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India-Pakistan The February 24-25 Ceasefire: Time for Diplomacy Again?

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Foreword

Coming after many months of increased tension and no official dialogue, the February 24-25 announcement of the renewed ceasefire on the Line of Control (LOC) was an important development. The Ottawa Dialogue asked two of the members of its India-Pakistan Military Dialogue group to reflect on the situation along the LOC and where it might be going.

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The writing process commenced by each author writing brief papers on each of the following agreed topics:

1. What is the current situation in India-Pakistan relations?
2. What is the situation in Kashmir in the wake of August 5, 2019?
3. What is the situation with respect to the LOC/ceasefire issue?
4. What is the Way Ahead for India-Pakistan relations?

The Ottawa Dialogue then put the submissions together, stressing areas of commonality and difference between the two, and sent the first combined draft back to the two authors. A back-and-forth process of several iterations produced the paper you have before you.

The Ottawa Dialogue believes that this paper represents an important analysis by two leading specialists on each side. Its strongest conclusion is that there is no alternative to dialogue and an eventual political process; sooner or later, the two countries are going to have to talk as there is no military solution to this problem. The authors of this paper suggest a "road map" of steps to get back to dialogue. Beyond the need to re-start the dialogue, the authors conclude that some variation of the so-called "4-point formula" explored over a decade ago offers a basis to begin discussions of a solution.

This was not an easy paper for the two authors to write. Tensions and feelings are running high on both sides and any attempt to suggest ways forward through dialogue and compromise is going to excite passions. The authors understand that they will not please everyone. Nevertheless, they believe that a way forward needs to be found and present this paper in that spirit.

Finally, I wish to thank the sponsors of the Ottawa Dialogue's South Asian projects for their support: The Near East and South Asia Center for Strategic Studies (NESAS) at the National Defence University in Washington, and the Foreign, Commonwealth and Development Office (FCDO) of the United Kingdom.

Peter Jones, Ph.D.
Executive Director, The Ottawa Dialogue
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1. What is the current situation in India-Pakistan relations?

After registering 5,130 ceasefire violations in 2020, guns on either side of the Line of Control (LoC) in Jammu and Kashmir (J&K)¹ fell silent on the intervening night of February 24-25, 2021. The announcement by the two Director Generals of Military Operations (DGsMO) came as a surprise to many. This announcement is also a recognition in New Delhi and Islamabad that they cannot afford to let violence spiral out of control given its inherently escalatory nature, as events in the wake of the Pulwama terror attack in February 2019 highlighted.

Notwithstanding the ceasefire announced during the night of February 24-25, we have been witnessing one of the lowest points in India-Pakistan relations, and there is little clarity whether the ceasefire will improve relations on other fronts.

The immediate triggers for this state of affairs are: a) the Pulwama terror attack and the military confrontation that followed in February 2019; and b) the Indian decision to change the constitutional status of Jammu and Kashmir in August 2019 which consisted of 'reading-down' or withdrawing for all practical purposes the special status given to J&K under article 370 of the Indian constitution, and converting the state of Jammu and Kashmir into a union territory under the direct rule of the federal government in New Delhi. So, what started in 2019 is still playing out, and will continue to shape India-Pakistan relations for the foreseeable future.

As of today, apart from the process which produced the ceasefire, neither side has a High Commissioner in the other country and no formal or informal dialogue process is officially known to be in place. Following intense media speculation, the existence of back channel communication between the two countries is now more or less confirmed. Credible reports suggest that it was a UAE facilitated process.² The back channel, which is being spearheaded by the intelligence and security establishments of the two countries, could not have been possible without respective political blessings. As reported in the Pakistani media, the back channel not only produced the February ceasefire but, more importantly, both sides have discussed modalities of formal dialogue and one report suggested that the idea of discussion of all issues side-by-side as opposed to the earlier comprehensive dialogue was also discussed by the interlocutors in which agreement on issues termed as 'low hanging fruit' could be reached earlier while the discussion on more intractable issues like Kashmir and terrorism would take more time. The existence of the back channel has generated both a sense of optimism and negative reactions. In Pakistan, the political opposition to the

¹ Concerning the proper reference to the territory in question, the authors have decided, in most instances, to simply refer to it as "Kashmir," largely for ease of reading. However, when they are discussing events in the part of Kashmir presently controlled by either side, they wish it to be clear that the long form would be, respectively, "Indian administered Kashmir," and "Pakistan administered Kashmir."

