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The Siachen Glacier and Independent Arbitration

Brian Cloughley

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About the Author

Brian Cloughley has had a long and distinguished career in the Australian and British armies and served as Australian Military Attache to Pakistan between 1988 and 1994. He is the author of many books about the Pakistan Army, most notably *A History of the Pakistan Army: Wars and Insurrection*, Oxford University Press (Fourth Reprint, 2013), and *Wars, Coups and Terror: Pakistan's Army in Years of Turmoil*, Pen and Sword Press (2008). He writes regularly on South Asian issues for the Jane’s Information Group’s various titles. His website may be found at: [http://www.beecluff.com/](http://www.beecluff.com/)

Abstract

The success of India and Pakistan in reaching and subsequently observing the Rann of Kutch agreement in 1968 provides not only an important illustration of the value of negotiation over violence but also offers important insight into how a similar agreement to resolve the dispute over the Siachen Glacier might be reached to the benefit of both India and Pakistan. This briefing tracks the efforts of the two countries to resolve the Siachen dispute, and looks at the linkage of this dispute to other issues of contestation between India and Pakistan. The author tracks the development of his own thinking on the issue and suggests a face-saving way out for both parties based on demilitarisation and independent arbitration.

**Keywords:** Saichen, Glacier, India, Pakistan, Mediation, Demilitarization, Arbitration.
Most animals are territorial in nature and mankind is no exception, with occupation of ground being regarded as imperative for human survival. It is therefore not surprising that discord is frequent between individuals, tribes and nations concerning claims to terrain that may appear to offer economic or social benefit. Nationalism, religion and greed are potent determinants of war, but in many instances of conflict the root cause has been and will continue to be the conviction that control must be effected over stretches of land (or water) that might be wholly irrelevant to the well-being and development of inhabitants – if any – or to those of the wider population. Such disputes can exercise lethal attraction for those in a position to direct that military action be taken to establish territorial ascendancy and can lead to wider and disastrous conflict. There seems to be no limit to man’s appetite for confrontation, even when it is apparent that muscular bluster almost always leads to the catastrophe of war.

It can be contended that in some circumstances there may be little alternative to a military ‘solution’ to bilateral topographic disagreement. But even were this an acceptable postulation it is clear that negotiation has the merit of avoiding destruction, slaughter and adverse economic consequences. There are problems in agreeing to engage in discussions, however, not the least of which is reluctance of leaders to embrace moderation, because that can involve unpopularity and even loss of power. These are the ultimate disaster for politicians and to be avoided at almost any cost, even if that involves the sacrifice of numerous lives and creation of lasting hatred. To combat commonsense consideration pointing to a practical peaceful resolution that might incur voter displeasure, the fall-back position is to beat the drum of inflammatory chauvinism. Not for nothing did Dr Johnson describe patriotism as ‘the last refuge of a scoundrel.’

In spite of resistance to dialogue, some territorial disputes have been settled by peaceful means, and one outstanding illustration of the paramountcy of negotiation over the lure of war is the Rann of Kutch agreement of 1968. There had been a series of minor clashes between Indian and Pakistani forces in that region in early 1965 before the outbreak of general war in August, and Global Security records that:

> It was only on 8 April 1965, when the Indian forces attacked a Pakistan outpost at Ding in an endeavour to complete a military takeover of the territory to present Pakistan with a fait accompli, that the Pakistan forces went into action for the first time, and it was on 19 April 1965 after watching India's actions in the Rann of Kutch for three and a half months that Pakistan forces went into the disputed territory.¹

A cease-fire was arranged through diplomacy, as recorded in the British Parliament’s Hansard of 30 June 1965, when the Prime Minister, Mr Wilson, said he was
happy to inform the House that the Indian and Pakistan Governments have announced the signature of an agreement for a cease-fire and the restoration of the status quo in the Rann of Kutch as at 1st January, 1965, and on the arrangements for the determination and demarcation of the border in that area . . . I am glad to say that both President Ayub and [Prime Minister] Mr Shastri made it clear to me that when the agreement was completed they would at once instruct their troops to withdraw from their present advanced positions along the Indo-Pakistan border in the confidence that this would also contribute to the reduction of the present tension between the two countries. The whole House, will, I am sure, wish to welcome this settlement and I would like to take the opportunity to pay tribute to the wisdom and statesmanship of President Ayub and Mr. Shastri.²

