

India-Pakistan Peace Process: A Study of LoC Trade

Abstract

Kashmir remains a critical issue between India and Pakistan. Both will need to make several major changes to their policies if they wish to lay the groundwork for peace. The initiation of trade and travel between the two divided parts of the Jammu and Kashmir State is considered one of the most significant initiatives taken by India and Pakistan in recent history. Though the bilateral trade is also not problem free, the issues involved are far easier to resolve than many others. At the same time, closer economic ties could also help in resolving other bilateral issues.

However, with the ongoing peace process between India and Pakistan and with concomitant initiatives the hope for a durable and sustainable development in the state has gained ground, along with a renewed hope for peace.

Keyword: Geo-Political Importance, Past Peace Initiatives, Cross-loc Trade, Recommendations.

Introduction

The travel and trade across the Line of Control in Jammu and Kashmir, whilst a slow and tardy process, has changed the very definition of the line that was drawn not only across the land but also across the hearts of the people in the most unfortunate circumstances in 1947-48. In recent years, the loc has begun to stand as acronym for new definitions such as the Line of Commerce and the Line of Cooperation and for less enthusiast and more reasonable people, as Line of Caution! For millions of people living on both sides of the divide, April 7, 2005 was a significant day in history, with the introduction of a bus service between Srinagar and Muzaffarabad.

October 21, 2008 was yet another day of historical importance when two traditional trade links were restored, albeit in a limited and controlled manner, arguably serving more as symbolic gesture rather than a practical purpose. However, this symbolism has withstood all tests, flourishing in its limited framework, thus demonstrating the need and practical possibility of a formal and institutionalised trade across the loc when the problems and challenges of cross-loc are talked about, it is important not to lose sight of the background. It took India and Pakistan nearly five decades to develop ideas on facilitating the reunion of people across the divide. However, at the same time it is important to seize the available opportunities and help create an atmosphere supportive of future opportunities.

Geo-Political Importance

The territory of Jammu and Kashmir has been hotly contested since India and Pakistan won their independence in 1947. With the end of British colonial rule the Indian subcontinent was partitioned along religious lines, leading to the formation of Muslim Pakistan and Hindu-predominant but secular India. However, following the "Partition" of the Indian sub-continent, two separate political identities of India and Pakistan emerged on the South Asian map in 1947.

The new Pakistan was, however, a geographical incongruity. Its two wings, West and East Pakistan – the latter becoming independent Bangladesh in 1971 – were separated by 1,000 miles of Indian Territory. Kashmir was one of the 565 princely states of British India, with a Muslim majority but a Hindu ruler. According to the India Independence Act of 1947, the rulers of princely states were given the option to join either India or Pakistan. The Kashmir ruler, Maharaja Hari Singh, at first wanted to remain independent. However, following an invasion by Muslim tribesmen from Pakistan the Maharaja decided to accede to India.

Pakistan immediately contested the accession, claiming that because of the Muslim majority Kashmir should have joined Pakistan. The dispute erupted in the first Indian–Pakistani war over Kashmir, lasting from 1947 to 1948. Although convinced that Britain had played a crucial role in creating the Kashmir dispute and that Britain wanted Pakistan to keep

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Kashmir, where it had strategic interests,¹ India followed British advice and took the dispute to the United Nations in 1948. The unbrokered a ceasefire that ended the first Indian– Pakistani war on January 1, 1949, leaving two thirds of Kashmir with India and the remaining one third with Pakistan. With that, “Greater Kashmir,” which thitherto had an independent political status, fragmented into what presently constitutes India controlled Jammu and Kashmir State (J&K) and Pakistan controlled Azad Jammu Kashmir (Ajk). The development was quite unpropitious for it forged an artificial Indo-Pak border line: Line of actual control (loc) in 1949, which is maintained by huge army personnel and defence expenditure at the cost of the works of public utility and human security in both countries.

