

# Comprehensive Bilateral Dialogue: Risks and Opportunities for Pakistan and India

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## Abstract

*Pakistan and India agreed on a Comprehensive Bilateral Dialogue (CBD) in November 2015, as a follow-up of the Composite Bilateral Dialogue which was initiated in 2004. It initially capped a series of positive developments. An unprecedented responsiveness and long-awaited pragmatism was shown to break the impasse after the terrorists' attack on Pathankot Air Base in January 2016. Pakistan went out actively after the perpetrators and India also avoided direct finger pointing. However, a meeting of the Foreign Secretaries of the two countries on the sidelines of the secretary level Heart of Asia Conference held in Delhi on April 26, 2016, was not an auspicious follow up of the erstwhile reconciliation process. The sequence of events are once again keeping the relationship swinging towards the old pattern of diplomatic delays, raising issues of concern about the progress of the Confidence-Building Measures (CBMs). The risks involved in continuing hostilities are treacherous. On the contrary, the given opportunities can help bring them closer to CBMs needed for geo-strategically and geo-economically rich South Asia. This study explores the role and/or interests of the international and regional states as well. Their subsequent role as the main stakeholders and enablers has, nonetheless, reinforced Pakistan's stance on the significance of mediation/arbitration on the outstanding issues between the two states since the partition of the sub-continent in 1947.*

**Keywords:** Comprehensive Bilateral Dialogue, Kashmir, Terrorism, Mediation, Arbitration.

## Introduction

The difficult relations between India and Pakistan have underwritten a series of overt and covert interventionism. Major regional developments,

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such as the dismemberment of Pakistan in 1971, along with a series of wars and skirmishes feature prominently in this turbulent relationship. This has led the two post-colonial nations to become nuclear-armed states while most of their internal economic and social issues remain unresolved. The security centric policies have largely injected xenophobia in their societies.

Crossing this historic threshold of mutually-exclusive and risk-prone characteristics to shared and collaborative policies is a huge challenge. This is complicated by the addition of transnational threats and compulsions of complex interdependence in the rapidly changing world. India and Pakistan need to redefine their responsibilities at bilateral, regional and international levels, and characterise their national security rationally in view of the emerging circumstances. This revisit can be evolved through the identification of their threats according to Dietrich Fischer's prescription where he suggests two aspects of security:

- (a) "Absence of objective dangers;
- (b) Absence of subjective fears, whether or not they are justified."<sup>1</sup>

Similarly, collective efforts to address poverty, illiteracy, health and environmental issues, should be more of increased focus for both the states.

The ten-point Comprehensive Bilateral Dialogue (CBD), which includes peace and security, Confidence Building Measures (CBMs), Jammu and Kashmir, Siachen, Sir Creek Boundary Dispute, Wuller Barrage/Talbul Navigation Project, economic and commercial cooperation, Counter-terrorism measures, narcotics control, people-to-people contacts, religious tourism and humanitarian issues, was agreed upon between India and Pakistan in November, 2015.<sup>2</sup> The resultant decision was a follow-up of the meetings between the Prime Ministers of both the countries, first in Paris and then in Ufa in the first half of 2015. Each issue is concurrent with its own historical legacy and has its own futuristic premise.

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<sup>1</sup> Rajpal Budania, "India's National Security Dilemma; The Pakistan Factor and India's Policy Response," Indus Publishing Company, New Delhi, 2001,18.

<sup>2</sup> Sushant Singh, "Comprehensive Bilateral Dialogue with Pakistan: Curiouser and curiouser," *Indian Express*, December 10, 2015.

The fundamental constituent of the CBD is to build mutual trust by addressing the imbalance in perceptions. The leaders have to think beyond individual policies and plan for the long term to keep relations on track, and for both national as well as collective regional interest. What could be the most rational realization of the objective in the resumption of dialogue between Pakistan and India, if started? Six out of the ten proposals are non-military threats. Unforeseeable events are unpredictable. Will India and Pakistan be able to establish a joint mechanism of predictability to possibly influence the individual narratives, such as on each issue? Would the two be able to carve out a collective narrative and break the old mould?

Rational Theory of Neo-liberalism is more relevant to the transitional world of geo-economics as opposed to the old school of classical realism. The two states must realise the significance of geo-economics, geo-sociology and regional connectivity by changing their mind-sets. The objective of the paper is to understand what encumbers Modi and keeps him glued to the old school of thought. The interests of 'Major Powers' and their interception could prove a catalyst if political and strategic complexities are fairly understood.

This paper is an endeavour to discuss five major issues between India and Pakistan briefly and observes the probabilities of mutually-beneficial political and economic developments through the mechanism of the CBD. Given the history of the Indo-Pak relationship, there are both the risks and the opportunities involved. To foster legitimate outcomes, the paper suggests a balance for creating a conducive regional and bilateral environment.

Realists envision states as selfish, hard entities driven by *realpolitik*. The security-centric precept becomes exhilarating, making it difficult to regulate inter-state relations justifiably or rationally. States would choose instruments of policies for their national interests. The objectives are engineered by keeping low-intensity conflicts, use of non-state actors, conventional and nuclear build-up and dialogue peace process simultaneously, between the adversaries. The theory of "might is right,"<sup>3</sup>

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<sup>3</sup> John Boardman, Jasper Graffin & Oswin Murray (Edited), "The Oxford History of Greece and the Hellenistic World," Oxford University Press, 2001.

endorsed by Thucydides, Machiavelli and Hobbes, becomes the most impelling mechanism.

Similarly, a single theory itself cannot completely identify and explain all the key structures in the dynamics of Indo-Pak relations. However, if the command of peace has to be assented between India and Pakistan, Yankelovich's "proliferation of dialogue initiatives"<sup>4</sup> is fundamentally quintessential. The continuity of dialogue can even pave the way for mediation and reconciliation initiatives. The preconditions that reinforce the need for fairness and for standards derived from ethics of the perennial human values, rather than progressive cognition and logic, entails forethought, particularly in case of grave human rights violations in Indian Occupied Kashmir (IOK) by the state of India.