Wilson was premature in his congratulations, because at the very time of his speech President Ayub’s plan for military infiltration of the Kashmir Valley was well-advanced, but for the moment a conflict had been avoided through the good offices of the Commonwealth. It was apparent that skilfully exercised third party diplomacy had been effective. Further mediation was successful in subsequent resolution of the dispute, which went to UN arbitration. The findings and award of the UN Tribunal concerning the Rann of Kutch were pronounced on 19 February 1968, and ever since have been scrupulously adhered to by both countries in a gratifying example of mature acceptance of wise and impartial international adjudication.³

Perhaps similar success could be achieved concerning the Siachen imbroglio.

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As with the Rann of Kutch, the Siachen area is devoid of economic or strategic value. It is barren, unattractive, and a magnet that attracts misdirected national fervour in both India and Pakistan. (Recommended books on the subject are by Lieutenant General VR Raghavan, a defence intellectual and former Director General Military Operations in Delhi, and Myra MacDonald of Reuters.⁴) So far as the Indian stance is concerned, there is illuminating impartial commentary in a cable of 22 November 2006 from the US Embassy in New Delhi, in which the Ambassador, Dr David Mulford, summarised that India had come ‘very close’ to an agreement on the Siachen issue in 1989, and again (less so) in 1993. Each time the Prime Minister of the day was forced to back out by India’s defence establishment, the Congress Party hard line, and opposition leaders. The Indian Army is resistant to giving up this territory under any condition for a variety of reasons — strategic advantage over China, internal Army corruption⁵, distrust of Pakistan, and a desire to keep hold of advantageous territory that thousands of Indian soldiers have died protecting. Ultimately, the greatest positive in the talks was that the Indian side was able to meet with their Pakistani counterparts and conclude cordially this round of the composite dialogue. While there is no agreed date for an Indian Prime Ministerial visit to Pakistan and formal dates for Foreign Minister level talks are still being firmed up, the most important CBM is that the talks continue, with the Singh government clearly committed to the broader goal of rapprochement with Pakistan.⁶

The Singh government’s efforts to establish trust and progress in bilateral relations with Pakistan have been steady and positive, and Dr Singh seems genuinely concerned about the

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*This observation is not understood by the author. There is no question of army corruption.
Siachen stalemate. In June 2005 he was the first prime minister to visit the glacier, where he told troops that “Now the time has come and we should try to convert this battlefield into a peace mountain,”6 This is a laudable aim, but, as with so many other public expressions of concern, has not been followed by firm direction to achieve ‘an environment of peace.’ Dr Singh is no humbug, but perhaps there was more sincerity than resolve in his pronouncement.

There can be no martial solution to the Siachen disagreement, and it does not make sense to maintain military deployments that result in nothing but suffering, death, and economic depletion in countries that should be concentrating on improving the lives of their ever-growing populations.

The posture of Nawaz Sharif, a former prime minister of Pakistan, and again a would-be national leader, cannot be taken seriously because his comments on Siachen have been aimed at obtaining publicity rather than proposing practical measures for resolution, which he had ample time to attempt during his five years in power in the 1990s. In April 2012, following the massive avalanche that killed 129 soldiers and 11 civilians, he was reported as saying that “once Pakistan took [the] initiative to pull back troops from Siachen, India would also follow suit,”7 but changed his mind after President Asif Zardari stated that “We cannot unilaterally withdraw troops from Siachen. If India withdraws its troops we will be ready to take similar step,”8 which was also political fanfare to disguise the fact that his party had hardly had Siachen to the forefront of its agenda since it formed a coalition government in 2008.

Attempts over the years to solve the Siachen problem have foundered on political rocks that are quite as hostile as the jagged crags of the north. Well-intentioned realists have had their sensible solutions destroyed by shady malignancy, and thousands of soldiers have died because leaders, for all their publicity-oriented displays of concern and compassion, have ignored the fact that their avoidance of decision has cost thousands of lives and left countless families in despairing bereavement. Typical of this insouciant callousness was Zardari’s pronouncement in April 2012 that “India is suffering more losses in Siachen than Pakistan,”9 which is neither true nor justifies occupation of a swathe of totally useless territory.

