26, 2008. In Islamabad, the Interior Secretaries of India and Pakistan held their meeting on November 25, 2008 and agreed to, among other things, greater cooperation between Pakistan's Federal Investigation Agency and India's Central Bureau of Investigation for countering terrorism.

India suspended the dialogue process soon after the Mumbai terrorist attack, holding the Lashkar-e-Tayyaba (LeT) and its counterpart Jamaatud Dawa (JD), responsible for staging the terrorist attack. It also accused Pakistan's Inter-Services Intelligence (ISI) of sponsoring the LeT for this attack.

The Indian Government Response

As compared to Indian response to the attack on Indian Parliament on December 13, 2001, Prime Minister Dr. Manmohan Singh avoided some of the extreme steps like snapping off all communication and trade links, recall of High Commissioners and reduction of staff of the high

commissions and troop mobilisation to the Pakistani border.

This time the response was tough but measured to avoid an eyeball-to-eyeball military confrontation on the border which could escalate to war. The changed strategy reflected a rethinking in India on ways to deal with Pakistan in a situation of serious conflict. The 2002 Indian troop mobilization did not extract any concession from Pakistan which had also moved its troops to the border. India withdrew these troops unilaterally in October to peacetime positions.

In the subsequent period Indian strategic community explored other punitive options for dealing with Pakistan against the backdrop of the presence of nuclear weapons in South Asia. They suggested surgical airstrikes or swift commando raids on militant training camps in Pakistan-administered Kashmir, limited war rather than a full-fledged war and the 'Cold Start' that envisaged the capturing of some Pakistani territory with the help of rapid moving well-equipped battle groups rather than total mobilization of the troops against Pakistan. The Government of India explored these options after the Mumbai terrorist attack rather than the 2002 type troop mobilization. The Indian Government moved some troops from peacetime locations to positions closer to the border, but not on the border. Good sense prevailed with the policy makers who decided not to invoke the newly articulated notions of punitive military action.

The Pakistani Government Response

Pakistan's initial response to the Mumbai incident was confused and the Government went into an unrealistic denial mode, i.e., the arrested terrorist and others were not Pakistanis, although some Pakistani TV news channels had provided enough evidence to show that the surviving terrorist belonged to a village in Pakistani Punjab.

It took prodding by friendly countries and an internal re-assessment that the Pakistan Government decided to closely examine the linkages between the Mumbai terrorists and Pakistan's militant groups.

Pakistan banned the JD in pursuance of the decision of the Sanction's Committee of the UN Security Council on December 11, 2008 and arrested seven (7) of its senior leaders who were accused of involvement in the Mumbai incident. One of them, Hafiz Muhammad Saeed, was released subsequently by the court. Others are still in detention.

The conviction rate of the people arrested on terrorism charges is very low in Pakistan because of paucity of concrete evidence admissible in a court of law. This problem is also haunting the trial of the JD leaders because the first trial court is finding it difficult to convict them on the basis of the documents supplied by the Indian Government without giving an opportunity to the defence lawyers to question the evidence and its sources. Even if the first trial court convicts them, they are likely to get relief at the higher judicial level unless the court is satisfied with the evidence available at the time of the appeal.

The Terrorism Problem

The Government of India is focused on the LeT because the Mumbai incident has turned out to be a major internal security and political challenge to the Indian state. In addition to human losses, it exposed the security lapses. Pakistan, on the other hand, has to cope with a more complex internal security situation that involves several Islamic militant groups and their break-away factions, spread over the tribal areas, Khyber-Pakhtunkhwa (formerly NWFP), the Punjab and Sindh.

The terrorism issues are so complex in Pakistan that cannot be resolved by the elimination of the LeT, as demanded by India. Pakistan's security forces have been regularly coping with this challenge in Swat/Malakand, South Waziristan, other tribal areas and parts of mainland Pakistan. The situation in the Punjab is more difficult because these groups, including the LeT, are based in populated areas and these have developed strong societal links.

The Punjab-based groups, including those focusing on Indian administered Kashmir or mainland India, can be dealt with more effectively if India and Pakistan cooperate with each other for countering terrorism and revive the bilateral dialogue with the objective of normalisation of relations and resolution of the contentious issues.

The troubled state of India-Pakistan relations and especially the stalemate on Kashmir provide the Punjab-based militant groups, including the LeT, good reasons to mobilize popular support for them in Pakistan. Their anti-India rhetoric and the repeated declarations to liberate Kashmir help them to win support in Pakistan, especially in the Punjab province.

Pakistan has to cope with several Islamic militant groups

that engage in terrorism to pursue their politico-religious agendas. There are several militant groups working under the rubric of the Pakistani Taliban. They are primarily based in the tribal areas and the adjoining districts of Khyber Pakhtunkhwa. Some other militant groups and foreign militants are also based in the tribal areas. The well-known groups based in Pakistani Punjab include Lashkar-e-Tayyaba/Jamaatud Dawa (LeT/JD), Jaish-i-Muhammad, Sippah-e-Sahaba, Lashkar-i-Jhangvi and their break-away factions that function independent of their parent organisation and are more violent. The Punjab-based groups and their factions engage in terrorist activities independently or in collaboration with the Pakistani Taliban.

