

## ***Siachen: A By-Product of the Kashmir Dispute and a Catalyst for its Resolution***

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Over two years have passed since India and Pakistan started a “composite dialogue” to resolve all the outstanding disputes between them, including Kashmir. While Islamabad seems to have shown flexibility towards the settlement of Kashmir, India continues to be rigid on the question. Under these circumstances, it is difficult to expect a mutually beneficial settlement of Kashmir, especially one that also satisfies the political aspirations of the Kashmiri people, any time soon. Given that, it would make sense if the two countries started concentrating on an issue which is resolvable or on which some reasonable agreement has already been reached. And that is the dispute over Siachen Glacier, which is an essential, and not so distant, outgrowth of the Kashmir dispute. Solving this by-product of the Kashmir problem should be the best catalyst for a viable resolution of the core issue.

This article narrates the history of Siachen dispute, the harm it has done to both sides’ armies, India’s in particular, the utter uselessness of continuing it any further as well as the concrete progress that has already been achieved in terms of its settlement. It concludes with a viable way out of the Siachen quagmire, in terms of its potential for facilitating the eventual settlement of Kashmir. In short, it revolves around the main argument that Siachen settlement could act as a catalyst on the rather difficult road to the resolution of the Kashmir dispute. The Siachen conflict is very much within the realm of mutual settlement, which, if achieved, will, in turn, greatly facilitate the settlement of the Kashmir problem.

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“War at the top of the world,” as the July 1989 issue of the *Time* magazine aptly put it, the Siachen dispute between Pakistan and India has the potential to cause a major war. It has already caused one, albeit a limited one: the Kargil war in 1999 was an extension of the Siachen conflict. Even though not as old as the Kashmir dispute, Siachen is Kashmir’s by-product — resulting from India’s expansionism in the Himalayan region in violation of the two agreements on Kashmir with Pakistan, the 1949 Karachi agreement and 1972 Simla agreement.<sup>1</sup> This nearly twenty-years old conflict has caused hundreds of casualties, mainly due to adverse climatic conditions and harsh terrain. The economic cost of sustaining a conflict in this geographically remote and climatically inhospitable region is also enormous for both countries. However, being on height, India suffers far more troops casualties and economic losses than Pakistan.

Ironically, the Siachen dispute was initiated by India itself, after its forces, in a surprise operation in April 1984, captured the Siachen glacier and its approaches in the eastern Karakoram mountain range, adjacent to the borders of India, Pakistan, and China. Since then, in the ensuing conflict, despite suffering heavy losses in men and material, India has shown little flexibility in amicably resolving it with Pakistan. New Delhi has even reneged on an agreement it had signed with Islamabad in June 1989 on troops withdrawal and re-deployment from the Siachen glacier and its adjoining areas. On the contrary, following the December 2001 attack on the Indian Parliament and the consequent Indian and Pakistani military deployment along the International Borders and the Line of Control, the exchange of fire between the troops of the two countries deployed in the Siachen conflict zone increased, in keeping with the dangerous pattern along the Line of Control in the Kashmir sector.

The Siachen glacier is one of the most inhospitable regions in the world. Owing to its freezing climate, it is termed as the “Third Pole.” Sliding down a valley in the Karakoram range, the glacier is 76 kilometers long and varies in width between 2 to 8 kilometers. It receives 6 to 7 meters of the annual total of 10 meters of snow in winter alone. Blizzards can reach speeds up to 150 knots (nearly 300 kilometers per hour). The temperature drops routinely to 40 degrees Centigrade below zero. The high altitude severely compounds the bitter climatic conditions. Base Camp for Indian forces is 12,000 feet above sea level.

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1 Robert G. Wirsing, “The Siachen Glacier Territorial Dispute with India,” chap 4 in *Pakistan’s Security under Zia 1977-1988* (New York: St Martin’s Press, 1991), pp.143-96. See Edward W Desmond, “India-Pakistan — War at the Top of the World,” *Time*, 17 July 1989, pp.18-25.

The altitude of some Indian forward bases on the Saltoro ridge ranges from Kumar (16,000 feet) and Bila Top (18,600 feet) to Pahalwan (20,000 feet) and Indira Col (22,000 feet). Because of the steep gradient of the Saltoro range, the area is also prone to avalanches.

These adverse conditions have direct consequences, as most casualties are not due to combat but because of the hostile altitude, weather, and terrain. Pakistani combat casualties are equally low because troops are dug in, artillery fire over mountain peaks is generally inaccurate, and infantry assaults are seldom made in the harsh climate and difficult terrain. Most Pakistani casualties occur because of the climate, terrain, and altitude. Pakistani positions are, for the most part, at a lower altitude in the glacier area, raging between 9,000 to 15,000 feet. Glaciers at the Pakistani frontlines begin at 9,440 feet. Pakistani troops are stationed on steep slopes, exposed to harsh weather. As a result, the main causes of Pakistani casualties are treacherous crevasses and ravines, avalanches, high altitude pulmonary and cerebral edema, and hypothermia.<sup>2</sup>

### **Glacier's Kashmir Linkage**

The root-cause of the Siachen dispute lies in the origin of the Kashmir dispute itself. The armed conflict over the possession of the former princely state of Jammu and Kashmir that erupted between Pakistan and India after independence in 1947 ended inconclusively with both countries administering parts of the disputed territory. The areas of the disputed state that fell under Pakistan are called Azad Jammu and Kashmir. As for the Northern Areas, they were never as such under the direct jurisdiction of the princely state of Jammu and Kashmir in undivided India. The Siachen glacier and its approaches fall within the Pakistani-administered Northern Areas' Baltistan region. India controls two-third of the disputed territory, including Jammu state, Ladakh, and the valley of Kashmir. The Karachi agreement, signed by Pakistan and India at the end of their 1947 war, demarcated the Ceasefire Line. The Ceasefire Line ran along the international Pakistan-India border and then north and northeast until map grid-point NJ 9842, located near the Shyok river near the southern end of the Siachen glacier. During the 1947 fighting, Muslim Baltistani forces had advanced to the foot of the glacier,

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2 Samina Ahmed and Varun Sahni, *Freezing the Fighting: Military Disengagement on the Siachen Glacier*, Albuquerque, NM: Cooperative Monitoring Center, Sandia National Laboratories, 1998. Also see Fred Scott, "Altitude Sickness", *Asia Week*, April 30, 1999; and Rahul Bedi, "Paying to Keep the High Ground," *Jane's Intelligence Review* 11 (October 1999), pp.27-31.

clearing the entire valley of Indian forces. Because no Indian or Pakistani troops were present in the geographically inhospitable northeastern areas beyond NJ 9842, the Ceasefire Line was not delineated as far as the Chinese border. Both sides agreed, in the vague language that lies at the root of the Siachen dispute, that the Ceasefire Line extends to the terminal point, NJ 9842, and “thence north to the glaciers.” The vagueness was not corrected by either of the two subsequent wars, which Pakistan and India fought against each other. After the 1965 war, the Tashkent agreement resulted in troop withdrawals to positions along the 1949 Ceasefire Line. No attempt was made to extend the Ceasefire Line further. Following Pakistan’s defeat in the 1971 war, the Simla agreement of 1972 established a new Line of Control as a result of the ceasefire of December 1971. The Siachen glacier region, where no fighting had taken place, was left un-delineated, and no attempt was made to clarify the position of the Line of Control beyond NJ 9842. The Line of Control was merely described as moving from Nerlin (inclusive to India), Brilman (inclusive to Pakistan), up to Chorbat La in the Turtok sector. “From there the line of control runs northeastwards to Thang (inclusive to India) thence eastwards joining the glaciers.”<sup>3</sup>

Since the Siachen glacier region falls within the un-delineated territory beyond the last defined section of the Line of Control, map grid-point NJ 9842, Indian and Pakistani territorial claims are based on their interpretations of the vague language contained in the 1949 and 1972 agreements. Pakistan draws a straight line in a northeasterly direction from NJ 9842 up to the Karakoram pass on its boundary with China. India instead draws a north-northwest line from NJ 9842 along the watershed line of the Salto range, a southern offshoot of the Karakoram range. New Delhi claims that the glacier lies within the jurisdiction of India’s Jammu and Kashmir state and is, therefore, an integral part of India. Pakistan, on the other hand, says that the glacier lies within the Pakistani-administered sector of the disputed territory of Jammu and Kashmir — called the Federally-Administered Northern Areas — and that, pending final resolution of its status through an internationally-supervised plebiscite in that territory, it must, therefore, be restored to Pakistan’s control. India’s position on the Siachen dispute has remained more or less constant — which is the main reason why

