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## HIGHLIGHTS

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## I Overview

**Pakistan:** The civil military equation was in focus again in the first half of May over the issue of the findings of an enquiry commission into the leaking of the proceedings of a meeting in which senior military and civil officers had disagreed on future strategies on terrorism. The initial proceedings in the International Court of Justice on the Kulbhushan Jadhav case, widely believed in Pakistan to have gone India's way, further increased pressure on Prime Minister Nawaz Sharif already beleaguered by the continuing Panamagate saga. In addition, the month was characterized by tensions on three of four Pakistan's borders- with Afghanistan, Iran and India.

**Afghanistan:** Gulbuddin Hekmatyar returned to Kabul on 3rd May in a further progression of the peace agreement signed in September 2016 by the National Unity Government with the Hezb-e Islami. Over the month internal security and border clashes with Pakistan remained the principal themes.

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## II Developments in Pakistan

**Relations with India:** Tensions remained high with ceasefire violations and clashes on the LOC accompanied by high intensity rhetoric on Kashmir. In a statement and video footage released by the Indian Army on 23rd May said that it had inflicted damage to Pakistan Army posts across the LoC in the Naushera sector in response to firing by Pakistan. The statement also said: "The Pakistani Army has been providing support to armed infiltrators. The locations aiding infiltration of terrorists are being targeted and destroyed". A Pakistan Army spokesperson asserted, on the other hand, that claims of destruction of its posts were false. Reports that the Indian Air Force chief had recently written to IAF officers, asking them to be prepared for operations at short notice and comments from Pakistan that its Air Force has operationalized all its forward bases in response to Indian 'threats' further contributed to the prevailing tense atmospherics. Continuing violence in J&K and especially in the Kashmir Valley has greatly added to the intensity of such statements and counter statements.

Bad bilateral atmospherics were also underlined in India's launch of the South Asia Satellite on 5th May- a project in which Pakistan is the sole SAARC country not participating. A statement issued by the

Pakistan Foreign Office explained Pakistan's non-participation being because India was not willing to develop the satellite as a 'collaborative project'. The statement said that "India wanted to build, launch and operate the satellite all by itself except for registering it with the International Telecommunications Union (ITU) as a SAARC satellite. Pakistan, which has its own space program at an advanced level, was ready to share its expertise and technological know-how and was keen to participate in the project but India's solo flight caused Pakistan to opt out of the project".

A meeting of Prime Minister Nawaz Sharif with the Indian businessman Sajjan Jindal in Murree in end April was the cause of speculation of 'back channel' messages being exchanged with India despite the generally acrimonious state of the relationship. There was also criticism of the Prime Minister for holding such a 'secret' meeting in the current India Pakistan situation.

**Kulbhusan Jadhav and the ICJ:** India's approaching the International Court of Justice with regard to the denial of consular access and a military court sentencing Jadhav with the death penalty took Pakistan by surprise. The ICJ provisional orders on 18th May of granting in effect a stay on the sentence till completion of the hearings was seen in Pakistan as an Indian victory and consequently led to much criticism of the Government of its lack of adequate preparation and defense in the hearing. Several themes surfaced in the Pakistan response to the Indian application but what underwrites most of them is a sense of frustration that India after decades of resisting any multilateral or outside intervention in India Pakistan matters has taken an issue of its choosing to the International Court of Justice and had its way for the time being.

The approach to the International Court of Justice (ICJ) on Kulbhusan Jadhav goes against conventional thinking in India to date. However, the fact that both India and Pakistan are signatories to the VCCR and noncompliance with its provisions can be appealed to the ICJ provided an opening. India's acceptance in 1974 of the ICJ's jurisdiction was made subject to a number of exceptions. These include that its jurisdiction will not be recognized in cases of disputes with other Commonwealth member states or in those cases where other dispute resolution methods have been agreed to. These have precluded Pakistan from bringing in issues pertaining to J&K or others before the ICJ and the expectation now therefore is that the focus will remain on the consular case alone and no precedent will be set outside this specific domain. Pakistan will be on the defensive since a military court martial has been used to summarily award a death penalty to a foreign national. Most of all it will be in a quandary on whether to contest the Indian move on grounds of jurisdiction or similar procedural basis. To do so will mean diluting its longstanding position that third party or international mediation can help in settling disputes with India. Then, Pakistan will have to consider whether it should present the evidence it claims it has for scrutiny before a more impartial process than a summary court martial.

