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CONFLICT BETWEEN INDIA AND PAKISTAN: EFFORTS TO SETTLE LINE OF CONTROL (LoC)

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ABSTRACT

The dividing line between Indian administered Kashmir and Pakistan occupied Kashmir (PoK) originated in a Cease Fire line in 1949 under the UN Resolutions. It was marginally altered during India -Pakistan in 1971 and renamed as the Line of Control (LoC) under the India Pakistan agreement at Shimla in July 1972. The Shimla Agreement contains a set of guiding principles, mutually agreed to by India and Pakistan, which both sides would adhere to while managing relations with each other. Till the late eighties, the Line of Control was mostly quiet. Militancy in the valley with covert support of Pakistan changed the situation. Shelling and exchange of fire became the order of the day. Infiltration by militants was covered by artillery, mortar and small fire from the Pakistani side. A few odd casualties of soldiers as well as civilians were a daily occurrence on both sides of the line. It is difficult to estimate the total casualties over a period of nearly 14 years till a ceasefire came into effect in November 2003 but it would be in the thousands killed and maimed on each side. However, in the past decade or so, emergent Indian economy coupled with both countries desire to engage themselves constructively have paved the way for softening the border. As the India-Pakistan Line of Control (LoC) gradually opens up for increased travel and trade, a number of issues such as infiltration by terrorists and militants, cross-border shelling and sniping, trafficking of drugs and arms so on pose a challenge to the effective management of the Line of Control (LoC). Moreover, inadequate manpower, lack of resources and inadequate cooperation from Pakistan make management of the Line of Control (LoC) difficult. As a result, India has to continuously balance the imperatives of maintain the Line of control as a barrier against cross -border terrorism with softening it to enable the regulated flow of trade and travel.

Key Words- India, Pakistan, Conflict, Line of Control, Cease fire, Jammu and Kashmir, travel, trade.

Introduction

The Line of Control (LoC) is a line which demarcates the artificial boundary between the territories controlled by two militaries or political entities. Specifically, the term 'LoC' in case of Jammu and Kashmir refers to the military control line between India and Pakistan. The Line of Control (LoC) has been one of the causes of contention between India and Pakistan. Some call it a geographical necessity. Others call it a political blunder. The entire stretch of the Line of Control

(LoC) between the Indian and the areas of the state under Pakistan's control i.e. about 740-km curved line does not follow any well- defined geographical or ethnical features.¹ For the last six decades, border skirmishes and firing on the border are frequent and peace is a rare interlude.²

The territorial disputes between India and Pakistan over the province of Jammu and Kashmir is among the highest-profile territorial disputes. The dispute neither exclusively concern the actual position of an international boundary certainly need to be addressed in the settlement of territorial dispute. Most importantly, there have been recent, unilateral efforts to erect border security, including fencing and walls, between the opposing sides. These efforts have been sharply criticised, particularly by the opposing parties, in relation to their influence in the potential settlement of these territorial disputes.³

The Indo-Pak conflict has led to repeated divisions of the region, with a significant part remaining with India, and rest being under the control of Pakistan a part from it some portion is ceded to China by Pakistan. The conflict over Jammu and Kashmir between India and Pakistan started in 1947, when after independence both countries staked claim to its territory. Since late 1940s the conflict has taken a protracted turn resulting in three full fledged wars, in 1947-48, 1965 and 1971 and a limited war in 1999 with enormous bearing for both the countries as well as the people of the Jammu and Kashmir regions.⁴

REFERENCE TO UNITED NATIONS (UN) REGARDING INDIA PAKISTAN CONFLICT

In January 1948, with a political-military stalemate at hand, India referred the Kashmir dispute to the United Nations. India charged that the invasion by military forces from outside the state had been illegal, given Kashmir's accession to India in October 1947. In April 1948 the UN Security Council adopted a resolution calling for the removal of all outside military forces from Kashmir, except for such Indian forces as would constitute the minimum necessary to uphold law and order, and for the subsequent holding of a plebiscite to decide the state's political future.⁵ The direct involvement of the Pakistan army in Kashmir suspected but not confirmed. The Kashmir dispute was understood to be full fledged international political conflict, a more serious and potentially much more dangerous affair. In August 1948, the UN commission on India and Pakistan (UNCIP) adopted a resolution calling for an immediate cease-fire and reaffirming the need for a plebiscite.⁶