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3 See Desmond, “War at the Top of the World” and “The Road to War?” *Time Magazine*, 14 May 1990, pp.18-23. Also see Ahmed and Sahni, *Freezing the Fighting*, pp.3-4; A.G. Noorani, “Fire on the Mountain,” *Illustrated Weekly of India* (June 30, 1985), pp.40-41; and Robert G Wirsing, “The Siachen Glacier Dispute-I: The Territorial Dimension,” *Strategic Studies* (Autumn 1986), p.51.

several rounds of defence secretaries level talks between Pakistan and India on the dispute have failed to deliver any fruitful result. On the contrary, Islamabad has often shown flexibility, for instance, by distancing the Siachen dispute from the broader Kashmir question, because of the controversy over the territorial status of Northern Areas.<sup>4</sup>

In the 1846 Treaty of Amritsar, this region was initially excluded from the state of Jammu and Kashmir. However, later, the Hindu Dogra rulers of the princely state were allowed to administer them on behalf of the British for reasons of access. However, the people of Northern Areas did not accept the suzerainty of Dogras, who exercised meaningless control over the region through a British Political Agent based in Gilgit or through local princes of the vassal states such as Hunza and Nagar. In 1935, the British got these territories on lease for a 60-year period from the Dogras. The lease was cancelled, as the British decided to partition the Subcontinent. Afterwards, the Dogras tried to re-assert their political control over the Northern Areas, but its people fought valiantly, liberating the region and then willingly acceding to Pakistan a few months after independence. Now divided into five districts — Gilgit, Skardu, Diamer, Gangche and Ghezer — the Northern Areas come under the jurisdiction of the federal government of Pakistan. Neither territorially nor ethnically or culturally, the people of Northern Areas have any similarity with the Kashmiri people. The authorities in Azad Jammu and Kashmir have in recent times tried to extend their administrative control over the region, by securing some legal verdicts from the Azad Jammu and Kashmir High Court, but these attempts have been resisted successfully by the people of the Northern Areas through appeals in the Supreme Court of Pakistan. The country's 1973 Constitution places under its jurisdiction "such states or territories as are or may be included in Pakistan, whether by accession or otherwise."<sup>5</sup>

However, despite growing demand by Northern Areas people for greater local and central representation, Islamabad has not yet given full political rights to them — even though the level of their local representation during the successive civilian and military rules in Pakistan has indeed increased. Pakistan's hesitation to give full political rights to the Northern Areas probably arises from its hope to secure a

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4 Robert G. Wirsing, "The Siachen Glacier Dispute-II: The Domestic Political Dimension," *Strategic Studies* (Spring 1988), p.83.

5 For details, see Ishtiaq Ahmad, "Let There be No More Confusion over the Status of Northern Areas," *The Muslim*, March 14, 1993; and Ishtiaq Ahmad, "Give Political Rights to the People of Northern Areas," *The Muslim*, September 23, 1993.

Kashmiri verdict in favour of Pakistan when plebiscite is held in Kashmir under the UN Security Council resolutions. Obviously, Islamabad expects the Northern Areas people, who never want to associate themselves with the state of Jammu and Kashmir, to vote for Pakistan in the UN-supervised plebiscite. The people of Northern Areas often point to the contradiction in Pakistani policy: whereas the 1973 Constitution recognizes the country's sovereignty over the region, yet its people do not enjoy full political rights. They question, if the Northern Areas have not been as such a part of the princely state of Jammu and Kashmir, why link their political fate to the resolution of the Kashmir dispute? However, Islamabad continues to perceive the Northern Areas in terms of their political utility at the time of the Kashmir settlement. It continues to maintain a provisional status for the region, pending Kashmir's final settlement under the UN resolutions.

The same is the case with the 1963 Sino-Pakistan border agreement on the demarcation of the Northern Areas. The agreement covered a stretch of China's southern frontier extending over 300 kilometres from the tri-junction of Afghanistan, Pakistan and China's Xinjiang province eastward to the Karakoram pass. Under terms of the agreement, the government of Pakistan relinquished claims to over 4,000 square kilometers of territory, no part of which was under its actual control, in return for China's cession to Pakistan of over 1,300 square kilometers of territory actually administered by China. The agreement fell short of a definitive settlement of the territorial question. The joint declaration published at the time the Sino-Pakistan agreement was signed conceded its provisional status pending Pakistan's final settlement of the Kashmir dispute with India. The agreement's preamble described the territory lying south of the agreed boundary as "the contiguous areas the defence of which is under the actual control of Pakistan," not as Pakistani territory. The agreement's Article 6 links the question of permanent demarcation of the boundary with the Kashmir settlement. It states:

The two Parties have agreed that after the settlement of the Kashmir dispute between Pakistan and India, the sovereign authority concerned will reopen negotiations with the Government of the People's Republic of China on the boundary, as described in Article II of the present Agreement, so as to sign a formal boundary treaty to replace the present Agreement, provided that, in the event of that sovereign authority being Pakistan, the provisions of the present Agreement and of the aforesaid protocol shall be maintained in the formal boundary treaty to be signed between the People's Republic of China and Pakistan.

Mentioning in detail the demarcated regions, Article 2 states:

...the two Parties have fixed, as follows, the alignment of the entire boundary line between China's Sinkiang and the contiguous areas the defence of which is under the actual control of Pakistan: Commencing from its northwestern extremity at Height 5630 metres...the boundary line runs generally eastward and then southeastward strictly along the main watershed between the tributaries of the Tashkurgan River of the Tarim River system on the one hand and the tributaries of the Hunza River of the Indus River system on the other hand, passing through the Kilik Daban (Dawan), the Mintaka Daban (Pass), the Kharchanai Daban (named on the Chinese map only), the Mutsjilga Daban (named on the Chinese map only), and the Parpik Pass (named on the Pakistan map only), and reaches the Khunjerab (Yutr) Daban (Pass). After passing through the Khunjerab (Yutr) Daban (Pass) the boundary line runs southward along the above mentioned main watershed up to a mountain-top south of this Daban (pass), where it leaves the main watershed to follow the crest of a spur lying generally in a southwesterly direction, which is the watershed between the Akjilga River (a nameless corresponding river on the Pakistan map) on the one hand, and the Taghdumbash (Oprang) River and the Keliman Su (Oprang Jilga) on the other hand....According to the map of the Pakistan side, the boundary line from the confluence of the above mentioned two rivers ascends the crest of a corresponding spur and runs along it, passing through Height 6520 metres (21,390 feet till it joins the Karakoram Range main watershed at a peak (reference co-ordinates approximately longitude 75 degrees 57 minutes E and latitude 36 degrees 03 minutes N). Thence, the boundary line, running generally southward and then eastward, strictly follows Karakoram Range main watershed which separates the Tarim River drainage system from the Indus River drainage system, passing through the east Mustagh Pass (Muztagh Pass), the top of the Chogri Peak (K2) the top of the Broad Peak, the top of the Gasherbrum Mountain (8068), the Indirakoli Pass (named on the Chinese map only) and the top of the Teram Kangri Peak, and reaches its southeastern extremity at the Karakoram Pass.

In admitting the possibility that “sovereign authority” empowered to reach a final settlement — hence, in possession of the territory south of the border with China — might be India, the agreement left the door open in respect of permanent sovereignty over the area in which Siachen glacier is found. As things transpired, the agreement was rejected by India, which argued that Pakistan had no right to barter away territory belonging to India.<sup>6</sup>

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6 Wirsing, “The Siachen Glacier Dispute-I”, *op.cit.*, p.52. For details about the Sino-Pakistan border agreement, see Anwar H. Syed, *China and Pakistan: Diplomacy of an Entente Cordiale* (Amherst: The University of Massachusetts Press, 1974), pp.82-93. The full text of the Sino-Pakistan boundary agreement of March 2, 1963 is available in the above book.

