



# POST SEMINAR REPORT

“Strategic Dynamics of  
Pakistan-Bangladesh Relations  
in the Contemporary  
Geopolitical Setting”



**INSTITUTE FOR STRATEGIC STUDIES;  
RESEARCH AND ANALYSIS (ISSRA)**

NATIONAL DEFENCE UNIVERSITY, ISLAMABAD





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# CONTENTS

Foreword	1
Preface	2
Executive Summary	3
Concept Note	4

## Objectives

### Opening Session

Welcome Address by President NDU Lieutenant General Nazir Ahmed Butt, HI (M)

Keynote Address by Chief Guest and Speaker National assembly Mr. Sardar Ayaz Sadiq

### Session I: Strategic Dynamics of Pakistan-Bangladesh Relations

Historical Flash Back: Pak- Bangladesh Relations (Mukti Bahini case) By Mr. Ikram Sehgal

Contemporary Issues between Pakistan and Bangladesh: Challenges and Opportunities (from 2010) By Professor Moonis Ahmar

186

Interactive Session

188

Session II: Bangladesh War Trials : National Security Perspectives

189

Bangladesh war Trials: A violation of Tripartite Agreement 1974 By Mr. Ahmer Bilal Soofi

International Perspective over War Trials in Bangladesh and its implication for regional peace By Mr. Toby Cadman, UK

Interactive Session

Session III: Foreign Policy Options and Initiatives Available to Pakistan Bilateral Relations and Way Forward By Dr. Junaid Ahmad

Foreign Policy Options and Initiatives Available to Pakistan By Syed Zulfiqar Gardezi

X

X

Interactive session

X

Closing Session

X

X

Vote of Thanks by DG ISSRA

X

X

X

X

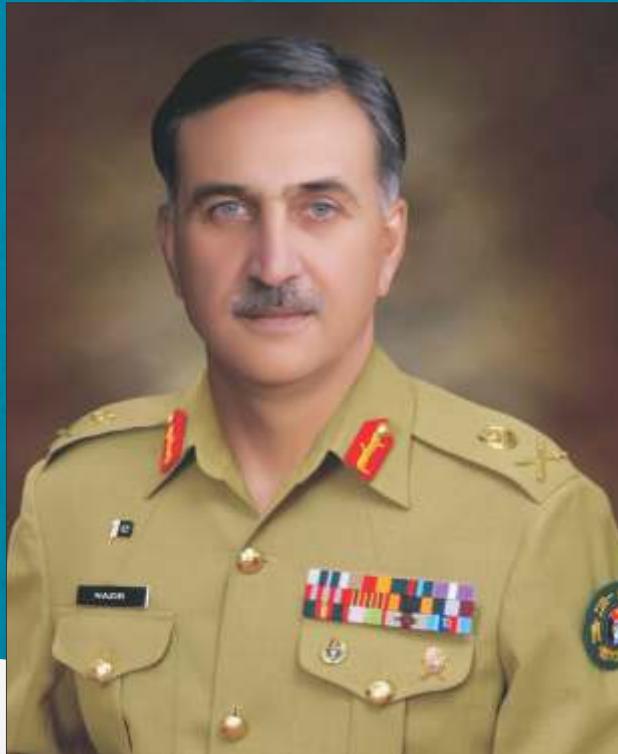
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# Foreword



Pakistan and Bangladesh share joys and pains in the memories of the past. Similarly, as sovereign nations, both have passed through uneven pathways in bilateral relationship and come across the play of external factor, often seen as manipulation. And yet both remain 'one soul, two bodies'. It is therefore all the more important to address the dire need to overcome current challenges while laying the ground for greater mutual understanding and cooperation.

Moving forward, Pakistan and Bangladesh must look beyond the controversies and impediments of the yester-years. First, there is a need to address the 'leftover issues' in accordance with the Tripartite Agreement of April 1974, and thus shelve the so-called 'vengeance' that characterized the saga of separation. Second, the perspectives of bilateral relationship should now be liberated from the negativities that have surrounded both the states from our common neighborhood. Both countries should not look at each other from the prism of the relations with India. Third, both should rest upon a common ground to reject all notions of hegemony in our region if both are looking for peace and progress in our habitat and in our moves in-tandem with the 'Asian dawn'.

**Lieutenant General Nazir Ahmed Butt, HI (M)**  
**President NDU**

# Preface



Diversity of views is always thought provoking and constructive. The seminar has marked a convergence in the perceptions of strengthening the bilateral relationship in the current trans-regional setting. There is a need to understand that dynamics of peace and progress in the Asian region and beyond depend upon the resolution of our long-standing bilateral issues and tripartite agreement can help in this regard. In moving forward and keeping the objective and scope of this seminar in mind, Pakistan and Bangladesh must look beyond the controversies and impediments of the yester-years. First, there is a need to address the 'leftover issues' in accordance with the Tripartite Agreement of April 1974 and thus shelve the so-called 'vengeance' that characterized the saga of separation. Second, the perspectives of bilateral relationship should now be liberated from the negativities that have surrounded both the states from our common neighborhood. Both countries should not look at each other from the prism of the relations with India. Third, both should rest upon a common ground to reject all notions of hegemony in our region if both are looking for peace and progress in our habitat and in our moves in-tandem with the 'Asian dawn'.

In this backdrop NDU organized a national seminar on 1st December 2016. The seminar aimed to discuss the retarding factors in bilateral relations between Pakistan and Bangladesh so that appropriate set of instruments or policies could be explored for betterment of all the stakeholders. It was indeed, an extremely fruitful exercise, in which highly reputed academics and practitioners have participated. I am sure; the findings will help all stakeholders to re-visit policy papers, in order to ensure that all possible measures should be taken to bring the cordial ties between both countries. I extend my profound gratitude to Brigadier (Retired) Masroor Ahmad and his team on successful organization of the seminar and compilation of this report.

**Major General Ghulam Qamar**  
**DG ISSRA**

## Executive Summary



Since the emergence of Bangladesh on map of the World, Pakistan-Bangladesh relations have been fluctuating from better to worst and worst to better. Whereas, Pakistan made the grave attempts to maintain amicability, Bangladesh maintained hostile posture. Currently, Bangladesh is projecting the negative image of Pakistan throughout the world by implicating Pakistan army in genocide of Bangladeshi people. In this regard, current political regime of Bangladesh has embarked upon the War Trials of Bangladeshi political workers particularly Jamaat-e-Islami without any kind of humanitarian and legal concerns. Therefore, the need to deliberate on such harmful steps rises here. Owing to these developments and changing dynamics of Pakistan-Bangladesh relations, an International Seminar, titled “Strategic Dynamics of Pakistan-Bangladesh Relations in the Contemporary Geopolitical Setting” was organized by the Defence Studies branch of Institute of Strategic Studies, Research &

Analyses (ISSRA), NDU Islamabad, on 1 December 2016. The main purpose of this seminar was to provide the intellectuals and scholars a forum to debate the emerging scenario of Pak-Bangladesh relations, so that the solid policy findings could be arrived at, and thereby, appropriate recommendations formulated. The seminar comprised three sessions, besides inaugural and wrap-up sessions. It was entirely an academic exercise. Mr Sardar Ayaz Sadiq, Speaker National Assembly, was the Chief Guest in the inaugural session. The other prominent speakers of the Seminar were Mr. Ikram Sehgal, Professor Moonis Ahmar, Ambassador Iqbal Ahmad Khan, Mr. Ahmer Bilal Soofi, Mr Toby Cadman, Ambassador Najmuddin A. Shaikh, Dr. Junaid Ahmad and Syed Zulfiqar Gardezi. The scholars, academics, intellectuals, policy making institutions and think tanks in Pakistan showed avid fondness in the seminar and thronged all sessions.

While addressing the opening session, the President NDU, Lieutenant General Nazir Ahmed Butt, HI (M), welcomed the Chief Guest, the distinguished delegates from various countries and participants who came all the way to take part in this seminar. He said, in keeping with the broad parameters of the seminar that there is a need to answer some key questions that are relevant to shaping tomorrow. Most importantly, both countries should focus as to how to improve the bilateral relations? It is a known fact that the nations having clear directions secure their generations. There is no pre-planned formula in NDU about this relationship; therefore, every opinion in this regard would be vital. However, there is a need to see the issues of bilateral relations between Pakistan and Bangladesh through the lens of DPT model of conflict analysis in international relations, which suggests Diagnosis and Prognosis of the bilateral issues and hence proposes Therapy to overcome the hampering factors in bilateral relations.

The Chief Guest, Mr. Sardar Ayaz Sadiq deliberated that this intellectual exercise offers a platform to revisit the broad contours of challenges that can be translated into opportunities. It is a fact that separation was painful at both ends but was accepted as a *fait accompli*, unfolding newer opportunities for bilateral interaction and cooperation. This “See-Saw” relationship has roots -- both in the domestic politics of Bangladesh as well as in the broader prevailing conflicts in South Asia. On June 8, 2015 Indian Prime Minister Narendra Modi himself confessed in Dhaka that his country, 'financed, trained and ran Mukti Bahini in 1971.' He himself claimed to be a volunteer to garner support for it. These confessions become a fit case for International Court of Justice to punish the aggressors and conspirators, who violated the sovereignty of Pakistan 45 years ago.

The summary of findings and recommendations of the Seminar are appended in the succeeding paragraphs.



## Findings and Recommendations

There was almost unanimity of views among all scholars, who participated in the Seminar, about the following findings and recommendations in connection with the changing dynamics of Pakistan-Bangladesh relations.