United Nations (UN) passed several resolutions:

I. The first resolution of January 1948 asked both the parties to take measures to improve the situation.⁷

II. The second resolution of August 1948 was the most significant. Part I proposed a ceasefire between the two countries. Part II was related to persuading upon Pakistan to withdraw its forces. Part III stated that both the governments reaffirm that the future status of Jammu and Kashmir shall be determined in accordance with the will of the people.⁸ However, Pakistan failed to fulfil the preconditions and instead consolidated its position in the territory it had already occupied. A few months later, in 1949, a Cease Fire Line (CFL) came into being following the Karachi Agreement between India and Pakistan and the United Nations in accordance with the United Nations resolution of 13 August 1948 and divided Jammu and Kashmir between India and Pakistan.⁹

The resolution 47 (April 21, 1948), which provided for the plebiscite, expected from Pakistan a total withdrawal of all Pakistani forces from Kashmir:

When it is established to the satisfaction of the [UN] commission... that the tribesmen from Pakistan) are withdrawing and that arrangements for the cessation of the fighting have become commission a plan for withdrawing their own forces from Jammu and Kashmir and reducing them progressively to the minimum strength required for the support of the civil power in the maintenance of law and order.¹⁰

A decade later, Gunnar Jarring, the UN representative opened that the passage of time and the changing circumstances had rendered the UN resolutions obsolete.¹¹

In 1956 India declared Jammu and Kashmir (J&K) to be 'an integral part of the Union of India', despite UN resolutions indicating its disputed nature, UNSC (United Nations Security Council) resolutions concerning the holding of a plebiscite in Kashmir to decide an accession to either India and Pakistan have not been rescinded.¹² Both the countries went to war in 1965, following Pakistan's invasion of the Indian administered territory of J&K.¹³

By imposing a war, Pakistan negated the very reason for which a reference had been made to the United Nations (UN) in 1948. All the arrangements that were arrived at with Pakistan through the instrumentality of the Security Council were based on the integrity and inviolability of the Cease Fire Line (CFL). By violating this line in 1965, Pakistan rendered obsolete and dead the resolutions of 1948 and 1949, in the context of which the Cease Fire Line (CFL) had been established through the Karachi Agreement of 1949.¹⁴

During the course of this engagement with the Jammu and Kashmir conflict, spanning 23 years (1948-1971) the UN passed a number of resolutions, which were aimed at mediation and the resolution of the conflict. In other words, the resolutions are recommendatory in nature and can be enforced only if the parties to the dispute, viz. India and Pakistan, consent to their application. Both India and Pakistan refusal to implement the UN resolutions on Jammu and Kashmir was to relegate these to the margins of the conflict.¹⁵ After the 1971 war between India and Pakistan (not caused by the Kashmir dispute but resulting from the civil war in East Pakistan, now Bangladesh), the leaders of both nations signed an accord at Shimla in 1972, resolving that the two countries put an end to the conflict and confrontation that have hitherto marred their relations.¹⁶ In 1972, the UN resolutions got superseded when both India and Pakistan signed the Shimla Agreement, which laid down that the problem of Kashmir would be solved bilaterally through peaceful means and the Line of Control (LoC) would be the de facto boundary between the two countries.¹⁷

The Shimla Agreement signed by then Prime Minister Indira Gandhi and Zulfikar Ali Bhutto of Pakistan on July 2, 1972 was much more than a peace treaty seeking to reverse the consequences of the 1971 war i.e. to bring about withdrawal of troops and an exchange of Prisoners of Wars (PoW's). It was a comprehensive blue print for good neighbourly relations between India and Pakistan and to work towards the establishment of durable peace, friendship and cooperation.

