



Ceasefire Violation – Pakistan's Transgression on the line of Control, A Situation growing more Serious

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Abstract

The root cause of instability, terrorism and hostility in South Asia stems from the unresolved nature of the Kashmir dispute between two rival countries, India and Pakistan. The Composite Dialogue Process date back to May 1997, when at Male, the capital of Maldives, the then Indian Prime Minister Inder Kumar Gujral and his Pakistani counterpart Nawaz Sharif mooted the idea of a structured dialogue or the Composite Dialogue Process (CDP). Based on cooperation, the peace process enabled the two countries (India and Pakistan) to discuss all contention issues particularly Jammu and Kashmir. The Ceasefire of 2003 held for so long that the current intensity and frequency of its violation along the Line of Control can only be equated with the fire and spark of Operation Parakram. Neither of the Directors – General of Military Operations has broached the need for restoring peace and tranquility as agreed by Prime Ministers Manmohan Singh and Nawaz Sharif at the New York Summit. Who will bell the cat? Pehle aap. Now, it is expected that DGMOs of India and Pakistan will meet at the Wagah border on December 24 to discuss ways to ensure ceasefire on the Line of Control. The new India-Pakistan move for peace and tranquility along the LoC requires much sunshine diplomacy from both the civil and military officials of the two sides.

Keywords: Kashmir conflict, CBMs, UNMOGIP, ceasefire violation and suggestions.

Introduction

The India–Pakistan dispute over Kashmir is one of the most intractable international conflicts today. There is virtual consensus that peace, economic development and political stability cannot be achieved in nuclear South Asia until the Kashmir issue is resolved. However, despite efforts from various domestic and international parties, since 1947 this goal has remained elusive. The origins of the Kashmir dispute lie in the partition of British India in 1947. Jammu and Kashmir was among the largest of the 562 princely states in India¹. During partition in 1947 the majority Muslim state of Jammu and Kashmir was given the option of acceding to either India or Pakistan. The Hindu ruler chose to ally himself with India when confronted with large numbers of infiltrators from Pakistan².

Since then there has been a fundamental disconnection in the Pakistani and Indian positions and the two countries have been unable to find a mutually acceptable solution. This has soured bilateral relations. The state of Jammu and Kashmir has remained divided, with India controlling 45% of the territory including Jammu, Ladakh and the Kashmir Valley, Pakistan holding 35%, including the western part of the princely state ('Azad Kashmir') and Gilgit–Baltistan and China retaining

control of Aksai Chin— roughly 20% of the territory³. Except for the minimal human and economic exchange that was permitted only from 2005, the Pakistani- and Indian controlled parts of the state (J and K) have remained completely isolated from each other since 1947. Moreover, both Pakistani- and Indian-controlled Kashmir have suffered in terms of development particularly economic, political and social as a result of the tight-fisted, security centered lens applied by Islamabad and New Delhi. The physical borders of Jammu and Kashmir are particularly complicated, given the fact that this territory has been a bone of contention between India and Pakistan since their independence in 1947 and as many armed conflicts have been fought either over or along its contentious frontiers. There are, in fact, not one but several controversial cartographic frontiers in Jammu and Kashmir—the international border between Jammu and Kashmir and Pakistan that is known as the working border in Pakistan; the ceasefire line (CFL) of 1949 that was re-designated as the line of control (LoC) in 1972; the extension of the LoC beyond the last cited grid reference (NJ 9842) in the icy heights of the Siachen, a sector which is known as the actual ground position line (AGPL); and finally the segment east of AGPL, bordering on or controlled by China which is known as the line of actual control or LAC⁴.