² See, for example, "UAE is Mediating Between India and Pakistan, Says Senior Diplomat," *Aljazeera*, 15 April, 2021, accessed at:

government and some opinion makers accuse the government of backing out of its earlier stance of no talks with India unless Delhi reverses its decision of August 5 2019, and of agreeing to the concept of side-by-side discussion as opposed to the earlier format of composite/comprehensive dialogue process. They also cite the fact that India has not reciprocated Pakistani gestures with any positive step or sign. New Delhi seems to view the current thaw as a tactical measure which has the ability to provide stability on the LoC. While the calm itself is encouraging, it may not necessarily lead to a comprehensive peace process.

And yet, it is only fair to say that this is a ceasefire that suits everyone, however tactical it might end up becoming. It helps India to defuse a two-front situation (with China on the Line of Actual Control and with Pakistan on the Line of Control) that was becoming untenable, and ease the pressure from the international community with regard to its policies towards Kashmir. As for Pakistan, the ceasefire on the LoC helps it to focus on a post-US Afghanistan and the difficult internal economic situation exacerbated due to Covid-19. It also helps the interests of the US in the region as a thaw between India and Pakistan helps Washington to focus on Pakistan and rejuvenate its relations with Islamabad.

2. What is the Current Situation in India Pakistan Relations?

One has to wait and see whether the recent ceasefire, a tactical measure at best, will reduce the potential for escalation.

Pakistan's support for militancy/Kashmiri Resistance in Indian administered Kashmir and India's response to recent terror attacks or the growing violence there has been muted in the recent past. This is perhaps because the recent militant attacks in Kashmir have been relatively small in scale and have not enjoyed high visibility with potential impact on Indian Prime Minister Modi's popularity at home. However, if the intensity of attacks or their visibility increases, especially coinciding with a key Indian election, it would be difficult for New Delhi to not retaliate and consider a Balakot-like military response. In February 2019, India carried out air strikes against Pakistan. They were in response to a terror attack by a suicide bomber *reportedly* belonging to the Pakistan-based Jaish-e-Mohammed³ on a convoy carrying Indian security personnel on the Jammu-Srinagar National Highway, which killed 40 Indian soldiers.

Even though Pakistan responded to the Indian attack using its air force, the lesson learned by Indian decision makers from the Balakot episode in early 2019 seems to be that India, thanks to its superiority in conventional weaponry, can carry out limited

<https://www.aljazeera.com/news/2021/4/15/uae-is-mediating-between-india-and-pakistan-says-senior-diplomat>

³ According to reports, Jaish-e-Mohammad (JeM), a Pakistan-based group, claimed responsibility for the suicide bombing on 14 February in Indian-administered Kashmir. <https://www.bbc.com/news/world-asia-47249982>

military strikes against Pakistan, even across the international border, without crossing the nuclear threshold of Pakistan. From a more conceptual point of view, by carrying out a strike against Pakistan in its Khyber Pakhtunkhwa province, India wanted to create a new military normal between the two sides; i.e.: counter-terror air strikes inside Pakistan would now be a regular feature.

If Pakistan had decided not to respond to it, India would have set the new military normal in stone. Moreover, denial from Islamabad would have run the risk of Pakistan's military threats being rendered hollow and the associated conventional and nuclear bluffs being called. Knowing full well the implications of a non-response, Pakistan therefore opted for its own limited air strike across the LoC into Indian controlled territory. While the lesson learnt by India was that conventional strikes against Pakistan in response to terror attacks can be carried out, for Pakistan the lessons learnt were that it was critical to establish the credibility of conventional deterrence and that escalation control was important. In the wake of her counter-attack against military targets in Indian administered Kashmir and shooting down one Indian jet aircraft, Pakistan argued that India doesn't enjoy a major conventional superiority against Pakistan, at least in a short, limited, conventional confrontation. If Balakot and the resultant Pakistani response is the new normal, it may carry the seeds of further escalations as each side strives to retain 'credibility' in the face of such strikes.