The Shimla Agreement contains a set of guiding principles, mutually agreed to by India and Pakistan, which both sides would adhere to while managing relations with each other. It emphasized respect for each other's territorial integrity and sovereignty, non- interference in each other's integral affairs, respect for each other's unity, political independence, sovereign equality and abjuring hostile propaganda.¹⁸ The following principles of the Agreement are, however, particularly noteworthy:

1. Peaceful resolution of all issues through bilateral approaches.
2. To build the foundations of a cooperative relationship with special focus on people to people contacts.
3. To uphold the inviolability of the Line of Control (LoC) in Jammu and Kashmir a key to durable peace.¹⁹

In order to initiate the process of establishment of durable peace, both the governments agree that:

- India and Pakistani forces shall be withdrawn to their side of the International Border (IB).²⁰
- In Jammu and Kashmir, the Line of Control (LoC)²¹ resulting from the ceasefire of December 17, 1971 shall be respected by both sides without prejudice to the recognised position of either side. The withdrawal shall commence upon entry into force of this Agreement and shall be complemented within a period of 30 days thereof.²²

A number of proposals for the settlement of the Line of Control (LoC) have been put forward which include acknowledging the current Line of Control (LoC) as the International border between India and Pakistan ; joint development of Jammu and Kashmir ; revival of the UN resolutions for holding plebiscite ; redefining the existing boundary with some territorial adjustment. However, none of these become successful. The Kashmir conflict is the major tension between India and Pakistan.²³

The more volatile of the "unofficial" boundaries has been the Line of Control (LoC) and working boundary on the eastern border, which has over the years, successfully become a testing field of India-Pakistan relations. The 2003 ceasefire regarding the Line of Control (LoC) has also been blatantly violated in the past several years.²⁴

IDEA OF SOFTENING THE BORDER BETWEEN INDIA AND PAKISTAN

At the highest level of government there has always been interest, readiness and resolve. As Satinder K. Lambah, Manmohan Singh the then special envoy on Pakistan and Afghanistan has suggested a solution. According to Lambah:

... it is essential that any agreement must ensure that the Line of Control (LoC) is like a border between nations, it is imperative that the people of Jammu and Kashmir on either side of the Line of Control (LoC) should be able to move freely from one side to other.²⁵

The process of progressive removal of tariff and non-tariff barriers on specified locally produced goods is already underway has to be expedited to ensure meaningful trade between the two sides of the Line of Control (LoC); the essential prerequisite is that there has to be an end to hostility, violence and terrorism. Once this happens, it would be important that military forces on both the sides of the Line of Control (LoC) are kept to the minimum, particularly in populated areas; it would be important to ensure self-governance for internal management in all areas; there should be respect for human rights on both sides of the Line of Control (LoC) and efforts need to be made to reintegrate into society those sections who had been misguided and isolated from mainstream.²⁶

It should be possible to do so to enable it to look into socio-economic issues like tourism, travel, pilgrimage to common shrines, trade, health, education and culture.

A settlement will give the people of Jammu and Kashmir an opportunity to seek a future defined by the bright light of hope, not darkened by the shadow of the gun.

It will relieve Pakistan from a debilitating military competition with a larger neighbour, a policy that has drained its economy. It will hopefully strengthen its ability to turn the tide on terrorism and radical militancy. Since early 2000, India and Pakistan have pursued out-of-the-box thinking on Kashmir as a way to address tensions over the disputed territory. With neither India nor Pakistan able to impose its preferred solution to the conflict, the impasse in this six-decade-old war has gradually pushed leaders on both sides to show more flexibility in their traditional positions on Kashmir.²⁷ Soon after the inception of a composite dialogue in 2004, initiated after a war crisis in 2001-02, both states agreed to reopen the Srinagar-Muzaffarabad road in April 2005 and in Poonch-Rawalkot in 2006, to allow families splintered by the Line of Control (LoC) to visit each other.²⁸ In 2005, there are major developments in Jammu and Kashmir have galvanized the state's populace. This was projected by the media as a giant step towards solving the problems of millions of people on either side of the Line of Control (LoC). The idea of 'softening' the border between India and Pakistan along the state of Jammu and Kashmir is based on humanitarian grounds. The primary argument is that it will help families, which are currently divided due to partition.²⁹ The cross-LoC bus and trade initiatives initiated in 2005 and 2008 respectively have been important for supporting the development of an environment conducive to **conflict transformation**. Cross-LoC travel opens opportunities for human contact; it connects families thereby addressing longstanding grievances, and trade creates an opportunity for people across the Line of Control (LoC) to undertake joint activities that have a mutual and tangible (that is, economic) benefit. However both initiatives are softer from operational challenges, which limit their socio-economic and peace building potential.³⁰

This idea of cross LoC travel and trade helped calm the tempers on both the sides. Uri-Muzaffarabad bus service stood the big shocks of terrorist attacks elsewhere in India. These cross-LoC points like Poonch -Rawalkot, Uri-Muzaffarabad helped the divided families to reunite after about 60 years.