What is most significant is that the current judgement now makes the Kulbhusan Jadhav case a legal test of military courts in Pakistan by opening up its procedures and decisions for international scrutiny. This not just adds a new ingredient to the existing civil military cocktail in Pakistan but also makes it as much a part of the case as the complex legal arguments that will be made.

**Dawn Leaks Case:** The so-called Dawn Leaks case surfaced again with intensity following the issue of a notification from the Prime Minister's Office that following the report of the committee inquiring into the leak, Tariq Fatemi the Special Assistant to the Prime Minister for Foreign Affairs was stepping down from his post and the Principal Information Officer also being divested of his charge. This appeared to be the Pakistan Army having its way with regard to the leaks that had so embarrassed it. However, a tweet from the Inter Services Press Relations (ISPR- the Pakistan Army spokesperson) on 29th April suggested otherwise when it said that the 'notification is incomplete and not in line with the recommendations of the Inquiry Board'. What followed in the tweet was novel even by Pakistan standards. The tweet concluded that 'Notification is Rejected'. This was the Army publicly rejecting a decision of the Prime Minister!

The background to this is the Dawn newspaper report of October 2016 which gave details of a meeting of civilian and military officials on ways to deal with militants. According to the report, the military officers were told by the Foreign Office of Pakistan's increasing international isolation on account of failure to act against terrorist organizations in particular Masood Azhar and the Jaish-e-Mohammad; Hafiz Saeed and

the Lashkar-e-Taiba; and the Haqqani network. Further the Army officers were also informed that action against militant outfits was often thwarted at the behest of one or the other of the intelligence agencies. The news report had led to widespread condemnation by the Army and the Government setting up of an inquiry committee which included military officers. It incidentally also led to the resignation of Pervaiz Rashid, Minister of Information. Subsequent disclosures have revealed that the entire controversy had much to do with the closing days of the tenure of the past Army Chief- General Raheel Sharif- and in particular Prime Minister Nawaz Sharif's decision not to give him an extension of tenure. The extension issue had, by all accounts, underwritten the civil military turbulence in the second half of 2016. General Raheel Sharif stepped down in end November 2016.

The resurfacing of the Dawn Leaks issue this month then suggests a continuation of the civil military turbulence. Calm was restored or at least differences papered over with a meeting with the COAS and the Prime Minister on 10th May and the ISPR 'withdrawing' its earlier tweet. The Prime Minister has however had to sacrifice two of his closest advisors- Tariq Fatemi and Pervaiz Rashid- and moreover comes out of the episode looking perceptibly weaker.

**One Belt One Road Forum meeting in Beijing:** The Prime Minister attended the OBOR forum meeting in Beijing on 14th May. His delegation comprised the Chief Ministers of Punjab, Khyber Pakhtunkhwa, Baluchistan and Sindh. Each of the CMs represents a different political party. Their participation therefore underlines the political consensus that exists in Pakistan on relations with China and in particular on the China Pakistan Economic Corridor notwithstanding occasional discordant or critical noises in the English press. During the PM's meeting with the Chinese President Xi Jinping a number of MOUs were signed including cooperation agreement for Gwadar airport and the establishment of Havelian Dry Port estimated at over US\$ 300 Million and a US\$160 million agreement on economic and technical cooperation for the East Bay Expressway linking Gwadar to Pakistan's existing highway system.

During the currency of the OBOR meeting in Beijing a terrorist attack on a Chinese funded project in Baluchistan led to 10 fatal casualties. Baluchistan was again in the news with a terrorist attack in Mustang on 22nd May targeting the Deputy Chairman of the Senate Maulana Abdul Ghafoor Haideri. He escaped but there were 28 fatal casualties.