The recent China-India border standoff may have complicated matters more. Pakistan today seems emboldened by the India-China military standoff. The perception in Pakistan that "China has put India in its place" may give Pakistan the confidence to increase the heat on India in Kashmir. Moreover, many in Pakistan argue that India's unilateral actions in Kashmir have brought China into that dispute insofar as India's annexation of the Ladakh area affects Chinese interests, as well as those of Pakistan. On the other hand, whatever "gains" some in Pakistan may feel have been achieved as a result of the increase in India-China tensions, are neutralized by the reality that PM Modi's loss of face at LAC will force him to react more harshly to any perceived pressure from Pakistan. The military standoff between India and China in June 2020 and the casualties suffered by India in the Galwan Valley dispute, may make it difficult for the Modi government not to respond in a significant way to any perceived provocation in Kashmir.

In short, therefore, the inter-locking set of tensions and standoffs make the subcontinent today far more crisis and escalation prone than any time in the recent years. The recent ceasefire, if it sustains and can lead to rapprochement in other areas, would go a long way in reducing the escalation proneness of the situation.

3. What is the situation in Kashmir in the wake of August 5, 2019?

(NOTE: Most of this section deals with events in Indian administered Kashmir, as that is where the significant changes have taken place since August 5, 2019)

While it is too early to see if the renewed ceasefire has had an impact, violence in Kashmir has not reduced in the wake of the 2019 constitutional changes carried out by the government of India. Over one and a half years since the constitutional changes in the former state, it is yet to return to normalcy, despite a massive Indian security presence. From a political point of view, no election to the Union Territory's (as the former state is now called) legislative assembly has taken place nor are they scheduled. As a result, the UT will not be represented in the upper house of the Indian parliament.

The recently held District Development Council (DDC) polls were the first major political activity held in the UT after August 2019. While the BJP managed to win only 75 seats out of 280, the voter turnout was mixed. According to reports, voter turnout Kashmir was 15 percent more than it was in the 2019 Lok Sabha election but 22.5 percent less than that in the 2014 assembly election. While the Kashmiri parties participated in the DDC elections, they have stated that they would not be participating in the assembly elections until J&K's statehood is restored.

Among other political developments, a new political party, called the Apni Party, has emerged in the Kashmir valley with the support of the BJP and made some forays in the recent elections. The party has also been trying to make a government in the UT with support from the BJP and the central government in New Delhi. While these attempts by themselves would not bring back normalcy in the Kashmir valley, they could go a long way in that direction provided New Delhi is able to make these efforts more genuine and comprehensive. For starters, an announcement from New Delhi about a roadmap towards the restoration of J&K's statehood and special status as per article 370 (at the moment it has a much-downgraded UT status which places it under the jurisdiction of the federal government) would go a long way in assuaging the aggrieved Kashmiri population. It is however possible that should there be negotiations between New Delhi and Kashmiri political parties or dissidents, such negotiations may well be around the issue of statehood than special status as India considers Article 370 to be a thing of the past.

The new domicile law and other developments

In April 2020, New Delhi notified a new domicile law for Kashmir. The new law allows "anyone who has resided in Jammu and Kashmir for 15 years or has studied there for seven years, and appeared in the Class 10 or Class 12 examination" to claim domicile status and apply for specific categories of Government jobs. Local political parties in Kashmir criticized the new move, even including the Apni party. While this change in the domicile law has not, as was speculated by many, led to a sudden flood of outsiders into J&K, its implementation does show that the central government is not keen on reversing its August 5 decision of doing away with the state's special status. There are also charges that India is changing constituency boundaries and using selective socio-economic and infrastructure projects to the benefit of the non-Muslim population of Kashmir. These steps raise fears in Pakistan that India is playing a "long game" in Kashmir, which aims to slowly alter the demographics of the ground reality there. By the time there is a new government in New Delhi, J&K might be

well-integrated, legally speaking, into the rest of the Union which would make going back far more difficult.

Restrictions in the Valley

India deployed a heavy security presence in Kashmir following the change in status in August 2019. Widespread controls on internet and telephone services have curtailed efforts to coordinate public protests against the move. This communications blackout and the presence of troops on the streets in Kashmir were imposed by New Delhi to reduce the threat of retaliatory militant attacks and associated casualties. In Kashmir, the spread of coronavirus and imposition of the subsequent pandemic lockdown have created a “double lockdown” for ordinary people, who were reeling under a post August 2019 lockdown. These restrictions are now slowly being removed, with jailed protesters being released, internet being restored and foreign delegations and journalists allowed in to Kashmir. But the situation remains far from what it was before August 5, 2019.

