

# Foreign policy on pakistan-india relation

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An aggressive, liberal and a pro-active foreign policy makes way for improved ties with the nations of the world. Predictably, the regional scenario of South Asia, particularly of the region encompassing the countries of Pakistan, India, Afghanistan, China, Iran, Nepal, Bangladesh and the Central Asian States is likely to remain volatile in the near future. Pakistan is a stakeholder in the scenario and regional instability is inadvertently going to have a decelerating influence on the country road to peace and progress.

With Pakistan and Indian's relation being strengthened via the tools of negotiations ND diplomacy, it can be expected that inter-regional cooperation will be catcalled. Thus, better ties between the two most significant neighbors in the region, Pakistan and India, symbolize enhanced cooperation in the South Asian region on the whole. The document sets out a two-faceted goal, Short-Term and Long-Term and bridges the proposed solutions to the principal issues between Pakistan and India, through a road-map.

Cotton is charged at RSI. 108/kilogram; Tariff on the Dairy Products is from 40-60%, Garments are charged at RSI. 85/piece, Agriculture Items at a Tariff of 35%. These rates are generally considered to be unfairly high. [It must be mentioned that Pakistanis high-quality products like Cotton/Lawn Fabric and Bed Linens are in popular demand in the Indian markets] (g) Pakistani exporters complain that India continues to exercise country-specific Imitation Import Barriers in Pakistanis case, (h) India argues that these NTIS (Non-Tariff Barriers) are the same for all of its trading partners, I) Pakistan itself does not have a standardized import regime.

Indian exporters, therefore, have to deal with fewer restrictions of product quality and specifications, O) In August 2012, India lifted its ban on Pakistani businessperson to invest in India. Proposed Solution: Trade between Pakistan and India has the potential to reach US \$ 10 Billionaire, thus: (a) Pakistan should upgrade its manufacturing industry and improve the value- addition processes of exportable items. Better-Quality products are more likely to have greater access to the Indian markets, (b) Pakistani manufacturers and businessperson are at a disadvantage because Indian exporters have fewer product restrictions in Pakistan while Pakistani exporters have to deal with strict product-quality specifications in India.

Pakistan should regulate its import regime and maintain better standards for the quality of import items, (c) Pakistan should urge India to abide by the 3 landmark trade agreements (signed in February 2012) and simplify the following trade requirements: - ) Custom Documentation formalities, - ) Tariff Structure, - ) The whole procedure of obtaining and renewing the Bureau of India Standards (IBIS) License, (d) Pakistan should also urge India to ease the requirement of agricultural permits ND automobile licenses on imports coming from Pakistan, (e) State Bank of Pakistan and Reserve Bank of India should open cross-border branches on the basis of mutual benefits, (f) Both countries should work towards the opening of the Nabob-Cockroach Route (in Kinds, Pakistan) as a feasible trade route, (g) Pakistan and India should finalize liberationists in the Visa Regime, including Multiple-Entry and Greater-Duration Visas for businessperson. Indian Home Ministry has agreed to relax its previous stance that it will not allow relaxations in the business and civilian visa regime, unless Pakistan takes action against the lambi 6/11

terrorists], (h) Visa relaxations will help Pakistani rice exporters in learning technical expertise for rice cultivation. Pakistani automobile (specifically tractor industry) and cement industry can have strong potential in Indian markets if Pakistani manufacturers will themselves visit India frequently and explore the market of 1.2 billion people, (I) The Economic Zone between Karts (Pakistan) and Amorists (India) should be established, (O) Pakistan must go ahead with granting the MFC Status to India on 3 conditions: - ) That Pakistan will maintain a well-prepared 'Sensitive List' for items which can not be imported from India.

This will ensure the safeguard of Pakistanis local industry, - ) That India will reciprocate by reducing its 'Sensitive List' on items which can not be imported from Pakistan, including tariff relaxations on Pakistanis Textile, - ) That India should lift its ban from Indian investors on investing in Pakistan. (II) SIR CREEK Out of all other bilateral disputes between Pakistan and India, the Sir Creek Dispute can be expected to have a relatively quick solution. The settlement of this dispute can be used as an important Confidence-Building Measure to build on to resolve other pending disputes. Sir Creek is a 96 km strip of water. It is made up of marshes which makes it water-logged for most of the year. It runs in the Ran of Ketch area.