**Iran:** The Foreign Minister of Iran was in Islamabad on 3rd May in the wake of the killing of about 12 Iran border guards by a Sunni militant group Jaish ul-Adl, in Sistan-Baluchistan province of Iran. The group is believed to operate out of Baluchistan province of Pakistan. This was both a particularly serious incident in a long history of Iran-Pakistan border tensions and also took place at a time of increasing strain in Pak-Iran relations. A few days after the FM's visit, a senior Iranian general was to speak of hitting bases inside Pakistan if its government did not take action against militants who carried out cross-border attacks. Apart from longstanding Iranian concerns about militants in Baluchistan carrying out cross border raids in Iran, the broader context to these tensions is the deterioration in Iran-Saudi Arabia relations. For Iran, Pakistan's proximity to the Saudis makes it vulnerable to being drawn into Saudi plans against Iran. The fact that General Raheel Sharif, former Pak COAS now heads the Islamic Military Force set up by Saudi Arabia is an additional sore point. The strong statements by the Saudi King and US President Trump against Iran during the latter's recent Saudi visit are the latest addition to this existing cocktail of rivalries and tensions. The border tensions with Iran come on top of similar, but a far more intense, situation with India and Afghanistan (see below)

## Other Developments

**Budget for 2017:** The Government presented its fifth and possibly last budget before the 2018 General Elections. The documents presented showed a 5.28% GDP growth as against the target fixed at 5.7%. This is also being described as the first time in 10 years that greater than 5% growth has been achieved.

**PM Nawaz Sharif in Saudi Arabia:** The Prime Minister attended the Arab-Islamic-American summit in Riyadh on Sunday 21st May 2017. Inspired media reporting in Pakistan had earlier speculated that PM Nawaz Sharif would also address the summit and that he did not give his political opponents a further handle to criticize him. There were also concerns that the strong postures by the Saudi King and US

President Trump, illustrated by their speeches to the gathering, a Pakistani general heading the Islamic military force all amount to Pakistan getting further embroiled in Saudi-Iran rivalries. For many in Pakistan this carries the grave risk of widening Shia Sunni differences in Pakistan. The Government has repeatedly clarified that its participation in the Islamic Force will be to combat terrorism and not is not directed against any third country. The Terms of Reference of the Force also remain to be finalized. Nevertheless, the perception of an anti Iran concert remains and is gaining ground- both within Pakistan and also in Iran.

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### III Developments in Afghanistan

**Border clashes with Pakistan:** From early May Pakistan census enumerators near the Border crossing point at Chaman- Spin Buldak in Balochistan- Qandhar became the cause of cross border firing and shelling. Afghan border guards are reported to have suspected that the enumeration was taking place on the Afghan side. The Pakistani version is that there was firing from the Afghan side on the census team despite prior information having been shared about these operations. On 5th the Pakistan Inter-Services Public Relations (ISPR) spokesman said that Afghan border police opened fire on FC personnel detailed for the security of a census team. 12 fatal casualties were reported including 10 civilians. On 7th May, the Pakistan Army reported 50 Afghan soldiers killed in its retaliatory firing. This claim was immediately denied by the Afghans. The clashes in large part arise out of conflicting claims and counter claims over whose territory two border villages fall in. The border crossing point at Chaman consequently remained closed till the 27th of May. It may be recalled there had been similar and prolonged closures for over a month of the border crossing point (Chaman- Torkham) in March this year following another set of cross border clashes along the Durand Line. There were similar closures in June 2016 and August 2016. Following the suspension of border traffic in March 2017 Afghanistan had made a formal complaint to the WTO.

**Gulbuddin Hekmatyar:** The Hezb-i Islami Leader entered Kabul on 4th May- a symbolic return after a gap of some 20 years. There are many doubts, in Afghanistan and outside, whether the peace agreement of September 2016 which led to this development will actually be effective in terms of acting as a precedent for groups and prominent individuals in the Taliban to follow Hekmatyar's trajectory. Whether Hekmatyar amounts to anything more than a figure from Afghanistan's troubled history also remains an open question. Nicknamed the "Butcher of Kabul", Hekmatyar remains a divisive figure for many Afghans. In his fight for the presidency during the Afghan civil war in the mid 1990s, he had shelled Kabul with thousands of rockets, killing and injuring tens of thousands of residents. There are also concerns whether Hekmatyar's return to Kabul will be the means for Pakistan's re-entry into Afghan domestic politics. Nevertheless, given the lack of any other political process in Afghanistan as a means for furthering reconciliation, Hekmatyar's presence is also seen by many as a step forward.

**Opium Production:** The US Special Inspector General for Afghanistan Reconstruction (SIGAR) in its latest report has estimated that opium production increased by 43% in 2016 and that poppy cultivation remained at 'near historically high levels compared with past several decades'. Poppy cultivation is widespread in Southern and Eastern Afghanistan with Helmand province leading the country as the largest poppy producer.

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*(The views expressed are personal)*

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