State of Separatist politics

Like most forms of politics in the Valley, separatist politics is also under a great deal of pressure from the government, in particular from the perspective of organising political activities. Most of the leadership continue to remain under arrest. Even though a section of Kashmiri dissidents/separatists had lost much of their credibility over the years, barring perhaps Syed Ali Shah Geelani and the emerging youth leadership, the events following August 2019 may provide a shot in the arm for Valley’s separatist politics. On 29 June 2020, Kashmir’s separatist politics suffered a major setback when hardliner Syed Ali Shah Geelani stepped down as the leader of the Hurriyat. While pre-August 5 data show that militant recruitment in the valley has increased over the years, the data post August 5 is hard to come by due to total lock down and stringent restrictions imposed by the Indian Government. Despite that, political statements from the Kashmiri leadership, across the board, indicate that separatist politics in Kashmir could be strengthened in the foreseeable future. However, a lot of this depends on how local politics pans out once the lockdown ends.

Current strategies in Kashmir

New Delhi, in the wake of its unprecedented decision in August 2019, adopted several strategies to deal with the Kashmir situation. These may be described as follows:

- ⇒ Side-line the moderate separatists and mainstream politicians in Kashmir;
- ⇒ Create new political formations and political narratives in Kashmir;
- ⇒ Shift the focus on Kashmir towards Pakistan administered Kashmir (in effect, to argue that Indian administered Kashmir is part of India, and the only disputed part of

Kashmir that remains is the part of it administered by Pakistan); and

- ⇒ Slow withdrawal of restrictions in Kashmir.

These strategies clearly indicate that India’s actions in Kashmir are unilateral, taking on board neither popular Kashmiri demands nor Pakistani sensitives on the matter. Some voices believe that New Delhi’s vision for Kashmir is a short term one to contain violence and manage the narrative on Kashmir. Put differently, there seems to be no grand strategic plan to pacify Kashmiri sensitivities, none so far to settle the Kashmir conflict. By contrast, others believe that there is a long-term strategic plan to quietly enact legislation and other measures to alter the demographic reality in Kashmir, before handing back statehood. To that extent, it is a non-conciliatory and “winner-takes-all” theory of victory which could have long term adverse strategic implications.

As for Pakistan, it has also adopted several strategies to push back the Indian decisions in Kashmir. Pakistan has since 2019 been ‘Kashmir-shaming’ India in various international forums and coordinating condemnation of India, though these strategies have not met with much success. Countries like Malaysia, Turkey, China and Iran have voiced support for the Pakistani position but no real or tangible support. Even many of Pakistan’s traditional allies in the Middle East have steered clear of its campaign.

Secondly, some thinking in Pakistan has also cast doubts on the Simla agreement of 1972, which forms the basis of bilateral relations, including the management of the LoC in Kashmir (for the text of the Simla agreement (see Annex 2). In particular, Pakistan notes that the Simla agreement committed both sides not alter the status quo in Kashmir (on either side of the LOC) until agreement had been reached to settle the dispute. Retired Pakistani officials close to the establishment have argued that, in the wake of India’s Kashmir decision, the Simla Agreement has been invalidated.

Thirdly, Pakistan has also been increasing the heat in Kashmir. India accuses Pakistan of aiding and abetting terrorist infiltration across the LoC and coordination among resistance/separatist groups in the valley. The argument is that Pakistan assumes that creating an unsettled situation in Kashmir will force New Delhi to the negotiating table with Pakistan on the Kashmir question. Pakistan denies the charge that it is stoking terror, though it proudly admits to giving political and moral support for groups which oppose Indian actions in Kashmir. Islamabad maintains that the increase in militancy is entirely due to Indian “repression” in the area and is being carried out by indigenous actors without physical support from Pakistan; it is India’s heavy hand, goes the Pakistani argument, which has created its terror problems.

Both sides, in short, have adopted zero sum positions on the Kashmir question which are unsustainable in the longer run. Neither side has seen much success for its efforts. India is bogged down in an unprecedented civil unrest in Kashmir⁴, and there

⁴ This unrest, going by the ground reports, has subsided somewhat over the past several months.

seems to be no grand political plan in New Delhi to deal with Kashmir. Pakistan has not been able to counter India's moves, or to "internationalise" the dispute to its advantage.