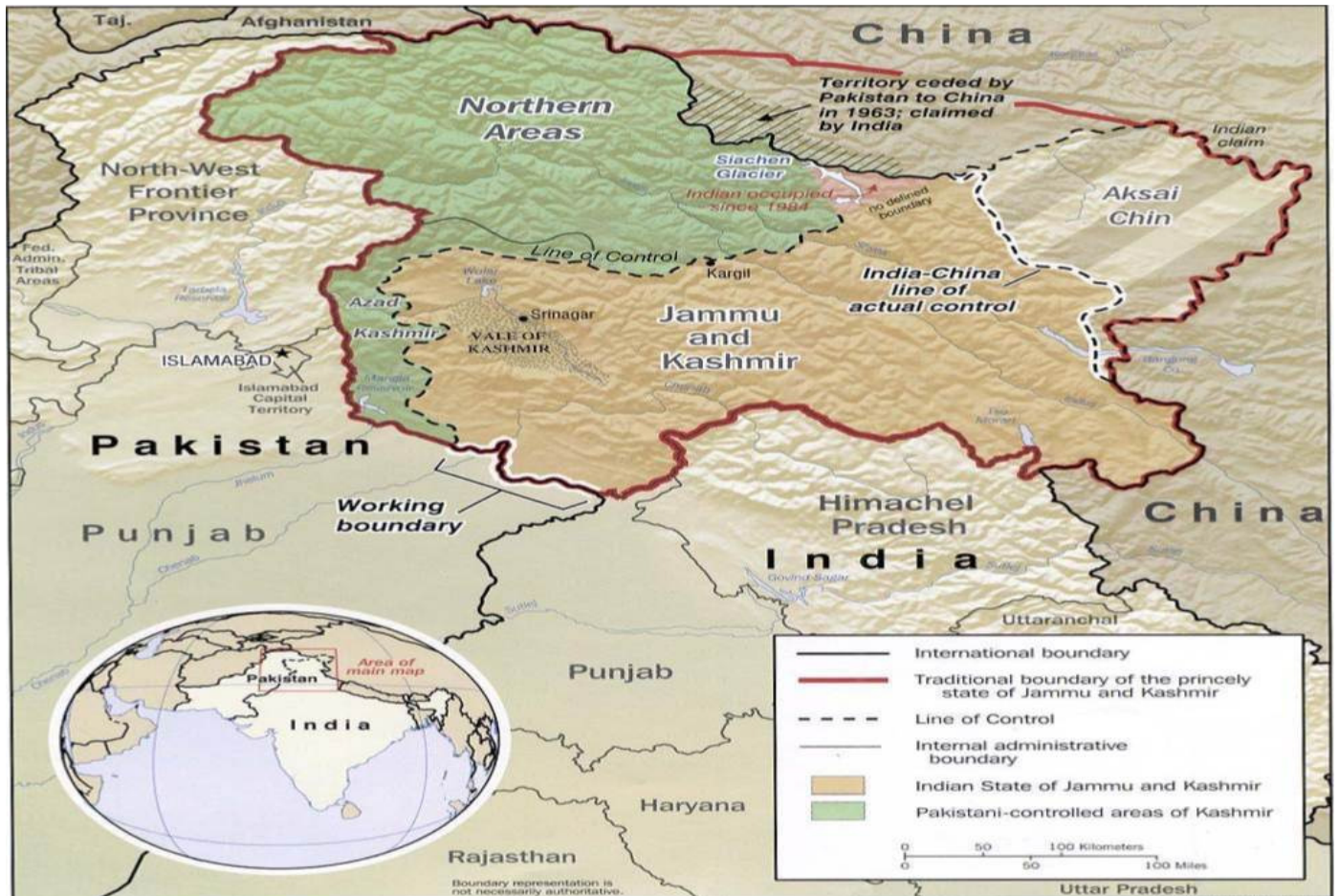


Figure-1
 MAP of Line of Actual Control (LAC) (Courtesy of the general libraries, the University of Texas at Austin)