- Since 1971, it has been intellectually fashionable to claim that Pakistan Army while fighting the insurgents killed 3 million Bengalis and raped many women. The Bengali narrative spun the yarn and convinced the world that the Indian-funded insurgency against the 'imperialism' of Punjab was genuine homegrown freedom movement. The narrative disseminated by the Indian and Bangladeshi governments largely prevails although it is far from truth and needs to be corrected.
- There is also a need to put the record straight and disseminate the right narrative in the world about the role played by India and her proxies which led to the dismemberment of Pakistan.
- It has been consistently observed that the current trials in Bangladesh are serious miscarriage of justice. Laws are basically made to achieve certain actions. In case of Bangladesh, mal intentions are clearly evident as it is only prosecuting one party of the conflict and the activists of Mukti Bahini are not accountable for their actions.
- The rules of evidence have been intentionally changed for the so called war trials in Bangladesh. There is also problem with the name of International Crime Tribunals Act as there is nothing international in it.
- There are clear evidences that the prosecutors and members of tribunals possess strong affiliation with the ruling party and some of them also fell proud in mentioning their allegiance with the Mukti Bahini. In such circumstances, justice is only a dream when the tribunal members are themselves part of the conflict.
- Ever since coming into power in January 2014, the policies adopted by the Awami League in Bangladesh are seen by many international observers as divisive. It has built a narrative of emotionally charged nationalism based on a glorified "liberation struggle" to counter political Islam. This narrative is being propagated in opposition to Bangladesh National Party (BNP) and Jamaat e Islami (JI), which in turn are portrayed as anti-liberation religious fundamentalists or unpatriotic people.
- Bringing Biharis back to Pakistan is a political decision and some of them have also been brought and settled in Punjab. There is no legal problem in bringing them back.
- The government of Bangladesh today does not represent the true feelings of Bengali people towards the people of Pakistan. There is a "tremendous goodwill" on both sides that needs to be exploited and not let it be wasted. In a nutshell, Pakistan and Bangladesh are two countries and one nation.
- In view of the challenges confronting the relationship of Pakistan and Bangladesh, there is a need of formation of truth and reconciliation commission led by independent jurists from the two sides and cessation of propaganda campaign against each other.
- The two countries need to move forward in the spirit of reconciliation as provided in the Tripartite Agreement of 1974. Pakistan desires to move ahead focusing on commonalities and keeping aside the events of past that can be used for non-productive discussions. Dwelling in the past is not a productive way of bringing the two countries closer. This spirit of moving ahead should in no way be construed as a sign of guilt on the part of any one party or as choosing a convenient policy to hide it.
- The process of reconciliation will only improve the situation if all sides of the conflict would be trialed. Presently, it seems that the Government of Bangladesh has not drafted a long term strategy and busy in convicting only one party of the 1971 crisis which is unfair. This reconciliation commission may grant

amnesty to all so that the future course of politics can be put straight. In this backdrop, Pakistan should also draft a strategy to cope up with the emerging situation because Pakistan is being held hostage to the past.

- Pakistan should take up the matter with the Government of Bangladesh. Individuals accused or their families can also take up the matter in the UN Human Rights Forum in Geneva. Similarly, Pakistan can also take up the matter at international forums. To highlight the issue at global level, an international conference on miscarriage of justice could be organized in London and Washington.
- At home and in Bangladesh, the History books need to be corrected to show a balanced picture. The various military and civilian governments in Pakistan have never attempted to identify, try and punish those involved in the dismemberment of Pakistan. Just a handful of army officers were retired and that was all. The Indian involvement in Karachi and Balochistan should be of highest concern to Government of Pakistan. The 1971 tragedy should not be allowed to be repeated. Pakistan should also raise the issue of Indian involvement in all international forums including UN and other multilateral and bilateral platforms.
- Pakistan also needs to be careful in its response to any international incidents be it “Bangladesh war trials” or something else, because our response impacts on our international relations. In a nutshell, Both Bangladesh and Pakistan need to move beyond the negativities of the past between the two countries towards a mutually beneficial future.
- The Awami League has previously formed governments since 1971, and yet no domestic tribunal was commissioned. Those who are accused of such crimes should face justice; however it must be done in a manner consistent with international standards aimed at determining individual criminal responsibility, not collective guilt. The tribunals have singularly failed at embracing such a notion and the judgments have all been littered with provocative statements attacking the political parties and groups that opposed liberation. For example, in the case against one of the accused, Professor Ghulam Azam, his mere association with a political party during the time was the primary basis for his conviction.
- There is a need to chart a strategy for Pakistan to deal with the continuing issues of 1971, including: the lingering issue of the standard Biharis in Bangladesh, the need for Pakistan to take a stand against the injustice and illegality of the War Crime Tribunals; the War Crime Denial Act; and the essentiality of Pakistan to cultivate good relations with Bangladesh and establish a mutually-acceptable, logical narrative of the events of 1971.
- Bangladesh's international development organization BRAC has been operating in Pakistan since 2007 and has expanded to reach 2.0 million poor people. Pakistani NGOs can also work in Bangladesh likewise particularly to help the stranded Biharis. Media industry needs to establish linkages to reduce negative narrative against each other. Pakistani banks and Financial Institutions need to go to Bangladesh. Pakistan needs to have a consistent, favorable policy and narrative towards Bangladesh irrespective of the regime there.
- In order to move forward, there is a need to increase sports links, enhance connectivity especially through flights, facilitate visas and more trade and work for cessation of negative propaganda.
- We need to find convergences while showing patience and firmness. There is a need to keep contentious issues on a low profile and restrict official comments to current issues only. Diplomacy does not have to be public all the time.
- Youth exchange particularly in the areas of education, science and technology and health.
- Start the process of dialogue to resolve contentious issues.

## Concept Note

Since 1971, Pakistan-Bangladesh relations have been oscillating from satisfactory to worst with short spells of conducive atmosphere. Whereas, Pakistan has sincerely endeavoured to maintain cordiality, Bangladesh mostly maintains a hostile posture. During the present political regime Bangladesh Government embarked upon projecting negative image implicating Pakistan Army in large scale genocide of Bangladeshis, unfounded claims regretted by all including the Bangladeshi population. The latest spurt of this endeavour is focused on War Trials of large number of Bangladeshis political workers especially Jamaat-e-Islami against all the humanitarian and legal concerns. Originally, this tribunal was set up in 1973 legislation and later set aside in the interest of regional peace by Mujib-ur-Rahman after the 1974 tripartite agreement signed between Pakistan, Bangladesh and India. The present Government of Bangladesh, despite the tripartite agreement decided to resume trials and has executed two leaders of Bangladeshi political party Jamaat-e-Islami in early 2016. These executions created tension between the two countries and the human rights community. There is need to deliberate on such deplorable move by the Bangladeshi authorities which has not delivered justice to the victims of war.



## Objectives:

Seminar was planned to highlight following aspects on the subject

- Bangladesh Governments violation of the tripartite agreement;
- The irrational attitude of the Bangladesh government at this stage;
- Implications for regional peace and bilateral relations;
- Increasing Indian influence over Bangladesh government



# Opening Session

## Welcome Address by President NDU Lieutenant General Nazir Ahmed Butt, HI (M)



On behalf of National Defense University, President NDU welcomed all participants and guests on one-day Seminar on “Strategic Dynamics of Pakistan-Bangladesh Relations in the Contemporary Geopolitical Setting”. While throwing light on the Pak-Bangladesh relations, he said that Bangladesh is a country which is very dear to us. This event is organized to address and replace the drift with thaw in bilateral relations between both the countries. 17th of December will mark the 45th anniversary of fall of Dhaka. It is a day that gave the severe blow to the idea and shape of Pakistan. The loss was not merely in terms of territory but it was loss of most patriotic and loving people of Bengal. Their contribution for creation of Pakistan was marvelous. What happened in East Pakistan in 1971 is the case study of Nation's failure to function and exist as a single state. The feelings of grievances of Bengali people were exploited by none other than India

which never accepted the division of Indian Sub Continent. It funded a separatist movement by launching hundreds of thousands of Mukti Bahini militia and after weakening the state apparatus within Pakistan it launched war against Pakistan. This is the history and reality about the birth of Bangladesh. The post 1971 developments are not different from pre war acrimony. Pakistan decided to move forward. It recognized the East Pakistan as sovereign state in 1974 and established full diplomatic relations in 1976. Successive governments in Islamabad have been making sincere efforts to have cordial relations with Bangladesh and build ties based on mutual respect and shared interests. The results of these efforts regrettably are mixed with moving between friendly to less friendly. Relations usually get abruptly hit under one particular party's government in Dhaka, which keeps endorsing Indian accusations by prosecuting pro Pakistan political and religious leaders under the war crimes. These activities have undermined the Pakistan's sincere efforts to come closer. Still people of Bangladesh and Pakistan stand for better and cordial relations. In moving forward, Pakistan and Bangladesh must look beyond the controversies and impediments of yesteryears. Both should not let India to sit on driving seat and decide the future course of bilateral relations between Pakistan and Bangladesh. This is the only way that both states will move forward towards a better and progressive future with 'Asian Dawn'. In this regard there is a dire need to find answers of these questions:-

a. Should we give up on Bangladesh and let it drift away, if yes, what about the majority of population who is optimistic about the betterment of bilateral ties, and by giving up, can the third party be stopped from its ugly mechanism?

b. What stops us from accepting our part of



the blame, and what about the remaining part?

c. Why can't the left over issues be dealt through Tripartite Agreement of April 1974?

d. How should narratives of hate be replaced with reconciliation and respect in the bilateral discourse?

e. Does anti-Pakistan rhetoric serves as oxygen for the survival of particular political force in Dhaka or it has more to do with Indian coercion visible or invisible?

f. How far we can go unilaterally to win the hearts of Bangladeshi people without any reciprocity from Bangladeshi government?

g. Lastly and most importantly, if we cannot live and cannot be a single state again, which unfortunately is the case, why cannot we behave like two normal states and have relation based on mutual respect and commonality of common interests

While answering these questions we can unmask the actual forces behind this tragedy, and will move forward by identifying common grounds.