Whoever is responsible, it is a fact that the number of encounters between security forces and terrorists/resistance fighters has dramatically increased. Militants have attacked security installations with grenades and assassinated pro-Indian politicians. An analysis of the landscape in Kashmir suggests that reportedly there is today more cooperation and coordination, particularly between the various resistance/militant groups active in the Valley. More significantly, post August 5th a new outfit called 'The Resistance Front' (TRF) has emerged as a key actor. The TRF, active since October 2019, has claimed several high-profile attacks. Unlike most other organisations, the TRF also a strong digital presence, using various platforms to claim operations and disseminate its propaganda. Indian officials believe that TRF is either a shadow outfit of the Lashkar-e-Tayyaba, or an umbrella name for various Pakistan proxies active in the Kashmir valley, adopted in the wake of pressure on Pakistan to comply with the Financial Action Task Force (FATF) regulations to stop supporting terrorist groups. Pakistan denies this emphatically.

3. What is the situation with respect to the LOC/ceasefire issue?

After several years of spiking violence on the LoC, the two DGsMO agreed to cease fire on the intervening night of the 24-25 February 2021. What makes the February ceasefire significant is the fact that this agreement is different from the routine ceasefire assurances that the two sides made till January 2021. Twice in 2018, for instance, the two sides had agreed to uphold the ceasefire agreement when ceasefire violations were on the rise. But what makes the February 2021 ceasefire different is that it was a joint statement by the two DGsMO, and that unlike the previous declarations, the recent agreement mentions a specific date, i.e., the night of February 24-25, to begin the ceasefire. To that extent, the February ceasefire is arguably one of the most significant military measures by India and Pakistan in over 18 years to reduce violence along the LoC in Kashmir. Coming in the wake of over 5,000 ceasefire violations in 2020 (the highest in 19 years since 2002) the agreement is path-breaking. Interestingly, the November 2003 ceasefire agreement was also announced in the wake of a high level of violence through 2002 and 2003.

The ceasefire is also significant because it helps New Delhi to defuse what was becoming a growing concern for the decision makers in New Delhi: an ugly two-front situation and a feeling of being boxed in by an inimical Pakistan and an aggressive China. That the Indian Army had to redeploy forces from the western border with Pakistan to the northern border with China is indicative of the serious material challenges it could throw up. The best way to deal with the two-front challenge, New Delhi

could have reasoned, was to calm the situation on at least one front. The LoC was a natural candidate. Given that the back-channel process started much before the recent India-China disengagement on the LAC, New Delhi must have decided to defuse the western challenge from Pakistan first.

In this respect, those 'keeping score' might see the ceasefire as a 'win' for India in that it has lessened tension and reduced pressure on one front to enable it to deal with another. According to conventional wisdom of the conflict, stoking tension when India is facing pressure elsewhere would have been seen as in Pakistan's interest. When viewed in one perspective, this has a certain logic, but it does not take a wider view of the issue. As noted earlier, to the extent that India has 'suffered' a setback in its border relations with China, this would have increased political pressure on India's leaders to respond forcefully to any incident involving Pakistan. Thus, India's difficulties with China may have had the effect of increasing the prospects of escalation between India and Pakistan, an escalation that would not have been in Pakistan's interests.

Most broadly, perhaps the most significant aspect of the joint statement by the DGsMO was its statement that "both sides agreed to address core issues bedeviling relations between the two countries."

4. What is the Way Ahead for India-Pakistan relations?

Almost two years after August 5, 2019, relations between Pakistan and India are at an impasse. The view of Indian hard-liners is: why should India talk to Pakistan? Annexation⁵ of Kashmir is a done thing and the difficulties being faced there shall be overcome with time and determination. Other domestic problems are not very serious and economic hardship will ease off. If anything, unrest in Kashmir has progressively reduced over the course of time. Let Pakistan remain mired in her instability. Why should India provide the opportunity of talks to Pakistan which would help it politically? Identical views are voiced from hard-liners within Pakistan, although from a different perspective; If India is not interested in talks why Pakistan should be? Kashmir is not going anywhere. Pakistani analysts believe that despite India's "illegal" annexation, Kashmir remains on the UN agenda as a dispute. Kashmiris are totally alienated from India and a "Freedom movement" is galvanizing and gaining strength in ways it has never done before India's actions of August 5, 2019. New Delhi considers the militancy/terrorism in Kashmir to be a product of Pakistani support for the same.