Peace and Security, including CBMs

A peace process to be worth the name implies the existence of a structure, continuity and some understanding, however vague, of the result it seeks to achieve. In more than 65 years of their existence as independent states, India and Pakistan took 50 years — half a century — to develop a process in 1997. Since its resumption in February 2004 India and Pakistan composite dialogue has yielded tangible progress in different areas and the peace process become organised, acquired speed and continuity, and an agreement on the fundamentals has seemed within reach. The roots of India-Pakistan Composite Dialogue Process date back to May 1997, when at Male, the capital of Maldives, the then Indian Prime Minister Inder Kumar Gujral and his Pakistani counterpart Nawaz Sharif mooted the idea of a structured dialogue or the Composite Dialogue Process⁵. Based on a compromise approach, the peace process enabled New Delhi and Islamabad to discuss all issues including Jammu and Kashmir, and found permanent solution simultaneously. It was a negotiation in the sense that while India agreed to include Kashmir in the agenda for talks, Pakistan relented to include

terrorism, the two major irritants in bilateral relations between the two neighbouring countries of the South Asia map. India and Pakistan have made peace overtures on three occasions. The first composite dialogue came with the Lahore Declaration collapsed under the impact of armed clashes of the Kargil war in 1999. Although the two rounds of talks in 1998 (16–18 October and 5–13 November) had not seemed particularly propitious. However, no discussions were likely to be able to survive the subsequent war and recriminations. From that point, the possibilities of a Composite Dialogue seemed distant as the Nawaz Sharif’s government in Pakistan was overthrown by a military coup and the new leader, General Pervez Musharraf, condemned the Lahore summit for allowing India, in effect, to avoid addressing the violence in Kashmir. Following Lahore Declaration and the broken Agra summit in April 2001 and the prospects for negotiation got much worse due to the December 13, 2001 terrorist attack on the Indian parliament in which over a dozen people, including five security guards were killed, led to a state of alert on the border for war by both sides. Many India’s believed that Pakistan had been complicit in these actions. But that event, along with 9/11 in the United States, also

restructured international politics on the subcontinent. Tensions between India and Pakistan rose throughout the spring and summer of 2002, when New Delhi initiated a full scale military mobilization and war between India and Pakistan seemed increasingly like a distinct possibility. Yet that tension began to diminish in October 2002 and within six months, the focus had returned to the Composite Dialogue. Two weeks earlier, during a visit to Kashmir, Prime Minister Atal Bihari Vajpayee had said that he wanted to extend a “hand of friendship” to Pakistan, his country’s arch enemy. Taking advantage of this peace offer, Pakistan’s Prime Minister, Mir Zafarullah Khan Jamali, called Mr. Vajpayee on 28 April 2003, and thus broke the ice between the two feuding neighbors. So in April 2003, India began what was described as a ‘step-by-step’ initiative towards Pakistan. In July 2003, diplomatic relations and direct transport links were re-established and in November 2003 a ceasefire was initiated along the LoC and on November 23, 2003, Prime Minister Mir Jamli of Pakistan offered a ceasefire on the LoC, India welcomed the proposal⁶.

The Composite Dialogue Process was revived in June 2004 in pursuance of a decision taken during the visit of former Prime Minister of India, Shri Atal Bihari Vajpayee to Pakistan in January 2004. Since then, four rounds of serious discussions have taken place between India and Pakistan (till the November 26, 2008 Mumbai terror attacks), on the eight issues in order to try and resolve these contentious issues to the satisfaction of both sides, these are: i. Peace and Security including CBMs, ii. Jammu and Kashmir, iii. Siachen, iv. Wullar Barrage Project/Tulbul Navigation Project, v. Sir Creek, vi. Terrorism and Drug Trafficking, vii. Economic and Commercial Cooperation and viii. Promotion of Friendly Exchanges in various fields⁷.