The obviously provisional wording of the 1963 Sino-Pakistan border agreement, together with the Indian reaction to it, reveals very substantial difference in the way the Indian and Pakistani governments conceived the territorial question. India has always claimed outright all the territories ruled by the last Hindu Maharaja of the state of Jammu and Kashmir by virtue of his controversial accession to India upon the lapse of British paramountcy over the Indian princely states in 1947. These territories, according to the Indian claim, included not only the state of Jammu and Kashmir proper, but also all the trans-Indus territories (including Ladakh, Baltistan, Gilgit and, in some formulations, even Chitral district in Pakistan's North-West Frontier Province). In spite of the fact that China successfully wrested the Aksai Chin region of Ladakh from India in the short war of 1962 and, furthermore, that Pakistan has been in continuous control of the Northern Areas and Azad Jammu and Kashmir ever since independence, all of these territories are still depicted on Indian maps as belonging to India.<sup>7</sup>

On the other hand, by maintaining a provisional outlook on the territorial status of Northern Areas, as reflected in both the 1963 Sino-Pakistan boundary agreement and Islamabad's lackluster approach to the issue of full political rights for the Northern Areas, Pakistan has shown remarkable flexibility on the matter.

India's stand on the Siachen dispute should not only be seen in the light of Pakistan's traditional flexibility on the question of political sovereignty in the Northern Areas — inclusive of the Siachen glacier and its approaches in the eastern Karakoram range — but also its commitment to uphold bilateral treaties. Even though there was no Line of Control in the area of the Siachen glacier that lay beyond NJ 9842, the commitment of both Pakistan and India under Paragraph 1 (ii) of the Simla agreement which stipulates that, "neither side shall unilaterally alter the situation" in regard to "any of the problems between the two countries", unquestionably applies in the case. So, when on April 13, 1984, India placed a platoon each at the Sia La and Bilafond La, two key passes along the Salto ridge, even though it was not as such a violation of the Line of Control, it was surely a breach of the Simla agreement. In that agreement, the two countries had sought not to "unilaterally alter the situation" in respect to one "of the problems between the two countries." Under the Simla agreement as well as the Karachi agreement, Pakistan

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7 Wirsing, *ibid.* Also see Robert Karniol, "Fighting on the Roof of the World," *Jane's Defence Weekly* 30 (December 2, 1998), p.27; and Rupal S. Khosa, "The Siachen Glacier Dispute: Imbroglion on the Roof of the World," *Contemporary South Asia*, 2 July 1999.

and India had pledged not to use force to settle the unresolved issues between them. There is ample evidence that Indian armed forces were the first to establish permanent posts on the glacier, and that they had prepared themselves long and well for the task. Published Indian accounts of 'Operation Meghdool' (the code-name for India's April 1984 secret military operation in Siachen, named after the divine cloud messenger in a Sanskrit play) leave little room for doubt that Pakistanis were caught napping.<sup>8</sup>

The clauses of the Simla agreement relevant to the Siachen conflict are:

- (ii) That 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. 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 and encouragement of any acts detrimental to the maintenance of peaceful and harmonious relations;
- (iii) That the pre-requisite for reconciliation, good neighbourliness and durable peace between them is a commitment by both the countries to peaceful co-existence, respect for each other's territorial integrity; and sovereignty and non-interference in each other internal affairs, on the basis of equality and mutual benefit;
- (iv) That the basic issues and causes of conflict which have divided the relations between the two countries for the last 25 years shall be resolved by peaceful means; that they shall always respect each other's national unity, territorial integrity, political independence and sovereign equality;
- (v) That in accordance with the Charter of the United Nations they will refrain from the threat or use of force against the territorial integrity or political independence of each other....(ii) In Jammu and Kashmir, the Line of Control resulting from the ceasefire of December 17, 1971 shall be respected by both sides without prejudice to the recognised position of either side. Neither side shall seek to alter it unilaterally irrespective of mutual differences and legal interpretations. Both sides further undertake to refrain from threat or the use of force in violation of this Line.

Pakistan's claim to Siachen is certified internationally, as a number of highly regarded Western atlases published in the late 1970s and early 1980s contained revised maps that were clearly prejudicial to the Indian case. Among others, the National Geographic Society's *Atlas of the World*, the University of Chicago's *A Historical Atlas of South Asia*, and *The Time's Atlas of the World*, all showed the Ceasefire Line and/or Line of Control extending beyond map grid-point NJ 9842 in a clear north-easterly direction right up to the Karakoram pass on the Chinese border.

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8 Wirsing, "The Siachen Glacier Territorial Dispute with India," *op.cit.*, pp.143-96.

The National Geographic map even depicted the Northern Areas in a colour distinct from Indian-administered Kashmir but indistinct from Pakistan. As for international mountaineering expeditions to the vicinity of the Siachen glacier, they had been undertaken as far back as 1950s, until the start of the conflict, with the permission of Pakistani authorities. In the 1970s, a large number of such expeditions were authorized by the Pakistani government. There were 20 Pakistani-authorized foreign climbing and trekking expeditions, mainly from Japan and Western Europe, to the general vicinity of the Siachen glacier carried out between 1974 and 1981. Until it occupied the Siachen glacier, even India acquiesced in Pakistan's claims, by not raising any objection to international mapping of the region and mountaineering activities there. In the late 1970s, a series of mountaineering expeditions led by Indian Army officers began exploring and surveying the peaks in the Siachen-Baltoro-Kangri region. At first, Pakistan accepted these expeditions as purely scientific and did not react. But in 1983 the Indians lifted an entire mountain battalion by helicopter onto the eastern side of the Siachen glacier. A series of permanent military posts were constructed there in April 1984, generally at elevations of 8,000 to 16,000 feet. That same year Indian forces deployed forward, digging in atop the glacier, commanding its highest points and most important features. This gave the Indians an important tactical advantage, but made the task of supplying them extremely arduous and hazardous.<sup>9</sup>

However, most importantly, Pakistan's claim over Siachen should be seen in the context of the Kashmir dispute. The Hindu Maharaja's act of accession in 1947 was illegal, a fact given tacit acknowledgement by India in its formal acceptance of the UN resolutions stipulating the Kashmiri's right of self-determination. The absence of Jammu and Kashmir state proper, and of the disputed sector of the Northern Areas (including the Siachen glacier), to either India or Pakistan is thus a matter to be settled by internationally-supervised plebiscite. The Siachen glacier lies outside the formally agreed Line of Control in Jammu and Kashmir state, but it is an integral part of Pakistan's Northern Areas and is situated in an area over which Pakistan has asserted continuous

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9 See Shabbir Hussain, "Siachen Glacier: Fact or and Fiction?" *The Pakistan Times*, September 6, 1985; National Geographic Society, *Atlas of the World*, Fifth edition (Washington, D.C: National Geographic Society, 1981), pp.184-85; Joseph S. Schwartzberger, ed., *A Historical Atlas of South Asia* (Chicago: The University of Chicago Press, 1978), pp.87-88; and *The Times Atlas of the World*, Sixth edition (London: Times Books, 1980), p.31. Also see Eric S. Margolis, *War at the Top of the World: The Struggle for Afghanistan, Kashmir and Tibet* (New York: Routledge, 2001), pp.133-34.

administrative control ever since independence. Despite the fact that the formally agreed wording in regard to the northern terminus of the Line of Control in the 1949 and 1972 agreements is ambiguous, Pakistan's long-established and widely-recognized administrative control of the area argues for an extension of the Line of Control running in a northeasterly direction to the vicinity of the Karakoram pass. The logic of Pakistan's position in this regard is reinforced by the fact that the Karakoram pass was also the terminal point of the boundary delimitation agreed between Pakistan and China in 1963.

Contrary to India, Pakistan recognizes the disputed nature of the Siachen region. Although the dispute over the Siachen region is recognized as a by-product of Partition, because the area was left undelineated, all Pakistani governments have claimed permanent administrative control over this "sub-district" of Baltistan. Pakistan admits, however, that its claims to administrative control did not translate into actual physical presence. No permanent posts were established due to the inhospitable terrain and harsh climatic conditions. In fact, President General Ziaul-Haq, while dispelling the notion of Siachen's strategic importance, had once described the glacier and its surrounding areas as barren wasteland, where "even grass does not grow." Pakistan was willing to accept the territory as no man's-land until India deployed its forces in the Siachen area in 1984, which violated the spirit of both the Karachi agreement and Simla agreement. Even though Pakistan stays firm on its Kashmir stance, because of the international nature of the dispute, it has shown willingness to talk to India on the Siachen dispute, agreeing to measures ranging from redeployment of forces to demilitarization of the region. This is because, unlike Kashmir, Islamabad perceives Siachen as a regional issue, which it thinks is bilaterally negotiable with New Delhi. This also partly explains why Pakistan continues to keep the territorial status of the Northern Areas ambiguous and deny full political rights to the people of Northern Areas.