On the other hand, a more realist and pragmatic view may be starting to emerge on both sides, which argues that, having taken hard-line stances which have not succeeded, both the countries now face a dilemma and reality check. Despite all her efforts,

⁵ According to India, since the then princely state of J&K acceded to India in 1947, the state has always been part of India. Hence the charge annexation is misplaced. India, on the other hand, argues Pakistan to be in illegal occupation of a part of the erstwhile princely state of J&K.

Pakistan has not been able to force the Indian Government to change its decision. A set of conditions, was laid down by Pakistan, but without a commensurate ability to influence or mould Indian decision-making. Mired deeply in domestic discord and serious economic problems, Pakistan also lacks political and diplomatic clout. For India, on other hand, things are not going well in Jammu and Kashmir under her control. Pakistan believes that the implementation of Delhi's post August 2019 strategy is faltering in the face of significant resistance and Kashmiris are now far more alienated from Delhi than ever before. Neither of these shows any sign of getting better. There has been growing global concern and criticism about repression, human rights abuses and denial of civil liberties in the Indian administered territory. If that was not enough, growing economic woes, countrywide protests and a serious border standoff with China have generated great pressure on the government. New Delhi denies these accusations.

If there is a desire on both sides to find a way back from decisions and actions which have not turned out as had been hoped, the recent ceasefire agreement may offer an opening to get the relationship back on track. However, while it is clear at this point that the February ceasefire is a standalone arrangement between the two sides to reduce violence on the LoC, one is unsure if the ceasefire can be sustained without improvement on other key outstanding issues, particularly Kashmir.

For Pakistan, progress on Kashmir seems to be an absolute must, without which it might find it politically hard to explain the current rapprochement with India. Importantly, both the Pakistani prime minister and the Army Chief are keen on improving relations with India, as both noted in their statements to the recent National Security Dialogue in Islamabad. For India, immediate action on Kashmir is not on the agenda for any potential conversation with Pakistan. This is due to domestic political reasons. Having made drastic constitutional changes in Kashmir in 2019, it would be politically impossible for the BJP-led government in New Delhi to be seen to go back on them as a result of perceived pressure from Pakistan.

One potential way forward, however, would be to meet at the half-way mark. If India indicates that it will make good on the already made offer of restoration of special status and statehood to Kashmir, and pledge to do so within a given timeframe, while also ceasing actions which alter the demographic reality in the meantime, it might pacify at least some sections of the Kashmiri political class. It might also open new possibilities for engaging Pakistan. It is doubtful Pakistan could return to a full peace process until statehood has been restored, but an interim status which permits dialogue to resume could be possible. However, the thinking in New Delhi is different. There is little appetite in New Delhi for restoring Article 370. Statements of the Pakistani leadership during and after the recently concluded National Security Dialogue in Islamabad and ending the accusations against Indian leadership, may indeed indicate to New Delhi that Islamabad might be willing to resume dialogue on various outstanding issues without preconditions pertaining to Kashmir.

In return for these significant Pakistani steps, if the Indian Government gives positive signals related to undoing August 5,

2019 decisions, there is the possibility of forward movement on all the issues of terrorism, Kashmir and other issues of conflict.

The issue of terrorism is equally important for both countries albeit from different perspectives. India accuses Pakistan of allowing non-state actors to operate out of Pakistan for terrorist activities in Indian administered Kashmir and elsewhere in India. New Delhi also wants to see credible steps by Pakistan to fast track the Mumbai terrorist attack trial in the Pakistani courts. In turn, Pakistan accuses India of state sponsored terrorism in Pakistan through direct control as well as proxies through Afghanistan for terrorist attacks. This paper suggests the establishment of a 'Joint Working Group' on Terrorism which should examine the issue in its entire perspective. This will help fast track the stalled legal process of Mumbai trials in Pakistani courts and other aspects of terrorism related issues between the two countries.

Conclusion: Road Map for a Way Ahead.

