



## Resolving Siachen Perspectives from Pakistan

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The "trust deficit" (McGirk, Tim with Adiga, Aracind, 2005) between India and Pakistan, according to Riffat Hussain, a renowned Pakistani analyst, is based on equally good reasons given by both countries. India alleges Pakistan of initiating the 1948 and 1965 wars, the Kargil Conflict and the so-called "Cross Border Terrorism". Pakistanis think India has double standards; in the case of the princely states of Junagadh and Hyderabad, the Indian Government's stated policy "that where the ruler of a State belonged to a community other than the majority community of the State the issue of accession will be decided by a reference to the wishes of the people" was the basis for their annexation.

Pakistanis think that the easiest way to overcome this trust deficit is for India to recognize the necessity of giving Kashmiris the right of self determination. Pakistan even seems willing to make a major departure from its previous demand of a plebiscite, by showing its acceptability to any solution to the satisfaction of all the three parties through meaningful and progressive dialogue.

### II SIACHEN: PAK PERSPECTIVES

Pakistan had de facto control up to Line NJ 9842-



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As a part of this project, the Institute is publishing a series of background papers on various Indo-Pak bilateral issues. Besides, the Institute is also organizing track-II dialogue between the two countries in October 2009. For more information about this project, kindly visit IPCS website.

This Project is supported  
by the Ploughshares Fund.

**PLOUGHSHARES FUND**

Karakoram Pass (KKP) until reversed by India, for reasons having failed the test of time, in violation of Simla Agreement in 1984. This control was not limited to a "cartographic aggression" (Muhammad, 1991) as misconstrued by Indian intelligentsia but a fact in being. Pakistan's view on this issue is substantiated by the following agreements, statements and events:

- Indian Prime Minister, Mr. Jawaharlal Nehru's address to the Indian Parliament on 7th May, 1962, acknowledging Pakistan's de facto control up to KKP, by stating "the defense of which is under the actual control of Pakistan."
- The government of India's protest note of 10th May 1962 to Pakistan, which referred to the area west of KKP as "...presently under Pakistan's unlawful occupation." (Muhammad, 1991) in response to communiqué issued about Pakistan China boundary negotiations.
- Indian Prime Minister Nehru's address to Parliament of 5th March, 1963, again referring to Pakistan's actual control of the area by stating. It then reached the Karakoram Pass
- The refusal of the Chinese to discuss with India the area west of the Karakoram Pass, which separated Baltistan from Indian-controlled Ladakh.
- The words "thence north to glaciers<sup>10</sup>" in the Karachi Agreement and the actual location of the glaciers in the area i.e. Siachen, Terram, Northern, Central and Southern Rimo Glaciers and the general direction as well as alignment of the line of control (LOC) leading up to Pt NJ 9842.
- Delhi's protest note to China "at this de facto recognition of Pakistan's control of Hunza and Baltistan<sup>11</sup>" in the wake of Pakistan China Border Agreement (1963)
- The non delineation or demarcation demand of the LOC beyond PT NJ 9842, after the Tashkent (1966) and Simla Agreements (1972). "Despite India's strong position, India did not do it."

- Authorization of as many as twenty one mountaineering expeditions in the area by Pakistan from 1974-1984.<sup>13</sup> Another testimony is that of Academic Alpine Club of Kyoto expedition to Baltoro Glacier in 1958 and to Siachen Glacier through Bilafond La in 1962 under Professor T.Shidei which included a Pakistani member R.Bashir (Sakai, 2005).
- Protest notes of Pakistan's Northern Area Military Headquarters, of August 21, 1983 and August 29, 1983. (Raghavan, 2002) after Indian intrusions in the area.
- The reflection of so called line of "Cartographic Aggression" in numerous books and atlases as far back as 1965, which include Neville Maxwell's book India's China War, Goode's World Atlas Fifteenth Edition 1978, Times Atlas Of The world 1980 and 1988, Rand McNally Goode's World Atlas of The World 1992, Oxford Encyclopedic World Atlas of 2000 and the most unbiased account on Kashmir titled Essential Documents and Notes on Kashmir Dispute by P.L. Lakhanlal 1965.
- Joining two authentic points i.e. Pt NJ 9842 and KKP, duly recorded in international agreements since 1949 and 1963 respectively, over an uninhabited area, through a notional line, which was never claimed to be demarcated or delineated is in fact a "cartographic expression" and not aggression in any sense of the word.
- Statement of Mr. Rajiv Gandhi, Prime Minister of India of 16 Nov 1989 at Kolkatta, caps it all. Mr. A.G. Noorani in its review article states it "tacitly acknowledged breach of Simla Agreement "when Mr.Rajiv said "We have recovered about 5000 square kilometers of area from occupied Kashmir in Siachen area".