According to Hassan Askari Rizvi, "the dialogue must aim at conflict management and resolution in a spirit of accommodation."<sup>5</sup> In dialogue, there is a mutual empowerment at different levels between different groups and social segments that affect the public opinion. Hope and mutual respect is also affirmed if it is not confined to elitist activity and is more inclusive. The relevance of dialogue is generally questioned, when it cannot quell conflict. Inter-state dialogue cannot be instantly result-oriented and needs patient persuasive dialogue. Sometimes, even in the peak of crisis, contacts across the borders could prove valuable in the construction of peace. On occasions, there are invisible partners to the dialogue, as well, who have their own interests. Their presence can also subscribe to the resolution of issues.

The Dialogue Society, an organisation of research and civic engagement, has articulated four principles of dialogue:<sup>6</sup>

1. To start a dialogue on the meeting of representatives. Unfortunately, Indo-Pak representatives meetings have perpetually faced the question of to-be or not to-be;

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<sup>4</sup> Paul Weller, ed., "Dialogue Theories," [www.dialoguesociety.org](http://www.dialoguesociety.org).

<sup>5</sup> Hassan Askari Rizvi, "Pakistan-India Relations: The Revived Dialogue and the Future Prospects," Background Paper, PILDAT (August, 2012),11.

<sup>6</sup> "Four Principles of Dialogue: Christian Origins- Wider Ownership?" [www.Dialogue Society.org](http://www.Dialogue Society.org)

2. Dialogue largely depends upon mutual understanding and trust. Despite having given bilateralism a chance since the Simla Agreement in 1972 and the initiation of the CBD in 1997, trust deficit invariably remained dominant. Socio-psychological, cultural and longevity of issues have politicised the issues between India and Pakistan;

3. The results are possible shared service to the public. The emergence of a new international order, with the changed geopolitical and geo-economic compulsions of regionalism and globalisation, requires a new integrative, holistic and futuristic vision of the split particularly for South Asia;

4. Dialogue is a medium of authentic witness.

Deriving from the thesis of Buber<sup>7</sup>, there are two main inputs missing in the Indo-Pak relations;

(a) Shared thinking;

(b) Each other's point of view is improperly perceived. The mutual misunderstandings have their historical and political underpinnings. The push and pull pressures by political and religious groups for their ideological interests, both internally and externally, have played a pertinent role.

### **Litany of Grievances**

As mentioned earlier, forces of territorial, political and strategic history have remained active in their relationship. Hence, analysis based on classical realism achieved more significance and ignored positive historical events. The Liaqat-Nehru Pact (1950), Indus Water Treaty (1960), Simla Agreement (1972), Lahore Declaration (1999), Lahore-Delhi Bus Service, “cricket diplomacy,” and the resumption of the dialogue (Composite Bilateral Dialogue) between Pakistan and India in 2004 were all positive developments. Vajpayee, considered as a statesman à la Nehru, in his published reflections has even “reaffirmed

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<sup>7</sup> Paul Weller. Op. cit.

his government's commitment to finding a final solution to the conflict (Kashmir) by going off the beaten record."<sup>8</sup> He also hinted at flexibility in the rigid posture India adopted after Kargil.<sup>9</sup>

Ever since the declaration of India's nuclear weapons programme in 1998 and the acquisition of credible nuclear deterrence capability by Pakistan in reaction, mutual state security dilemma are more enthused with power politics. Ole Holsti calls it lose-lose situation, since "one nation's search for security often leaves its current and potential adversaries insecure." Further, "any nation that strives for absolute security leaves all others in the system absolutely insecure, providing powerful incentives for arms race and other types of hostile interactions."<sup>10</sup>

Strategic imbalance and India's military pressure, coupled with India's Cold Start Doctrine and second strike capability are regrettably preponderant in Pakistan's threat appraisal. Frequent shelling on the Line of Control (LoC), deployment of advanced weapon systems (ballistic missiles and anti-ballistic missiles), expanded offensive deployments and aggressive military exercises, are all a sequel of belligerent outlook in India's Pakistan policy.

The continued ingenuity is breeding deeper suspicion ever since India has 'acknowledged' its "involvement" in East Pakistan in 1971. Modi declared this during his visit to Bangladesh in early 2015 in an intimate swipe. This reiterates India's negative role in the affairs of sovereign neighbouring states<sup>11</sup> and makes balance of power relevant in a non-negotiable principle of political realism.

Subversive activities in Balochistan through RAW network are yet another mode of keeping the relationship confrontational. On March 3,

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<sup>8</sup>.C. Raja Mohan, "Crossing the Rubicon: shaping of India's new foreign policy," Palgrave Mcmillan (2004),176.

<sup>9</sup> Ibid.

<sup>10</sup> Ole R. Holsti, "Theories of International Relations," in Hogan and Paterson, eds., *Explaining the History of American Foreign Relations*, (2004), 54.

<sup>11</sup> Dipanchan Roy Chaudhary, "Bangladesh Stands by India; slams Pakistan for statement that India interfered during 1971 crisis," *The Economic Times*, June 11, 2015.

2016, Kulbhushan Yadav, an Indian RAW spy, was arrested while infiltrating into Pakistan. He voluntarily confessed his support for disgruntled groups in Balochistan and Sindh.<sup>12</sup> Pakistan also holds substantial evidence of Indian-sponsored terrorism through Tehrik-e-Taliban Pakistan (TTP) in collaboration with Kabul's National Directorate of Security and certain punitive power brokers. Some of this information has already been shared with the UN.<sup>13</sup> India has been operating through the Indian High Commission in Islamabad undercover. Eight of the Indian officers and staff members have been found guilty and expelled in November, 2016.

Similarly, bad politics remained dominant which overlooked economics of the region. Unlike East Asia where residual mistrust, unresolved historical issues, territorial disputes and tensions have not stalled economic activity. Japan-China trade relationship is globally the third largest. On the contrary, an estimated US\$ 4.7 billion trade in South Asia takes route from Dubai.<sup>14</sup> Stalking instability is providing space to poverty and terrorism in the region. Business investments in each other's country on a nation-to-nation basis would have helped the stakeholders to keep their relationship normal.