### **India's Strategic Blunder**

The reason why India invaded the Siachen glacier, and continues to occupy it, is its perceived strategic value for New Delhi. The Indian military establishment is believed to have a final say in the country's policy towards Siachen, which is quite unusual. Since India is yet to come out of the stigma of suffering a humiliating military defeat at the hands of the Chinese in 1962, the successive Indian governments since 1984 have continued to buy the Indian military establishment's thesis on the glacier's strategic value, despite the massive loss in men and material suffered by the country. India perceives the Siachen glacier as the wedge

of territory that separates Pakistan from China. In Indian perceptions, Siachen's geostrategic importance lies in the fact that its control would support Indian defence of Ladakh, Jammu, and Kashmir against Pakistani and/or Chinese threats. It would prevent the outflanking of Indian forces in Leh and Kargil sectors and connecting the Aksai Chin highway with the Karakoram pass. Control over Siachen would enable India to keep watch over the Karakoram highway and the Khunjarab pass, while fortifying India's position in border negotiations with China. For India, controlling the commanding heights is a crucial aspect of the Siachen conflict. This issue flows out of basic infantry tactics: height confers a tactical advantage. Except at Gyong La, Indian forces occupy and control the commanding heights. But, to India's misfortune, height confers a tactical disadvantage in Siachen's case. As long as Pakistan does not commit its forces to an offensive against the Indian positions, it is the Indians who have the disadvantage of being deployed at much higher altitudes. In order to block Pakistan's access to the Siachen glacier, India has no option but to maintain its hazardous posts on the Saltoro ridge, thereby exposing its forces to the dangerous altitude, weather, and terrain. India's strategy is also extremely expensive in financial terms.<sup>10</sup>

Describing the Siachen glacier as the world's "costliest battlefield, in terms of equipping the troops deployed on the glacier, as well as the human cost", Rezaul H Lashkar discloses in *India Abroad* that the Siachen engagement costs New Delhi about \$1.4 million a day. Survival on the icy wasteland of Siachen comes at a very high price — the gear provided to every soldier costs almost Rs.100,000 (\$2,150). Most of the equipment is imported from European countries, a major reason for the high cost. The Austrian snow boots provided to soldiers cost Rs.6,233 (about \$134) a pair, the Swiss-made jackets and trousers almost Rs.12,000 (\$258), Canadian caps and windcheaters more than Rs.2,000 (\$43), and undershirts made in Finland Rs.3,400 (\$73). Even greater is the cost of logistics for the troops deployed on the glacier. Unlike Pakistani posts along the 68.35-mile-long Actual Ground Position Line (AGPL), which are linked to bases well within Pakistan-administered Jammu and Kashmir by a large network of roads, Indian positions along the Saltoro ridge can be reached only by air. Every day, military

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10 Ahmed and Sahni, *op.cit.* For the perceived strategic importance of the glacier by India, see A.G. Noorani, *Easing the Indo-Pakistan Dialogue on Kashmir: Confidence Building Measures for the Siachen Glacier, Sir Creek and the Wular Barrage Disputes*, Occasional Paper 16 (Washington D.C: The Henry L. Stimson Center, April 1996), p.11.

helicopters and transport aircraft, including the lumbering Russian Il-76, fly dozens of sorties, ferrying in supplies and troops from bases as far away as Chandigarh in Punjab. Pilots of the Army Aviation Corps fly at least one sortie every day from the base camp to forward posts to evacuate soldiers who have been affected by frostbite or illnesses like high-altitude pulmonary edema, a painful condition in which watery fluid collects in the lungs due to low atmospheric pressure. Since 1984, casualties from sporadic clashes have not exceeded 150 on either side. However, some 800 Indian soldiers have lost their lives to the sub-zero weather conditions, while double that number have been maimed. Actual combat claims very few lives but frostbite, avalanches and the blizzards, which can sweep men into crevasses, kill more than 40 percent of all the soldiers deployed in Siachen and its adjacent approaches.<sup>11</sup>

As for the strategic importance of Siachen, which formed the main basis for India's 1984 aggression in the region, the notion has been seriously questioned by both foreign and Indian writers, who think the glacier is uninhabitable and has no strategic value. Major General (retd.) Ashok K. Mehta argues, "Almost everyone who has had posting at Siachen considers the task and the mission a national waste. The Siachen mess was created by the politicians and Generals, who gave the glacier an exaggerated geopolitical and geo-strategic importance... Siachen is living hell." "Siachen represents a glaring example of political expediency in sacrifice of human lives," writes Capt. (retd.) S.S. Ahlawat, adding, "The region has no strategic significance for the security of either country." Arun Chako says, "Contrary to initial Indian wisdom, the Pakistanis cannot get into Ladakh along the Siachen glacier route, neither can the Chinese. Nowhere has a road been built on a glacier...According to several senior Indian army officials, the Indians were to blame for upping the ante; the Pakistanis only reacted when Indian troops were put there. In reality, the Indians created an emergency when there wasn't any." Pravin Sawhney rejects the official Indian explanation for the Siachen aggression — which is that India preempted Pakistan's bid to capture the region — and questions why the Pakistanis would have bothered crossing the Saltoro ridge and the Siachen glacier to approach Leh when they could easily have used the Shyuk and Indus River approaches.<sup>12</sup>

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11 See, Rezaul H. Lashkar, "Waging War in World's Highest and Coldest Battlefield," *India Abroad*, March 2, 2001.

12 A.G. Noorani quotes a number of Indian and foreign writers to disprove the military-strategic value of the Siachen glacier for India. See Noorani, *op.cit.*, pp.10-11. In addition, see Ashok K. Mehta, "The Icy Wasteland," *Sunday* (Calcutta),

While the Indian writers point to the absurdity of the argument about Siachen's strategic importance, and see no reason for India's continued occupation of the glacier and bearing the resulting exorbitant financial and physical cost on this basis, Ahmad Hasan Dani sees India's expansionism behind its intrusion into Siachen. According to him, India's plan was "to advance gradually from Nubra into Khabalu and Skardu and thus cut away Baltistan from Northern Areas of Pakistan"; another objective was to "cut off Pakistan from direct link with China."<sup>13</sup> Pakistan's defence perceptions were also shaped by similar concerns.

India's military intrusion into what had been an undemarcated no man's-land deeply alarmed Islamabad. Pakistan became convinced the Indians were embarked on a grand strategy to advance westward into Baltistan and occupy Skardu. Using Skardu and its large airfield as a main operating base, the Indians, it was feared, would then drive into the Gilgit Valley; thus severing the Karakoram highway, Pakistan's sole land link to its most important ally, China. As a result, Pakistan launched its own military operation, code-named Ababeel (the swallow, which carry a similar divine meaning for Muslims as God's messenger, as that of Meghdoot in Hindu mythology) to stop India's advance and dislodge its troops positions on the higher ground in two of the three key mountain passes in the Salto range providing access to the glacier. The two countries fought in 1984 one of the largest battles on Siachen, supported by heavy artillery and rocket batteries, each suffering losses of around one hundred dead. In the years that followed, the battle has continued with enormous cost.

In an article in *The New York Times*, 23 May 1999, titled, "Pakistan and India: Frozen in Fury on the Roof of the World", Barry Bearak highlights the nonsensical nature of the Siachen conflict.

For a soldier, this is where hell freezes over, a 46-mile river of slow-moving ice surrounded by stupendous towers of snow. Temperatures swoon to 50 below, and sudden blizzards can bury field artillery in minutes. Men sleep in ice caves or igloos and breathe air so spare of oxygen that it sends their hearts into a mad gallop. Fainting spells and pounding headaches are frequent. Frostbite chews its way through digits and limbs. The enemy is hard to see in the crags and craters in the vast whiteness — and harder to hit. Rifles must be thawed repeatedly over kerosene stoves, and machine guns need to be primed with boiling water.