The Role of ‘UNMOGIP’

The conflict between India and Pakistan, the two South Asian nuclear powers, has persisted since independence and partition in 1947. Despite four wars, fought primarily over the state of Jammu and Kashmir, and the presence of a United Nations (UN) observation mission for more than 60 years, monitoring and verification have played a surprisingly small role in efforts to prevent further outbreaks of armed violence. Part of the difficulty is that the two countries (India and Pakistan) have different visions of the mechanisms required. With the renewal of peace talks between the two neighbours in January 2004 and a decrease in cross-border incidents, there is a case for establishing an effective verification mechanism to ensure that the current peace does not end in a fifth war—this one potentially nuclear. During partition in 1947 Jammu and Kashmir was given the option of acceding to either India or Pakistan. The Hindu ruler (Hindu by faith) chose to ally himself with India when confronted with large number of infiltrators from Pakistani side. With the outbreak of war in 1948, a United Nations Commission for India and Pakistan (UNCIP) was deployed to investigate the facts of the dispute and to mediate.

Military observers were later sent to assist the commission. With the declaration of a ceasefire in 1949, the observers were transferred to the United Nations Military Observer Group in India and Pakistan (UNMOGIP), while UNCIP was dissolved (in 1951). Headed by a chief military observer, UNMOGIP established headquarters in Rawalpindi (Pakistan) and Srinagar (India) and set up 11 field stations along the ceasefire line. Considering the task that UNMOGIP has faced, its strength has always been inadequate. The monitoring capabilities of UNMOGIP decreased further after India and Pakistan signed the Simla Agreement in July 1972, establishing the 740-kilometre (450 mile) Line of Control (LoC) across Kashmir with characteristics of an International boundary. India promptly declared that UNMOGIP’s mandate had now lapsed on the grounds that the Simla Agreement had superseded the 1949 ceasefire. India continued to provide accommodation and transportation for the observers on its side of the border, but stopped reporting ceasefire violations to the mission and attempted, in effect, to ignore the UN presence. UNMOGIP has continued to receive reports from Pakistan and to report to the UN Security Council on ceasefire violations to the best of its limited ability². Following Lahore Declaration, Kargil War and failed Agra summit, the prospects for negotiation got much worse due to the December 13, 2001 terrorist attack on the Indian parliament which led to a state of alert on the border and preparations for war by both sides of the two countries⁶.

During this tense period, suggestions for various monitoring mechanisms were made to resolve the issue. The United Kingdom and the United States offered to help monitor the border area, but the proposal was rejected by India, which wanted joint monitoring by India and Pakistan, along with a decrease in infiltration by militant groups based in Pakistan. Conversely, Pakistan wanted an expanded role for UNMOGIP, preferring international monitoring of the frontier to a bilateral mechanism. These attitudes reflect the overall view of the two governments regarding international connection in the conflict: India has constantly sought to keep the issue bilateral, while Pakistan has looked for external support to solve the problem. UNMOGIP has been unable to fulfill completely its original task of observing the ceasefire line and reporting violations².

Ceasefire Violation and growing more serious

Jammu and Kashmir is today divided between India and Pakistan, with India controlling most of the people and Pakistan most of the territory. The Kashmir dispute is one of the longest running international disputes of its sort. The conflict over Kashmir began soon after independence, and Pakistan’s decision to allow (or as some would argue, plan) a tribal invasion of the state of J and K was the first ad hoc decision that carried over the pre-partition divided into the post-independence phase. Over six decades worth of attempts at conflict resolution have not resolved the dispute. The Kashmir dispute has remained unresolved not because of an absence of good ideas, but because of the tensions and mistrust between Pakistan and