At the end of his address he invited honorable Speaker National Assembly, Sardar Ayaz Sadiq for his Key Note address.

# Keynote Address

by Chief Guest and Speaker National assembly **Mr. Sardar Ayaz Sadiq**



While addressing the audience of the seminar, speaker National assembly deliberated that this intellectual exercise offers a platform to revisit the broad contours of challenges that can be translated into opportunities. It is a fact that separation was painful at both ends but was accepted as a fait accompli, unfolding newer opportunities for bilateral interaction and cooperation. Unfortunately however, Pakistan-Bangladesh relations have been oscillating from satisfactory to worst with spells of conducive atmosphere. This “See-Saw” relationship has roots --- both in the domestic politics of Bangladesh as well as in the broader prevailing conflicts in South Asia. On June 8, 2015 Indian Prime Minister Narendra Modi himself confessed in Dhaka that his country, 'financed, trained and ran Mukti Bahini in 1971.' He himself claimed to be a volunteer to garner support for it. These confessions become a fit case for International Court of Justice to punish the aggressors and conspirators, who violated the sovereignty of Pakistan 45 years ago. Unfortunately Pakistan has rarely got justice! The close nexus of the present Indian and Bangladeshi leadership is also

evident from Bangladesh's decision of not attending the SAARC Summit in Pakistan last November only after Indian reluctance. But then, there is also a significant dynamics of Bangladesh's domestic politics, which has an over-bearing impact on the relationship of our two countries. In this regard, the emergence of Awami League as the “sole player” in Bangladesh, especially in the aftermath of the 2014 elections needs to be critically considered in order to understand the subsequent animosity against Pakistan by its leadership. The hanging of Abdul Qadir Mulla on December 13, 2013 --- just on the eve of the January 2014 elections --- reflects the same mindset. Since then, the Bangladesh public opinion has been forced to become a “hostage of the past”. The setting up of War Tribunals in flagrant violation of the 1974 Tripartite Agreement signed among Pakistan, Bangladesh and India, only underscores the “political desperation for popular approval”. The trials and the consequent executions have brought the two countries and the human rights community to the threshold of newer tensions.

The Pakistani Parliament adopted a resolution denouncing the hanging of Mr. Abdul Quader Molla. This was reiterated in September this year through another Resolution that the execution of political leaders was contrary to the Tripartite Agreement. However, despite this one-sided animosity, Pakistan believes in keeping the window open. As politicians, we are trained to create “accord out of discord”. There is a sizeable section in Bangladesh, which does not share the perceptions of its current political leadership.

The business communities of the two countries have built a strong relationship in recent times whereas there are longstanding emotional ties between our two people. We must focus on harnessing on these people-to-people contacts. In the same spirit, we must not deviate from our chosen path of appeasement, as it is likely that the informed Bangladeshi public opinion will opt for a sensible and future-focused approach.



# Session I

# Session I:

## Strategic Dynamics of Pakistan-Bangladesh Relations

Session I had two penalist namely Mr. Ikram Sehgal, Pakistani defence analyst and security expert, and Professor Moonis Ahmar, Dean Social Sciences Department, University of Karachi. The session was chaired by Mr. Ikram Sehgal, and was divided in two parts. First part incorporated “Historical Flash Back: Pak- Bangladesh Relations (Mukti Bahini case)” by Mr. Ikram Sehgal and second part incorporated “Contemporary Issues between Pakistan and Bangladesh: Challenges and Opportunities (from 2010)” by Professor Moonis Ahmar.

### Historical Flash Back: Pak- Bangladesh Relations (Mukti Bahini case) By Mr. Ikram Sehgal

Ikram Sehgal spoke about the creation of Bangladesh and the country's relations with Pakistan from his personal experiences. To recall, the speaker's father was a Punjabi and mother a Bengali. His grand uncles were, Hussain Shaheed Sohorwardi, Muhammad Ali Bogra and J.A. Raheem (the Secretary General of the Peoples Party). Due to the fact that he was married to a Bengali, his father was taken (against his wishes) from 19 Punjab and sent to the then East Pakistan in 2nd Bengal to raise a battalion there in which Mr. Ikram Sehgal himself



was commissioned in 1965. Moreover, the knowledge comes from the fact that Lieutenant General Zia-ur-Rehman, Lieutenant General Shahid and Major General Shafiullah were the Adjutants of speaker's father, two of whom became the Presidents of Bangladesh. The speaker served in East Pakistan during 1970-71, participated in different operations and remained a prisoner of war.

The presentation was thus a commentary on the circumstances behind the creation of Bangladesh and the relationship of two countries after that. According to Mr. Ikram Sehgal the first mistake that was made was holding the elections 20 days after the disaster in East Pakistan in 1970. The speaker, who himself was a part of relief operation, recalled that there was death and destruction everywhere and holding of elections invoked the feeling in the people of East Pakistan of being abandoned. Although, within the cyclone hit areas, the maximum work was done by the battalions from West Pakistan, yet their work is not appreciated because of the misperceptions and propaganda against West Pakistan.

The operation searchlight is controversial for two reasons: establishing the writ of the state and media perceptions. The aim of the operation was to establish the control of the state in East Pakistan through a quick, effective and swift surgical operation. On 25th March 1971, the operation was conducted swiftly and all the targets including Dhaka University were taken. The myth about the operation is that there were lots of casualties and mass graves; but, these are just the myths, nothing has been proven as of today. The only place where there were some deaths was Rajanpur Police Station, the rest of the targets were taken by the army very swiftly. But the propaganda went against Pakistan army. In this context, the major mistake was done by taking out the foreign media from East Pakistan to Karachi. Because, once the foreign media was taken out, they went in again through Kolkata with the support of India and reported against Pakistan and Pakistan army.



This gave birth to a narrative and also propagated a number of myths against Pakistan. It is mainly because of the misperceptions spread then and lack of research after the tragedy as to “what happened”. The Truth is that the atrocities between 1st and 25th March did take place, but these were committed mainly against the Biharis and non-Bengalis by the Bengali people. One is witness that the whole colonies such as TNT and Fairouz Shah Colonies at Chittagong etc. of Biharis were completely raised to the ground. In this context, Pakistan army conducted a swift surgical operation on 25th March but the myth came out that thousands of people died, while in actuality less than a hundred people had died. Even Sheikh Mujeeb when he was released at Dhaka said that about 3 hundred thousand people had died and when he came out of press conference he claimed that 3 million people had died. Because, the father of the nation had said it, so, the figure became 3 million; but, he failed to state that how many of them were Biharis, West Pakistanis and others.

There were about 33 thousand regular soldiers and 13 thousand rangers posted in East Pakistan at that time. On one side, the atrocities were committed by Al Badar and Al shams groups, who were formed by Biharis, and the atrocities committed by them were in revenge. On the other side, the atrocities were committed by Mukti Bahini and its associated groups. Undoubtedly, the separation of East Pakistan was a national as well as a personal tragedy. “My biggest and my worst moment came there in East

Pakistan, where I never wanted my mother's people killing my father's people and vice versa.” Thus, it is the creation of narrative based on myths and misperceptions which needs to be corrected.

Notwithstanding the bitter facts of history, there is a lot of goodwill between Bangladeshi and Pakistani people even today. But the government of Bangladesh today does not represent the true feelings of Bengali people towards the people of Pakistan. There is a “tremendous good will” on both sides that needs to be exploited and not let it be wasted. In nutshell, Pakistan and Bangladesh are two countries and one nation.

## Contemporary Issues between Pakistan and Bangladesh:

### Challenges and Opportunities (from 2010) By Professor Moonis Ahmar

Mr. Moonis Ahmar in his presentation dwelled at length the issues in Pakistan-Bangladesh Relations in the contemporary setting. He also covered challenges and opportunities in Pakistan-Bangladesh relations while focusing on the present and future dynamics. The presentation attempted to respond to the questions including: why Pakistan-Bangladesh relations are still a hostage of the past and how historical legacies impact on efforts for normal and cordial ties? What are the issues which impede the process of normal relations between Pakistan and Bangladesh and how obstacles in this regard could be removed? What are the major challenges in Pakistan-



Bangladesh relations and how these could be met? What are the opportunities to better Pakistan-Bangladesh relations and how these could be properly utilized?

To recall, from August 14, 1947 till December 16, 1971, East Pakistan was a part of Pakistan but the process leading to the disintegration of Pakistan was unleashed several years ago. While majority of the people of the then East Pakistan were for the unity of their country, unfortunate events starting from the military operation of March 25, 1971 accelerated the process of the separation of East Pakistan. Economic and political sense of deprivation among the people of East Pakistan were not effectively addressed which augmented the alienation process. In the current setting, the current ruling party of Awami League in Bangladesh has used war crimes as a political tool for their own gains at national level. Moreover, Awami league has its eyes on 2018/19 elections so that it can stay in power at golden-jubilee in 2021. Therefore, it might not be Sheikh Hasina in power then, but it will still be someone from Awami league and policies might just be the same.