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Describing the beginnings of the confrontation, in A History of the Pakistan Army I wrote that

An Indian force advanced from Ladakh to the northern end of the Siachen Glacier in the spring of 1984, there having been a lodgement the previous year. New Delhi could have made a reasonable case in international law for a claim on the region, but chose to use force rather than negotiation. Its agreement at Simla, ‘That the two countries are resolved to settle their differences by peaceful means’ was apparently annulled by contemporary considerations whose urgency and essentiality has never been satisfactorily explained. [In the same fashion as Pakistan’s illegal foray in the Kargil Sector of the Line of Control in 1999.] India’s claim was based on the fact that the Line of Control ended, as agreed by representatives of India and Pakistan, at Grid Reference NJ980420, there being no further delineation in any direction. India came to consider, eleven years after agreeing with Pakistan about the Line of Control, that because there was no
formal accord governing the barren lands between the end of the Line and the Karakoram Pass, the area should belong to India. No attempt was made to enter the contiguous Aksai Chin area occupied by China.

Of some consequence in the Indian position—had it been decided to follow diplomacy rather than take military action—would have been the fact that Pakistan and China concluded an agreement on 2 March 1963 concerning demarcation of territory between Xinjiang Province and Pakistan-controlled Kashmir, a sensible arrangement to which India took exception at the time. It could be argued with some reason that Pakistan and China had no right to apportion territory to each other (1,350 square miles to Pakistan; 2,050 to China) while some of it was, possibly, in dispute with a third party. A case could have been made for adjudication by the International Court of Justice, or even by an independent body of assessors, but India, since the decision of the tribunal concerning the Rann of Kutch in 1968, has resisted mediation or ‘good offices’ intended to defuse tension in the subcontinent.

I further noted that

Casualties in the icy wastes mounted as the years went by. There was no possibility of a military solution. Neither side could advance beyond the areas they held. There was stalemate — until mid-1989, when a breakthrough took place. Or seemed to take place. An excited journalist (well, as excited as that phlegmatic race can be) contacted the author [in Islamabad] on 17 June and said he had just sent a piece to the effect that the Indian and Pakistani foreign secretaries (respectively Mr SK Singh and Mr Humayun Khan) had agreed that troops would be withdrawn to the positions occupied at the time of the Simla Accord. The journalist said it was a final agreement that was, obviously, authorized by the two governments and only needed the armies to implement it forthwith. A major occurrence in the subcontinent, he said: at last an indication that the countries seemed to be serious about rapprochement and working for peace; there might even be a new era of trust and co-operation. (He was quite enthusiastic, for a journalist.) The BBC reported that the foreign secretaries

had been meeting for two days and their discussions set the seal on the earlier meetings . . . between the defence secretaries. At a joint news conference Mr Khan announced that both sides have now decided to withdraw to the positions that they held at the time of the Simla Accord.

A corresponding report was broadcast in Urdu on government-controlled All India Radio. It seemed, even to the most sceptical observers in Islamabad and New Delhi, that at long last senior representatives of the countries were not only sitting down and talking about matters of substance, but were authorized to take
decisions that would smooth the way for further confidence-building measures. Wrong.

A ‘clarification’ was issued by the Indian Ministry of External Affairs. The ‘chronology of events’, said a spokesman, had been ‘muddled and confused’. He went on to state that, ‘The Indian foreign secretary had endorsed the Pakistani foreign secretary’s observations on their talks, whereas the report has made out as if he had endorsed the Pakistan foreign secretary’s remarks on the defence secretaries’ talks.’ Which statement was, of course, not muddled or confusing. The Indian government denied ‘that Pakistan and India had reached an agreement on this [Siachen] issue’. The foreign correspondents in Islamabad shrugged their collective shoulders. ‘What,’ asked one of them, rhetorically, ‘can you expect of a bunch of people like that?’

If there has been one occasion, a single identifiable point, a precise moment in the history of the subcontinent at which India and Pakistan might have been placed on the road to establishment of reasonable relations, it was that day in June 1989. An agreement such as the one that was reached and then denied would have saved hundreds of soldiers’ lives and cost nothing in national pride. The strategic positions of the countries would not have altered one jot. The accord would have proved to the world that bilateralism actually worked (a real winner for Indian objectives concerning Kashmir), and terminated an unjustifiable drain on national budgets (India’s much more than Pakistan’s). But it was not to be.