India¹. Kashmir, where the world ends and paradise begins, is no longer a magical place. The cease-fire line, which was drawn up by the United Nations in 1949 and snakes erratically for about 500 miles through some of the roughest terrain on earth, has been breached far more often than honoured. Since ancient times, the beautiful and fertile Kashmir Valley had been the resting place for caravans travelling between the plains of India and the highlands of Central Asia. It is a temperate, land-locked area between the Himalayas, Karakorams and Hindukush. It is wedged between two arch rivals (India with its Hindu majority and Muslim Pakistan) and has been caught in the cross fire for half a century. Both India and Pakistan considered Kashmir absolutely vital to their strategic, economic and defence requirements. It was one of the autocratic but unique princely states. It was a Muslim-majority state ruled by a Hindu; geographically contiguous to both India and Pakistan; and its strategic location was highly prized, convincing both countries that it was vital to their national interest⁸. Stephen P. Cohen argues that ‘Kashmir is the most important single conflict in the subcontinent, not just because its territory and its population are contested, but because larger issues of national identity and regional power balances are imbedded in it’⁹. Four wars have been fought between India and Pakistan involving Kashmir; in 1947-48, 1965, 1971 and 1999. Fighting continues on the so-called *cease-fire line* today, with small arms and artillery exchanges during September 1998 in four major sectors of that line¹⁰. On October 22, 2003, India announced a series of measures aimed at promoting people to people contacts with Pakistan. The measures, inter alia, included the offer to start a bus link between Srinagar and Muzaffarabad. On November 23, 2003, Prime Minister Mir Jamli of Pakistan offered a ceasefire on the LoC. India welcomed the proposal and extended the offer a ceasefire to Siachen as well. Subsequently, the DGMOs of the two countries agreed to observe ceasefire on the International Border, LoC and the Actual Ground Position Line (AGPL), with effect from the midnight of November 25, 2003¹¹.

India and Pakistan routinely accuse each other of triggering incidents on the LoC and violating the ceasefire that was officially agreed to in November 2003. Describing the ceasefire, the Los Angeles Times had said on November 26, 2003: “Taking a significant step to end one of the world’s most dangerous conflicts, nuclear-armed rivals India and Pakistan agreed to a cease-fire aimed at halting 14 years of cross-border gun battles in the disputed Kashmir region.” It was on 8 January 2013 when Pakistani soldiers came across the Line of Control (LoC) into Indian territory and ambushed a patrol, killing two soldiers. Unlike past instances of violations of the 2003 ceasefire agreement, which involved firing from across the LoC by Pakistan, this incident was more on the lines of a well planned operation by a Border Action Team (BAT). BATs are small groups of specialised troops, supported at times by terrorists, which target bodies of troops and isolated posts across the LoC. The aim of such actions is to create the fear of unknown, uncertainty and a defensive mindset, thereby gaining moral ascendancy.

Pakistan’s January 8, 2013 action, besides being a ceasefire violation, also involved physical transgression of the LoC and the gruesome killing of two Indian Army Soldiers, Lance Naik Hemraj and Lance Naik Sudhakar Singh, including the mutilation of bodies and carrying away of the head of one as a trophy¹².

The sanctity of the LoC is in sharp focus this time, too, involving just India and Pakistan as the sole stakeholders – and not the US as well. The Indian Army is widely believed to have rolled back the so-called ‘Second Kargil’ ‘infiltration’ by 9 October 2013. However, the ‘second Kargil’ has cast a faint shadow over, but not shattered, the importance of the meeting that India’s Prime Minister Dr. Manmohan Singh and his Pakistani counterpart Mr. Nawaz Sharif held in New York on 29 September 2013.

*Identifying the principal “takeaway” of that Singh-Sharif meeting, the Pakistan Foreign Office Spokesman, speaking in Islamabad on 3 October, said that “the two Prime Ministers agreed to stabilize the situation on the Line of Control”*¹³.

In view of this agreement, the so-called ‘Second Kargil’ is of disconcerting relevance to the outcome of the latest Singh-Sharif meeting. Chief Minister of Jammu and Kashmir State, Omar Abdullah, told journalists in Srinagar on 9 October 2013 that the Indian Army, the civil authorities and indeed the Indian Government had “not spoken of any ‘Second Kargil’”. He emphasized, however, that the Pakistani “infiltrations” into India “occur incessantly” as also the “ceasefire violations” by Pakistan. Dr. Manmohan Singh and Mr. Nawaz Sharif had now agreed to “reintroduce”, or rather resurrect, the mechanism of talks between each other’s Director General of Military Operations (DGMO) to address the issue of violations of the sanctity of the LoC¹⁴.