Pakistan-Bangladesh relations face a multitude of challenges rooted in both: history and in the current setting. Past hangover in Pakistan-Bangladesh relations include three issues: First, repatriation of stranded Pakistanis. Second, division of assets and liabilities and third tendering of formal apology from

the government of Pakistan to Bangladesh over the alleged atrocities committed during the military operation of March-December 1971. Major issues impeding Pakistan-Bangladesh relations since 2010 also go back to the history.

After the electoral victory of Awami League in 2009 elections, the second regime of Sheikh Hasina embarked upon forming International Crimes Tribunal (ICT) to trial those involved in war crimes during 1971. The controversial nature of ICT however failed to stop the process of awarding capital punishment particularly those belonging to Jamaat-i-Islami Bangladesh and the Bangladesh Nationalist Party. Therefore the issue of ICT is a major source of discord between Pakistan and Bangladesh as the former while referring to the tripartite agreement signed between India, Pakistan and Bangladesh in Delhi on April 9, 1974 which called for reconciliation and normalization of relations between Pakistan and Bangladesh, termed the holding of trial under war crimes in contradiction with Delhi agreement. Even Mujeeb Ur Rehman himself talked on several occasions saying that we have forgiven what happened in 1971.

The major challenges in Pakistan-Bangladesh relations relate to: historical legacies leading to mistrust and ill will. Negative and hostile attitude of Dhaka vis-à-vis Pakistan by launching periodic tirade namely expelling Pakistan High Commission officials on allegations of interfering in internal affairs of Bangladesh, meager trade and commercial ties, lack of connectivity, India's clout in Bangladesh and the indifferences on the part of both countries to seek betterment in their ties.

It can be said with certainty that a common Bangladeshi is not anti-Pakistan and vice versa. There are political issues that have kept the two countries apart. In view of the aforementioned challenges confronting the relationship of Pakistan and Bangladesh, the speaker suggested following.

- a. Formation of Truth and Reconciliation Commission led by independent jurists from the two sides.
- b. Cessation of propaganda campaign against

each other.

- c. Maximize trade, commercial and economic relations between the two countries.
- d. Promoting connectivity in terms of travel.
- e. Promoting institutional linkages.
- f. Focusing on positive areas of cooperation.
- g. Start the process of dialogue to resolve contentious issues.
- h. Youth exchange particularly in the areas of education, science and technology and health.

### Interactive Session

In the interactive session participants raised questions about the different aspects of Pakistan Bangladesh relations. These included: differing perspectives on perceptions about one another and bilateral issues; apology and compensation issue; way forward; and the operation of 25th March 1971. The mainstay of the interactive session was the remarks by a Bengali NSWC participant and recollection of the 25th March operation by Brig Taj. Brig Taj is now about 89 years old, had served as Intelligence officer in East Pakistan and was part of military operation in Dhaka on 25th March 1971.

There are many issues between Pakistan and Bangladesh that are causing problems between the two countries. One of the Bengali NSWC participant

opined that as a Bengali, this seminar has clarified many of the doubts with regards to relation between Bangladesh and Pakistan and therefore, one would be happy to be Pakistan's ambassador to Bangladesh. The issue is that of the perspective, for example, Pakistan's focus on "mutual forgiveness" and emphasis by Bangladesh on "apology". The participant further elucidated that Bangladesh and Pakistan neither have any geopolitical conflict nor an economic rivalry, rather one thinks "it is ego on both sides that is hampering the improving of relations". Despite what happened in 1971, the people of Bangladesh consider the people of Pakistan their brothers and vice versa. Even in a cricket match between India and Pakistan, more than 80 percent of Bengali people support Pakistan rather than India. Another issue is the differences on the death count on 25th March 1971. However, the lowest figures range from 7000 only on the night of 25th March and extend to 35000 in the following week. Additionally, there have been mass graves discovered in Dhaka. Nonetheless, it is the time that governments on both sides start to work to improve the bilateral relations because we cannot live forever in 71. Moreover, it is India that benefits from the hostilities between the two.

In the interactive session it was also observed that it apparently seems paradoxical that despite all the notions of a common Bengali person's love and affection for Pakistan, Sheikh Hasina who is



considered to be a strong anti-Pakistan was elected into power by the same Bengali people. However, Sheikh Hasina came into power again in 2014 only because the elections were boycotted by all other political parties, therefore, it can be assumed that it is not a popular representative regime. Moreover, success of an anti-Pakistan regime does not mean hate against Pakistan amongst the common person in Bangladesh. Instead, a common person in Bangladesh is pro-Pakistani and it is only the elite who benefited from the creation of Bangladesh and stand to benefit by maligning Pakistan today. The issues of Bangladesh's demand of apology and compensations, on the losses of 25th March 1971 incident and beyond from Pakistan, seem zero-sum. Because if Pakistan apologizes and compensates Bangladesh for the loss of Bengali people's lives on 25th March and beyond, then what about the Biharis and non-Bengali people who were killed between 1st and 25th March 1971 and then after 16th December. Who will apologize and compensate for them?

For a forward move, it was suggested that Pakistan and Bangladesh, instead of living in the past, should abide by the tripartite agreement of 1974 and look towards the future. On the issues of conflicts, both countries should formulate a truth and reconciliation commission comprising eminent and respected jurists on both sides to resolve the outstanding issues. Concurrently, during 1971, propaganda was primary maneuver by India and its allies against Pakistan and so is the fact today. Therefore, we need to build strong counter propaganda response institutions in Pakistan. Pakistan also needs to be careful in its response to any international incidents be it "Bangladesh war trials" or something else, because our response impacts on our international relations. In a nutshell, Both Bangladesh and Pakistan need to move beyond the negativities of the past between the two countries towards a mutually beneficial future.

Commenting on the operation of 25th March 1971, Brig Taj stated that there were a number of reasons for the operation on 25th March. He

recalled that Sahabzada Yaqoob had advised the then President to announce the new date while postponing the national assembly session but, to no avail. Therefore, after the people of East Pakistan came out on the streets on 2nd March, Sahabzada Yaqoob resigned on 4th March. At that time, on 2nd of March, all the universities, colleges and schools were closed. On 6th March, Sheikh Mujeeb addressed a large number of Bengali people in Dhaka Racecourse Ground and announced his 4 points. It was also the day when Lieutenant General Tika Khan took over the command of East Pakistan. On 16th March, General Yahya went to East Pakistan and held a couple of meetings there. It was on 19th March that Mr. Bhutto went to East Pakistan and held a one-to-one meeting with Sheikh Mujeeb in President House, but with no result.

Meanwhile, the situation in both parts, particularly in East Pakistan was getting worsen and people particularly Biharis and non-Bengalis were being killed every day. On 21st March, a document on the confrontation between East and West Pakistan by Tajuddeen Ahmed, Dr Kamal Hossain, Abul Hasnat, Muhammad Qamr u zaman and others was brought to the president of Pakistan on which meeting of senior military commanders was held on 24th March and was decided that to reinstate the writ of the state, military operation will be conducted. There were clear instructions to the soldiers that nobody will open fire until he is fired upon. "The first shot was fired from inside Dhaka University, where Mukti Bahini people were hiding. Some left before the operation while some were killed during the action. Total number killed at Dhaka University were 12 people and in Juggarnath Hall (another center of activities), about 30 people were killed. Thus, the confirmed number of people who were killed during the operation on the night of 25th March was 42." Moreover, the stories about the massacre at Roquiya Hall are false because along with all the universities, the hall was also closed on 2nd of March.



# Session II

# Session II:

## Bangladesh War Trials : National Security Perspectives

Session II was chaired by Amb Iqbal Ahmad Khan. The session had two penalists namely Mr. Ahmer Bilal Soofi, International Law Expert and Mr. Toby Cadman, Barrister, UK. The session “Bangladesh War Trials: National Security Perspectives” was divided in two parts. First part incorporated “Bangladesh war Trials: A violation of Tripartite Agreement 1974” by Mr. Ahmer Bilal Soofi and second part incorporated “International Perspective over War Trials in Bangladesh and its implication for regional peace” by Mr. Toby Cadman.

### Bangladesh war Trials: A violation of Tripartite Agreement 1974 By Mr. Ahmer Bilal Soofi

The war crime tribunals in Bangladesh are basically serious miscarriage of international laws. Article 2(4) of UN Charter, 1945 says that “All members shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any state, or in any other manner inconsistent with the Purposes of the United Nations.” On the other hand, Operational Instruction 52 of the Indian



Army formally committed the Indian forces to “assist the Provisional Government of Bangladesh by rallying the people of East Bengal in support of the liberation movement,” and “to raise, equip and train East Bengal cadres for guerrilla operations for employment in their own native land.” On 7th June 2015, Indian Prime Minister Narendra Modi’s statement at Dhaka University also depicts the Indian role in the 1971 crisis.

The national level legislation process in Bangladesh regarding war crime tribunals started with The Bangladesh Collaborators (Special Tribunal) Order, 1972 followed by the International War Crimes (Tribunal) Act, 1973. Later on, Pakistan, India and Bangladesh concluded a tri-partite agreement in 1974 which halted these trials till 2009 when Bangladesh renamed the Act of 1973 as International Crimes (Tribunal) Act, 1973 (ICTA) through several amendments which started functioning in 2010. The revival of war trials was basically electoral promise of Awami League. But there are serious procedural violations in war crimes tribunal law of Bangladesh. The provisions of the Criminal Procedure Code, 1898 (V of 1898), and the Evidence Act, 1872 (I of 1872), shall not apply

in any proceedings under this Act.