It was a depressing situation, and subsequent meetings were also unproductive in spite of optimism that the countries were anxious to reach agreement. In August 2004 the Indian Express recorded that

The second time both sides came within breathing distance of an agreement was during the 6th India-Pakistan meeting in New Delhi in November 1992. NN Vohra and Salim Abbas Jilani were the two Defence Secretaries and quickly reached agreement, along the lines of the 1989 paper. Both at first agreed to 8-figure grid maps about locations, including base camps, then brought it down to 4-figure references, then to “nearest” positions — all because of objections by Pak High Commissioner to India, Riaz Khokhar, currently Pak Foreign Secretary. Both delegations even agreed to sign maps. Jilani and Vohra, who had by now become friends, agreed over a game of golf that given the hawkishness on both sides, this was about the last time they could pull something off like this. That night, when Prime Minister PV Narasimha Rao called Foreign Secretary JN Dixit, DGMO General VR Raghavan and Vohra to a
meeting, they assumed it was to finalise the agreement. A hand-written brief had, in fact, even been signed by Rao. Instead, Rao is believed to have hemmed and hawed. I haven’t even spoken to the leader of the Opposition about this, he began, why don’t we postpone this for a couple of months? Afraid of the gathering storm over the Babri Masjid — it was pulled down a month later — Rao couldn’t bring himself to act. Once again and despite much labour, an agreement on Siachen was aborted.10 [It is notable that Mr Dixit does not describe the meeting in his memoirs,11 in which there is no mention of the word ‘Siachen’ which may be an indication of the level of attention given to the problem by the Ministry of Foreign Affairs.]

The story of Siachen negotiations is disheartening because rational accords were rejected by people whose motives were as confused as their horizons were limited. The only positive development was agreement for a cease-fire in 2003, which has saved at least some lives, but until the avalanche in April 2012 there was little media interest in the confrontation. Other post-avalanche public comment by politicians in Islamabad included that of the Interior Minister, Rehman Malik, who declared that “every inch of the country is sacred” which may have given him personal satisfaction but added nothing whatever to the furthering of tranquillity in the sub-continent. The avalanche may have focused politicians on the Siachen imbroglio, but still they seem incapable of steeling their spines and making decisions that would end a futile confrontation and contribute to building much-needed bilateral confidence.

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The concept of impartial mediation appears to be anathema to many political leaders and media commentators around the world. It seems they are nervous about ultra-nationalist populists gaining propaganda advantage by portraying moderation and sanity as weakness. As observed by US Ambassador Mulford in Delhi in 2006, “Any Siachen compromise would give the BJP a political cudgel to wield against the UPA government. BJP and Hindutva firebrands would spin any deal, including the creation of a DMZ [demilitarised zone], as being a territorial concession.”12

But independent arbitration has been effective in the past — and has saved countless lives as well as contributing to bilateral confidence-building. The Rann of Kutch accord has worked well, and another example of success of externally-managed ‘good offices’ in the sub-continent is the Indus Waters Treaty, an outstanding illustration of the beneficial effects of applying commonsense and flexibility to a sensitive bilateral problem. Involvement of the World Bank and subsequent mediation by an independent adjudicator have not in the smallest way diminished the credibility, sovereignty or national ethos of either India or Pakistan. In accordance with the 1960 Indus Waters Treaty between the Government of India, the Government of Pakistan and the International Bank for Reconstruction and Development, in February 2012 the Permanent Court of Arbitration was called upon in the dispute about a dam on India’s Neelum River (because its waters flow into Pakistan via the Jhelum), and a panel of distinguished jurists from Germany, Slovakia, Sweden, Switzerland, the UK and the US was appointed to rule on the matter. Irrespective of some resistance in India and Pakistan the matter should be resolved rationally, provided both governments keep their nerve. In spite of this, it appears difficult for ultra-nationalists to accept that when bilateral agreement cannot be reached by national governments, then the best way forward is to seek independent assistance and abide by the findings of impartial international mediators.
It is notable that the Rann of Kutch ruling was greatly in favour of India, with Pakistan being awarded a mere 780 square kilometres of the claimed 9,100. According to *Global Security*, the award “was reluctantly accepted by Pakistan, but bitterly resented in India,”[13] but there appears to have been no disagreement with the summation that “The Rann of Kutch Arbitration was extremely successful in resolving a territorial dispute between two nations with a history of conflict. Throughout the proceedings, the parties cooperated with each other and with the Tribunal. Neither side questioned the authority of the Tribunal, and both sides worked together to implement the decision.”[14] Negotiations were predicated on the UN Charter which states that “The parties to any dispute, the continuance of which is likely to endanger the maintenance of international peace and security, shall, first of all, seek a solution by negotiation, enquiry, mediation, conciliation, arbitration, judicial settlement, resort to regional agencies or arrangements, or other peaceful means of their own choice.”[15]