Mr. Abdullah said the 2003 ceasefire agreement between India and Pakistan was the highest gift for the people living on the International border and the LoC, who until then faced much shelling and firing.

Expressing concern over the ceasefire violations, the chief Minister said, “This is in nobody’s interest, and only endangers the life of people of border areas.” “I fail to understand when Prime Minister of Pakistan Nawaz Sharif talks of peace and resolution of issues amicably through dialogue, why does Pakistan indulge in violation of ceasefire?. As the Prime minister of Pakistan, the violation of ceasefire cannot be without his consent,” he asserted. “If that is so, then what is the use of the Prime minister talking friendship and dialogue?”¹⁵.

*Opposition Peoples Democratic Party (PDP) President Mehbooba Mufti said, “Whenever border skirmishes take place, it is Kashmiris who get killed on either side of the border”*¹⁴.



Figure-2
Children injured in Pak firing and C.M. interacting with border people (State Times, October 18th, 2013)

Dr. Singh’s own view, as expressed by him on 1 October, aptly characterises the present state of Indo-Pak talks as diplomacy of sentiments rather than substance. He was responding to questions during an onboard media interaction while on his way back home from New York. He was specifically asked whether Mr. Sharif “is being held back by the ISI and the Pakistan Army”. Dr Singh skirted the questioner’s references to the ISI and the Pakistan Army and, instead, summed up the essence of the current state of Indo-Pak relations as follows: “I very much hope that Nawaz Sharif succeeds. He is the democratically elected Prime Minister of a neighbouring country, and he has said all the right things about Indo-Pakistan relations. So, I sincerely hope and pray that he does succeed in carrying out his mission”¹³.

The progressive increase in infiltration seems difficult to explain otherwise especially given the fact that there have been successive improvements in troop deployment models, equipment held by the army on the LoC and the quality of fencing. An increase in infiltration and ceasefire violations can only be the result of a shift in Pakistan’s strategy. The LoC is likely to become the focus of Pakistani military misadventures involving heightened terrorist activity and bids to infiltrate into Jammu and Kashmir to bolster the reducing numbers of terrorists there. It will also include an increase in ceasefire violations in the form of sniping firing incidents to enhance first round effectiveness, unprovoked firing and limited BAT actions, with the blame being shifted to “Kashmiri freedom fighters”¹⁶.

National Security Advisor Shiv Shankar Menon, while referring to the level of infiltrations and ceasefire violations across the LoC, said that in the year 2012 there has been “an overall increase over 2011 and that is a fact.”

Table-1

Year	Ceasefire Violations
2010	44
2011	51
2012	93
2013	195

Source: Daily Excelsior December 21, 2013.

The LoC and International Border between the neighbouring countries has been witnessing increase in ceasefire violations since the month of August to till Oct, 28, 2013. After that, on Oct 29, 2013 the Border Security Force (BSF) and Rangers decided to maintain ceasefire and peace along the International Border (IB) to facilitate return of migrants on both sides to their houses and the farmers to cut their grown up crops. The agreement was reached at a high level flag meeting between BSF and Rangers at Octroi Post in Suchetgarh sector of R S Pura after intensified firing and heavy shelling for over a fortnight in which a BSF jawan was killed and 30 others, including 17 civilians, were injured. Both have agreed to de-escalation of tensions by maintaining November 2003 ceasefire agreement in which no side would open firing on each other. “In case of firing by any side, a flag meeting would be convened immediately to sort out the matter,” they said. The BSF-Rangers decision came as a big relief for the people living along forward areas of the International Border in Jammu sector as some of them had shifted to safer places while many others were unable to cut the grown up paddy crops and feared that they might be damaged if Pakistan didn’t stop shelling and firing immediately¹⁷.