The Ran of Ketch area lies between the south of Kinds in Pakistan and the State of Gujarat in India. Historical evidence (specifically the 1908 Imperial Gazetteer of India) clearly indicates that during the British Rule in India, the Ran of Ketch was part of Kinds. Later, when India was partitioned in 1947, Kinds became a part of Pakistan (therefore Sir Creek also became a part of

Pakistan). According to Paragraphs 9 and 10 of the '1914 Bombay Resolution' (which was signed between the Government of Bombay and the Ruler of Kutch), the 'Green Line' as indicated in the map clearly demarcated the boundaries of Sir Creek and included the whole of it in Kutch.

India then argued that from the technical aspect, the 'Green Line' is not a boundary but just an 'indication of a boundary'. India claimed that the boundary of Sir Creek lies manhandle into the water and that exactly half of Sir Creek is part of India. To validate this claim, India endorses the 'Thales Principle'. In 1965, Indian forces unfairly attempted to seize Sir Creek because India wanted to establish its naval base in the Gulf of Kutch. As a result, India gained control over part of Sir Creek. When the prospect of important mineral resources (oil/gas) was discovered in the subsurface of Sir Creek, Pakistan and India became more serious about their respective claims.

Both countries now realize that if they lose one kilometer of Sir Creek on ground, it would subsequently mean a loss of hundreds of square nautical miles of the resourceful economic zone under-water. India's current stance is that boundaries should first be marked under-water and according to the under-water boundaries, the land boundaries shall be demarcated. Pakistan's current stance is to first demarcate on the ground and then under-water. Pakistan wants the adoption of the 1914 Bombay Resolution. Pakistan was willing to invite international arbitration because it believes it has a strong case. But India always wanted to keep this issue bilateral.

Proposed Solution-1914 Bombay Resolution: (a) Indian's endorsement of 'Thales Principle' is not applicable in the case of Sir Creek because Sir Creek is Water-logged and not navigable' for most part of the year. The Thales Principle holds applicable only for navigable areas. (b) The demarcation of land boundaries shall be done first. The demarcation of the under-water maritime boundaries will then follow. (c) Indian's unreasonable argument that demarcation shall first be done under-water will have to be countered. Hydrosphere from both Pakistan and India have declared that environmental changes have occurred over the years and it is not possible anymore to distinguish between territorial waters without demarcating the land area first. D) During the process of demarcation, the '1991 Pakistan-India Agreement on Advance Notice on Military Exercises, Maneuvers and Troop Movement' will be strictly followed by both sides to ensure peace along the coastline of Sir Creek. E) After demarcating Sir Creek, both countries will submit their respective boundary limits to the 'Commission on the Limits of the Continental Shelf (CLC)'. The CLC will consider and evaluate the data submitted by each country. (f) Here, Pakistan will automatically have a stronger case because according to the rules of CLC, India can not mention Sir Creek as a part of its continental shelf in the documents which it will submit to CLC. (g) 3 factors will further strengthen Pakistanis case. First, Sir Creek was a major water distributors of River Indus and Pakistan has an undisputed right over River Indus.

Second, the 'Green Line' shown in the maps of 1914 Bombay Resolution clearly brings Sir Creek in Pakistanis territorial domain. Third, the tail of Sir Creek terminates in Baden which is a district in Pakistan. (h) Pakistanis

claims are very strong and it is very likely that the CLC will eventually favor Pakistan. According to the United Nations Convention on the Law of the Sea (UNCLES), both countries are time-bound to resolve this dispute because unless this dispute is resolved, neither side will be eligible to exploit their respective Exclusive Economic Zones in the sea. (III) PRISONERS The settlement of Sir Creek Dispute can be followed with another important Confidence-Building Measure. The area of Sir Creek is concentrated with fishermen.

Since territorial borders in water (and on land) are not properly marked, fishermen from both sides end up mistakenly trespassing into each other's territorial waters. They are then arrested. The laws which are used by Pakistan and India to govern their seas and arrest these fishermen have not been conformed by UNCLES. Pakistani fishermen are arrested by India under the 'Maritime Zones of India Acts, 1976 and 1981'. India is a signatory of the UNCLES but its maritime zone acts do not conform to the United Nations Convention on Law of the Seas (UNCLES). The Pakistan Maritime Security Agency (AMPS) and the Indian Coast Guard (ICC) shall resume the negotiations which were called off after the Lambi attacks. These negotiations will ensure: a.