Neither India nor Pakistan has formally attempted to amend the terms of the 1972 Shimla Agreement in which two main declarations are that

- the principles and purposes of the Charter of the United Nations shall govern the relations between the two countries; and

- the two countries are resolved to settle their differences by peaceful means through bilateral negotiations or by any other peaceful means mutually agreed upon between them [emphasis added]. Pending the final settlement of any of the problems between the two countries, neither side shall unilaterally alter the situation and both shall prevent the organization, assistance or encouragement of any acts detrimental to the maintenance of peace and harmonious relations.

In India, however, there have been attempts to accentuate ‘bilateral negotiations’ in order to make it appear that such arrangements must exclude involvement of outside parties, but although this cannot be so, given endorsement of the UN Charter and the Simla Accord by both countries, it did not prevent the Ministry of External Affairs from issuing a statement in 2009 to the effect that the Government of India is committed to resolving all outstanding issues with Pakistan *through a peaceful bilateral dialogue in accordance with the Simla Agreement* [emphasis added]. A third country role cannot be envisaged nor is it necessary.[16]

Given Simla’s *or by any other peaceful means mutually agreed upon between them*, this was sailing close to the wind of misrepresentation, and the stance was made even clearer by Defence Minister AK Antony, when he stated that

“We are not in favour of involvement of any third country in talks between India and Pakistan. India’s basic policy is that we don’t want any interference from any country in our bilateral relations with Pakistan. We don’t believe in third party mediation.”[17]

Mr Antony did not elaborate on his reasons for refusal to countenance mediation, which is defined as “a form of conflict management in which a third party assists two or more...
contending parties to find a solution without resorting to force.”

It is strange indeed that anyone can object to a process specifically designed to avoid bloodshed at no cost whatever to the disputants. It must be apparent to even rigid minds that peace is preferable to war and that to ensure freedom from strife is a main duty of a country’s leaders. Mediation does not require capitulation. Acceptance of independent judgement is not declaration of weakness, and the parties involved could with profit bear in mind Pandit Nehru’s appeal to “Let us be a little humble; let us think that the truth may not perhaps be entirely with us.”

Referees, umpires, judges and arbitrators are vital instruments in human affairs who seek the equitable and civilised conduct of sport, justice, commercial affairs and industrial relations. They are appointed and accepted throughout the world as highly-trained experts in their fields and disciplines without whom the conduct of impartial adjudication in almost all aspects of the lives of mankind would be impossible.

If a bilateral problem has proved impossible to solve for almost thirty years, there is a case for the parties involved to agree on and employ other than purely national means to attempt to resolve it, but the barriers against compromise appear substantial — and not only political in nature. US Ambassador Mulford recorded in 2006 that

Former Indian Ambassador Parthasarthy, who personally dissuaded Rajiv Gandhi from making a similar deal on Siachen in 1989, said this concession [Pakistan’s agreement to demarcate points on the map] does not satisfy India’s underlying concern — that points be agreed to in advance so the Pakistani Army would be unable to simply march back in to the area and take the high peaks around the Siachen glacier that India currently controls. He said if Pakistan agreed to demarcate points on a map, this would still fall short of agreeing to an Agreed Ground Position Line (AGPL), because it would not amount to an extension of the Line of Control (LOC) or even a cease fire line (as the LOC area was called before 1972). Ambassador Parthasarthy further remarked that he had discussed the issue with senior Congress Party members, who have significant sway over Sonia Gandhi and Congress Party politics, and there is “no way in hell” that they would allow India to withdraw under disadvantageous conditions. He added that the “Prime Minister won’t get away with what he is trying to do.”