Provided a way forward as suggested above can be found on the two key issues (Kashmir and Terrorism), a "road map" of a way forward designed to build momentum off the ceasefire agreement of 24-25 February over the next few months might look something like this:

- ⇒ There is a need for the February 24-25 ceasefire to be placed on a firmer footing. It requires an agreed and firmly articulated set of rules and norms of observance, rather than relying on past practice, much of which is informal (See Annex 1 for further discussion of this). The two sides could form a working group to discuss the framework and modalities which would be required to do this.
- ⇒ Beyond this, the larger political process needs to be re-started. The first requirement was to break the ice. That has been accomplished by the ongoing back channel discussions which produced the February ceasefire. It is very important that this back channel continues for a sustainable forward movement despite the opposition. This would require some positive steps to be taken hereon. One significant step could be that Indian Government announces restoration of special status and statehood of its administered J&K. The indications from New Delhi, however, suggest there is little appetite for this.
- ⇒ India could indicate that it will attend the SAARC Summit scheduled later this year.
- ⇒ In turn, if the Indian PM agrees to attend SAARC, the Pakistani PM should be able to go to India to witness the forthcoming T-20 World Cup, especially the match between Pakistan and India.
- ⇒ Suitable statements could be made by both countries to re-start the dialogue process and give it a mutually agreed name in which all outstanding issues between the two countries would be discussed side by side. An agenda for graduated action could include appointing High Commissioners to each other's countries, resuming bilateral

trade via the Wagah-Attari border, and, eventually, restarting the cross-LoC CBMs including trade and travel.

Ultimately, Pakistan and India have no choice but to begin a sustained bilateral dialogue to resolve the outstanding issues of their conflict. As regards Kashmir, the so-called “4-point” formula discussed by both the countries during the dialogue process 2003-2008 offers a basis to begin consideration of the way forward. Whatever formula is eventually agreed, dialogue is the only road to peace in the South Asia and the leadership of both countries owes this to their people. Under current circumstances it will be a test of the sagacity, vision and will of the leadership on both sides. But that, in the end, is what leadership is supposed to be about.

About Ottawa Dialogue

Established in 2009, Ottawa Dialogue is a university-based organization that brings together research and action in the field of dialogue and mediation. Guided by the needs of the parties in conflict, Ottawa Dialogue develops and carries out quiet and long-term, dialogue-driven initiatives around the world.

Annex 1

A brief history of India-Pakistan ceasefires

The history of India Pakistan ceasefire pacts and war termination agreements is both complex and instructive.

The Karachi agreement of 1949, which ended the first war between newly formed India and Pakistan, was the first ceasefire agreement between the two countries which, signed under the good offices of the United Nations, created the India Pakistan boundary in Kashmir called the Ceasefire Line or CFL. The United Nations Military Observer Group in India and Pakistan (UNMOGIP) was mandated to monitor the ceasefire along the CFL. The 1965 India-Pakistan war also ended in a ceasefire, but since the status quo ante bellum was restored after the Tashkent Agreement, the CFL in Kashmir remained unaltered. However, the India-Pakistan war of 1971 would change that. The December ceasefire which ended the 1971 war was enshrined into the Simla Agreement the following year. But unlike 1965, status quo ante bellum was not restored by the Simla Agreement, a decision that would have important implications for bilateral relations.

The Suchetgarh Agreement of 1972 delineated the 'line of control' in Jammu and Kashmir which resulted from the ceasefire of December 1971 thereby renaming the CFL as the LoC. By this move, Indian negotiators not only changed the nomenclature of the India-Pakistan dividing line in Kashmir and the physical alignment of the border in Jammu and Kashmir, but also made the UNMOGIP presence in Indian controlled part of Kashmir irrelevant. The Indian justification was that the UN force was mandated to ensure a ceasefire on the CFL, but there was no CFL after 1972, and, more so, the UN was not even a party to the Simla Agreement unlike the Karachi Agreement. However, despite the Simla agreement and Indian refusal to allow UN observers to work along the LOC, the Kashmir Dispute remains on the UN agenda and UNMOGIP is still deployed.

Let us cut to the present. The 2003 agreement between the DGsMO, communicated through a telephone call between them, was a reiteration of the December 1971 war termination ceasefire; Technically, therefore, even the February 2021 ceasefire too is a reiteration of the 1971 ceasefire agreement.