Whatever its efficacy, the said infamous act of “Partition,” meant general loss to all contending parties, for it sealed off traditional borders, rendered hitherto porous borders rigid for free mobility of men, material, ideas, and cross-cultural and ideological fertilization,² divided families of common ethno-cultural descent, led to Indo-Pak wars in the 1965s and the 1971s and forged ill-will, mistrust and heart-burning between India and Pakistan. Instead of devoting their efforts to poverty, unemployment, illiteracy, crime and the like social problems, they engaged in building their military capabilities and enhancing their respective defence expenditures: lately India hiked it by 34% worth 1.4173 trillion Indian rupees and Pakistan increased its defence budget by 15% in 2009 despite her insignificant growth rate of 3.3% Gdp.³

In 1999 India launched air strikes against Pakistani-backed forces that had infiltrated Indian-administered Kashmir, north of Kargil. Pakistan responded by putting its troops on high alert as the fighting built up towards a direct war between the two states. Further escalation of the conflict was not stopped until the United States intervened and pressured Pakistan’s Prime Minister Nawaz Sharif to call upon the infiltrating forces to withdraw.⁴ Since the 1960s the wars and armed conflicts between India and Pakistan have not changed any basic condition of the Kashmir conflict but merely altered the nomenclature of the Cease-Fire Line to the Line of Control (loc) at the end of the 1971 war. The divide in Kashmir which is the result of three wars is delineated today on the map as the 778 km of the Line of Control, the 198 km of the International Border in the Jammu sector, and the 120 km of the Actual Ground Position Line on the Siachen glacier.

In the 1990s the Kashmir conflict acquired a new dimension with cross-border terrorism (Cbt) increasingly destabilizing the region. India holds Pakistan responsible for supporting Cbt and claims that the Pakistani government is using terrorism and Jihad as a strategy of clandestine warfare in the Kashmir dispute with India. Terrorist attacks reached a climax on December 13, 2001 when Pakistan-based terrorists attacked the Indian Parliament. Pakistan denied any involvement in the terrorist attack, maintaining that the violence was indigenous, and that it provided only moral, political, and diplomatic support for the “just struggle of the people of Kashmir.” India, however,

believed the Pakistani government to be involved in the attacks and responded with a military standoff Code-named Operation Parakram (Valour) which brought India and Pakistan to the brink of war twice in 2002. The huge deployment of forces on both sides raised fears within the international community about the possibility of a nuclear escalation of the Kashmir conflict. The international community, and in particular the US government, intervened by diplomatic means, averting a military showdown.⁵

Past Peace Initiatives

There have been various attempts to find a peaceful settlement on Kashmir. The first window of opportunity on Kashmir opened after the 1962 Sino-Indian war. Moscow’s open support for China came as a shock to India that had had a traditional strategic partnership with the USSR, and heightened India’s sense of isolation. At that moment the US and the UK governments presented a joint initiative to resolve the Kashmir conflict. A mission led by Averell Harriman and Duncan Sandys created conditions for six rounds of bilateral talks on Kashmir between foreign ministers Zulfikar Ali Bhutto and Swaran Singh, taking place between December 1962 and May 1963. President Kennedy himself guided the two sides and the agenda of the talks.

The US strategy was to get Pakistan to consider the possibility of “an international boundary running through Kashmir,” that is, making the existing LoC into an International Border.⁶ The Indian position, broadly speaking, was that Pakistan could keep territory held by it and India would give up more territory west and north of the Srinagar valley but concede nothing in the valley itself. Pakistan, on the other hand, demanded to keep the valley and let India keep parts to the north in Ladakh and to the south in Jammu, while providing a corridor through the valley for connectivity between north and south. The talks inevitably broke down over the possession of the Muslim-majority Srinagar valley. The next opportunity for a Kashmir solution came in 1964.