This intriguing insight into the mindset and influence of an unelected public official is complemented by the US ambassador’s reflections about the military stance on the Siachen question, as Dr Mulford observed that

Army Chief JJ Singh appears on the front page of the ‘Indian Express’ seemingly fortnightly to tell readers the Army cannot support a withdrawal from Siachen. Given India’s high degree of civilian control over the armed forces, it is improbable that General Singh could repeatedly make such statements without MoD civilians giving at least tacit approval. Whether or not this is the case, a Siachen deal is improbable while his — and the Army’s — opposition continues to circulate publicly.

The Tribune, Chandigarh, which carries notably high-grade defence reporting, noted in May 2012, in the context of the following month’s bilateral talks on the problem, that the Indian army’s contentions are

- Siachen is its high-value strategic asset;
Any diplomatic misstep would help Pakistan and China;
A firm no to the proposal unless Islamabad agrees to Actual Ground Position Line (AGPL) on the glacier;
Indian Army is at the strategic heights. Once vacated, these would become vulnerable; and
Pakistan, it is feared, might repeat Kargil-type misadventure.\(^{20}\)

(*India Today* carried a similarly well-sourced analysis titled ‘Blood Politics on Siachen’ which rehearsed like points but was stirringly sub-titled ‘Siachen Demilitarisation: Could PM gift away to Pakistan what Army has won?’\(^{21}\)

In September 2012 the Army Chief, General Bikram Singh, referred to the region as “strategically important,” and declared “we must continue to hold it always ... and we have expressed our concern to the government. It’s now for the government to decide.”\(^{22}\)

These are intriguing reasons for maintaining a position of non-negotiation. First of all, Siachen is of no strategic value. Even were it to be occupied by China, as is the Aksai Chin region to the east (37,244 square kilometres or 14,380 sq miles; about the same size as Switzerland, India’s State of Kerala or the US State of Indiana), there would be no adverse economic or military impact on India. But China does not want Siachen. Its leaders are too pragmatic and far-sighted to commit thousands of troops to an area totally without value. The PRC took over Aksai Chin because it wanted to build a road from the western province of Xinjiang to Tibet, but Siachen offers Beijing nothing.

Refusal of further negotiation if there is no agreement to determine the ‘Actual Ground Position Line’ is emplacement of a needless barrier. As reported by the *Times of India* in May 2012, “Indian officials involved in the Siachen negotiations stressed that there was no change in India’s position. India wants both countries to authenticate their current positions on the AGPL. This would establish the respective positions of the two armies. This is necessary because of a prevalent trust deficit on both sides.”\(^{23}\) But the exact position of every bunker is known to each side and their maps of each other’s defended localities are most detailed. It would be simple to recognize formally what is already common knowledge. In summary: there is no problem, because when both sides withdraw and the area is declared a demilitarized zone nobody will care about the location of former positions, because they will all have been destroyed. There is no question of either party having a territorial claim in law as a result of having occupied parts of the territory.

The statement that “Indian Army is at the strategic heights. Once vacated, these would become vulnerable” is irrelevant, because following formal agreement to withdraw and refrain from reoccupation, the emplacement of ground detection sensors and regular patrols by neutral observers, together with employment of remote surveillance systems, would ensure that the demilitarised zone would cease to be ‘vulnerable’ to both countries. Even if Pakistan were to “repeat Kargil-type misadventure”, it is not clear how continuation of the Siachen confrontation could influence any such foray in its favour. It is understandable that India and Pakistan are wary of each other’s intentions along the Line of Control and the Siachen region, but a policy of delineation, demilitarisation and independent verification would ensure that there could be no undetectable movement of troops in the region.
The uncompromising announcement by Mr Antony in August 2012 that “The area of Siachen glacier is an integral part of India,” was not helpful, and his statement that “A total of 846 armed forces personnel have made supreme sacrifices on the Siachen glaciers since 1984” highlighted the price successive governments have been prepared to pay for national pride.

There are strong feelings on both sides concerning the Siachen imbroglio, and, given the political conditions applying in both countries, bilateral negotiations have little chance of success. But if there is no resolution, the pointless dispute will continue to fester, and soldiers will continue to die for the sake of injudicious nationalism and paltry political advantage.