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March 19, 1995; and M.L. Chibber, "Siachen: The Untold Story," *Indian Defense Review* (January 1990), pp.146-52.

13 Ahmad Hasan Dani's article in *The Muslim*, September 16, 1988, is quoted by Noorani, *op.cit.*, p.12.

At altitudes of 18,000 feet, mortar shells fly unpredictable and extraordinary distances, swerving erratically when met by sledgehammer gusts. While some troops fall to hostile fire, far more perish from avalanches and missteps into crevasses that nature has camouflaged with snow. This is especially so now in springtime, as the sun licks away several feet of ice and opens new underground cracks and seams. But for all these logistical peculiarities, the Siachen conflict might be thought of as just another low-intensity border war — were it not being fought between the world's two newest nuclear powers. Their combat over a barren, uninhabited nether world of questionable strategic value is a forbidding symbol of their lingering irreconcilability.

While Pakistani troops are now stationed outside the glacier, in less forbidding terrain than their Indian adversaries, the Pakistani military presence forces India to retain its troops on the more elevated and hazardous mountain passes, resulting in higher attrition rates because of the dangerous altitude, weather, and terrain. Logistically, Pakistan controls Gyong La, which sits astride India's access route from Leh to the glacier and its approaches. Pakistani troops are only twenty kilometers away from a main Indian supply route at Dzingrulma. The Pakistani military, on the other hand, has easier land access to its posts through Pakistani-controlled territory. Since the mid-1980s, continuous improvements in Pakistani logistical/administrative support and ground communications have been made as roads and tracks have been brought up to the Pakistani lower base camps. As a result, Pakistan's casualty rates and financial costs have decreased, in sharp contrast to India, which is forced to provide all logistical support by air to its forces. In early 1999, India began work on a road from its forward supply bases to the glacier, a route that had to cross numerous 18,000-foot high passes, frequently blocked by landslides and avalanches.

Pakistan's strategic outlook on Siachen continues to focus on its primary objective of driving the costs of the Siachen dispute high enough to force India to make concessions in any future settlement. The longer India occupies the glacier, the more physical and material loss it will suffer. Seen from this angle, any effort to resolve the Siachen conflict should serve India's interest more than Pakistan's.<sup>14</sup>

### **Dialogue over Siachen**

Since January 1986, several high-level talks have been held between Pakistani and Indian defence and foreign secretaries as well as senior military personnel to negotiate a peaceful end to the Siachen dispute.

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14 See Margolis, *op.cit.*, pp.133-35; and Ahmed and Sahni, *op.cit.*

Between 1984 and 1985 also, the sector commanders of the two countries tried to negotiate Siachen peace, but without achieving any success, as India tried to freeze the situation brought about by Operation Meghdoot. For instance, in March 1985, the Indian army chief, General A S Vaidya, said India was ready for proper demarcation of the Siachen glacier zone, which had escaped “strict” demarcation.<sup>15</sup> For its part, Pakistan sought the withdrawal of Indian troops from the region, assuring the Indian side about its own troops withdrawal from the uninhabited and inhospitable region.<sup>16</sup>

This was despite the fact that by aggressing into Siachen region, in a surprise military operation, India had created a situation whereby Pakistan’s military leadership was less inclined to repose trust and confidence in Indian leaders. In the first round of defence secretaries’ talks in January 1986, Islamabad accused New Delhi of violating the Simla agreement. To prove its contention that the Line of Control moves in a straight line in a northeasterly direction from NJ 9842 up to the Karakoram pass on its boundary with China, Islamabad cited Indian premier Jawaharlal Nehru’s statements at the time of the signing of the Sino-Pakistan border agreement of 1963; for instance, Nehru’s statement in Lok Sabha on March 5, 1963 which said that “Pakistan’s line of actual control... reached the Karakoram pass.”

The second round of talks in June 1986, just as the third round in the following year, saw a repeat of familiar assertions. India hinted at a ceasefire in all but name and proposed accord on non-escalation of the situation. Pakistan rejected the ceasefire option. At the fourth round of the defence secretaries talks in September 1988 again, India pressed for a ceasefire and for demarcation of a Line of Control in places where the troops of both sides confronted each other; the rest of the demarcation could be postponed. Pakistan’s rejection of the offer prompted another Indian offer: a ceasefire and partial withdrawal of troops, with a token military presence left by each side in existing positions. Pakistan rejected the offer, as its acceptance would give credence to Indian presence in Siachen. Nor would Pakistan accept an accord on mutual restraint, lest it be misconstrued as a ceasefire. Pakistan, however, was prepared to agree to “redeployment” of forces under an agreed schedule and with a view to the eventual total withdrawal of forces to the pre-Simla positions.<sup>17</sup>

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15 *The Indian Express*, March 6, 1985.

16 *The Muslim*, August 18, 1985.

17 Noorani, *op.cit.*

Finally, in June 1989, after over three years of negotiations, a breakthrough was achieved at the fifth round of talks between the two countries' defence secretaries in Islamabad. According to the joint statement issued on June 17 at the conclusion of talks,

There was agreement by both sides to work towards a comprehensive settlement, based on redeployment of forces to reduce the chances of conflict, avoidance of the use of force and the determination of future positions on the ground so as to conform with the Simla agreement and to ensure durable peace in the Siachen area. The army authorities of both sides will determine these positions.

The next day, separate talks between the foreign secretaries of the two countries concluded. At a joint press conference, Pakistan's foreign secretary Dr. Humayun Khan, referring to the defence secretaries' meeting, called it a "significant advance" and spoke of a joint statement to relocate "forces to positions occupied at the time of the Simla agreement." He went on to say: "The exact location of these positions will be worked out in detail by military authorities of the two countries." Indian foreign secretary S.K. Singh said, "I would like to thank the foreign secretary, Dr. Humayun Khan, and endorse everything he has said." Surprisingly, the very next day, spokesman of the Indian External Ministry denied India had signed any agreement on troops withdrawal from Siachen: "There was no indication of any such agreement in the joint press statement issued at the end of talks."<sup>18</sup>

Neither during prime minister Rajiv Gandhi's visit to Islamabad in July 1989, nor during two round of talks between the military officials of the two countries in July and August 1989, was any agreement on Siachen signed between Pakistan and India, with both sides sticking to their respective grounds.

Before the June 1989 agreement, the Indian side was demanding that Pakistan ceased its "cartographic aggression"; that is, its unilateral attempt to extend the Line of Control from the agreed terminus at map reference point NJ 9842 to the Karokoram Pass on the border with China. Other Indian terms included the establishment of a De-Militarized Zone at the Siachen glacier, exchanges between Pakistan and India of authenticated maps showing present military dispositions on the ground, the delimitation of the map reference point NJ 9842 northward to the border with China "based on ground realities", formulation of the ground rules to govern future military operations in the area and the redeployment of Indian and Pakistani forces to mutually agreed

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18 See the joint statement as well as foreign secretaries' remarks in *The Statesman*, June 22, 1989.

positions. The Pakistani side, on the other hand, insisted that the deployment of Indian and Pakistani forces should be in mutually agreed positions that were held at the time of the ceasefire in 1971 (i.e., pre-Simla positions) and only then “delimitation” of an extension of the Line of Control beyond the map reference point NJ 9842. If seen in this backdrop, the use of the word “agreement” in the joint statement at the conclusion of the fifth round of talks between the defence secretaries of the two countries in June 1989 was highly significant. This was in striking contrast with all previous joint statements.<sup>19</sup>

According to the 1989 formulations, a Zone of Disengagement was to be created. Indian troops were to withdraw from the ridge line running along Indira Col., Sia Kangri, Sia La, Sherpa Kangri, Bilafond La, Pt. 7248, Pt. 6150, and NJ 9842 to “positions east and generally north of Zingrulama.” Pakistan was to withdraw to “a line west and running generally along Gasherbrum I, Baltoro Kangri, Pt. 3917, Kurma Ding, Goma and NJ 9842.”<sup>20</sup>

The sixth round of talks between the defence secretaries, who were assisted by military experts, was held in November 1992 in New Delhi. The talks started with Pakistan asking for the implementation of the 1989 agreement, and India denying the existence of any such agreement. In this round, Pakistan made a major concession to India in response to its demand that the re-deployment of troops on both sides to agreed positions should be achieved only after the recording of existing positions. Pakistan agreed that existing positions would be recorded, albeit in an annex and on the understanding that it “would not constitute a basis for a claim to the area, legally, morally, or politically.” The annex would also mention the points to which the troops were to “re-deploy.” India’s position at this round further hardened as it insisted on the definition of a Zone of Disengagement that would come into being in consequence of the redeployment. In addition, New Delhi called for the “demarcation of the Line of Control in the area as a matter of priority as well as undertakings by both sides not to reoccupy vacated positions, occupy new positions across the alignment determined by the vacated positions, or undertake any military or mountaineering activity in the zone.”