And yet, a ceasefire does not observe itself — it requires a clearly articulated and mutually-agreed upon set of rules and norms for effective observance along with an intent to observe them. The February ceasefire is an expression of such an intent, but without the rules and norms to enforce it. The Simla Agreement or the Suchetgarh Agreement do not have those rules either. The Karachi Agreement, on the other hand, has clearly laid down provisions on how to manage the CFL which, of course, was overtaken by the LoC. Ironically, therefore, armed forces deployed on either side of the LoC in Kashmir often have to resort to the strictures enshrined in the long-defunct Karachi Agreement to observe the ceasefire mandated by the Simla Agreement. This needs to change. Now that the two DGsMO have declared a joint ceasefire, the next logical step is to arrive at a set of rules to govern that ceasefire. An unwritten ceasefire, experiences from conflict zones around the world show, tend to break down easily and trigger tensions in other domains.

Annex 2

The Simla Agreement

The Government of India and Government of Pakistan are resolved that the two countries put an end to the conflict and confrontation that have hitherto marred their relations and work for the promotion of a friendly and harmonious relationship and the establishment of durable peace in the subcontinent so that both countries may henceforth devote their resources and energies to the pressing task of advancing the welfare of their people.

In order to achieve this objective, the Government of India and the Government of Pakistan have agreed as follows:

(i) That the principles and purposes of the Charter of the United Nations shall govern the relations between the two countries.

(ii) That the two countries are resolved to settle their differences by peaceful means through bilateral negotiations or by any other peaceful means mutually agreed upon between them. Pending the final settlement of any of the problems between the two countries, neither side shall unilaterally alter the situation and both shall prevent the organization, assistance or encouragement of any acts detrimental to the maintenance of peace and harmonious relations.

(iii) That the prerequisite for reconciliation, good neighborliness and durable peace between them is a commitment by both the countries to peaceful coexistence respect for each others' territorial integrity and sovereignty and non-interference in each others' internal affairs, on the basis of equality and mutual benefit. That the basic issues and causes of conflict which have bedeviled the relations between the two countries for the last 25 years shall be resolved by peaceful means.

(iv) That they shall always respect each others' national unity, territorial integrity, political independence and sovereign equality.

(v) That in accordance with the Charter of the United Nations, they will refrain from the threat or use of force against the territorial integrity or political independence of each other.

Both governments will take all steps within their power to prevent hostile propaganda directed against each other. Both countries will encourage the dissemination of such information as would promote the development of friendly relations between them.

In order progressively to restore and normalize relations between the two countries step by step, it was agreed that:

(i) Steps shall be taken to resume communications, postal, telegraphic, sea, land, including border posts, and air links, including over flights.

(ii) Appropriate steps shall be taken to promote travel facilities for the nationals of the other country.

(iii) Trade and cooperation in economic and other agreed fields will be resumed as far as possible.

(iv) Exchange in the fields of science and culture will be promoted. In this connection delegations from the two countries will meet from time to time to work out the necessary details.

In order to initiate the process of the establishment of durable peace, both the governments agree that:

(i) Indian and Pakistani forces shall be withdrawn to their side of the international border.

(ii) In Jammu and Kashmir, the line of control resulting from the ceasefire of 17 December 1971, shall be respected by both sides without prejudice to the recognized position of either side. Neither side shall seek to alter it unilaterally, irrespective of mutual differences and legal interpretations. Both sides further undertake to refrain from the threat or the use of force in violation of this line.

(iii) The withdrawals shall commence upon entry into force of this agreement and shall be completed within a period of 30 days thereof.

This agreement will be subject to ratification by both countries in accordance with their respective constitutional procedures, and will come into force with effect from the date on which the instruments of ratification are exchanged.

Both governments agree that their respective heads will meet again at a mutually convenient time in the future and that in the meanwhile the representatives of the two sides will meet to discuss further the modalities and arrangements for the establishment of durable peace and normalization of relations, including the questions of repatriation of prisoners of war and civilian internees, a final settlement of Jammu and Kashmir and the resumption of diplomatic relations.

[Zulfiqar Ali Bhutto](#)
[President](#)
[Islamic Republic of Pakistan](#)

[Indira Gandhi](#)
[Prime Minister](#)
[Republic of India](#)

Simla, 2 July 1972.