A Suggested Solution

The attractions of placing the Siachen question in the hands of independent adjudicators are many. The advantage of neutral mediation is that passions are not involved, except perhaps in presentation of cases by each side. To quote from a wise statesman of yesteryear, “Arbitration means simply this — that no individual or nation is a judge in its own cause; and if you want a fair and impartial judgment you must go to somebody who is wholly unconnected with the transaction.” This principle was endorsed by none other than Prime Minister Pandit Nehru in speeches to the United Nations and in particular his observations in 1960 when he stated that “The role of the United Nations is a mediatory one: to reconcile and to help in the proper functioning of the Central Government [of the Congo] . . . We are convinced that these questions cannot be dealt with on a bilateral basis, or even by a group of countries. They are of immediate and vital concern to the entire world.”

It would be a major step forward for India and Pakistan and indeed for the world if the prime ministers of these countries were to declare simultaneously that the Siachen region was to be demilitarised as soon as practicable. The armies would be given ten weeks in June-August in which to withdraw troops and equipment and destroy fortifications and other installations. A UN mission of 60 international military officers (forty to be available at any one time for verification tasks) would form and undergo briefings and acclimatisation for six weeks and then deploy. Concurrent with their training there would be construction of the HQ of the Mission in neutral ground as close as possible to Grid Reference NJ980420, from which AS350 B3 high altitude helicopters would operate. The duty of the mission would be to observe the region and verify that no forces or facilities remained. (A major challenge would be cleansing the region of the vast amount of waste material that has accumulated in the almost 30 years of occupation: difficult and costly but far from impossible.)

On withdrawal of the parties’ troops the region would be demilitarised and, as observed by defence expert Gurmeet Kanwal, this “will not only act as a huge military-to-military
confidence-building measure, but will also test the Pakistan Army’s sincerity and will be an opportunity for that army to prove that it has actually had a change of heart at the strategic level in wanting peace with India. It is a low-risk option to test whether the Pakistan Army can be trusted, and India must not lose the opportunity to do so. However, India must draw up a demilitarisation agreement that takes care of all political and military apprehensions and make it clear to the Pakistan leadership that no military violation will be tolerated.”

Brigadier Kanwal does not advocate third party involvement, but his summation of the advantages of demilitarisation is succinct and there is no doubt the initiative is practicable.

Following the exit of military forces, one environmentalist proposes that Siachen be declared an ecologically protected area which will “not only de-militarized but also will have a regular monitoring team of ecologists, meteorologist and other experts.” And this composition would be infinitely preferable, in the longer term, to having a UN military mission. Most importantly, the region could be properly delineated by an international commission.

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A solution to the Siachen Imbroglio will take goodwill, commonsense, and appreciation that proposals for solely bilateral deliberations would be subject to determined delaying tactics. To reiterate what US Ambassador Mulford wrote from Delhi in 2006 “Any Siachen compromise would give the BJP a political cudgel to wield against the UPA government. BJP and Hindutva firebrands would spin any deal, including the creation of a DMZ, as being a territorial concession,” and there is no reason to believe that ultra-nationalists on the Pakistan side would be any less partisan.

As observed by Mr Nehru: “in ages long past, a great son of India, the Buddha, said that the only real victory is one in which all are equally victorious and there is defeat for no one. In the world today, that is the only practical victory. Any other way will lead to disaster.”

The best way ahead to avoid disaster and achieve lasting peace, establishment of trust, and the end of an entirely unproductive military confrontation is third party mediation, which could be speedily agreed by the countries’ leaders. Nobel prizes have been awarded for less.

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and the integrity, discretion and professionalism of their Indian and Pakistani interlocutors have never been formally recognised.

3 The deliberations of the Indo-Pakistan Western Boundary Case Tribunal run to 579 pages of fascinating detail, and can be accessed at [untreaty.un.org/cod/riaa/cases/vol_XVII/1-576.pdf](http://untreaty.un.org/cod/riaa/cases/vol_XVII/1-576.pdf)


5 Wikileaks. [http://www.cablegatesearch.net/cable.php?id=06NEWDELHI7954](http://www.cablegatesearch.net/cable.php?id=06NEWDELHI7954)


9 Ibid.


11 My South Block Years, JN Dixit, UBSPD Delhi, 1996.


15 UN Charter June 1945, Article 33 (1).


Dr. Seeme Mallick, Assistant Professor, Department of Management Sciences, COMSATS Institute of Information Technology, Islamabad. Contact with author. Professor Mallick helped draft Pakistan’s National Climate Change Policy.

As Note 26.