Section 19 (1) of ICTA writes that “Tribunal shall not be bound by technical rules of evidence; and it shall adopt and apply to the greatest possible extent expeditious and non-technical procedure, and may admit any evidence, including reports and photographs published in newspapers, periodicals and magazines, films and tape-recordings and other materials as may be tendered before it, which it deems to have probative value”. Section 56 also gives weight to secondary evidences as well as hearsay evidence which is astonishing. In 2013, certain amendments like trial of organizations were made in ICTA which widened its scope. Further procedural flaws include strongly influenced tribunal members as well as prosecutors, appointment of tribunal members cannot be challenged and no rules of evidence.

The major flaw in the ICTA is that it makes only one side of the conflict accountable. It states that “no suit, prosecution or other legal proceeding shall lie in any Court against any person for or on account of or in respect of any act done during the period from the 1st day of March, 1971 to the 16th day of December, 1971, in connection with the struggle for national liberation or for maintenance or restoration of order up to the 28th day of February, 1972.” Moreover, the ICTA has been established outside the framework of the Bangladesh Constitution thus denying the fundamental constitutional rights.

The breach of basic norms of law in ICTA has received criticism from international organizations. According to Amnesty International, trial and appeal procedure of Ali Ahsan Mohammad Mojaheed (JI) and Salauddin Quader Chowdhury (BNP) was “clearly flawed”. Human Rights Watch urged Bangladesh to halt trials because they failed to uphold international standards. The War Crimes Committee (WCC) of the International Bar Association (IBA) noted that the Act contains outdated definitions of criminal offences as well as serious violations of the International Covenant on Civil and Political Rights (ICCPR) during the

trials.

The Bangladesh war crime trials are a serious violation of the Tri-Partite Agreement, 1974, as well as of due process standards and international law relating to minimum judicial guarantees, thus resulting in a grave miscarriage of justice. In this connection, Pakistan should take up the matter with the Government of Bangladesh. It was suggested that Individuals accused or their families can also take up the matter in the UN Human Rights Forum in Geneva. Similarly, Pakistan can also take up the matter at international forums. To highlight the issue at global level, an international conference on miscarriage of justice could be organized in London and Washington.

### International Perspective over War Trials in Bangladesh and its implication for regional peace By Mr. Toby Cadman, UK

International criminal law is an ever-evolving subject and it is fair to say that the international criminal tribunals are imperfect. Any student of international law will be able to pick faults with the application of law in the international and ad hoc





tribunals from Nuremberg to the International Criminal Court in The Hague. The International Crimes Tribunal in Bangladesh, a purely national tribunal, could have contributed greatly to the development of international law and could have contributed to reconciliation in Bangladesh – a country that remains deeply divided more than four decades after the end of hostilities. Instead, its contribution ranks at the very bottom of the scale.

The international community has maintained a consistent line in Bangladesh – trials are important to end impunity but trials must be fair. In Bangladesh they are not. There have been many critics ranging from members of the U.S. Congress to the United Nations. People are being executed despite the protests of Secretary of State John Kerry, UN Secretary General Ban Ki Moon, and UN High Commissioner for Human Rights Navanethem Pillay. On the other hand, recent trials seem as a political monologue attempting to legitimize a fundamentally flawed process. It has nothing to do with the law.

The victims of the crimes committed during the 1971 War deserve justice, and that the passing of time cannot wipe away the horrors of that period. It is important that those responsible for the undeniable crimes that were committed in the 1971

conflict are held to account. However, justice must be real, it must not be a hollow gesture filled with political rhetoric and influence.

The Awami League has previously formed governments since 1971, and yet no domestic tribunal was commissioned. Those who are accused of such crimes should face justice; however it must be done in a manner consistent with international standards aimed at determining individual criminal responsibility, not collective guilt. The tribunals have singularly failed at embracing such a notion and the judgments have all been littered with provocative statements attacking the political parties and groups that opposed liberation. For example, in the case against one of the accused, Professor Ghulam Azam, his mere association with a political party during the time was the primary basis for his conviction.

It is important to note that although making claims that the process is driven by evidence and not politics, not a single investigation has been initiated into any possible conduct by members of the pro-liberation forces. In fact, to make such a statement is considered seditious or at the very least, contemptuous. There is even a presidential decree that grants absolute immunity to any person who fought for liberation. This in itself speaks volumes.

Such trials further demonstrate the real intent – to demonize an Islamist political movement that opposed liberation from Pakistan in 1971 as a political objective. One only has to cast a cursory glance over the judgments already delivered to read statements targeting Jamaat as a party of 'war criminals.' Such statements were openly declared by cabinet ministers and even Prime Minister Sheikh Hasina Wajed herself who in her public addresses often referred to those accused as 'war criminals,' promising swift conclusions and executions. This was before any of the accused was in fact found guilty of any crime.

In this situation, where basic characteristics of laws are not being abided by, the solution lies in establishing a truth and reconciliation commission in Bangladesh. The process of reconciliation will only improve the situation if all sides of the conflict would be trialed. Presently, it seems that the Government of Bangladesh has not drafted a long term strategy and busy in convicting only one party

of the 1971 crisis which is unfair. This reconciliation commission may grant amnesty to all so that the future course of politics can be put straight. In this backdrop, Pakistan should also draft a strategy to cope up with the emerging situation because Pakistan is being held hostage to the past.

### Interactive Session

During the interactive session, questions were raised regarding the breach of basic norms of law, available international forums, Biharis in Bangladesh, legislation process, role of India and options for Pakistan. Basic norms of law allow the accused persons to defend the allegations against him by all possible means. The same right has been given in the constitution of Bangladesh. Contrarily, the rules of evidence have been intentionally changed for the so called war trials in Bangladesh. There is also problem with the name of International Crime Tribunals Act as there is nothing international in it. It is a national level legislation. Also, it is the violation of tri-partite



agreement. UN Human Rights Commission in Geneva and Human Rights Watch have also condemned the breach of basic norms of laws in these trials.

The conduct of these trials is destroying the cordial relationship between Pakistan and Bangladesh therefore Pakistan can raise the issue to the various international forums. It may be difficult to take the issue to the International Court of Justice (ICJ) but other human rights forums can be used aptly. It is pertinent to mention that the children of accused persons in these trials, who are living abroad, are planning to file cases in the courts of US and UK. Bringing Biharis back to Pakistan is a political decision and some of them have also been brought and settled in Punjab. There is no legal problem in bringing them back.

It has been consistently observed that the current trials in Bangladesh are serious miscarriage of justice. Laws are basically made to achieve certain actions. In case of Bangladesh, mal intentions are clearly evident as it is only prosecuting one party of

the conflict and the activists of Mukti Bahini are not accountable for their actions. Even there are clear evidences that the prosecutors and members of tribunals possess strong affiliation with the ruling party and some of them also fell proud in mentioning their allegiance with the Mukti Bahini. In such circumstances, justice is only a dream when the tribunal members are themselves part of the conflict. The accused are not allowed to question the tribunal members and there is no right to appeal in any higher courts for them.

Of course, India has played a role in the 1971 crisis. Even the Prime Minister Modi has accepted it in his speech. It is Pakistan's turn to define its policy options. International forums can be used to highlight the issue as well as Pakistan can also trial the Bengali people who were involved in massacre in the then East Pakistan. The government of Bangladesh is building a narrative in favor of trials while Pakistan has not constructed any counter narrative. Pakistan should raise the issue of Indian intervention at every forum.





# Session III

# Session III:

## Foreign Policy Options and Initiatives Available to Pakistan



Session III was chaired by Amb. Najam-ud-din A. Sheikh. The session had two penalist namely Dr. Junaid Ahmad, Chairman National Management Consultants (Pvt) Ltd, Karachi and Syed Zulfiqar Gardezi, Additional Secretary (AP), Ministry of Foreign Affairs. The session “Foreign Policy Options and Initiatives Available to Pakistan” was divided in two parts. First part incorporated “Bilateral Relations and Way Forward” by Dr. Junaid Ahmad and second part incorporated “Foreign Policy Options and Initiatives Available to Pakistan” by Mr. Syed Zulfiqar Gardezi.

### Bilateral Relations and Way Forward By Dr. Junaid Ahmad

Previously hidden but a proud admission came from Indian Prime Minister Modi regarding India's role in the dismemberment of Pakistan. In an address at Dhaka University on 8th June 2015, Modi had said, “Indian soldiers fought alongside Bengali guerrilla and regular armed resistance forces during the nine-month war.” Pakistan's response to such an outrageous admission was not as forthcoming as required. Since 1971, it has been intellectually fashionable to claim that Pakistan Army while fighting the insurgents killed 3 million

Bengalis and raped many women. The Bengali narrative spun the yarn and convinced the world that the Indian-funded insurgency against the 'imperialism' of Punjab was genuine homegrown freedom movement. The narrative disseminated by the Indian and Bangladeshi governments largely prevails although it is far from truth and needs to be corrected.

There is a need to chart a strategy for Pakistan



to deal with the continuing issues of 1971, including: the lingering issue of the standard Biharis in Bangladesh, the need for Pakistan to take a stand against the injustice and illegality of the War Crime Tribunals; the War Crime Denial Act; and the essentiality of Pakistan to cultivate good relations with Bangladesh and establish a mutually-acceptable, logical narrative of the events of 1971.