During the talks between their military experts, it was agreed that “India would withdraw to Dzingrulma and Pakistan would withdraw to

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19 Robert G. Wirsing, “The Siachen Glacier Dispute: Can Diplomacy Untangle It?” *Indian Defense Review* (July 1991), p.99.

20 *The Muslim*, June 22, 1989.

Goma, at the base of the Bilafond Glacier, and surveillance was to be accomplished by helicopter. In the 1989 agreement, Pakistan and India had agreed on the “redeployment of forces to reduce the chances of conflict...and the determination of future positions on the ground so as to conform with the Simla agreement.” The November 1992 agreement had, therefore, filled the blanks in the 1989 agreement by determining the positions to which the troops were to be withdrawn and the mode of surveillance. Unfortunately, India once again backtracked. On November 6, a spokesman of the Indian Ministry of External Affairs acknowledged that “there was a certain progress made in terms of technical details of the disengagement.” He claimed that the 1989 talks had floundered on this point but that this was not the case this time. Soon thereafter reports appeared in the Indian press that the country’s concessions would not go beyond “minor adjustments” on the Saltoro ridge.<sup>21</sup>

The defence secretaries talks on the Siachen dispute between the two countries suffered a stalemate for six years. It was only by December 1998 that the next round of these talks was held in New Delhi. However, between November 1992 and December 1998, Siachen did come up frequently during the bilateral talks at other levels. Although the January 1994 talks between the foreign secretaries collapsed as India refused to accept the centrality of the Kashmir issue; following their collapse, India sent six “non-papers” on confidence building measures to Pakistan, one of which dealt with Siachen. The non-paper proved to be a non-starter. The foreign secretaries level talks, just as the defence secretaries level, suffered a stalemate until they were revived at the start of 1997 by the newly elected government of prime minister Nawaz Sharif. The Siachen dispute was once again on the formal agenda of the foreign secretaries talks. In the second round of these talks, the foreign secretaries of Pakistan and India, Shamshad Ahmad and Salman Haidar, respectively, met in Islamabad on 19-23 June 1997. The meeting resulted in identifying eight unresolved issues, including Siachen, on which working groups at appropriate levels were to be established. Foreign Secretary Shamshad met his new Indian counterpart K. Raghunath in New York on 23 September 1998, and the two agreed that all the issues, including Siachen, shall be addressed substantively and specifically through the agreed mechanism in an integrated manner. As before, Siachen was to be addressed at the level of defence secretaries. The talks were held on November 6, 1998 in New Delhi. The Indian side stated that the situation

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21 See *The Hindustan Times*, 2 and 7 November 1992; *Indian Express*, November 8, 1992; *Sunday Mail*, 15 November 1992, and *The Times of India*, 12 November 1992.

since 1989 had completely changed and the two sides should now address the issue in the light of the new ground realities. The Indians proposed a comprehensive ceasefire in Siachen based on a freeze on the present positions but refused to talk about re-deployment. Their purpose obviously was to gain time for consolidation, including improvement of their tenuous communication links while minimizing their losses as a result of the ceasefire. Responding to the Indian ceasefire proposal, Pakistan stressed that, given the past experience, the monitoring of the ceasefire would require a neutral party such as UN Military Observers Group in India and Pakistan. Pakistan side also stressed that a ceasefire would effectively freeze the situation with all its attendant problems such as continued confrontational deployment of forces, loss of life due to the severe weather conditions and continued expenditure on maintaining troops in Siachen. Accordingly, Pakistan refused to accept the ceasefire proposal. It reiterated its position that India's occupation of Siachen was illegal and a violation of the Simla agreement. The 1989 Defence Secretaries agreement had called for the withdrawal and re-deployment of forces to positions on ground 'so as to conform to the Simla agreement'. In keeping with this joint statement as well as the Simla agreement India was required to vacate the areas illegally occupied by it and agree to the delimitation of the Line of Control from point NJ 9842 North to Karakoram pass.<sup>22</sup>

For its part, during the November 1998 talks on Siachen, India favoured incremental progress revolving around a set of confidence building measures, which would lead to a "comprehensive ceasefire" in the "Saltoro range region." It also sought a "freeze" on ground positions of troops from both sides to "immediately defuse tension in the atmosphere of confrontation in the area". India had proposed that once the ceasefire had been agreed to, both sides could establish a bilateral monitoring mechanism. This would include flag meetings, periodic meeting with the formation commanders and the establishment of a hotline between divisional commanders. New Delhi's opposition to using the UN Military Observers to monitor a ceasefire or troops withdrawal and re-deployment was an outcome of its traditional concern that any third party involvement would lead to "internationalizing" the issue. The talks remained deadlocked. During a press conference after the talks, the Indian Director-General Military Operations asserted that the whole of Siachen was an integral part of India and there was no question of any Indian withdrawal from the area. A Joint Statement was issued which

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22 *The News*, 24 June 1997; and 7 November 1998.

merely stated that talks had taken place and that the two sides had agreed to resume their discussions at their next meeting.<sup>23</sup>

During the Kargil conflict between the two countries in the spring and summer of 1999, Pakistan tried to link the pullout of “Mujahideen” — or units of the Northern Light Infantry of the Pakistan Army, as claimed by India and the United States, as well as the world media — from the Kargil sector conditional on India agreeing to revert to the 1972 positions in the Siachen glacier and adjoining areas. “Pakistan has agreed to request and appeal to the freedom fighters to withdraw from Kargil if India also agrees to vacate the areas that it occupied on the Line of Control after the signing of the Simla agreement,” said Sartaj Aziz, the then foreign minister of the country. General Musharraf, at the time Pakistan’s army chief, was asked by the *BBC* about his opinion on the resolution of the Siachen conflict. “We are looking at it from the overall Kashmir point of view. We want a solution to Kashmir,” he said. Indian officials quickly rejected the linkage between the fighting in Kargil and Siachen or the Kashmir issue. In response to the statement by the Pakistani foreign minister, an Indian External Affairs Ministry spokesman said: “There is absolutely no correlation between Siachen and the Salto ranges, which are well north of NJ 9842 and the Line of Control. This is another attempt to create confusion and detract attention from the focal point that the intruders [in Kargil] must withdraw.”<sup>24</sup>

For his part, General Musharraf may have tried to link Siachen with Kashmir in the above interview, but this does not indicate the country has moved towards a more rigid position on the matter. For instance, on 31 February 2001, the spokesman of the Pakistan Foreign Office said the issue of demilitarisation of Siachen glacier was not directly linked to the Kashmir problem. He said Islamabad was ready to settle the issue of demilitarisation of Siachen in accordance with the Simla agreement, while urging India to implement the 1989 agreement on Siachen settlement.<sup>25</sup>

Before the Agra summit of July 2001, India was reported to be “set to propose to Pakistan a comprehensive ceasefire at the Siachen glacier, intended as the first in a series of steps leading to de-militarisation of the Siachen glacier.” The country was “considering an incremental set of

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23 John Cherian, “Spotlight on Siachen,” *Frontline*, July 17-30, 1999.

24 See John Cherian, “Spotlight on Siachen.” General Musharraf was quoted by Owen Bennett-Jones in his *BBC World News* report, titled “Battle in the Heavens”, 31 January 1999.