The relationship is more characterised as belligerent, unyielding and destabilising in international affairs. "I can't speak for how leaders in either country are going to make announcements on their bilateral relationship or, frankly, their bilateral tensions," said spokesman of the US State Department Kirby, at a briefing in Washington.<sup>15</sup>

Nevertheless, the complete resolution of Pakistan-Indian tensions faces two major impediments:

- (a) The conflicts are continuing;
- (b) The factors contributing to the unrest may not be in the direct control of the governments of Pakistan and India.

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<sup>12</sup> India determined to break Pakistan into pieces: The RAW agent reveals the truth, *Global issues and world Politics*, April 5, 2016.

<sup>13</sup> India determined to break Pakistan into pieces: The RAW agent reveals the truth. op.cit.

<sup>14</sup> Ahmad Rashid. Op. Cit.

<sup>15</sup> Dawn, 22 August, 2015.

## Impediments

### *Kashmir: The Core Issue*

Stephen P. Cohen argues that, “Kashmir is the most important single conflict in the sub-continent, not just because its territory and its population are contested, but because larger issues of national identity and regional power balances are imbedded in it.”<sup>16</sup> Though more than one hundred and fifty rounds of talks have been held between India and Pakistan, the Kashmir issue has deepened even further within the folds of the asymmetrical relations.

Pakistan’s traditional Kashmir policy has revolved around the Partition Formula. Kashmir was to be a part of Pakistan. It was militarily occupied by India in 1947. In close consultation with both India and Pakistan, the United Nations Commission for India and Pakistan, resolved in concrete terms the settlement of the dispute in two resolutions adopted on August 13, 1948 and January 5, 1949. Since both the governments accepted the Commissions’ proposals, the resolutions constituted an international agreement. Given that, Islamabad has envisioned a free and fair plebiscite under the auspices of the UN Security Council Resolutions as the only solution.<sup>17</sup> Whereas, Indian realisation that it can never win the will of the Kashmiri people, has made it controversial.

Pakistan has proposed several approaches to resolve this vexed problem. Pakistan's first military ruler, General Muhammad Ayub Khan decided to seek an out-of-the-box solution through the arbitration of the United States and United Kingdom. However, only an area of 3,500 square miles, adjacent to Muzaffarabad was handed over to Pakistan.<sup>18</sup> Similarly, President of Pakistan General Pervaiz Musharraf, proposed

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<sup>16</sup> Zahoor Ahmad Rather and Deepika Gupta, “Ceasefire Violation – Pakistan’s Transgression on the line of Control, A Situation growing more Serious”, *International Research Journal of Social Sciences*, Vol.3 (1), January 2014.

<sup>17</sup> On April 21, 1948, United Nations Security Council adopted Resolution 47. After having heard arguments from both India and Pakistan it suggested holding a plebiscite for fostering peace in the region. The resolution was passed under Chapter vi of the UN Charter, i.e., not binding.

<sup>18</sup> India Peace Process: An Appraisal “Pak,” *Policy Perspective*, Vol.IV, no.2, Institute of Policy Studies, Islamabad.



his four points, while picking up “demilitarisation” and “self-governance” from the Andorra Model, and his counterpart Manmohan Singh agreeing with the “open borders” and self-rule, from the Samantra Bose proposals.<sup>19</sup>

Unfortunately, after 9/11 a paradigm shift in international politics has further complicated the relationship. Pakistan was invariably alleged as a 'terrorist state' and efforts were made to isolate Pakistan by India.<sup>20</sup> In the meanwhile, a number of events occurred in the international arena that favoured India. The tendentious UN Resolution 1373 (2001) adopted by its Security Council, erroneously ignored the critical distinction between a freedom movement and terrorism.<sup>21</sup> The US bedevilled the situation by dubbing all resistance movements for self-determination as terrorism. This gave the contrived controversial cover to India where it allegedly portrayed itself as a victim of terrorism by Pakistan.

The same year, an attack on the Indian Parliament soon after the 9/11, was used by India to perpetuate propaganda theme. The then Indian Prime Minister seized the opportunity to compare the incident with the 9/11 tragedy, and ended all communication links with Pakistan, says Arundhati Roy.<sup>22</sup> The same happened after the Samjhota Express incident in 2006, Mumbai incident in 2008 and LoC violations in 2013. India bracketed Pakistan with the Taliban, to fence its border with Pakistan and appointed half a million soldiers.<sup>23</sup>

In the last two years, Modi's government has become particularly concerned about the Kashmir issue. His Kashmir policy is largely characterised by arbitrary arrests, torture, rape, illegal settlements, constitutional alteration and extrajudicial killings. The record of human rights violations in Kashmir by the occupational forces of India have increased multi-fold in this period. Kashmir Human Rights

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<sup>19</sup> Epilogue February 2011, [issuu.com](http://issuu.com)

<sup>20</sup> Tara Kartha, “Pakistan and Taliban: Flux in an old relationship,” *Strategic Analysis*, Vol.24, Issue 7, October 2000.

<sup>21</sup> Javier Ruperez, “The UN's fight against terrorism: five years after 9/11,” [www.un.org](http://www.un.org).

<sup>22</sup> Arundhati Roy, “And his life should become extinct; The very strange story of attack on the Indian Parliament,” *Outlook*, October 30, 2006.

<sup>23</sup> Ashraf Jehangir Qazi, “India-Pakistan: Vision of Peace,” *Dawn*, November 04, 2014.

Organisations such as Human Rights Watch and People's Union for Civil Liberties (PUCL) have extensively documented these atrocities. According to the Kashmir Media Service, there had been 94,323 killings in IOK from the year 1989 to February 29, 2016, out of which 7,043 are custodial killings. About 133,387 civilians have been arrested and 106,055 structures burned or destroyed. About 22,810 women were widowed and 107,556 children were orphaned. The number of molestation or rape cases recorded is 10,175.<sup>24</sup> New Delhi's response to the reports by various human rights organisations has been evasive. India has also been trying to change the demography of IOK by the settlements of non-*Kashmiris*. The Muslim population in Jammu has come down from 62 per cent in 1941 to 30 per cent<sup>25</sup> Efforts are also being made to gradually abrogate Article 370 from the Indian constitution which grants a special status to IOK.