During the partition of British-India in 1947, around one million Urdu speaking Muslims from the present-day Indian provinces of Bihar, Uttar Pradesh, Madhya Pradesh, and Rajasthan moved to erstwhile East Pakistan. When they arrived in East Pakistan, they felt alienated in the new society in terms of language, customs, traditions and culture. They spoke Urdu and therefore, opposed the Bengali language movement in 1952, which caused further alienation. Thousands of Biharis, Punjabis, Pathans and even Bengali supporters of Pakistan were mercilessly killed and their properties looted by miscreants and Mukti Bahini which included over 50,000 Indian soldiers. When Bangladesh was finally established, Biharis, fearing persecution, naturally wanted to go to West Pakistan, but became stranded in Bangladesh due to complications of the repatriation process. Today, these stranded Biharis

in Bangladesh suffer from an identity crisis and extreme hostility because they are viewed as allies of Pakistan. They live in temporary accommodations called “refugee camps”, and are still denied rights and amenities extended to refugees across the world and continue to face extreme hostility from the local populace.

According to the Statute of UNHCR and the Refugee Convention 1951, a 'refugee' is a person who;

- a. Is outside the country of his nationality, or in the case of stateless persons, outside the country of habitual residence.
- b. Lacks natural protection; and
- c. Fears persecution.

Biharis are ethnically different, maintain Bihari cultural values and practice Islam, just as the Bengali majority does but they are accorded a peculiar status which is 'artificial', rendering them neither refugees nor minorities and living in a hostile environment. They had to bear enormous social, economic, and political consequences including mass killings immediately after the creation of Bangladesh. Overpopulation, lack of basic sanitation facilities, and extreme poverty are the primary problems in





the Bihari refugee camps. The camp authorities are neither capable, nor eager to maintain healthy sanitary conditions in the camps, as Biharis are seen as unfriendly, if not enemies. The economic condition of the Biharis is extremely poor because of their financial insecurity and lack of economic opportunities. Over the years, the amount of relief has decreased significantly & in some cases even stopped.

At the same time, there is a need to understand the politics of repatriation. In 1972-73, the Bangladeshi Govt. gave two options to Biharis that is either to remain in Bangladesh as citizens or return to Pakistan through International Committee of the Red Cross (ICRC). Two-third of the Biharis opted to repatriate to Pakistan. However, the Government of Pakistan was reluctant to receive and settle such a large number of Biharis. In early 1973, Sheikh Mujib raised this issue with UN Secretary General to ensure their repatriation to Pakistan through UNHCR and ICRC. After this Agreement from 1973 to April 1974 around 170,000 Biharis were repatriated to Pakistan with the help of ICRC & UNHCR. The Bhutto Govt. was reluctant to accept more out of political reasons. In June 1974, during Mujib-Bhutto talks in Dhaka, Bhutto turned down the request of Mujib to take

back the Biharis saying “I have not come to Bangladesh with a blank cheque”. Mujib took the matter to the UNGA in Dec, 1974 and to the Commonwealth Leaders Conference in May 1975 but these efforts did not produce positive results as Government of Pakistan was reluctant. Mujib's assassination in August 1975 further slowed down the process. After Mujib's regime, the Government. of General Zia-ur-Rahman restarted the diplomatic efforts. Following his visit to Pakistan in late 1977, Government of Pakistan agreed to take 25,000 hardship cases through ICRC. But only 4,700 people out of 25,000 were repatriated and the process was halted. Next time the Government of Pakistan agreed to take back only 16,000. With the help of UNHCR another 2,800 Biharis were repatriated in Sept, 1978 financed by KSA and Libya. Later, through the efforts of Lord Ennals of Britain another 7,000 Biharis were repatriated in 1980. Foreign Minister of Pakistan visited Dhaka in early 1984 and stated that Pakistan was thinking of accepting 50,000 more Biharis. Lord Ennals Resettlement Trust financed 6,000 Bihari's resettlement in Lahore in 1984.

In December 1985, President Zia ul Haq during his visit to Dhaka actually stated that Pakistan has fulfilled its commitments as per 1973

accord and further repatriation will take place only if the required funds are made available. In this situation, the Government of Pakistan signed an agreement with Saudi-based Rabita Al-Alim Al-Islami in July 1986 to raise funds and a Trust was established under President Zia ul Haq. The Government of Pakistan donated Rs. 250 million to this trust and RAAA donated Rs. 50 millions, the balance was to be raised in the next three years. Unfortunately, the whole process stopped due to the sudden death of President Zia ul Haq in August 1988. Sahibzada Yaqoob Khan was made head of the Trust, but it could not achieve any note worthy success. Benazir Bhutto took over as Prime Minister in 1988, but could not take any positive action during her tenure due to heavy pressure from various Sindhi Nationalist parties. During her visit to Dhaka in 1989, she subtly avoided the Bihari issue labeling it as a very complex problem. Prime Minister Nawaz Sharif wanted to speed up the process of repatriation with the help of Rabita Trust Board and wanted to settle 8,000 Biharis in each district of Punjab but this could not materialize because of floods in 1991, unusual political issues and other factors. In the second tenure of Benazir as well as that of Prime Minister Nawaz Sharif, no real progress could take place. All progress on the Bihari issue stopped as General Musharraf came to power in 1999.

In terms of present status of Biharis, in 2003, the High Court in Bangladesh held that 10 Urdu-speaking petitioners born both before and after 1971 were Bangladeshi nationals. Ultimately the Supreme Court of Bangladesh confirmed in 2008 that all Biharis are citizens of Bangladesh and ordered the Election Commission to enroll them and others who wanted to be enrolled as voters. As such about 60000 Biharis--now citizens of Bangladesh-- are still socially and politically marginalized and have long been ignored by both Pakistan and Bangladesh. Those living in camps face sever discrimination and difficulties in every aspect of life. Pakistan needs to make extraneous efforts to repatriate the Biharis or push the Bangladesh government to accept them into the mainstream.

Regarding War Crimes Tribunal, after 1971 War, the International War Crimes (Tribunal) Act, 1973 was passed by Bangladesh to try persons accused of atrocities during the war. Of the thousands of PoWs, only 195 were identified, after investigation, as potentially culpable of crimes during the war. However, these 195 PoWs were subsequently repatriated to Pakistan without any trial as an 'act of clemency' by the Govt. of Bangladesh under the Tripartite Agreement of 1974. Through this Agreement, a different law was envisaged to decide the fate of local collaborators of the Pakistani armed forces, called the Bangladesh collaborators as per (Special Tribunal) Order 1972. Out of a 100,000 people arrested and investigated under the 1972 order, only 752 were found guilty and sentenced. The 1972 Order was later repealed and the 1973 International War Crimes (Tribunal) Act became dormant.

Today, more than four decades have passed but the relationship between Pakistan and Bangladesh has not been normalized yet. Mistrust, suspicion and Awami League govt.'s propensity to state false facts have kept Pakistan away from fostering a cooperative and sustainable relationship with Bangladesh. There is a lot of potential in the relationship in many domains including economic, social, cultural and even strategic domains. Pragmatically speaking, there are no permanent adversaries or friends. Therefore, like Japan & USA, Britain and France etc., Pakistan and Bangladesh also need to follow suit. The present government. is pro-India and the BNP govt. is seen as pro-Pakistan. Bangladesh needs to develop a concrete policy towards Pakistan which is internally not regime-centric and vice versa. Geographically, Bangladesh is surrounded by India, who has a definite superiority complex over Bangladesh. Pakistan can be strategic ally of Bangladesh to minimize the Indian influence.

Given the socio-cultural and religious commonalities between Pakistan and Bangladesh, the present trade volume is around \$ 300-250 million with Bangladesh share of only US \$ 70 million. Bangladesh's exports can be increased

substantially as there is a market for its leather, jute, tea, ceramics, pharmaceuticals, etc in Pakistan. There is also a need to remove tariff and non-tariff barriers, establish direct shipping links, joint ventures and even FTA (Free Trade Agreement) may be signed as has been signed between China and Pakistan.

The fact is that there is no fast way to transform Pakistan-Bangladesh relations from relative indifference to mutual warmth while rest of the world has moved on to foster good relations even with erstwhile not-so-friendly counties. Various NGOs (Non-government organizations) and CSOs (Central Statistics Offices) can also play an important role in developing sustainable relations. Bangladesh's international development organization BRAC has been operating in Pakistan since 2007 and has expanded to reach 2.0 million poor people. Pakistani NGOs can also work in Bangladesh likewise particularly to help the stranded Biharis. Media industry needs to establish linkages to reduce negative narrative against each other. Pakistani banks and Financial Institutions need to go to Bangladesh. Pakistan needs to have a consistent, favorable policy and narrative towards Bangladesh irrespective of the regime there. There is also a need to put the record straight and disseminate the right narrative in the world about the role played by India and her proxies which led to the dismemberment of Pakistan. The negative propaganda spread over past 45 years by India and Bangladesh has not been countered effectively due to Pakistan's inaction and a policy of ignoring the issue which has led to a failure to establish a narrative based on facts and evidence. The miscreants and Mukti Bahini committed appalling atrocities in the name of freedom fighting which need to be exposed. Pakistan's armed forces performed their duty to control the insurgency and Indian sponsored violence but have still been demonized by the Bengali and Indian propaganda.