The main players then were Kashmir’s Sheikh Abdullah, Pakistan’s President Ayub Khan, and Indian Prime Minister Jawaharlal Nehru. The peace talks of April–May 1964 considered three options: (i) condominium over Kashmir between India and Pakistan, with defense and foreign affairs being the joint responsibility of the two countries; (ii) acceptance of the Line of Control with both Pakistan and India giving greater autonomy to the part of the state under their control; and (iii) the most formidable of all, a full fledged confederation of India, Kashmir, and Pakistan.⁷

The death of Nehru in May 1964, however, ended any chance of exploring these solutions. In September 1965, after the second Indo-Pakistan war, Soviet Premier Kosygin brokered a ceasefire in Tashkent. He tried to persuade Pakistani President Ayub Khan to accept the Line of Control, with adjustments, as the International Border. However, Ayub Khan was unwilling to do a deal without the Srinagar valley. Even after the 1971 war in which India won an outright military victory and took 90,000 Pakistani prisoners of war, the Delhi government could

not get Pakistan to accept the conversion of the loc into an International Border. However, India came close to extracting a commitment from Pakistan on creating a permanent border, with Prime Minister Bhutto agreeing in principle to making the loc into a "line of peace" and giving an assurance to Indian Prime Minister Gandhi that the arrangement would be formalized later. Since the first peace talks the idea of converting the loc into an International Border has been the most consistent formula for a resolution of Kashmir.

India had hoped that over the course of time and with a civilian government in Pakistan it could sell the idea of loc with some adjustments as the basis for a final settlement. However, the Pakistani military was never ready to accept the status quo. For India, a second partition of the Indian subcontinent or a substantial redrawing of maps has always been unacceptable, reviving memories of the 1947 partition in which 20 million Hindus and Muslims were forced to switch sides. Between 1975 and 1988 no Pakistani leader was ready to discuss the Kashmir question. It was only after cross-border terrorism started in 1990 that the Pakistani government raised the Kashmir issue.⁸

The idea of a composite dialogue on all disputed issues between India and Pakistan has been on the cards for more than a decade but it is only now that the roadmap is accepted. The new window of opportunity can be linked to an increasing war weariness and conflict fatigue on both sides. The prospect of a sustained peace process is also significantly influenced by recent changes and developments within the security structures of South Asia, particularly the security environment of India.

The Essential Push

Following on from the India-Pakistan peace process initiated by the Pakistan President Pervez Musharraf and Atal Behari Vajpayee in 2006, Prime Minister Manmohan Singh convened a roundtable conference in Srinagar which led to the formation of five Working Groups mandated to review and make recommendations on peace building and economic initiatives in Jammu and Kashmir.

One of the Working Groups headed by Ambassador M. Rasgotra noted with great satisfaction that the governments of India and Pakistan have already opened the LoC for travel but also strongly recommended an easing of the process to acquire the relevant permissions. The Working Group made five key recommendations, one of which included a 12-point proposal to open the LoC for trade. In mid 2008, the J&K state government in India-administered Kashmir announced they would hand over a piece of land to a non-Kashmir organization for the Amarnath Shrine.

This announcement triggered mass agitation in the Kashmir Valley widening the existing regional divide, particularly between Jammu and Valley. Consequently, the Valley's business and trade community strongly demanded the opening up of the Srinagar- Muzaffarabad road as an alternative trade route to gain access outside the J&K state.

In September 2008, a summit level meeting took place between Prime Minister Manmohan Singh

and President Asif Ali Zardari in New York, in which both leaders agreed upon facilitating cross-LoC trade by October 2008. The Kashmiri people wholeheartedly welcomed the opening of trade routes between the two parts of Jammu and Kashmir. During a Joint Working Group meeting held in New Delhi on September 22, 2008, the ground rules for the cross-LoC trade were finalized and a list of items to be traded was agreed upon. Finally, the cross-LoC trade began on October 21, 2008 with 13 vehicles carrying goods from Salamabad to Chakoti and 14 vehicles coming in from Chakoti to Salamabad carrying goods from across the LoC.

Similarly, three vehicles carrying goods from Chakkan-da-Bagh crossed the LoC to Rawalakot on the same day and four vehicles carrying goods from across the loc came to Chakkan-da-Bagh. Until recently, the duty free cross-loc trade only took place on Tuesdays and Wednesdays on both routes in 1-1.5 ton capacity trucks. In July 26, 2011, both sides agreed to increase the number of trading days from 2 to 4 days per week. The movement of the goods now takes place between Tuesday and Friday through both the Trade Facilitation Centers.⁹

Cross-LoC Trade

The cross-loc travel initiative led to greater urge among Kashmiris on both sides for the resumption of cross-loc trade. The mainstream Kashmiri political parties on either side and a majority of the Civil Society leaders supported the reopening of the Srinagar-Muzaffarabad road for trade as it would provide an alternative trade route to ensure an uninterrupted flow of consumer items into the valley and for exporting fruit and other items from Kashmir. The business and trade community across the loc welcomed the initiation of trans-loc trade. They felt that trade will bring people across the loc closer and reduce tensions between the two countries while strengthening the peace process.