Pakistan's intelligence agencies may have created some of these groups, patronised others or simply allowed them to grow in the 1990s. However, none of these groups and factions is now fully under the ISI control otherwise there should not have been violence in Pakistani cities like Karachi, Lahore, Rawalpindi, Islamabad, Pakpattan, Mardan and Peshawar. The militant groups target government installations and one of them attacked the Army headquarters in Rawalpindi. According to semi-official data, over 3,400 people have been killed in suicide attacks in different parts of Pakistan during 2008-2010. This does not include the people killed by bombings and assaults.

The Pakistan military has come to the conclusion that these groups are a threat to internal peace and stability. After successfully dislodging the Taliban groups from Swat/Malakand and South Waziristan in 2009, the army and the paramilitary forces, backed by the air force, are fighting intermittent war against various militant groups in Orakzai, Khyber, Bajaur, Mohamand and Kuram agencies of the tribal areas.

However, the military authorities and the civilian government find it difficult to launch a major offensive for decimating the LeT and Jaish-e-Mohammad, as demanded by India, because these are based in populated areas where their activity is non-existent. The LeT has developed strong societal links by undertaking humanitarian and social welfare work through JD and the Falah-e-Insaniat.

The troubled state of India-Pakistan relations provides the Pakistani Punjab-based militant groups, including the LeT, a good opportunity to sustain them by identifying with anti-India rhetoric. That is why these groups are opposed to improved India-Pakistan relations.

The non-resolution of the Kashmir problem figures prominently in the political discourse of the hard line Islamic groups. It is conveniently used for support mobilization, especially in the province of the Punjab. The 2010 agitation in the Kashmir Valley and the increased use of force by India's security forces have given them an ideal opportunity to mobilize support for their cause in the name of the Kashmiris.

If India-Pakistan dialogue resumes and their relations improve, these groups will find it difficult to draw popular attention. This will create reasonable space for the Pakistani authorities to adopt a tough policy towards them, especially the LeT/JD.

Future of Pakistan-India Relations

The ground reality is that the relations between India and Pakistan have deteriorated since the Mumbai incident and there seem to be not too many signs for their early improvement. Both have returned to their original position on Kashmir. Sidelining the work done for the resolution of the Kashmir problem during 2004-2007, Pakistan has returned to its traditional demand for holding a plebiscite in Kashmir in accordance with the UN resolutions (1948-49) and India publicly repeats its known position that Kashmir is its integral part. After several years, India and Pakistan diverged on Kashmir in the annual session of the UN General Assembly in September 2010.

By insisting on the demand that Pakistan must satisfy India on the Mumbai incident related terrorism before talks can be resumed, India is committing the same mistake that Pakistan made for years. In the past, Pakistan insisted that no meaningful interaction or trade could take place with India unless it resolves the Kashmir issue. Pakistan realized the futility of this approach and changed its policy. Hopefully, India also recognises that a single-issue conditionality will take these two countries nowhere.

The current stalemate in the India-Pakistan relations neither serves the interests of India nor that of Pakistan. Rather, it undermines the prospects of normal interaction and discourages trade and human interaction. It creates an environment of fear and tension and forces the two countries to militarize their bilateral interaction.

There is a need to review the current state of troubled relations and work towards improving their bilateral interaction. India and Pakistan have three major options available to them at the moment:

1. **Option 1: Continue with the current stalemate:** India insisting on Pakistan to satisfy on the issue of terrorism before any dialogue can be resumed. This approach has not so far worked and there is no indication that India's pressure would force Pakistan to fulfil India's unilateral demand. The deadlock can continue indefinitely which will not serve any purpose.
2. **Option 2: India and Pakistan cooperate in the investigation of the Mumbai terrorist incident.** Pakistan should be allowed to investigate the

incident so as to satisfy the legal and judicial requirements of the case. However, Pakistan also expects that India will be forthcoming in sharing information on the bombing of the Samjohta train (February 2007), killing 68 people.

3. **Option 3: India and Pakistan return to the dialogue process:** India and Pakistan should pick up the thread of dialogue from where it was broken. One of the issue areas of the dialogue is terrorism. They can take up the Mumbai terrorist attack at this level on a priority basis and work together to address Indian grievance.

Four Issue Areas

1. Firstly, there are "do-able" problems like the Siachen Glacier and the Sir Creek Boundary that can be resolved if the top most leaders of two countries give a go-ahead to their officials. India and Pakistan had done most of the spadework for resolving these disputes by the beginning of 2007 through the dialogue process initiated in 2004. Now, they can build on that work and resolve these problems.