At home and in Bangladesh, the History books need to be corrected to show a balanced picture. The various military and civilian governments in Pakistan have never attempted to identify, try and

punish those involved in the dismemberment of Pakistan. Just a handful of army officers were retired and that was all. The Indian involvement in Karachi and Balochistan should be of highest concern to Government of Pakistan. The 1971 tragedy should not be allowed to be repeated. Pakistan should also raise the issue of Indian involvement in all international forums including UN and other multilateral and bilateral platforms.

## Foreign Policy Options and Initiatives Available to Pakistan

### By Syed Zulfiqar Gardezi

Relations between Pakistan and Bangladesh are rooted in common history, religion and neighborhood in the South Asian context. Both countries are members of UN, OIC, Commonwealth and SAARC and share similarity of views on a number of regional and international issues. Thus, in addition to bilateral collaboration, both countries enjoy a degree of cooperation in the multilateral context.

Bilaterally, the relations cover a range of political, trade, economics, defence and cultural fields including the leadership level exchanges between the two countries which are also a feature of the bilateral relationship. The two countries



endeavor to further strengthen bilateral cooperation in all areas of mutual importance. However, ever since coming into power in January 2014, the policies adopted by the Awami League in Bangladesh are seen by many international observers as divisive. It has built a narrative of emotionally charged nationalism based on a glorified “liberation struggle” to counter political Islam. This narrative is being propagated in opposition to Bangladesh National Party (BNP) and Jamaat e Islami (JI), which in turn are portrayed as anti-liberation religious fundamentalists or unpatriotic people.

With regards to the 1971 'War Trials', the Government of Bangladesh is vigorously pursuing the trial of so-called war criminals of 1971 which has cast a shadow on bilateral ties. The International War Crimes Tribunal (ICT) has so far delivered 26 judgments resulting in execution of members from Jammat-i-Islami and Bangladesh Nationalist Party (BNP). The last execution was of Mir Qusem Ali, leader of Jamat-e-Islami of Bangladesh that took place on 3rd September 2016. It is a known fact that ever since the beginning of the trials; several Human Rights Organizations such as Human Rights Watch and Amnesty International have raised their objections to the proceedings of the court. The UN and the EU along with many countries have also criticized the Tribunal.

At home, the National and Provincial Assemblies and AJK Parliament have voiced their opposition to these judgments, duly noting that such action may further aggravate the divisions in Bangladesh. The Government of Pakistan has been highlighting the flawed judicial process and urged the Government of Bangladesh to uphold its commitment, as per the Tripartite Agreement of 1974, wherein it “decided not to proceed with the trials, as an act of clemency”.

However, for Pakistan the question is how to conduct relations in such an environment because Pakistan has consistently tried to maintain a positive approach in bilateral relations by highlighting commonalities and convergence of interests. Unfortunately, the ties with Bangladesh have not always progressed smoothly. For instance, Bangladesh joined India and refused to attend SAARC Summit, to be held in November, 2016 in Islamabad. However, there is another side to the story as well.

The Prime Ministers of Pakistan and Bangladesh last met on the sidelines of the 18th SAARC Summit in Kathmandu on 26 November 2014. The two Prime Ministers reviewed bilateral relations, briefed each other on internal political developments in their respective countries and agreed to a forward looking relationship with each



other. Recognizing the need for enhancing people-to-people contacts, both agreed that the two sides could learn from each other's expertise in various sectors, particularly, in the field of energy. Prime Minister Hasina also extended an invitation to the Prime Minister to visit Bangladesh. There are parliamentary contacts as well. In addition to regular official contacts between leaders, foreign offices etc. there exists an official mechanism to promote relations between the two countries through Bilateral Political Consultations between the two Foreign Ministries. Through it, consultations between the Foreign Secretaries also continue to exchange views on bilateral matters including political, economic, cultural and educational cooperation, regional and international issues of mutual interest. Since creation of this mechanism, five rounds of Bilateral Political Consultations have been held. We hope to have the sixth Session in due course.

Bilateral trade between the two countries has hovered around \$ 750 million with the balance in Pakistan's favour. In 2015-2016, Pakistan's exports totaled \$ 694 million while imports were \$ 50 million. Pakistan's major exports to Bangladesh include: cotton and cotton products including fabrics, basmati rice, spices, staple fibers, machinery, cereals etc. Bangladeshi exports to Pakistan comprise chemicals, tea, apparels, paper yarn etc. Economic engagements include participation of Pakistani exhibitors in the Dhaka International Trade Fair (DITF-2016) in January this year. There also exist a number of trade promotion agreements. The bilateral Joint Economic Commission (JEC) has held eight meetings so far. In addition, under Special Assistance Program for South Asian countries (SAP-SA), an amount of 10 million rupees is spent by Pakistan every year on various assistance projects in Bangladesh. The projects include: familiarization visits of Bangladeshi journalists and students to Pakistan, Inter-School Dosti Art Competition and distribution of computers etc in Bangladesh. Additionally, Pakistan has been offering Bangladesh six seats under Pakistan Technical Assistance Program (PTAP).

Military cooperation between Pakistan and Bangladesh commenced in 1976 when Bangladesh approached Pakistan for training of their Air Force personnel. The armed forces cooperation between the two countries covers the fields of training and sale of military equipment to Bangladesh on subsidized rates. Three bilateral MoUs were signed in 1991, 1992 and 1994 which encompass training cooperation and sale of military equipment. Bangladesh is the largest recipient of gratis training in Pakistan. Bangladesh Armed Forces have so far availed about 1574 vacancies in military institutions of Pakistan. Bangladesh avails one to two vacancies each on Command & Staff College, Naval War Course and NSWC on reciprocal basis. Presently, there are four officers of Pakistan Armed Forces under training in Bangladesh and a bigger number of Bangladeshi military officers are undergoing training in Pakistan.

Similarly, Pakistan and Bangladesh signed an agreement on Culture in 1979 which provides for cooperation in the fields of culture including arts, archaeology, archives, sports, education, information and broadcasting. In pursuance of the Agreement, Cultural Exchange Programmes (CEPs) were drawn and implemented. Under the Cultural Exchange Programme, the two sides agreed to facilitate admissions of the students on self-finance basis in the fields of IT, Business Administration, Medicine and Engineering. Pakistan has also been offering Bangladesh six seats under Pakistan Technical Assistance Programme (in medicine (02), pharmacy (02) and engineering (02)). In fact, Pakistan has extended 100 (one time) fully-funded scholarships for Bangladeshi students in the fields of Medicine (25), Engineering (25), IT (25) and other subjects (25) in 2003-04 which will end in June 2017.

Pakistan and Bangladesh signed MoU on cooperation in tourism in February 2006. However, there are limited member of visitors to each other countries and, therefore, modest progress has been made in people-to-people exchanges. The two countries also maintain links in sports sector. In

September last year, Pakistan Cricket Team visited Bangladesh and the Bangladesh Women Cricket Team visited Pakistan.

The above amply shows that while official contacts have followed the vicissitudes of political developments, public sentiments regarding each other have nevertheless remained positive, though the Government of Bangladesh seems to be increasingly gravitated toward India's sphere of influence in recent years. Prime Minister Modi undertook a high profile visit to Bangladesh last year and reportedly Bangladeshi Prime Minister will also be visiting New Delhi later this month. However, India is apprehensive over the growing engagement of Bangladesh with China. For instance, Bangladesh will be receiving two submarines from China at the cost of \$ 203 million – an outcome of the visit of Chinese President to Dhaka in October this year. So, despite shadow cast by India's role on our relations with Bangladesh, there is enough substance in bilateral ties on which to build. There are some encouraging signs from Bangladesh also. For instance in her remarks in the Bangladesh Parliament, Prime Minister Sheikh Hasina ruled out suggestions of severing relations with Pakistan. In order to move forward, there is a need to increase sports links, enhance connectivity especially through flights, facilitate visas, promote institutional linkages and more trade and work for cessation of negative propaganda.

Pakistan believes that dialogue is the only option to solve all outstanding issues between the two countries. It is hoped that the Government of Bangladesh will reciprocate the goodwill gestures of the Government of Pakistan in the best interest of the people of the two countries. Our assessment of the public sentiment gives us confidence that we can overcome challenges. The two countries need to move forward in the spirit of reconciliation as provided in the Tripartite Agreement of 1974. Pakistan desires to move ahead focusing on commonalities and keeping aside the events of past that can be used for non-productive discussions. Dwelling in the past is not a productive way of

bringing the two countries closer. This spirit of moving ahead should in no way be construed as a sign of guilt on the part of any one party or as choosing a convenient policy to hide it.

In fact, Pakistan's reaction to developments in Bangladesh has been measured, deliberately eschewing escalatory steps whether it is regarding the trials being conducted, unfriendly remarks of some of their leaders or their decision of not attending the SAARC Summit. We also do not take sides in their domestic politics but we do believe that the foreign policy of any country must reflect the sentiments of its people, just as we cannot ignore the resolutions passed by our parliaments being the reflection of the sentiments of our people.

As for the future, one may optimistically assume that relations with Bangladesh will achieve more substance and depth over time. A whole new generation has come of age that is not hostage to bitter memories of the past and the reservoir of goodwill among the people of both countries is strong enough to overcome any rancor. However, Pakistan needs to be mindful of the designs of others to create mischief. By exercising patience and perseverance for what may turn out to be a generational effort, the full potential of our relations can be realized.

### Interactive session

During the interactive session, questions were raised about Bangladesh's close ties with India and England even after tragic events related to Partition of 1947; causes of dismemberment including imposition of minority language (Urdu) on Bangladesh and economic disparity; suggestions for favorable multi-layered narrative building; lack of long term vision of Ministry of Foreign Affairs on Bangladesh; possible mutual interest between Pakistan and Bangladesh; Bangladesh Government's statements usually reactionary and after provocation from Pakistan; miscreants' anti-Pakistan politics; future of Pakistan-Bangladesh ; need for short to long term policies on issues of vital national interests etc.