Since the introduction of trade across the line of control (loc) in Jammu and Kashmir in the year 2008, as a confidence building measure under the Indo-Pak composite dialogue, traders have established a regular exchange of goods. Critical to the establishment of trade was the decision of New Delhi and Islamabad not to impose trade tariffs on goods. After two years, the trade figures seem impressive. The average weekly import of goods from Pakistani to the Indian side of Kashmir during 2010 was eight crore Pakistani rupees. The fact that an overwhelming majority of traders come from divided families, whose engagement is sustained by familial ties, reflects that the trade is sustained as much by emotion as by economic rationale.

However traders face considerable obstacles, primarily from the heavy constraints that govern their activities. There are basic issues related to economic facilities and infrastructure.¹⁰ In a meeting in Srinagar between an Ajk delegation and state government representatives, Dr Haseeb A. Drabu, Former Economic Adviser, J&K government and Chief Executive, J&K Bank, presently member of People's Democratic Party (Pdp) pointed out five basic networks that were necessary for the cross-Loc trade to become "a viable self-sustaining economic process".

These were banking relations, including mutual acceptance of letters of credit; a communication network to enable traders know the rates prevailing on the other side; transport network; regulatory network to determine the composition of trade; and legal network for dispute resolution. Indeed, the success of cross-LoC trade will depend on how these five mechanisms are finally worked out. From a meagre two trucks a week, the quantum of the cross-LoC trade has jumped to 250 trucks. However traders said there is facility for storage only for 20-30 truckloads of goods at the Centre. They claim that neither there were sufficient godowns at Tfc (Trade Facilitation Centre) nor have authorities hired skilled porters to load or unload the goods.

The traders have been demanding for a long time that storage capacity should be increased. Minister for Industries, Government of Jammu and Kashmir, SS Salathia, acknowledged that lack of storage facilities is a problem at Salamabad Trade Centre (Stc). "We have acquired land for setting up the facility and have kept Rs five crore for it," he said. Regarding other facilities like Banking, the minister said they had taken up the issue with government of India on several occasions. "But nothing has happened."¹¹

The lack of communication facilities is another impediment to normal trade. Because they have no direct connection with the traders on the other side, traders on the Indian side of J&K have to follow a circuitous route for communication. Citing security reasons, the Government of India has banned the international direct dialing system from within J&K to any part of Pakistan, including the Pakistan Administered Kashmir. It is also not possible for traders to visit their counterparts on the other side of the LoC.

Theoretically, they can use the bus service, mainly meant for residents, to freely move to the other side but in practice the service has not been opened to the public and remains restricted to 'divided families'. The most important constraint on the trade, however, is defined by the absence of a financial arrangement. No decision has been taken on the currency to be used for trade and no banking system has been provided. In a meeting with the representatives of Salamabad Chakoti Trade Union on May 10, 2011, the Minister for Finance, Government of Indian Administered Jammu and Kashmir, Abdul Rahim Rather assured them that the Reserve Bank of India has framed a comprehensive scheme which is under consideration of the governments of India and Pakistan.

"Once the scheme gets the nod, banking facilities would be put in place to conduct LoC trade as per the urges and aspirations of the traders."

But still no decision has been taken in this regard neither by the government of India or Pakistan. Hence, trade takes place through the most medieval barter system.¹²

As a result, both the business community and the civil society are upset with the pace of progress. Even those sections, which wholeheartedly supported this CBM, are today cynical on the success of this initiative, if the cross-LoC crawls at a snail's pace. The business communities on both sides complain that it is not even a barter trade, but also a blind trade. "We don't

expect from the government to provide us the banking and proper communication facilities.