The common understanding of the events in the last six decades indicates that all the stake holders, India, Pakistan, *Kashmiris* and freedom fighters, have reached at a Mutually Hurting Stalemate (MHS).<sup>26</sup> In August 2015, S. J. Shankar, Indian Secretary for External Affairs to his counterpart in Pakistan Secretary Foreign Affairs said that, "India would not hold dialogue with Pakistan over Kashmir issue."<sup>27</sup> The response had come after Pakistan's invitation for a dialogue on Kashmir.

The indigenous resistance is also getting fierce day by day. On several occasions since 1990, the entire population of Srinagar came out to protest against the Indian occupation forces. The Srinagar High Court, in its recent declared judgement, has rejected the political position of incumbent Indian government by saying that "the territory of India-held Kashmir retains an element of sovereignty and cannot be integrated into India, at all."<sup>28</sup>

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<sup>24</sup> Human Rights Watch 2016.

<sup>25</sup> M.K. Bhasin and Shampa Nag, "A demographic profile of the people of Jammu & Kashmir," [www.krepublishers.com](http://www.krepublishers.com)

<sup>26</sup> Depenkar Sengupta, Ershad Mahmud & Zafar Iqbal Choudhary, "Cross-Line of Control Trade: Peace building and economic potential," [www.c-r.org](http://www.c-r.org)

<sup>27</sup> Syed Sammer Abbas, "India refuses talks over Kashmir issue with Pakistan," *Dawn*, August 26, 2016.

<sup>28</sup> Ahmer Bilal Sufi, "Kashmir Talks: A legal obligation," *Dawn*, Islamabad. December 01, 2015.

The UN is still considered as a peace making agency by the *Kashmiris*. How could the entire population, including children and women who aspire for the implementation of the UN resolutions can be dubbed as terrorists?

The claim of Sushma Swaraj that, “Jammu and Kashmir is an integral part of India and will always remain so,”<sup>29</sup> on September 26, 2016, before the General Assembly session of the United Nations, and the repeated demand of the UN sponsored plebiscite by the Pakistani Prime Minister Nawaz Sharif in the same session, clearly highlight the gravity of divergent perceptions.

### *Siachen Glacier*

Though Siachen has witnessed an armed conflict between the two countries but adverse climate, harsh terrain and sub-human living conditions have caused more damage than military skirmishes. Both have staked their claims on the glacier, by interpreting the vague language of the agreements signed in 1949 and 1972.<sup>30</sup> Configuration of the Line of Control (LoC) on the glacier is also disputed, thus, putting an endless enormous financial constraint on the national exchequer of both sides.

The Indian side has been unforthcoming. In 1989, an understanding was reached between the Defence Secretaries of the two countries to resolve the issue and work towards a comprehensive settlement of the dispute. Similarly, in November 1992, both India and Pakistan have agreed to create a ‘zone of peace and tranquillity’ by withdrawing forces from key passes.<sup>31</sup> They pledged not to reoccupy the vacated places.<sup>32</sup> In March 2006, while proposing a treaty of “peace, friendship and security” to Pakistan, Prime Minister Dr. Manmohan Singh hinted at the resolution of Sir Creek and Siachen. Since the Indian side has conditioned the demilitarisation with the authentication of the forward positions of Indian troops,<sup>33</sup> the dispute remains unresolved.

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<sup>29</sup> “Abandon Kashmir dream, it's integral part of India, Sushma tells Pakistan,” *Express Tribune* October 13, 2016.

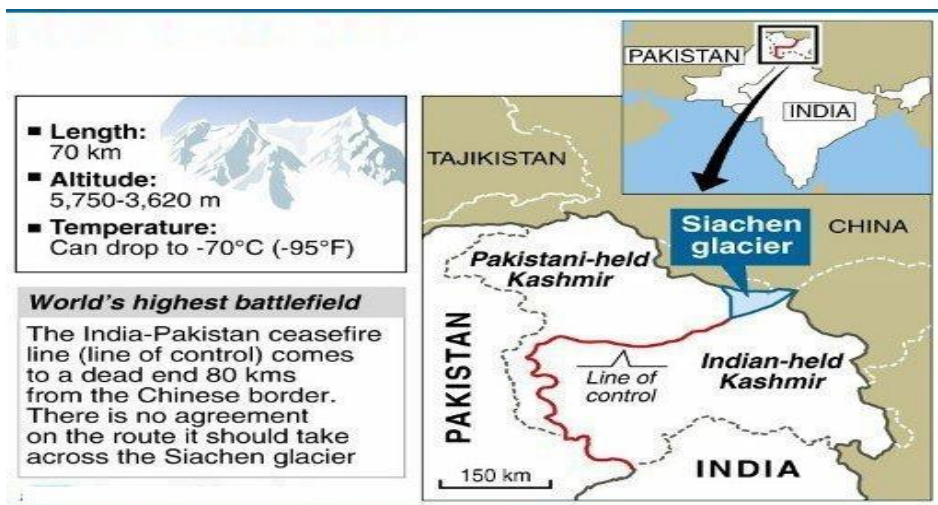
<sup>30</sup> *Ibid*

<sup>31</sup> “Simla Agreement,” [www.stimson.org](http://www.stimson.org)

<sup>32</sup> *Ibid*.

<sup>33</sup> *Ibid*.