In response it was stated that Pakistan has always been accommodative, flexible and open as compared to Bangladesh but this cannot remain a one-sided affair forever. Bangladesh's economy is not doing very well these days and growing at merely 2-3%. Anti-Pakistan politics is only polarizing Bangladeshi society because domestic opinions are already divergent in Bangladesh.

It is important to build narratives otherwise we will stay at receiving end. Pakistan has no narrative at the moment and that is why the Indian and Bangladeshi narrative holds sway amongst international community. Our narrative should recognize the sufferings on both ends. We also need to see if events of today in Bangladesh are a routine political struggle there or necessarily anti-Pakistan sloganeering. In international forums, more often than not, Pakistan and Bangladesh vote on the same side. Both countries support candidates of each other. We need to find convergences while showing patience and firmness. There is a need to keep contentious issues on a low profile and restrict official comments to current issues only. Diplomacy does not have to be public all the time. However, we do recognize that when it comes to dealing with Bangladesh, we are walking on a tight rope. Principles cannot be compromised but Pakistan can

at the same time also not get dragged into other countries' domestic issues.

We believe that once OBOR of China materializes and China-Bangladesh relations are cemented further, more synergies will come out between Bangladesh and Pakistan and this will all be a matter of concern for India and comfort for Pakistan. Thus Pakistan should find ways of engaging miscreants with mutual respect and understanding. After all, the British did a lot of atrocities but we still engage with them at all levels. On critical occasions, we should carefully calibrate our response, once response is not coming from other side.

Needless to say that Pakistan needs multi-layered, consistent and holistic policy at all levels but domestic challenges like security, alarming debt levels and low exports do not offer a conducive environment. Ultimately everything has to come under the rubric of governance along with long term planning.

To conclude, there should be a clear vision of Govt. policy on Bangladesh and an impassioned call needs to be given to continue advocacy for convergence of minds at all levels between the two countries.





# Closing Session

# Closing Session

Session was closed by the delivery of vote of thanks by the Director General of ISSRA Major General Ghulam Qamar.

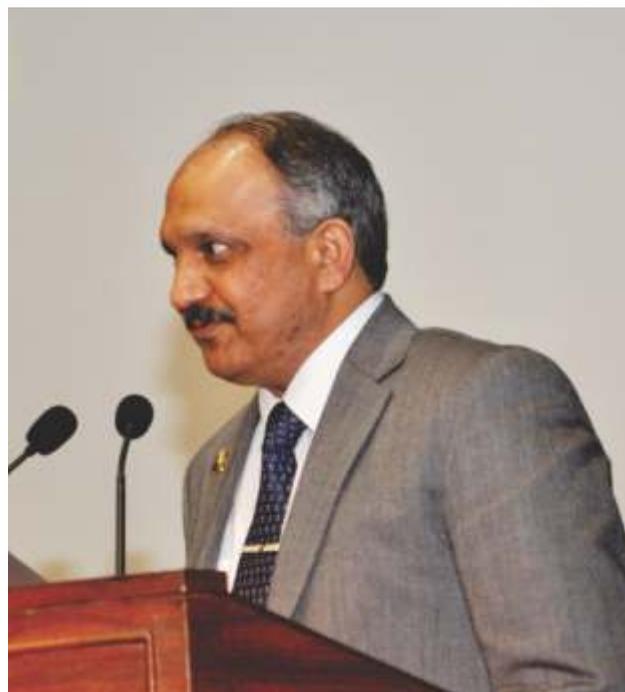
## Vote of Thanks by DG ISSRA

While delivering the vote of thanks DG ISSRA mentioned that the daylong deliberations though signifying a diversity of views were indeed mutually enriching, thought provoking and very much constructive. The exercise marked a convergence in the perceptions of strengthening the bilateral relationship in the current trans-regional setting and reaffirmed the need to de-hyphenate the bilateral relationship from India in order to build structures of stability and security in the region.

He thanked all the speakers and session-chairs from home and abroad for their participation and sharing their thoughts on the very topic. He also appreciated the participants of the seminar who's enriching and useful participation during the discussion benefited the audience.

DG ISSRA highlighted that Pakistan and Bangladesh were one state based on an ideology. The ideology served as one soul and two parts of the territory as bodies. After 1971, they become two bodies but soul remains the same. Now bodies are injured and they need treatment because bilateral relationship between the two states faces complex challenges which require a comprehensive and multifaceted approach. In this regard, impediments towards a better bilateral relationship have been identified and the war trials figure out predominantly.

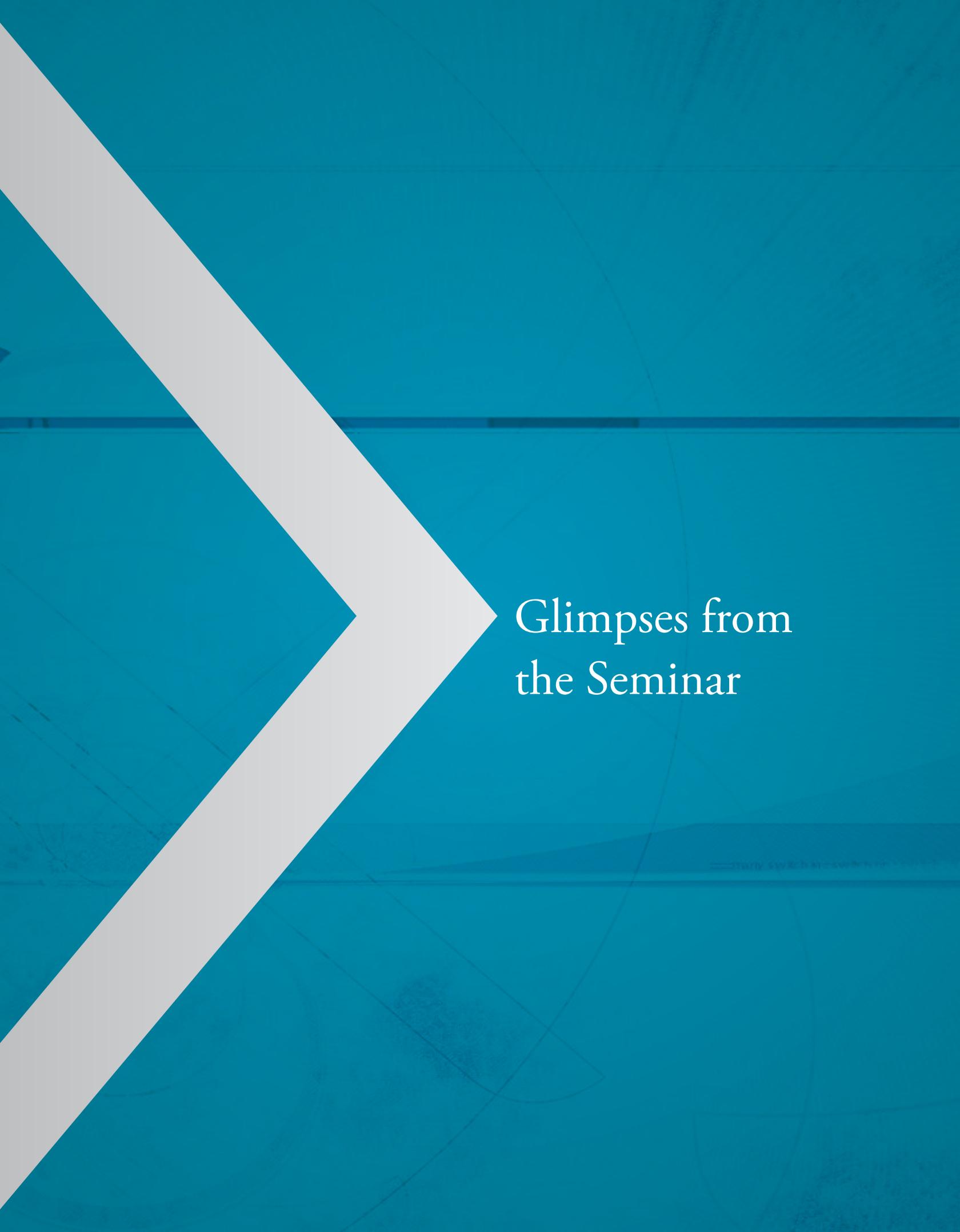
DG suggested that in order to reconcile, both states need to build bridges rather than obstacles. For that matter, the formula of P2 needs to be adopted. P1 is to formulate policy in line with tripartite agreement signed in 1974, whereas P2 accentuates upon 'People'. Friction free environment can be created if people to people contacts are enhanced.



DG ISSRA highlighted few broader aspects of priority and concern that emerged in the way:-

- First, the bilateral relationship between the two states faces complex challenges which require a comprehensive and multifaceted approach.
- Second, both states have learnt dire need for de-hyphenation of India for the normalization of relationship, amid the changes in and around the Asian continent.
- Third, there is need to understand that dynamics of peace and progress in the Asian region and beyond depend upon the resolution of our long-standing bilateral issues and tripartite agreement can help in this regard.

At the end the pay special thanks to all the worthy chairs and speakers of the session and he also appreciated the efforts of his team at Institute for Strategic Studies Research and Analysis (ISSRA) for arranging the seminar in a befitting manner.



Glimpses from  
the Seminar





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