It will be more than enough if they can set up temporary tin sheds for storing the goods. Let government come open with its plans on the cross-LoC trade. It is not only business but our emotions are attached with it. Kashmiris have given huge sacrifices to make it a reality," said General Secretary, Salamabad-Chakoti Traders Association, Bilal Turkey. "We have been paying from our own pockets for any kind of repair work or other arrangements needed from time to time at the Trade Centre.

How can government now turn their back on us," said Turkey. The traders allege that certain quarters in the establishment are hell bent on sabotaging the cross-LoC trade as they do not want expansion of any economic activity between the two parts of Kashmir. More than 350 Valley based traders and another 10,000 people earn their livelihood directly or indirectly from the intra-Kashmir trade.

If the cross-LoC trade has to flourish, the most important step is to find a banking mechanism to replace the existing barter system. In this regard the proposal put forward by the J&K Joint Chamber of Commerce and Industry (J&K Jcci) and other civil society members for the opening of a branch of the J&K Bank in Muzaffarabad and a branch of the Ajk Bank in Srinagar would be of great significance. Besides, no modern trade can work on barter system of 21 items undertaken by two parties who are not even in direct communication with each other.

It is important to give traders an opportunity to cross the loc to make market assessments that will allow them to go beyond the 'blind trade' system that they operate within. Without compromising security, New Delhi and Islamabad will need to make bold decisions to serve the larger objective of both states from the cross LoC interactions.

LoC Trade Statistics

Despite many shortcomings in terms of infrastructure and other facilities, the Cross-loc trade has registered an impressive turnover. During 2010, the value of goods exported via the Salamabad-Uri route was Rs 143.92 crore and Rs 89.01 crore via the Chakkan-da-Bagh LoC point. The value of goods imported via the Uri route was Rs 241.37 crore (Pak currency) while it was Rs 167.77 crore via the Chakkan-da-Bagh during the same period. During 2011, the value of total goods imported via the Uri route was Rs 349.19 crore while the value of goods exported was Rs 221.21 crore.

The value of goods exported via the Chakkan-da-Bagh route was Rs 68.21 crore and the value of imported goods was Rs 124.03 crore. However, during 2008-2009 the value of goods imported and exported via the Poonch route was higher than the Uri route. In this period, the value of goods imported via the Uri route was Rs 54.62 crore and via the Poonch route, Rs 88.04 crore. The value of exported goods via the Uri route was Rs 44.30 crore while through the Chakkan-da-Bagh it was Rs 49.16 crore.

Besides these, unofficial trade through third countries is also of significance which increases the

transaction costs for end users in Pakistan. While India has accorded Most Favoured Nation (Mfn) status to Pakistan, Pakistan continues to restrict items of import from India to a positive list of 1075 items. On the South Asia Free Trade Area, Pakistan has refused to extend the negotiated tariff concessions to items outside the positive list to India thereby negating the letter and spirit of the agreement as exports are limited only to items on the positive list.¹³

LoC Travel Statistics

Between April 2005 and February 2012, 6270 Kashmiris from Azad Jammu and Kashmir (Ajk) visited India-administered Jammu and Kashmir (Iajk) via the Poonch route; 4608 travellers used the Uri–Muzaffarabad route and 487 visitors traveled via the Teetwal route. When looking at Kashmiri travelling from Ajk to Iajk during the same period, 3624 visitors traveled via the Chakkan-Da-Bagh route, 2674 traveled via the Uri-Kaman route and 856 via the Teetwal route. Statistics show that the number of Ajk residents traveling across the loc is higher at 11494 compared to the 7288 traveling from Iajk.

Recommendations

There is an urgent need to remove the bottlenecks in the way of the operationalization of the measures that both countries have agreed to regard cross-loc trade and travel and institute more Cbms to expand the movement of people, goods and ideas across the loc.

Improving Trade Infrastructure

Cross-loc trade cannot take off without improving trade infrastructure, including better roads, power supply, and telecommunication services. There is a need to improve necessary infrastructure like roads and bridges which can facilitate the conduct of trade. The lack of banking services is a significant impediment to cross-loc trade. The governments of India and Pakistan should put in place proper guidelines for the use of currency and also open bank branches on either side. The Joint Chamber has asked the Indian and Pakistani governments to allow the J&K Bank to open three branches in Muzaffarabad, Mirpur and Rawlakot and the AJ&K Bank to open three of its branches in Srinagar, Jammu and Poonch.