Finally, it was decided that DGMOs of India and Pakistan will meet at the Wagah border on December 24 to discuss ways to ensure ceasefire on the Line of Control, three months after

Prime Minister Dr. Manmohan Singh and his counterpart Nawaz Sharif proposed this meeting to defuse tension. The invitation was extended by the Pakistani DGMO to his Indian counterpart soon after Nawaz Sharif chaired a meeting of Cabinet Committee on Security to discuss national security issues. The Pakistan Foreign Office said in a statement that the invitation was extended to “strengthen the mechanisms to ensure ceasefire on the Line of Control”¹⁸. In a serious development on the borders, Pakistan Army regulars have taken over the International Border (IB) from Rangers at some places and were responsible for heavily pounding forward Indian villages and posts in Jammu sector. Nearly 50 days long peace along the International Border (IB) in Jammu sector was broken by Pakistani Rangers on 19 December in Hiranagar sector of Kathua district. The Rangers took advantage of dense fog conditions in the plain areas along the IB and fired a sniper shot targeting a BSF patrol party between pillar No.45 and 46 at Faqira Post in Manyari forward area of Hiranagar sector. The sniper shot hit a BSF sub Inspector Jatinder Singh of 68 battalion on right shoulder causing him serious injuries. The firing from the Pakistani side came just two days after Pakistan asked for DGMO level talks and India responded favourably. The talks were mutually agreed upon for December 24 at Wagah border in Amritsar district of Punjab. Thus, India and Pakistan had agreed for DGMOs level talks to discuss the matter of stabilizing the situation on the LoC and ensure that ceasefire is respected. It was decided during the talks between Prime Ministers of the two countries- Dr. Manmohan Singh and Nawaz Sharif in September end at United Nations. We hope that this would lead to further engagement between the two governments for the resumption of composite dialogue”¹⁹.

Suggestions

Improved relations between India and Pakistan will eventually have to lead to greater contacts among Kashmiris across the LoC. Both sides should permit a wider array of contacts and desist from anything that would disrupt future dialogue. All discussion on these issues will be contentious but necessary if the relationship between India and Pakistan is to gain enough ballast that it cannot again be upset as it was in 1999 and 2002 when they nearly went to war.

Steps should be taken by both India and Pakistan: i. Reduce their military presence along the LoC and stabilize the ceasefire; their heightened military presence at the LoC will obstruct the dialogue, at both official and people-to-people levels; while a minimum military presence should be maintained, neither country should allow individual incidents of violence to escalate tensions and derail the ceasefire agreement, ii. Permit cross-LoC contacts; the recent initiative from Pakistani and Indian border guards to allow divided families to talk across the LoC should be followed up with more rigorous efforts to facilitate personal contact between divided families, iii. There is need for addressing the issue of ceasefire violation. In this regard innovative measures should be taken to resolve the problem,

iv. Greater involvement of people and wider public debate on foreign policy issues should be given priority. v. set-up border trading posts at several points along the IB for legal trading of all goods. vi. Facilitate a cross LoC dialogue by permitting and encouraging regular contacts between the governments in Srinagar and Muzaffarabad and between Kashmiri political parties on both sides of the LoC. vii. India and Pakistan need to strengthen their military ties and viii. There is a need to implement the no-firing policy fully.

Conclusion

To conclude, the settlement of the Kashmir dispute in one way or another could unleash positive trends in the South Asian region that could usher in political stability, economic development, and social welfare for one-sixth of the humanity. The Indo-Pak composite dialogue is a desirable approach but is prone to derailment if attempts are made to find instant solutions to old and complex problems. There is no alternative to an incremental peace process through political, economic and military confidence building measures. The LoC, despite the ceasefire of 2003, has witnessed intermittent violations and infiltration from Pakistan into India. However, the increase in the number of both ceasefire violations and infiltration in 2012-13 clearly indicates a shift in Pakistan’s approach towards India in general and Kashmir in particular. This shift is likely to manifest itself on the LoC, which could become the test bed for further attempts at destabilizing India and testing the country’s resolve. It is therefore important to understand the realities of the area and undertake suitable measures to ensure that a high state of preparedness is retained on the LoC.

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