25 Hasan Akhtar, “Islamabad Ready to Settle Siachen Issue,” *Dawn*, 1 March 2001.

measures to de-escalate the conflict for the control of the Saltoro ridge [in Indian possession] ahead of the Siachen glacier. First among them, was a comprehensive ceasefire in the Saltoro region based on a freeze of their present ground positions, to be followed by the demarcation (“authentication”) of the Actual Ground Position Line (AGPL) beyond NJ 9842.” The Indian Ministry of External Affairs also made public Prime Minister Vajpayee’s instructions to the Director-General Military Operations to meet with his Pakistani counterpart to work out modalities for “strengthening and stabilising the process of peace along the AGPL”. If the ceasefire worked, according to a press report, India would favour discussions on the redeployment of troops leading to eventual demilitarisation of the area. *The Asian Age* predicted the Agra summit would consider a possible withdrawal of troops (by both sides) from AGPL in the Siachen area. The report said Pakistan was demanding that India should pull back from the Saltoro ridge. India said a ceasefire was possible only after a detailed mapping of the military position on both sides.<sup>26</sup> Islamabad’s position on the Siachen dispute at the Agra summit remained that instead of going for makeshift steps such as ceasefire or confidence building measures, the two countries’ troops should revert to pre-Simla positions.

### **Current Talks over Siachen**

As part of the ‘Composite Dialogue’ process, on August 4, 2004, India and Pakistan began the first round of defence secretaries level talks on Siachen, which were significant because this was the first time in nearly six years that the two sides were sitting down to discuss Siachen. An eight-member Pakistani delegation led by Defence Secretary Lt. Gen. (retd.) Hamid Nawaz Khan held the talks with his Indian counterpart Ajai Vikram Singh. As before, Pakistan wanted India to withdraw its troops from the glacier to the 1972 positions, but India, having control over it, appeared unlikely to yield. However, during the talks, both sides did discuss steps to strengthen the current ceasefire along the 110-km Actual Ground Position Line (AGPL) on the glacier. They also agreed to

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26 Vishal Thapar, “India to seek Siachen Truce,” *The Hindustan Times*, 6 July 2001; *Dawn*, 9 July 2001; *The Asian Age*, 26 June 26, 2001. The AGPL refers to the position in the Saltoro mountain range where troops of the two countries are locked in confrontation on the Siachen glacier. As for the Indian prime minister’s bid to organize a meeting of the Director-Generals of Military Operations of the two countries for discussing the unresolved military issues, including Siachen, Pakistan stressed that, before such talks could be held, Pakistan and India should sort out the central Kashmir issue at the highest level of leadership.

continue the talks.<sup>27</sup> The 2005 second round of talks between the two secretaries of defence also did not produce any result.

The third round of talks was held in New Delhi on May 23-24, 2006 between Pakistan's Defence Secretary Tariq Waseem Ghazi and his Indian counterpart Shekhar Dutt. As before, the two sides discussed a proposal for troop withdrawal from the glacier. India reiterated that the present troop positions should first be marked on a map and on the ground as evidence in case the area is reoccupied after a deal. Pakistan continued to oppose the marking, saying it would legitimize Indian occupation of the strategic glacier in 1984. Before the third round, Pakistan was quite optimistic about progress on Siachen. "Our expectations remain that we will be able to move forward. We would rather focus on the forthcoming talks than what is being said in India," Pakistan's Foreign Office spokesperson Tasnim Aslam said on May 14. This was despite the fact that India appeared unwilling to budge from its traditional stand on the dispute. On May 11, Indian Defence Minister Pranab Mukherjee stated in Lok Sabha that India had no plans at present to pull out troops from Siachen glacier.<sup>28</sup>

As the third round also failed to make any breakthrough, Pakistan expressed its disappointment, but said it was committed to a concrete settlement of the issue through dialogue. "We are a little disappointed over non-advancement on Siachen issue. However, we are still committed to the dialogue for concrete settlement of the issue," Prime Minister Shaukat Aziz stated on June 18.<sup>29</sup>

During the third round, Pakistan's new proposals for the resolution of the conflict were stonewalled by the Indian insistence that formal recognition be given to the position of its troops in Siachen before the two sides could proceed to discuss the withdrawal of forces from the glacier. In fact, the expectation of reaching an understanding to withdraw troops had faded even before talks on the issue began in New Delhi as the Indian army became increasingly vocal in its opposition to any deal that did not give formal recognition to the positions held by its troops. Pakistan's optimism, on the other hand, was based on the expectation that Indians would adopt the view shared by many in the western world that resolution of Siachen dispute should be used as a building block to

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27 "India, Pakistan begin talks on Siachen," *Indo-Asian News Service*, August 5, 2004; *BBC News*, August 7, 2004.

28 "Indian, Pakistani Defence Secretaries Open Talks on Siachen Glacier," *VOA News*, 23 May 2006; Pakistan Optimistic about Siachen Agreement," *Rediff.com*, May 15, 2006.

29 *Times of India*, June 19, 2006.

address the larger issue of Kashmir. It could be used as a confidence building measure for Kashmir negotiations. The glacier region has been peaceful since late 2003, when India and Pakistan signed a ceasefire in Kashmir.

In the last three rounds of negotiations, the two sides have mainly focused on technical discussions on the steps that might precede demilitarization; however, any understanding is yet to be reached. The old controversy over where the real border exists in the Siachen sector has assumed new shapes. Negotiations on Siachen focused on discussing modalities for disengagement and redeployment of troops. However, the optimism for resolving the issue was dented by India's stance to deal with the issue from purely military perspective. On the other hand, Pakistan's insistence on resolving the conflict through political means and pushing the military side of the conflict to the back burner has not produced much result. Any resolution of Siachen conflict along these lines will give tremendous boost to the composite dialogue process which has been a slow-moving process so far. It may take few more rounds of talks to see whether Pakistan's fresh proposals for the resolution of the military conflict have found any takers in India and whether it will lead towards resolution.<sup>30</sup>

### **Honouring the 1989 Agreement**

Despite the failure of the ongoing dialogue over Siachen to produce any breakthrough, the dispute can still be settled in no time. What is needed, not necessarily from Pakistan's point of view, is to implement the June 1989 agreement. Pakistan and India should undertake a full withdrawal of their troops to the agreed points, in the spirit of the Simla agreement of 1972, without any attempt to legitimize post-1972 military advances by either side. Being an aggressor, India has to take the lead in this respect. Pakistan would surely follow suit. Given the enormity of human and financial cost involved in continuing the nonsensical venture, the Indian leadership has to overcome the narrow domestic political considerations which have hampered past attempts by New Delhi to make a bold move in resolving the Siachen conflict. In the 1989 agreement, the two countries had agreed on the "redeployment of forces to reduce the chances of conflict, avoidance of the use of force and the determination of future positions on the ground so as to conform with the Simla agreement and to ensure durable peace in the Siachen area." They agreed to "relocate forces to positions occupied at the time of the Simla agreement." Pakistan was to withdraw to a line west and running

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30 Umer Farooq, "Siachen Deadlock Snowballs," *Weekly Pulse*, June 2-8, 2006.

generally along Gasherbrum I, Baltoro Kangri, Pt. 3917, Kurma Ding, Goma and NJ 9842. Later, during the November 1992 talks between the military experts of the two countries, it was agreed that India would withdraw to Dzingrulma and Pakistan would withdraw to Goma, at the base of the Bilafond Glacier. As for the mode of monitoring, they agreed that “surveillance was to be accomplished by helicopter.”

As for additional monitoring arrangements, the UN Military Observers Group in India and Pakistan (UNMOGIP) can play a pivotal role in ensuring compliance of the parties to the terms of the agreement and, therefore, ensuring “durable peace in the Siachen area”, in accordance with the 1989 agreement. Even though UNMOGIP’s task is to monitor observance of the 1949 agreement defining the Ceasefire Line, the scope of its monitoring activity can be extended to the Siachen area. Unfortunately, in the case of the UNMOGIP mission, India’s attitude has been highly objectionable. Since the Ceasefire Line’s designation as the Line of Control in the 1972 Simla agreement, UNMOGIP teams have not been permitted even to approach the Line of Control itself in order to investigate Pakistani complaints of India’s ceasefire violations — what to speak of New Delhi allowing the UNMOGIP to monitor the un-delimited area beyond the formally agreed terminus of the Line of Control (i.e., map grid-point NJ 9842)! This obviously is not only a violation of the 1949 agreement between the two countries but also a contravention of the UN Security Council resolutions providing UNMOGIP the mandate to operate its mission in the disputed Kashmir region. A team of three UN observers was barred by Indian from going to the Siachen area in 1987.<sup>31</sup>

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31 The news was reported by the *AFP*, 6 October 1987. India’s plea for not permitting the UNMOGIP is that there is no “subsisting agreement” for the UNMOGIP since a new ceasefire had come into force as of December 17, 1971. See Government of India, Ministry of External Affairs, *Statement by Swaran Singh, External Affairs Minister of India*, New Delhi: Press Information Department, 17 May 1972). The UN Security Council resolution S/2017 of 31 March 1951 mandates the UNMOGIP to monitor the Cease-fire Line between Indian-administered Kashmir and Pakistani-administered Kashmir, which became Line of Control under the Simla agreement. According to this resolution, among other things, the Military Observer group was to continue to supervise the cease-fire in the State; the Governments of India and Pakistan were to ensure that their agreement regarding the cease-fire shall continue to be faithfully observed; they were to take all possible measures to ensure the creation and maintenance of an atmosphere favourable to the promotion of further negotiations and to refrain from any action likely to prejudice a just and peaceful settlement; both governments were also required to co-operate with the United Nations Representative to the fullest degree in effecting the demilitarization of the State of Jammu and Kashmir.