## Map No. 1 Siachen Glacier



**Source:** [https://www.google.com.pk/search?q=siachen+glacier&biw=1600&bih=794&source=lnms&tbm=isch&sa=X&sqi=2&ved=0ahUKEwiZ54bLsaXRAhWGPxoKHSm9C0IQ\\_AUIBigB#imgrc=HlllxqXF1\\_dIrM%3A](https://www.google.com.pk/search?q=siachen+glacier&biw=1600&bih=794&source=lnms&tbm=isch&sa=X&sqi=2&ved=0ahUKEwiZ54bLsaXRAhWGPxoKHSm9C0IQ_AUIBigB#imgrc=HlllxqXF1_dIrM%3A)

### *Wullar Barrage/ Tulbul Navigation Project*

Acute river resource scarcity is yet another rapidly escalating issue between India and Pakistan. It can precipitate violent inter-state conflict into an “Eco-war.” Pakistan is nearing “water stress” with the limit of 1000 cubic meters per person per year, below which, negative economic and social consequences are more likely.<sup>34</sup> It could limit Pakistan’s ability to develop. Since Pakistan is a lower riparian state, it becomes a justified natural complainant. The construction of 439 feet long barrage on the river Jhelum and at the mouth of the Wullar Lake, near Sopore town of Kashmir is a violation of Article I (II) of the Indus Water Treaty, which clearly defines the term “Tributary” and denies the right of the construction of dams and barrages. It ensures the uninterrupted flow of water to the lower riparian state.<sup>35</sup>

<sup>34</sup> Robert G. Wirsing & Christopher Jasparro, Op.cit.

<sup>35</sup> The Indus water Treaty, [siteresources.worldbank.org](http://siteresources.worldbank.org)

The two sides have already looked into the project at the secretary level talks which were held in July 2004 and 2007. The talks could not yield any breakthrough. Recently, after the Uri attack in September 2016, withdrawal from the Indus Water Treaty by India is incessantly threatened.

### *Sir Creek*

Failure to resolve this issue demonstrate insufficient will, engendering pessimism for progress on other fronts. Pakistan's coastline adjacent to India is un-demarcated. Neither any maritime agreements have been signed between India and Pakistan nor have clear fishing laws been established. The Maritime Zone Acts of India and Pakistan do not correspond with the UN also.

The disagreement rests mainly on:

- i The actual demarcation “from the mouth of Sir Creek to the top of Sir Creek”;
- ii Demarcation of from the top of eastward to a point on the line on the Western Terminus”;
- iii Demarcation of Maritime boundary on the Western Terminus.’<sup>36</sup>

Considered as one of the largest fishing grounds in Asia, the marshlands of Sir Creek are rich in hydrocarbons and shale gas. The continental shelf is believed to have substantial oil reserves.<sup>37</sup>

The demarcation would determine each country's economic zone. Furthermore, this often results in the incarceration of poor fishermen.

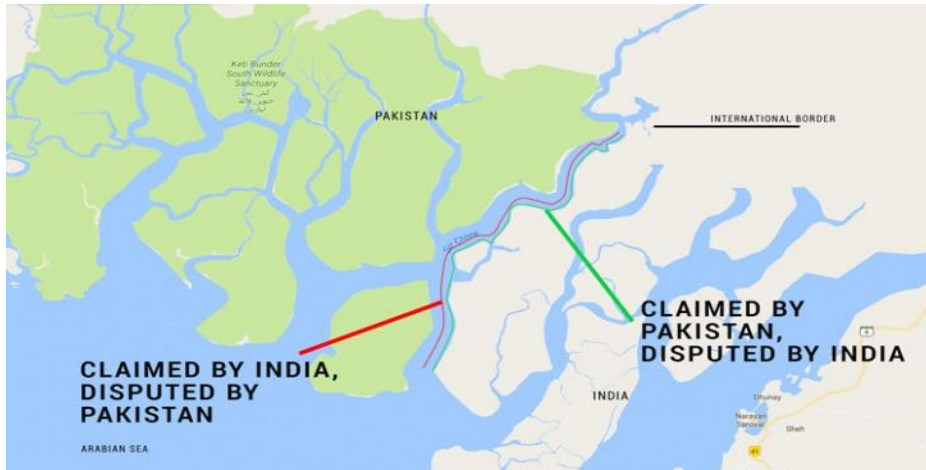
Talks between India and Pakistan were held in earlier 2012, but neither the side changed their stance.

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<sup>36</sup> <http://www.gktoday.in/sir-creek-dispute/>

<sup>37</sup> <http://www.gktoday.in/sir-creek-dispute/>

## Map No. 2 Issue of Sir Creek



**Source:** [https://www.google.com.pk/search?q=siachen+glacier&biw=1600&bih=794&source=lnms&tbm=isch&sa=X&sqi=2&ved=0ahUKEwiZ54bLsaXRAhWGPxoKHSm9C0IQ\\_AUIBigB#tbm=isch&q=sir+creek+map&imgrc=fEnkUoqnhPyXQM%3A](https://www.google.com.pk/search?q=siachen+glacier&biw=1600&bih=794&source=lnms&tbm=isch&sa=X&sqi=2&ved=0ahUKEwiZ54bLsaXRAhWGPxoKHSm9C0IQ_AUIBigB#tbm=isch&q=sir+creek+map&imgrc=fEnkUoqnhPyXQM%3A)

### *Terrorism and Drug Trafficking*

Terrorism and drug trafficking are the most pressing issues between the two states. Willingness to address terrorism and drug trafficking jointly was shown for the first time in the CBD, held in August 2004. It was decided to sign a Memorandum of Understanding (MoU) to institutionalise their cooperation. The cooperation continued in the succeeding years even after the scuttle of the dialogue process and strongly condemned all acts of terrorism. An imperative need for effective and sustained measures against terrorist activities was also underlined.

Despite the cancellation of the Composite Dialogue after 2006, separate working groups discussed the drafts of the revised Visa and Consular Access Agreements in details. They were aimed at liberalising and making existing provisions more effective. Unfortunately, the results have not been encouraging.

*CBD: A Compulsion of Major Power Interests*

The dynamics of inter-state relations are constantly fluctuating depending upon the possibilities of interaction and cooperation, confrontation and conflict. A state's objectives sometimes have to be trimmed to fit within the possibilities created by the configuration of power,<sup>38</sup> politics, individuals and economy.