That whenever Pakistani fishermen are detained in India, the Indian maritime agencies will immediately inform the Pakistani maritime agencies and vice versa. B. That the ships and boats of the detained Pakistani fishermen will be handed over to the Pakistani maritime agency by the Indian maritime agencies and vice versa. Two concrete steps can be taken: a. Joint Judicial

Commission on Prisoners, 2007: Recommendations of this Commission (which was constituted by both governments and comprises of 4 superior retired Judges from each side) must be given immediate consideration and implemented. This Joint commission (if adequately empowered) can almost resolve the issue of prisoners. B.

Agreement of Counselor Access, 2008: Under this Agreement, prisoners (in both, Pakistan and India) must be provided access to a Counselor immediately after being arrested. The major role of the counselor is to verify the nationality of the prisoner. This process, however, often gets delayed unnecessarily. Often, this delay is from the country to which the prisoner belongs. Interior/Home Ministries, Foreign/External Ministries and the High Commissions of Pakistan and India must therefore promptly strive to avoid any delays in the verification of the nationality of their respective citizens present in each other's Jails. In June 2012, Pakistan released 311 Indian fishermen. There are 21 deaf, mute and mentally unstable Pakistani prisoners in Indian Jails. These prisoners have also completed their sentences.

The Indian Supreme Court is coking into the matter of their release but it is encountering a lot of technical hurdles. Likewise, there are 18 Pakistani Prisoners of War (of 1965 and 1971) still in Indian jails. The next round of talks between the Foreign Ministers of the two countries is expected from September 7 to 9 (2012). There, the return of these 39 prisoners should be a top priority on Pakistanis agenda. If the Sir Creek issue is resolved, it becomes a moral binding on both parties to simultaneously release ALL

those prisoners, who were arrested on the charges of 'Mistaken Trespassing'.  
THE WATER ISSUE Between the two countries, it is India which is the upper-riparian state.

And therefore, in this case it is India which is required to take sensible decisions to protect our peace negotiations from untimely termination. [The Water 'Issue' must not be treated as a 'Dispute' because calling it a dispute will have its own repercussions. The solution is already in place in the form of 'Indus Water Treaty, 1960' and only a re-interpretation of the treaty is required] The ISSUE: (a) The Indus Water Treaty gave 3 western rivers to Pakistan. India was allowed to use some water from these 3 rivers before they enter into Pakistan. B) India was permitted to use the water for hydrophone generation. The condition was that Indian usage must not alter the natural timing of flow and the quantity of these waters as they enter Pakistan. C) With Indian hydrophone projects, the only concern for Pakistan is the timing of flow because hydrophone does not 'consume' water so the quantity remains unaltered. The timing of the flow is critically important for agriculture in Pakistan. (d) In the 1960 Treaty, India was only allowed limited water storage. This was applied to all the dams which India will build on Jelled and Chance. E) The problem began with the installation of 'physical gates'. India was allowed to install these gates to flush out the silt/waste (coming from glaciers), but India began using it to unfairly 'stop' and unfairly 'release' water into Pakistan. (f) The problem will get more severe when India will complete the construction of Bursar Dam, Shanghaiing Dam, Peaceful Dam, Kowalski Dam, Deal Hustle Dam.

In case India decides to go for 'Cumulative Storage' or 'Cumulative Release' of water from these dams, Pakistan will be completely vulnerable to mass destruction (which was allegedly the case with the 2010 floods). Words of John Brioche (World Banks Senior Water Advisor and Neutral Expert on Baggier Dam case) must be cited for reference : He says, " A Journalist colleague in Delhi told me that the Indus Treaty is considered an integral part of Kashmir and when it comes to Kashmir, the Indian Ministry of External Affairs instructs newspapers on what they can and cannot say, and often tells them explicitly what it is they are to say". Proposed Solution- Negotiations and Negotiations: Pakistan will have to diplomatically assert the right amount of pressure on India for the re-interpretation of the 1960 Indus Water Treaty.