Islamabad and Delhi should expedite the process of providing banking services to the traders on both sides. In the meantime, corresponding banking arrangements must be kept in place to support the trade. Restoration of telephonic and electronic communication links is a must to enhance connectivity between the two parts of Kashmir to facilitate the mobility of people and conduct of trade. The possibility of joint venture projects for the promotion of tourism across the loc should be examined to explore the maximum potential of this sector on both sides of the loc.

There is also keenness among the business community in Iak to move from the “to” to “through” arrangement with Ajk which can be studied by the Joint Chamber. Given the similar nature of economies on both sides of the loc, trade in goods is useful as a starting point. The prospects of real long-term gains lie in eight service sectors: tourism, forestry, waterways,

power generation, information technology, education, antipoverty programs, and disaster management.

Expanding Tradable Items

Cross-loc trade can flourish only if it moves beyond primary goods. The trade list should be expanded and items should be selected based on market realities. The Federation of Chamber of Commerce in Kashmir (Fcik) based in the Valley has already urged the state government to allow the export of manufactured products from the state. It has submitted a list of fifty two items that it wants to be included in the approved list. The Joint Chamber has suggested the inclusion of tourism and software industries in cross-loc trade.

Traders on both sides are also interested in adding industrial items to the list of imports/exports. To facilitate trade in manufactured items across the loc, a mutually acceptable ‘Rules of Origin’ framework, specific to Jammu and Kashmir, needs to be put in place. Besides, the legal framework for dispute resolution also needs to be worked out.

Liberalizing the Travel Regime

Of foremost importance is the easing of the administrative and security procedures relating to the entry permit system for travel, simplifying its format and process and expanding its scope to include all citizens of Kashmir living in the two parts of Kashmir as well as the Kashmiri diaspora. The Kashmiri traders should not only be added to the eligibility list, but also be issued special multiple-entry trade passes, as suggested by the Joint Chamber.

The trade pass can be issued on the recommendation of the respective Chambers of Commerce and Joint Chambers and should be made valid for at least two years. It would also be desirable for the Kashmiris if the power to issue the travel permits were delegated to the respective state governments and local officials.

Opening More Bus Services & Trade Routes

There is a great desire and need to open more roads cross-loc to improve the mobility of people and promote economic interaction between the two parts of Kashmir. The opening of more road links is the key to enhance trade, especially barter trade, across the loc. The Joint Chamber has recommended the reopening of all historical trade routes within the state of Kashmir.

These include opening the Mirpur- Noshera, Chumb-Pallanwalla (Jammu), Kotli-Rajori and Sialkot-Suchetgarh routes, on a priority basis.

Propping up Intra-Kashmiri Dialogue

Institutionalized communication is very essential between the leadership and stakeholders of the two parts of Kashmir, at both, official and non-official levels. So far there have been some meetings to remove the communication gap distrust.

Conclusion

Border politics in South Asia owes its origin to the “Partition” of the Indian sub-continent in 1947, the formation of India and Pakistan on its debris and the sequential division of “Greater

Kashmir” into Jammu and Kashmir (India) and AJK (Pakistan).The travel and trade across the Line of Control in Jammu and Kashmir, whilst a slow and tardy

process, has changed the very definition of the line that was drawn not only across the land but also across the hearts of the people in the most unfortunate circumstances in 1947-48.

The continuance of the ceasefire along the loc augurs well for relations between the two countries, and has led to the return of trade and tourism to the Valley, which has also revived hopes of an economic resurgence in the region. The bus services across the loc have indicated the willingness of both countries to work on the Kashmir issue. Though, both India and Pakistan have put emphasis on economic relations in which trade ties would figure prominently. Talks to improve trade relations and to provide Mfn status, which is now known as Non Discriminatory Market access (Ndma) to India, has been on the agenda of Pakistan government for a long time.

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