

Disrupting the Bilateral Relations between India and Pakistan

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ABSTRACT

The arrest of Kulbshan Yadhav, an Indian spy added fuel to the already boiling relationship between India and Pakistan. India refutes the allegation of creating instability in Pakistan while terming the confessional statement by Kalboshan as a fabricated propaganda by Pakistan. On the other hand, Pakistan considers Yadhav' arrest as a big achievement against India that has exposed the nefarious Indian face behind creating instability and uncertainty in Pakistan. The counter allegation between India and Pakistan of carrying out terrorist activities on each other's soil continues to derail the peace process between both the countries. However, the cooperation between the two states can help them to curb the menace of terrorism together while giving them opportunity to have the maximum benefit of the regional alliances like CPEC.

Keywords:*Bilateral Relations, India, Pakistan, Disputes*

Introduction

Kulbhushan Sudhir Yadhav, alias (alleged) Hussain Mubarak Patel is an Indian national who was convicted in Balochistan, Pakistan, over the charges of executing anti-state terrorist activities in Pakistan and spying for India's intelligence agency Research and Analysis Wing (RAW). Yadhav was arrested by Pakistani agencies in March 2016 in Balochistan. During his trial in the court, he admitted his involvement in several terrorist activities in Karachi and Balochistan aimed at sabotaging the peace and stability in the respective cities. He also confessed of working as a spy for the Indian intelligence agency Research and Analysis Wing (RAW). Following the confession, Yadhav, was given the death sentence by Field General Court Martial on April 10, 2017, under the provisions of Pakistan Army Act and the Official Secrets Act (Ahmed, 2017). However, the death sentence could not be executed yet as India took his case to International Court of Justice (ICJ) that asked Pakistan to postpone his execution until the last verdict of the court.

India's Reaction

Yadhav's conviction by Pakistani agencies not only derailed the bilateral diplomatic relations between India and Pakistan but also led Indian high officials to threaten Pakistan of dire consequences if Yadhav's death sentence is carried out. Indian Ministry of External Affairs called upon the Pakistan's High Commissioner Abdul Basit to record its protest against the death sentence of Yadhav by rejecting the verdict as "farcical" (Waseem, 2017). Moreover, Pakistan was also criticized for denying consular access to Yadhav despite India made repetitive demands in this regard (Mahmood, 2017). India refuted Pakistan's claim against Yadhav to be a serving commander in Indian Navy rather blamed Pakistan for convicting a retired naval officer from Iran who had no links with Indian agencies. To emphasize upon the gravity of Yadhav's affair, Indian Minister of External Affairs Sushma Swaraj said that India would go to any extent to ensure safety for Jhadav, calling Pakistan's verdict 'premeditated murder'. India also decided to take the Yadhav's conviction matter to the United Nation that already denied becoming party in this regard by denying support to the self-confessed Indian spy (Mahmood, 2017).

Despite of India's intense and immediate reaction, the Pakistan's high military and civil officials made it clear that the irrefutable evidences against Yadhav for foiling terrorist activities in Pakistan made it impossible to escape the death penalty.

Abduction of Pakistani Military Official

Meanwhile, Lt Col (ret'd) Muhammad Habib Zahir went missing from Nepal on April 6, 2017. Pakistani officials and media speculated the alleged involvement of RAW in the abduction of Pakistani ex-serviceman. The security analysts in Pakistan opined that kidnapping of retired Pakistani colonel is a retaliatory act by Indian agencies aimed at seeking leverage and concession in Yadhav's case (Mahmood, 2017). On the other hand, Indian media falsely propagated that abducted retired Pakistani colonel played a pivotal role in the arrest of Yadhav, whereas the Zahir was retired several years before Yadhav's conviction (Yousaf, 2017).

India's Appeal in International Court of Justice

After the refusal by United Nations to interfere in the Yadhav's espionage issue, India decided to pursue their case in International Court of Justice (ICJ). In May 2017, India approached ICJ against the death sentence of Yadhav. In response, ICJ started its proceedings on 15 May where both the countries i.e. India and Pakistan were asked to send their legal teams to defend their arguments. Harish Salve was sent by India whereas Khawar Qureshi put forward his argument on behalf of Pakistan. After hearing the arguments from both sides, ICJ, on 18 May 2017, decided to take stay over the execution of Yadhav. Indian officials celebrated the court's order and claimed it as a win of India's stance on the case. On the other hand Pakistan's attorney general termed the decision as a temporary measure by ICJ and also said that Yadhav's case exposed the nefarious involvement of India in carrying out terrorist activities across the border (Mahmood, 2017).

Preceding the decision, Pakistan released a new video of Yadhav in which he was shown confessing his terrorist activities in Karachi and Balochistan on behalf of

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India's intelligence agency RAW. Indian media and foreign office, however, rejected the claims in the video by stating it a "false propaganda" launched by Pakistan to influence the proceedings of ICJ. India also underlined that Yadhav was not given the counselor access after his arrest and maintained that Yadhav was a retired naval officer who was running a business in Iran from where Pakistani agencies convicted him (Dubey, 2017).

Yadhav's Meeting with his Wife and Mother

After the frequent insistence by India, Pakistan government has agreed to issue visa for the wife and mother of Yadhav. Pakistan has also asked a diplomatic officer of Indian High Commission to accompany Yadhav's wife and mother. However, the date of meeting is not confirmed yet. Though India has considered it as a good gesture from Pakistan side however, some of the Indian analyst view the move as a humanitarian gesture and maintain that presence of diplomatic official cannot be considered as a counselors' access that should ideally have been given at the time of his conviction.

Bilateral Relationship between India and Pakistan

Pakistan and India had a controversial and complex history of relationship that had been swinging between two extreme ends of war and peace. The peace makers at both sides kept trying to build trust worthy relation between two countries however, a single event can possibly derail all the efforts for peace and friendship between the two countries. India-Pakistan relations were not going well even before Yadhav's arrest as India's dialogue process with Pakistan has been stuck since the attack on the Pathankot air force base in January 2016 (Dutt, 2017). Likewise, the espionage case of Yadhav continues to deteriorate the bilateral relationship between India and Pakistan.

The arrest and confession by Indian spy Yadhav is of utmost importance for Pakistan as it has enabled the country to show the world that Pakistan is a victim of Indian inflicted terrorism. Yadhav's arrest is an evidence of Indian involvement in carrying out terrorist activities in Pakistan for which India needs to be investigated. In addition, India, instead of playing a blame game needs to cooperate with Pakistan to fight against those elements that are disseminating the hatred on both sides by carrying out terrorist activities in both countries. There is a need to understand that terrorism is a common challenge for both states that requires the joint efforts by both countries to yield positive result against the peace spoilers. In term of economic development, the alliance between both India and Pakistan is the need of hour for regional development whereas the rift between the two countries tends to dismantle the economic growth potential of South Asia.

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