## II SIACHEN: MAJOR ISSUES/PROBLEMS

Pakistanis genuinely conclude, since the Owen Dixon Mission of 1950 as a UN representative, that India uses the cloak of negotiations "to buy time and avoid international pressure" and that India is never

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serious in any meaningful dialogue. "If India and Pakistan cannot solve a dispute over a chunk of ice that is of little strategic value, asks Jalil Abbass Jilani, then Pakistan's Foreign Ministry Spokesperson and one of the key diplomats in talks with India, "then how can we fix more complex issues like Kashmir?"

Lieutenant General V.R. Raghavan blames Chinese to be delaying resolution of the border dispute between India and China by stating "to have been dragging on for three decades" but a virtual full stop ever since the signing of Simla Agreement in 1972 towards resolution of Kashmir dispute escapes attention in India. These double standards perplex many Pakistanis.

Indians justify occupation of Siachen as a move to preempt its occupation by Pakistan basing on their intelligence reports about Pakistani patrols in the area in 1983. This unfounded assertion conveniently disregards the fact that it was India, which initiated patrolling in the area as far back as 1978 when they sent a strong mountaineers expedition to climb a series of peaks on either side of the Siachen Glacier. Additionally, Indian strategists also need to justify their conclusion that Pakistan was organizing patrols in Saltoro Range, west of Siachen Glacier to stake its claim over a line approximately 90 kilometers in the east. It's amply clear from the foregoing, that Pakistan's one odd confirmatory patrol to confirm Indian activities in the area has been made as a lame excuse for a premeditated occupation of a well established uninhabited area.

Any unbiased study of Indo-Pakistan negotiations, to be honest, is an unending story of a rather strange logic of "I am always right and you are always wrong" sort of a syndrome. Siachen imbroglio was a "project devised by the three musketeers - Colonel Kumar, Lieutenant General Chibber and General Raina" as aptly attributed by Serbjeet Singh, in his article in the Asian Age, of 1st December, 2000. Unfortunately, Indian political leadership gave it a nod. Over a period of time, the occupation in gross violation of the Simla Agreement of 1972, has become synonymous with the valour and supreme sacrifice of the Indian Army (despite the fake encounters case of Major Surinder Singh (BBC, 2004), drawing the sympathy and attention of the entire nation. The Indian Army has now become a stakeholder in the occupation of the glaciers and has put up a novel and an unprecedented demand of determination of positions, pending vacation in case of an agreement. These events are perceived as politically unacceptable by Pakistan.

Operational strategists, know that regardless of the positions occupied by each country, and their respective tactical advantages, Pakistan has the superior orientation because India operates on exterior lines and is at verge of its culminating point being at the optimum distance from its logistic basis with no communication infra structure, less the aerial route to support it.

India would benefit even if it chooses to withdraw unilaterally and not hope or negotiate for any quid pro quo elsewhere. It is not a question of affording or sustaining a war over the highest battlefield; the

disengagement would provide powerful momentum to the peace initiatives and serve as a meaningful step towards resolution of the real (Kashmir) dispute. It is a no-cost high return option for India and the decision has to be political, as recommended by Raja Mohan, in IPCS Panel Discussion Report of July 7, 2005.

Pakistan will be willing to go to any length to make this dream come true, short of legitimizing India's violation of the Simla Agreement. Pakistan's Foreign Ministry Spokesperson Jilani once stated that "Siachen is perceived as a major act of Indian aggression" (McGirk, Adiga, Arachind, 2005). If it were left to Pakistan, this area would have been demilitarized long ago, in accordance with the agreements reached in 1989 and 1992. India should draw strength from the disengagement processes at the Chumik Glacier, in 1989, Kargil in 1999, and the informal ceasefire, which has been in force since November, 25th 2003, rather than succumb to the apparent trust deficit and play in the hands of forces bent to disrupt the march towards peace by these two nuclear powers.

### III RECOMMENDATIONS

The longest undeclared war on the highest battle field in the world, more aptly described by Sultan Shahin, a Delhi based writer, as the world's most absurd war, began with the occupation of the two northern passes on the Saltoro Ridge by India on 13 April 1984. However, the first recorded Indian intrusion into this uninhabited area was in the form of a patrol, as far back as 1978, by a famous Indian mountaineer colonel nick named Bull Kumar. The reasons given for this venture around that time, have not passed the test of time and there is an emerging awareness in the Indian strategic community over the strategic insignificance of the Siachen Glacier from the military's point of view and the unlikely hood of a Pakistan China pincer threatening Leh or an out flanking maneuver by Pakistan over the longest glacier outside the artic. Late Prime Minister Rajiv Gandhi's statement of 16 Nov 1989 at Kolkatta regarding recovery of 5000 square kilometers of area in occupied Kashmir (Siachen) is enough evidence for determining the status of the area as well as legitimacy of this action in the light of Article 2 (2) of Simla Agreement which reads "Pending the final settlement of any of the problems between the two countries, neither side shall unilaterally alter the situation"

The understandings reached between the two countries during the talks to disengage in 1989 and 1992 could not materialise and even the agreement concluded two years ago between the nuclear neighbours that acts of terrorism will not detract the peace progress nor the post Sharamal Sheikh Summit communiqué have lead us to reach an agreement despite the oft on and off hype and leaks about an impending agreement for the past decade. Initially the reason given for this impasse was Indian insistence on authentication of actual ground position line (AGPL) along Saltoro Ridge before disengagement and Pakistan's refusal to give in on any condition which alters the status of the area

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after April 1984 and now the acts of terrorism and trial of Mumbai suspects to the satisfaction of India have stalled the composite dialogue.