Right amount of pressure' on India can be exerted by Pakistan in the form of legal hurdles and calls for international arbitration for Indian power projects being built on rivers Jelled and Chance. If the two countries can keep ego aside, there can be numerous ways in which the 1960 Treaty can be implemented to benefit both sides. A joint monitoring system can also be formulated to ensure timely discharge of water from India to Pakistan. But this is only possible when relations are more cordial and more trust has been developed on both sides. In fact, India has the potential to 'increase' this flow during difficult planting seasons n Pakistan. This is not an unrealistic suggestion.

India does have this potential and can do it without effecting its own power generation. But focuses, this can only be made possible when relations

between both countries are friendlier. Joint Power Projects (a) Indian's power outage of 31st July 2012 affected 670 Million Indian citizens, and has considerably reduced the Foreign Direct Investment coming to India. (b) This scenario can trigger further collaborations and can get India on board for the Iran-Pakistan Gas Pipeline Project. (c) USA is particularly interested to normalize relations between Pakistan and India so that Pakistan can retreat its forces from its Eastern border and redeploy them on the Western borders along Afghanistan. D) On the other hand, why India is reluctant to rejoin the Iran-Pakistan Gas Pipeline Project (which was called Iran-Pakistan-India Gas Pipeline Project until India backed off is because India is a close ally of the USA and the USA did not want India to be a part of this project because of its own concerns with Iran's nuclear program. (e) But now, Pakistan can seek an advantage from USA. (f) Pakistan shall diplomatically convey this to America that the Iran-Pakistan Gas Pipeline Project is very essential, not only to address the acute power shortage in both Pakistan and India but also very specifically to enhance developmental collaboration between the two countries. (g) After this, it will be America's call to realize that it must not continue to become an unfair player between Pakistan and India. Assuming that USA decides to stop exerting pressure on India, it will then entirely be Indian's decision whether or not to pursue the Iran-Pakistan Gas Pipeline Project. H) After the episode of Indian's biggest power failure (dated July 31, 2012), chances are that India will now be willing to resume talks on the IP Gas Pipeline Project. (I) Also, India aspires to become the regional power-house of South Asia and in the long term, it aspires to out-do China in this quest. If India actually aspires to become the regional power, it should start acting

like one and must play its part in enhancing regional collaborations. This, is another reason why India should be more willing to pursue the IP Gas Pipeline Project. KASHMIR Kashmir Stance: In the words of Mir WAIS Muar Faro (Chairman All Parties Hurray Conference), " Kashmir is not a bilateral issue between Pakistan and India, but a trilateral one which also involves the people of Kashmir".

SELF Momma Kashmir Liberation Front) Chairman Yak's Mali believes that the option of a deep freeze (that is, to freeze the matter in its current position for a few years before relations become stronger between Pakistan and India) is not feasible, without stopping the Indian operation in the Indian-occupied Kashmir. India can not afford to 'deep-freeze' the matter because of the suspicion that the freedom movement will take over as soon as the Indian operation is stopped. Three-e-Hurray Chairman Seed All Shah Gelling strongly advocates Kashmir 'Right of Self-Determination' and purports Kashmir alliance with Pakistan. However, he once said: " Pakistan has morally, diplomatically and politically supported the struggle of the people of Jam & Kashmir, but this does not mean Pakistan can take a decision on our behalf".

APPC (All Parties Hurray Conference) Chairman Miramar Muar Faro demands: a) 'Armed Forces Special Powers Act (PAPPAS, 1990)' shall be repealed (UN has called it 'A Violation of International Law and has asked India to revoke it), b) Indian troops shall be withdrawn from populated areas of the Valley, c) Political Detainees shall be leased, if India wants a peaceful resolution of the dispute. International Community Stance: The International Community

wants to resolve the dispute of Kashmir because it sees it as a threat to regional stability in South Asia if two nuclear states, Pakistan and India, are involved in such a tense dispute and are not engaging in economic collaborations with each other.

Indian's Stance: India has a two-fold agenda on Kashmir: a) Propagate that unrest in Kashmir is basically 'Pakistanis Proxy War' and Pakistan is logistically supporting the Kashmir Freedom Fighters, ) Make the Line of Control (LoC) the international border between Pakistan and India. India is intelligently floating the LoC-Solution in the international community; U. S and U. K are also supporting Indian's stance as the ultimate solution for Kashmir. By proposing the LoC-Solution, India is suggesting that both Pakistan and India should enjoy sovereignty over their respective part of Kashmir and that the Kashmir people can be allowed to travel between both parts more freely.