Without the Indian consent, the UNMOGIP cannot function along the Line of Control proper and the Siachen region. India has long insisted on the ceasefire in Siachen. Pakistan's opposition to it makes sense, since acceptance of a ceasefire on its part, without an agreement on the withdrawal and re-deployment of forces to pre-Simla positions, would justify Indian aggression in Siachen and its adjacent approaches. The ceasefire option, therefore, has to be a part of the over all resolution of the Siachen dispute. And the best way a ceasefire, and the following withdrawal and redeployment of forces to agreed positions, can be monitored is by extending the UNMOGIP mission to the Siachen region. Pakistan is willing to accept a third party monitoring mechanism. The UNMOGIP is the best third party for the purpose. New Delhi has to abide by the will of the international community. By standing in the way of UN monitors in Kashmir and Siachen, it is no doubt flouting this very international will. Whether India likes it or not, the Siachen conflict has its roots in the Kashmir dispute. It is not simply a problem of tying up a boundary line on a remote and uninhabited glacier or of settling who is to dominate approaches to a few prestigious mountain peaks. There is more at stake in it than that. The Siachen dispute obviously has a generic relationship with the struggle over Kashmir, i.e., it springs in part from circumstances surrounding delimitation of the Ceasefire Line and later the Line of Control. Thus, any resolution of the Siachen conflict cannot be long-lasting until and unless the Kashmir dispute is resolved in accordance with the UN resolutions.<sup>32</sup>

As for verifying that the two sides comply with the provisions of the 1989 agreement on troops withdrawal and redeployment, there are several other unilateral and bilateral ways to implement them credibly by introducing a variety of verification provisions, in addition to the UNMOGIP option and the option of surveillance by helicopter as mentioned in the November 1992 agreement between the military officials of India and Pakistan. A comprehensive verification regime could help achieve an effective de-escalation of hostilities between the two sides, the disengagement of their troops from the region, and most importantly, demilitarization of the Siachen glacier and its approaches in the eastern Karakoram mountain ranges. A comprehensive verification regime would serve the purpose of ensuring compliance of the parties with the terms and conditions of the agreement after the last stage of demilitarization is achieved. The demilitarization would require an immediate cessation of hostilities and the prevention of any potential reoccurrence of armed conflict. The creation of a demilitarized zone

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32 Wirsing, "The Siachen Glacier Dispute-II", *op.cit.*, p.2.

would cause the complete withdrawal of all military presence on and in the environs of the glacier. Such a withdrawal would be accompanied by the destruction of bases, pickets, and observation posts, the removal of all military hardware from the disputed area, and a prohibition on aerial patrolling and reconnaissance by either side. Another requirement would be to include a commitment on both sides to refrain from reoccupying vacated positions — a condition emphasized duly in the June 1989 agreement on Siachen as it requires the two countries to withdraw and re-deploy their troops to pre-Simla positions.<sup>33</sup>

### **Strategy for Settlement**

All of these measures may form an essential part of a Confidence Building Measures regime for Siachen; however, first and foremost, the biggest wrong in the case of Siachen — just as that of Kashmir — has to be undone. And that is, ending India's illegal occupation of the glacier. As for the illegality of the Indian claim to Siachen, even if we do not buy Pakistani claims regarding mapping and mountaineering, the fact remains that by aggressing into the region, New Delhi has violated the bilateral agreements, especially the Simla agreement.

According to Indian writer Kuldeep Nayar,<sup>34</sup> the Simla agreement was a pledge by both sides to settle their differences by peaceful means, respect each other's territorial integrity and sovereignty, avoid interference in each other's internal affairs and refrain from threat or use of force against the territorial integrity or political independence of each other. Annexes to the agreement, initialed by representatives from both countries, included detailed maps which delineated the Line of Control in all sectors, except for the Siachen glacier area. The Simla agreement specified that "neither side shall seek to alter it unilaterally irrespective of mutual differences and legal interpretations. Both sides further should undertake to refrain from the threat or the use of force in violation of this line." By insisting on the Indian troops withdrawal from the glacier and its adjoining approaches to pre-Simla-positions, Pakistan wants the region to revert to its no-man's land status, which existed prior to the Indian aggression and occupation.

Until India and Pakistan announced a ceasefire along the Line of Control in November 2003, the exchange of fire between their troops in the Siachen region had been occurring frequently. And its intensity had always grown in times of tension — as it did between the December 2001 terrorist attack on the Indian parliament and the beginning of the thaw in India-Pakistan relations in April 2003, resulting in greater number of combat and non-combat casualties. As to why India had been interested to continue this

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33 For details, see Samina Ahmed and Varun Sahni, *Freezing the Fighting*, *op.cit.*

34 Kuldeep Nayar, "Pak May Challenge Siachen Control", *rediff.com*, 16 July 1999.

senseless war, Kuldip Nayar writes: “The Bharatiya Janata Party-led government could not afford the withdrawal of forces from the Siachen glacier, for it would have been seen by the people as a retreat.”<sup>35</sup> In fact, in its non-paper on Siachen, which New Delhi sent to Islamabad in January 1994 after the collapse of the foreign secretary level talks between the two countries in Islamabad earlier in the month, India had taken the same view about the Siachen dispute as was adopted by Pakistan at the sixth round of defence secretary level talks between them in November 1992. In the said non-paper, there was an element of frankness in New Delhi’s explanation that the domestic political environment of that period (June 1989 to November 1992) came in the way of acceptance. This clearly meant that decisions on crucial issues, such as Siachen, were being influenced by India’s narrow political considerations.<sup>36</sup> As to why India had backtracked on the 1989 agreement, Indian writer M.J. Akbar argued in *The Telegraph* of 20 August 1992, “S.K. Singh had his knuckles rapped sharply on his return to Delhi because it was felt the photographs of Indian troops withdrawing from Siachen would not look too good for the government in an election year.”<sup>37</sup>

The conflict over Siachen shows how domestic political compulsions become a great barrier to resolution of India-Pakistan disputes. In particular, it shows the depth of irrationality on the part of India’s ruling elites — who have years on continued to fight over an uninhabited and inhospitable piece of earth, despite knowing its visibly grave cost in men and material. The Congress leadership’s intransigence until the mid-1990s was followed by BJP leaders’ obduracy on the Siachen dispute after 1998. In the last two years, the Congress-led India has once again maintained a similar obstructionist attitude on other unresolved issues such as the Wular Barrage and Sir Creek, notwithstanding the recent progress within the ‘composite dialogue’ process between the foreign secretaries of India and Pakistan concerning a number of Confidence Building Measures. If the two countries wish to make a credible headway in the Siachen settlement, their leaders have to move beyond petty concerns of domestic politics. As far as Pakistan is concerned, internal political compulsions do come in the way of its official approach to conflict resolution in South Asia, but these are limited mostly to Kashmir and nuclear issues. Like the growing community of international scholars on conflict resolution in South Asia, Pakistan perceives Siachen settlement essentially as catalyst for Kashmir.

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35 *Ibid.*, Pushpindar Singh, “Siachen: Accord May Be Slipping Away,” *Janes Defense Weekly* 13, (February 17, 1990), pp.301-02; and W.P.S. Sidhu, “Siachin: The Forgotten War,” *India Today*, May 31, 1992.

36 *The Hindu*, 29 January 1994.

37 As mentioned before, S.K. Singh, the former Indian foreign secretary, is on record in saying publicly that the June 1989 agreement was indeed concluded.