For great powers to survive as such, favourable regimes and states throughout the world are an important instrument. For instance, South Asia “is critical to American national security and the volatile relationship between India and Pakistan, two nuclear weapons-armed States...is the critical factor determining whether the region can ever be safe and stable<sup>39</sup> to contribute to the economy of “Asian Century.”

The United States (US) used South East Asia to contain China as a rival power during the Cold War. Under the new prism of geo-economics and geo-strategy in the aftermath of 9/11, China’s second largest growing economy is once again competing with the US as a critical player in the geo-political and geo-economic configuration of the world. However, its role in South Asia was ignored during the active period of War on Terror (WoT).

Consequently, the US not only has to grapple with its security sensitivities in South East Asia from China but also has to deal with the role of a competing economy in South Asia. This made the US President Barak Obama, according to Justin Logan, ‘a firm believer in the pivot with a softer, however, a meaningful rubric of re-balancing China.’<sup>40</sup> The containment of China through regional and extra-regional power is ostensibly the core of the US Asia Pivot policy. For this, the US has leveraged relationship with India.<sup>41</sup>

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<sup>38</sup> Peter j. Katzestein, Robert O. Keohane, & Stephen D. Kasper, eds., *Realism in the Study of World Politic* (Cambridge Mass, 1999) , 346.

<sup>39</sup> Bruce Riedel, *Avoiding Armageddon: America, India and Pakistan to the brink and back*, (The Brookings Institution, 2013), 18

<sup>40</sup> Ahmad Rashid Malik, *The US Pivot to Asia: Recalibrating Pakistan's Vision East Asia*, Issue Brief, Institute of *Strategic Studies Islamabad*, July 16, 2015, [http://issi.org.pk/wp-content/uploads/2015/07/Issue-brief-RM\\_dated-16-7-2015.pdf](http://issi.org.pk/wp-content/uploads/2015/07/Issue-brief-RM_dated-16-7-2015.pdf)

<sup>41</sup> Muhammad Nawaz Khan, “Emerging Security Order in Asia Pacific and its Impact on South Asia,” [www.ipripak.org](http://www.ipripak.org)

India has also introduced the “Look East” policy in 1990, later renamed as the “Act East” policy to act proactively from Myanmar to Australia to Japan.<sup>42</sup> This would help India to assume the role of a regional power while complimenting the US policy of the Asia Pivot. China envisions the US-India duo as a strategic rival which has to be dealt with using a slow and classical strategy.

India interprets the agglomeration of the economic and strategic power of China as an attempt by China to carve out a permanent super power position in its neighbourhood.<sup>43</sup> The China-Pakistan Economic Corridor (CPEC) is not well received in India’s Act East policy. The signing of Pakistan and China agreements worth US\$ 46 billion under the auspices of CPEC in July 2015<sup>44</sup> would set into motion an organic pivot in Pakistan’s relations for both the US and India to stay at Jay Rothman’s proposal of ‘positional dialogue.’ The US is seeking to balance its emerging understanding with both India and Pakistan by encouraging a workable relation between them. Pakistan is also viewed as the second potential investment growth economy in the world. Jims O Neil, a British economist, has forecast the emergence of Pakistan as the number 18 global economy of the world by 2050, with US\$3.3 trillion GDP.<sup>45</sup>

Changing dynamics between Pakistan and Russia cannot be discounted. For a smooth function of the Shanghai Cooperation Organisation (SCO), India and Pakistan as co-members need to steer clear of strident policies.

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<sup>42</sup> Ahmad Rashid Malik, *The US Pivot to Asia: Recalibrating Pakistan's Vision East Asia*, Op. cit.

<sup>43</sup> Gautem Sen, “China One Belt One Road Initiative: Strategic and Economic Initiatives,” Vivekananda International Foundation, San Martin Marg, New Delhi, 2016.

<sup>44</sup> “Economic Corridor in Focus as Pakistan China signs 51 MoUs’, *Dawn*, April 20, 2015.

<sup>45</sup> Antoni Kuklinski and Krzysztof Pawlowski, eds., “The Atlantic Community: The Titanic of XXI Century,” ( National Louis University, Nowy Sacz 2010), [https://books.google.com.pk/books?id=81Ff1WUoXiAC&pg=PA172&dq=Antoni+Kuklinski+and+%26+Krzysztof++Pawlowski,+The+Atlantic+Community:+The+Titanic+of+xxi+century,&hl=en&sa=X&ved=0ahUKEwic\\_NnSmpTRAhXQOVAKHbYhA\\_cQ6AEIGTAA#v=onepage&q=Antoni%20Kuklinski%20and%20%26%20Krzysztof%20%20Pawlowski%2C%20%20The%20Atlantic%20Community%20of%20xxi%20century%2C&f=false](https://books.google.com.pk/books?id=81Ff1WUoXiAC&pg=PA172&dq=Antoni+Kuklinski+and+%26+Krzysztof++Pawlowski,+The+Atlantic+Community:+The+Titanic+of+xxi+century,&hl=en&sa=X&ved=0ahUKEwic_NnSmpTRAhXQOVAKHbYhA_cQ6AEIGTAA#v=onepage&q=Antoni%20Kuklinski%20and%20%26%20Krzysztof%20%20Pawlowski%2C%20%20The%20Atlantic%20Community%20of%20xxi%20century%2C&f=false)



There are around 1.7 million people living in the South Asian region.<sup>46</sup> Their trade relations are only five per cent. South Asian neighbours' share of intra-trade is lower than among Sub-Saharan African economies, mainly because of intractable hostilities between two regional major powers.<sup>47</sup> Nuclear proliferation, terrorism, poverty and climate change are more pressing issues for South Asia. In order to have an improved bond for comprehensive regional collaboration, intra-regional trade must also be encouraged.

### **Risks and Opportunities**

How would a serious dialogue between India and Pakistan help precipitate an atmosphere more favourable to normalise their relations, or even manage peacefully the intensity of their acrimony, given national, regional and international circumstances?

The relations between India and Pakistan started with an auspicious note when in May 2014 Nawaz Sharif attended the swearing in ceremony of Modi on his invitation to all the South Asian Association of Regional Countries (SAARC) member states. The bilateral meeting was followed by the exchange of gifts, the 'sari-shawl' diplomacy and the tweets. This had given rise to the hope of improvement in ties. Soon the relations saw a down swing when in August 2015, Pakistan's High Commissioner met the Hurriyat leaders.