Proposed Solution-plebiscite: (I) If Pakistan wishes to avoid the situation in which the International Community egging exercising diplomatic pressure on Pakistan to accept the Indian formula to settle the Kashmir Dispute, it must come up with more realistic alternatives that take into consideration the popular demands of the people of Kashmir. (II) Pakistan believes that the main issue is not the territorial control' of the land of Kashmir but the 'right of self-determination' of the Kashmir people. Pakistan should continue to advocate this stance. (III) Pakistan should use the global forums to remind its international partners that Indian forces deployed in Kashmir, are violating the very basic human rights by imaging in acts of rape and child molestation.

'V) Pakistan should also use the global forums to remind its international partners that so far, the Indian Government has been unable to get any political set-up accepted by the Kashmir people. (V) Pakistan should reiterate its support for the All Parties Hurriyat Conference (APHC) as the most prominent representation of the Kashmir people. Pakistan should also remind the international community that the APHC comprises not only of Islamic fundamentalists but also of liberal and progressive factions like Jam Kashmir Liberation Front (JKLF) and the Miami Action Committee. VI) Pakistan strongly condemns Indian's accusations that the Kashmir freedom struggle is sponsored by Pakistan.

In order to counter these allegations, we invite Indian's consent on requesting the United Nations to deploy more international observers along the Line of Control. (VI') Pakistan should counter Indian's LoC-Solution by terming it a 'military solution which does not serve the purpose of the freedom movement. Pakistan believes that even after LoC is made the international border between Pakistan and India, the Kashmir people will not stop their freedom struggle. (VI'') Series of Bilateral & Trilateral Talks: Pakistan should be proactive in the current on-going negotiations between Islamabad and Delhi and should diplomatically ensure that these talks do not come to any momentary halts.

Pakistan believes that time is of essence and the bilateral dialogue with India should not be allowed to be influenced and stopped by other factors that govern the relation between the two countries. (a) Pakistan would like to begin the Series with Secretary-Level Talks between the Foreign Secretaries,

and then, the Defense Secretaries of the two countries. (b) The Indian Government shall commit to freeze the military operation in the Unanticipated Kashmir for the duration of this Series. (c) The next level of talks will include the Political Leadership (Government + Opposition) of Pakistan, of India and of Kashmir. (d) To ensure the true representation of the people of Kashmir, an election shall be conducted under international monitoring, to choose the political leadership from all states of Jam & Kashmir.

This political leadership will then represent the territory at the negotiation table. (e) Pakistan strictly reaffirms that it will simply not entertain any third-party other than the United Nations, for the role of a mediator between Pakistan and India. In the unlikely scenario that India proposes to invite the U. S on board as the thirdly, Pakistan will rule it out by proposing the name of China. Pakistanis argument is that the U. S is not a neutral choice because it already favors Indian's LoC-Solution on the matter and has greater strategic interests with India. China, on the other hand, is the regional power-house and is a greater share-holder in South Asia.

Chances are, that India will not agree to the name of China. Eventually, in case of a deadlock, both parties will retreat to the name of United Nations] (XX) Pakistanis principal stance is to give the Right of Self Determination to Kashmir people via a Plebiscite. This stance will be achieved by implementing UN Resolution 47, according to which: (a) Pakistan will withdraw its nationals (if any) from Kashmir, (b) India will withdraw the excessive military personals from Kashmir, (c) UN observers will be deployed

to ensure that withdrawal from both sides, is of a reasonable proportion, (d) Once the withdrawal process is completed, the 'Owen Dixon Model' will be adopted.

This model divides Kashmir into 2 zones: - ) Kashmir Valley + Muslim Areas of Jam + Muslim Areas of Ladder + Muslim Areas of Cargill, - ) Remaining Districts of Jam, Ladder and Lee. (e) Once the Owen Dixon Model is adopted, Plebiscite can be conducted under United Nation's trusted supervision. The people will vote either in favor of Pakistan or India, (f) A 3rd option of 'Complete Independence' can be included in the Plebiscite. [This option is favored by some Kashmir freedom parties, like Manually Khan's SELF. However, both Pakistan and India are reluctant about the inclusion of this option because that will ignite demands of independence from various areas within India