Both governments could consider the following recommendations:

- Obtaining visas and travel permits should be facilitated and made easier, and visa formalities/registration be eased to provide for a more conducive environment in cross border travel.
- Regular meetings between the local commanders of the BSF and the Pakistani Rangers would help resolve matters concerning infiltration.
- Pakistan should end support of any kind for militancy in the region and address India's concerns regarding infiltration.
- Civil society and track II initiatives should be taken into active consideration towards a comprehensive resolution of the crisis in the region.
- India should engage Pakistani citizens towards sensitizing them to the conflict situation and to strengthen its relations with India.
- India desires peaceful, friendly and cooperative relations with Pakistan in an environment free from terrorism and violence. It severely limited and disrupted initiatives to build a stable relationship.

Till the Kashmir issue is settled once for all, such Confidence Building Measures (CBMs) can definitely go a long way to provide a suitable platform for the composite dialogue to address all the outstanding issues between the two neighbours be it Kashmir or cross- border terrorism.

It is well known to all that the Line of Control (LoC) is a highly militarised zone. Given the stubborn attitude of Pakistan and its preoccupation with the obsolete ideologies, border skirmishes are bound to happen anytime and anywhere given the very long length of the Line of Control (LoC). Whenever there is a tension between the two neighbours, the worst sufferer is the people living along the Line of Control (LoC) on both the sides. No ceasefire could hold long. The border areas along the Line of Control (LoC) right from Akhnoor to Ladakh suffer due to lack of infrastructure and development. The people living in such areas have just become the perpetual migrants. Thousands have lost their lives, limbs and property in the conflict. Thousands of hectares of very fertile land has been lost in the name of creating 'no man's land' at the borders. This Line of Control (LoC) has even divided the families.³¹ So none can imagine the ground situation in the event of heightened tensions at the borders and the pain of subsequent migration. The regions of Jammu, Rajouri and Poonch mostly have suffered the brunt of Indo-Pak conflict and hence the perennial displacement of the public living along Line of Control (LoC) has become a very common feature. The villages and nearby areas are also strewn with landmines, making people vulnerable. Mine accidents can cause death or severe injury.

Conclusion

For the peace process between India and Pakistan to be undertaken, first of all there is need to identify the real issues by the two parties under conflict. Pakistan has always stressed on the unsettled issue of Kashmir. It always chants the UN resolution of 1948 of Kashmir. As per the UN resolution, Pakistan needed to withdraw from Kashmir at the first place. It is only after that the UN could have asked India to oblige by the plebiscite.³² Now after 70 years of occupation of Pakistan occupied Kashmir (PoK), is Pakistan justified in calling the bluff ? UN, therefore, refused to be a party. As of now, given the stubbornness of Pakistan and its obsession with Kashmir, which has been the life breath of Pakistani establishment to unite Pakistan, it would be unreasonable to expect Pakistan to forget Kashmir. Kashmir has always been the cornerstone of Pakistan's foreign policy projects India as its enemy and divert the attention of its poor public from illiteracy, poverty, corruption, bankruptcy, intra religious and inter regional strife's. Had the Pakistani onslaught on India and its forces not enough, it has mischievously brought China into the conflict by ceding Gilgit-Baltistan (Indian territory) for the construction of trans-Himalayan economic corridor just to plunder the area of its rich mineral wealth. This has really complicated the Kashmir issue which has been a bilateral issue since then.

The successive governments of India have always tried to befriend Pakistan- it be through Tashkent, Shimla Agreement or Lahore Agreement. Even our great leader and ex Prime Minister Atal Bihari Vajpayee went by the bus to Lahore to pacify Pakistani apprehensions of Indian enmity, more recently Sunjwan army camp attack in Jammu. How can a self respecting state bear such non sense in its neighbourhood? The resurgent India under NDA -II wants to grow and develop fast to catch with the world. Pakistan now is seen as the only drag in the development of not only India but whole of South Asia. The image of a soft state has done more harm to Indian state and its interests in the world. That's why the recent policy to follow the trouble shooters and hit them hard has been the new mantra.

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