Modi's Pakistan policy can be substantively placed in three phases: (i) from August 2015 to November 2015; (ii) from December 2015 to April 2016; and (iii) from April 2016 to October 2016. The first phase was embedded in ideology, election promises and the basic belligerent approach of the BJP. CBD was called off unilaterally and there were about 746 incidents reported at the LoC in the first year of Modi's rule.<sup>48</sup> Even Ms. Sonia Gandhi, of the Indian National Congress (INC), has aptly described the behaviour of Modi's government as a show of

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<sup>46</sup> Ahmad Rashid

<sup>47</sup> "Breaking the deadlock between India and Pakistan", East Asia Forum [www.eastasiaforum.org](http://www.eastasiaforum.org), March 21, 2016.

<sup>48</sup> "746 incidents of ceasefire violation of Modi's rule: Congress," *Times of India*, May 23, 2015.

perplexity, “instead of a coherent policy on Pakistan, this government can't seem to make up its mind on what it should do.”<sup>49</sup>

The second phase encapsulates the break of the impasse. The National Security Advisors of both the countries met in Bangkok on December 6, 2015<sup>50</sup> and brought about a fresh breeze of hope. Earlier, in November 2015, India's External Affairs Minister Sushma Swaraj declared the thaw and resumption of CBD was announced. The impromptu visit of Narendra Modi to Pakistan on December 25, 2015 to attend the wedding ceremony of Prime Minister Nawaz Sharif's granddaughter was a welcome somersault.

In the third phase, the dialogue which was to be held in the middle of January 2016 was scuttled due to Pathankot incident on January 02, 2016. Pakistan was once again alleged despite the cooperation extended regarding the investigation of the incident.

The repeated game of the prisoner's dilemma, in which one trusts and the other betrays has become an undying persistent phenomenon with deep rooted negative perceptions in the relationship. The enduring blame game and repugnance has once again marred the relationship, after the terrorists attack on Uri military base, Baramulla in September 2016. Pakistan was not only blamed for the attack in a knee jerk reaction by the BJP leaders; self-styled surgical strikes were also proclaimed by India, from across the LoC soon after the incident. Pakistan vehemently rejected these allegations.<sup>51</sup>

### **Modi's Pakistan Policy**

There are two ways of looking at India's foreign policy towards Pakistan under Modi's leadership:

(i) Modi as a lifelong stalwart Rashtriya Swayamsevak Sangh (RSS) member of paramilitary organisation morphed on the model of European

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<sup>49</sup> “Modi government has failed abysmally to match its words with deeds, Sonia Gandhi says,” *Times of India*, September 8, 2016.

<sup>50</sup> Munir Akram, “India's Pakistan Strategy,” *Dawn*, April 3, 2016.

<sup>51</sup> Syed Sammar Abbas, “Pakistan rejects India's allegations of involvement in terrorist attack in held Kashmir,” *Dawn*, September 18, 2016.

fascist parties. During his election campaign, an incessant interplay of xenophobia was seen towards Pakistan. There is no mention of dialogue between India and Pakistan in the BJP's manifesto either.<sup>52</sup> This blends in well with the BJP's aggressive Hindu nationalism, based on Jana Singh's philosophy, which does not recognise the partition of the Indian Sub-continent and considers the creation of Pakistan as illegitimate.<sup>53</sup>

(ii) The second interpretation of Modi's foreign policy is defined by K.G. Suresh, as a "focus on India emerging as a leader of South Asia before pursuing its dream of becoming a super power."<sup>54</sup> Modi would also try to reduce China's influence in the region and keep trade ties as a hallmark of the bilateral ties to pursue its Look East Policy. He would try and dehyphenate ties with Pakistan.<sup>55</sup> He is described as a predictably petulant '*realpolitik*' man but also admires Vajpayee's carrot and stick policy of maintaining "a balance between *shanti* (peace) and *shakti* (power)."<sup>56</sup>

India's relations with Pakistan under Modi would, therefore, see several inflection points. His base in economic and energy diplomacy rather than the Third World solidarity, preferring the distant neighbour (Afghanistan), is the linchpin and would continue to be so. The CBD would be framed in the same premise with opportunistic variations. India and Pakistan have differing interests. For Pakistan, Kashmir is the core concern. Whereas India has contrary considerations visa-vis bilateral and regional issues. The moot point for Pakistan is to move international institutions to act as an important restraining agency on India's power of allegations.

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<sup>52</sup> " Ek Bharat Shreshtha Bharat: SabkaSath, Election Manifesto 2014," [www.bjp.org/documents/manifesto-2014](http://www.bjp.org/documents/manifesto-2014).

<sup>53</sup> Ibid.

<sup>54</sup> K.G.Suresh, "DC Debate: NarendraModi's first foreign policy Initiative shows his far sightedness," *Deccan Chronicle*, May 29, 2014.

<sup>55</sup> Ibid.

<sup>56</sup> Ankit Panday, "India-Pakistan Relations: A 2013 retrospective and 2014 prospectus," *The Diplomat*, 2013.

## Possible Alternatives

The positive peace policies which can help both India and Pakistan wind down their pitch of confrontation and avoid deep mutual suspicion is a difficult undertaking. At the initial stages it is essential to:

(a) Ensure stabilisation by disallowing the issues to reach to dangerous crises levels;

(b) A framework needs to be devised to take slow steady small steps towards the core objective, albeit the long-drawn peaceful resolution of the Kashmir issue is core. A “win-win” agreement on the Siachen and Sir Creek issues, can initiate icebreaking on Kashmir.