A need has therefore arisen to determine the reasons for this stalemate and give some suggestions about overcoming them. Raja Mohan while analysing the issue some time back said about his government that "in the current set up, the civilian government has the final say and the decision should be political". He further stated that "the military has been used as an excuse to escape from taking decisions that the political leadership should take". The first and foremost requirement, therefore is, that the political leadership must take unambiguous decision and then see it through. In a democratic dispensation political decisions are always supreme and the unprecedented statements or views of the men in uniform should not impede strategic reconciliation process nor should the strategic dialogue be vulnerable to acts of terrorism by non state actors on either side.

Trust deficit exists for good reasons on both sides but there are precedents to build upon like the Chumik Glacier Agreement, signed on 13 May 1989 and validated as well as implemented within eight days. It has not been violated to date despite the presence of troops in the area and the ongoing cease fire is also effective since 23 Nov 2003. Siachen disengagement is a high return no cost option and a good first step to be taken.

Honouring past accords will not only foster confidence and trust but also instill a desire and the will to abide by future accords. We must resist the urge to under mine the text and spirit of past agreements. Seeing this occupation in the light of Simla Agreement would make a decision of disengagement politically acceptable to the people of India.

We must set the rules of engagement on the basis of sovereign equality and then structure the talks accordingly. The varied perceptions and the asymmetrical urge towards conflict resolution need to be reconciled. The negotiations should be held in good faith and attempts to sabotage the peace processes resisted vigorously. It does not augur well for the prospects of peace in the area if even summit level commitments and declarations are susceptible to retractions and can not be sustained beyond couple of days.

We need to step backwards to move forward. We have been moving in circles for quite some time now. If Indians have decided not to give up anything on the negotiations table that they have captured on ground, they should not expect Pakistan to give any sort of legitimacy to their action in Siachen through an accord at least. Indians must pay the price if they want to stay on the ridgeline even if they consider it as an affordable option.

On the strategic plane, Pakistan has superior orientation in the area and it suits Pakistan to have Indian troops on ground in Siachen rather than be available for employment elsewhere. Pakistan's agreement on disengagement in the spirit of Simla Agreement without prejudice to position of either side is therefore a reasonable proposition with rich dividends.

The power of the pen and the genius on either side should focus on bridging the perceptual gaps rather than fuel differences. Even if a fraction of effort, which has so far gone into finding justification for this venture, had gone into finding its solution we would have found one a long time back. It can be said with great conviction that the initial urge and the recent reluctance in reaching an agreement is indicative of the comfort level of the troops in Siachen after the cease fire, which has brought down the casualty level to almost zero level since 2003. The strategic community needs to educate and influence respective people to rise above tactical considerations and work for strategic gains.

Both sides should agree to shelve their claims till final settlement of the dispute to make disengagement possible and open this area for international and regional objectives. We already have proposals for declaring the area as a peace park, science center or both with international staffing. We could also have controlled entry and exit of international mountaineering expeditions from respective sides and work on evolving modalities for that.

The current impasse of delineating the "Zone of Conflict" and determining the line behind which both armies should go to revert to pre Simla Agreement positions can be resolved by reaching an agreement on delineating an Uninhabited Zone (UZ), which would be available for international ventures and a Civilian Zone (CZ) which could have existing civilian habitats on either side. UZ plus CZ would form the Demilitarised Zone (DMZ) having controlled and monitored access. This arrangement should be agreed without prejudice to Pak China Border Agreement of 1963 and respective positions on the issue.

A lot of ecological degradation of the area has occurred since 1984. An Indian study some years ago had estimated over 41000 tons of waste on Siachen alone. Slow biodegradation in the area compounds the problem manifold. It will be a good idea for both the countries to put in a request to United Nations Environment Programme (UNEP) to undertake a restoration venture in the Siachen and Bal Toro Glaciers after the disengagement.

It is a necessary step which should have been taken more than two decades ago but it's never too late. Let's overcome the psychological and other barriers, which have been coming in our way and take this first meaningful step towards resolution of our disputes without wasting any more time.

The Indian political leadership, the strategic community and the media of both the countries need to be live to the changing environs post 9/11 and mould the public opinion, if they truly desire to resolve the seemingly unending conflict with Pakistan.

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