Other issues that can be handled easily are simplifying the visa procedures and easing restriction on travel between the two countries as well as agreeing to exchange of newspapers and magazines. It may be mentioned that travelling between the two countries was relatively easy up to the 1965 India-Pakistan war. There is a need to explore if a return to the pre-1965 travel arrangements is possible.

2. Secondly, the two countries should engage in persistent and result-oriented dialogue on a number of issues. The top of the list is cooperation for countering terrorism. The last meeting of the Interior Secretaries of the two countries was held in November 2008 for starting cooperation between the CBI (India) and FIA (Pakistan) but its decision could not be implemented. Now, the scope of the terrorism talks can be expanded against the backdrop of the Mumbai attack.

Other important areas for bilateral talks include

trade and economic relations, water management covering rivers, dams and power generation, nuclear and conventional security affairs, including confidence-building measures in both fields, and cross-border movement of unauthorized people, smuggling and drug trafficking. They can also take up cooperation for coping with natural disasters or any other issue mutually agreed upon.

South Asia University has started functioning in New Delhi in 2010 on a small scale which will expand over time. The major goals of this exercise cannot materialize if Pakistani students and faculty are not able to join it due to visa and related problems. It would be a positive development if India and Pakistan agree to student and faculty exchange program between the universities and other centres of academic excellence.

3. Thirdly, the Kashmir issue should be taken up in the bilateral dialogue. It has two dimensions: the immediate issues and the long term matters. The immediate issues relate to the resurgence of violence in the Kashmir Valley in the summer of 2010. The Indian Government needs to continue with its on-going efforts to reduce violence there and engage in a meaningful dialogue with the Kashmiri leaders.

The long term aspects relate to Indian and Pakistani differences on Kashmir. They need to build-on what they achieved in the dialogue on Kashmir up to 2007. India and Pakistan were working on a solution of Kashmir that was to be different from their traditional positions but acceptable to both and the people of Kashmir. India's position was clearly articulated by Prime Minister Dr. Manmohan Singh in July 2007 that the borders cannot be changed in Kashmir but these can be made irrelevant. Pakistan maintained that the Line of Control in Kashmir could not be accepted as the international border. However, its leadership was prepared to go along with the notion of making it "irrelevant" through movement of people, services and trade across the LoC. General Pervez Musharraf, then President of Pakistan, floated two proposals for the solution of the Kashmir problem. In October

2005, he talked of 7 zones of Kashmir (two with Pakistan and five with India). He made an elaborate 4-point proposal in December 2006 that emphasized no change in Kashmir borders but the people would move across the LoC freely; self governance and autonomy for each region/zone of both parts of Kashmir; troop withdrawal in a phased manner; and a joint mechanism for certain matters. On the basis of these ideas, India and Pakistan had agreed on several procedures for realizing these goals without any territorial transfers. They had also agreed on the subjects for joint arrangements. It may be mentioned that the first bus service between Muzaffarabad and Srinagar started in April 2005, followed by another bus service in 2006. Five crossing points were opened on the LoC after the earthquake in Kashmir in October 2005. The current procedures for travelling on these buses are very slow and cumbersome. It needs to be simplified.

The work done for evolving an acceptable solution of Kashmir up to 2007 provides a basis for re-starting the talks on Kashmir. The two sides can revise and update the old ideas and explore new approaches.

It seems that Pakistan will not be averse to a solution of Kashmir that does not involve any territorial transfers or changes. It has argued from time to time that it would accept any solution of Kashmir that is acceptable to the people of Kashmir. It is also in favour of involving the Kashmiri leadership from both sides in the dialogue process when India and Pakistan have agreed to a framework or principles for the settlement of the Kashmir problem.

4. Fourthly, India and Pakistan need to discuss the Afghanistan situation against the backdrop of the US/NATO decision to withdraw the troops by the end of 2014. India is actively engaged in development and reconstruction work in Afghanistan. Pakistan has periodically expressed reservations on its role, complaining about India's reported material support to Baloch dissident groups based in Afghanistan. They need to discuss these issues and how should they deal with Afghanistan if it plunges in to civil

strife after western troops quit Afghanistan. An understanding between them can contain the prospects of a proxy war between India and Pakistan in the post-withdrawal Afghanistan.

Resume the Bilateral Dialogue

The resumption of the bilateral dialogue with the objective of resolving the problems is the only option to neutralize the role of the Punjab-based militant groups that focus on Kashmir and India. The current tension serves the agenda of the militant groups that do not want normalization of relations between India and Pakistan because it erodes the rationale of their anti-India and pro-Kashmir activities.

Both sides need to show flexibility otherwise the present stalemate would continue which does not serve their long term interests. No matter what the leaders of India and Pakistan say to justify their current tough dispositions they have no alternative to talking on the contentious issues. The longer they delay the resumption of the dialogue the more difficult it will be for the political leadership to reverse such a negative policy.



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