Pakistan and India have to concentrate beyond the meetings of the military leaders and the use of hotlines between them. Their publication of defence information and defence budget figures may be according to modern day CBMs, but they are not sufficed in themselves. Even the advance notification of military exercises or agreements on non-use of first force will not be of help, unless the underlying sources of conflict are addressed with sincerity. The neo-liberalist or liberal internationalist prescription for peace in the words of Thucydides is not an “armistice in a war.”<sup>57</sup> “It is a virtue, a state of mind, a disposition for benevolence, confidence, and justice,”<sup>58</sup> as Baruch Spinoza also believed. The resumption and continuity of dialogue is a key to peace.

Unfortunately, the differences between India and Pakistan have not been accepted as facts, thereby, inhibiting the utility of any CBMs reached in the past. Brief moments of detente between India and Pakistan, despite seemingly desperate situations could only oscillate the relations. The intractability spawned by the underlying causes even on credible evidence against feared threats, remain stuck in old ruts and grooves. For example, the cooperation by Pakistan in the aftermath of the Mumbai terrorist attack is viewed suspiciously by India. Pakistan's reassurances have failed to build the trustworthiness.

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<sup>57</sup> KN Waltz, "Realist thought and neorealist theory," *Journal of International Affairs*, vol.44, no.1 (Spring/Summer 1990).

<sup>58</sup> Ibid.

In terms of rational choice theorists, the states cooperate when cost-benefit analyses are kept in view. In the post-Cold War era, the concept of “complex inter-dependence”<sup>59</sup> was developed by Robert O Keohane and Joseph S. Nye. It posed a threat to structural and traditional realism, which relied on the hard core military and economic power for the explanation of state behaviour. With the rise of transnational institutions and international regimes, a new concept of welfare and trade has emerged in foreign policy which characterizes reciprocal effects for countries and their actors.<sup>60</sup> Transnational stakes and transnational interests are involved in this. South Asia is already suffering from lack of intra-regional trade. To realise the fruits of complex interdependencies, the areas of mutual interests, such as, intra-Kashmir trade have to be explored and sustained despite non-congenial political atmosphere. Similarly, a common narrative on terrorism has to be established. However, the central point of neo-liberalists complex interdependence is willingness.

Historically, the leaders have had their transactional interests and built their careers by fanning the emotional flames of the conflicts. With the rise of BJP under the leadership of Modi, heightened nationalism is signalled. Romanticising the “surgical strikes” with fume and fury is dangerously delusional carrying ominous portents to satisfy the followers of radical *Hindutva*. This, however, is a new military threshold devised against Pakistan. Even peaceful regimes like the SAARC, have been split by partisanism. Five out of the eight member countries refused to attend the SAARC summit which was scheduled to be held in Islamabad in November 2016, when India orchestrated the subversive fracture.

Last but not the least, bilateral efforts have so far failed to produce results. Given the geo-strategic and geo-economic significance of the region, it is time for the international community to take note of:

- (a) The territorial deprivation of the *Kashmiris* and Pakistan’s principle support for their right of self-determination;

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<sup>59</sup> Christina L. Davis and Tyler Prett, “The forces of attraction: How security interests shape membership in economic institutions,” [sholar.princeton.edu](http://sholar.princeton.edu)

<sup>60</sup> Waheeda Rana, “Theory of Complex Interdependence; A comparative analysis of liberal and neoliberal thoughts,” *International Journal of Business and Social Science*, vol. 6,no.2 ( February 2015).

- (b) Massive human rights violations in Indian Occupied Kashmir. Failing that, every generation of *Kashmiris* will keep rising for their fundamental rights and against Indian occupation;
- (c) Ensure the implementation of the UN Security Council resolutions.

## Conclusion

The variability in Indo-Pak relations is complex. Instability in their bilateral relations indicates the presence of antagonistic forces advocating divergent perceptions. This gives no room for the anchorage of even watershed optimism. Political will cannot be ensured while being at the mercy of hostile political forces.

Pakistan and India have not been able to implement the CBMs beyond the initial transparency stage of confidence building. Lack of congruence has precluded any further confidence building efforts for the time being. States generally adopt CBMs when conditions are ripe. Whether circumstances would ever allow the requisite level of ripeness for the implementation of more complex CBMs is a dicey question.

CBD announced with enthusiasm in 2015, stands stalled. Both states are reluctant to give any date for the resumption showing lack of confidence in them and in each others. Foreign Secretaries of India and Pakistan were supposed to meet on January 15, 2016. On May 19, 2016, Indian High Commissioner in Pakistan Gautam Bambawale has acknowledged that Pakistan-India talks must be held on all issues, including Kashmir. He stated India's willingness to go ahead with talks.<sup>61</sup> Similarly, Pakistan's High Commissioner to India also expressed willingness that "till the time we don't sit and discuss the issues,"<sup>62</sup> things cannot be solved. No final date of foreign secretary level talks has been fixed so far.

Evolving a common narrative on terrorism amidst opposing priorities is an unrealistic expectation. India's offensive doctrinal preferences and

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<sup>61</sup> "India is ready for talks, says envoy," *Dawn*, May 19, 2016.

<sup>62</sup> "War with India is not an option: Basit," *Express Tribune*, May 31, 2016.

continuation of the status quo is keeping the peace process complex and unachievable. Linkages and interdependencies are a useful drive towards engagement. In the recent history, attempts were made to challenge the entrenched issues of Siachen and Sir Creek but the agreements never bore fruit. Joint exploration of oil at Sir Creek could have been more valuable. Modi's economic diplomacy would also have gained strength.

Similarly, the presence of military personnel on the most glaciated region of Siachen is threatening for ecological balance elevating concerns of the world. Joint scientific teams to investigate the impact of global warming and extradition treaty initiated in 2012 could have contributed to confidence building measures.

Recently, peace movements have found a natural constituency in the growing middle classes and younger populations, both in India and Pakistan. Taking the models from the Western Europe, these visionaries preach the virtues of compulsory arbitration of disputes, international courts, disarmament, human rights and peaceful co-existence. The participation of India's new generations in such movements after the Jawaharlal Nehru University 2015 incident, show their willingness to acknowledge the right of self-determination for Kashmiris in the pursuit of peace in the region. Its realisation along with an inclusive approach could help achieve sustainable peace. The negative perceptions built over the years by India cannot elude the stark truth.