



# CEASEFIRE VIOLATIONS IN JAMMU AND KASHMIR

## A LINE ON FIRE

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## ABOUT THE REPORT

Ceasefire violations along the Line of Control and international border between India and Pakistan have over the last decade been the primary trigger of tensions and conflict between New Delhi and Islamabad in the long-disputed Kashmir region. This report, supported by the United States Institute of Peace (USIP) and based on extensive field visits to the border areas, in-depth interviews with Indian and Pakistani military officials, and several primary datasets explains the factors behind the violations and suggests ways to control them within the context of the broader bilateral political dispute.

## ABOUT THE AUTHOR

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# CONTENTS



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Introduction ...	5
Managing the Border ...	8
Understanding Ceasefire Violations ...	12
Recommendations ...	23
Conclusion ...	25
Appendix. Interviewees ...	27

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## Summary

- Violations of the ceasefire agreement of 2003 between India and Pakistan in the Jammu and Kashmir region are a significant trigger in bilateral military, political, and diplomatic tensions.
- Ceasefire violations (CFVs) have the potential to not only spark bilateral crises but also escalate any ongoing crisis, especially in the aftermath of terror incidents.
- The failure on the part of both countries to comprehensively assess the causes of CFVs has led both governments to adopt policies that have been unsuccessful in curtailing recurrent violations.
- India asserts terrorist infiltration from Pakistan is the primary cause for CFVs. Pakistan claims that the larger outstanding bilateral disputes are the issue.
- Even if terrorist infiltration were to end, however, ceasefire violations could potentially continue.
- Local military factors in the India-Pakistan border are in fact behind the recurrent breakdown of the 2003 agreement. That is, CFVs are generally not planned, directed, or cleared by higher military commands or political establishments, but are instead driven by the dynamics on the frontlines.
- The 2003 agreement tends to hold when a dialogue process is under way between India and Pakistan on key disputes, local factors seeming to have little or no influence under such a positive environment.
- During times of bilateral tension, however, as has been the case since 2009, the agreement tends to break down and CFVs are routine. During such phases, local factors tend to have a dramatic influence on ceasefire violations.
- From a policy perspective, then, it is as important to focus on measures on the ground to sustain the ceasefire as it is to address the fundamental political dispute between the two countries.



## Introduction

The disputed Kashmir region that straddles India and Pakistan has in recent years seen repeated violations of the Ceasefire Agreement (CFA) the two countries agreed to in 2003, nearly two thousand since 2011 alone.<sup>1</sup> Official Pakistani sources—including the Ministry of Defense, National Assembly, and Inter Services Public Relations—report 1,922. India’s Ministry of Defense and Ministry of Home Affairs report 1,996.

These violations have the potential not only to spark a bilateral military, diplomatic, and political crisis but also to escalate any ongoing crisis, especially in the aftermath of terror incidents. With the exception of the terror attack on Mumbai in 2008 and a separate attack on the Indian army base in Uri in September of 2016, ceasefire violations have been the most prominent trigger of tension and conflict between New Delhi and Islamabad for the past decade.

The tensions extend well beyond the last decade, however.

The internationally recognized border between India and Pakistan, established in 1947, runs approximately two thousand miles (three thousand kilometers) northeast from the Arabian Sea into the Himalayas. Its last seven hundred miles (a thousand-plus kilometers) are in the contested and mountainous Jammu and Kashmir (J&K) region, to which both countries lay historic claim. The Kashmir region of the India-controlled J&K state borders the Azad Jammu and Kashmir province under Pakistani control. The Jammu segment of the state borders Pakistan’s province of Punjab to the west. India refers to the border with Pakistan in Jammu as the international border. Pakistan, however, does not recognize this as the international border, referring to it as the working boundary instead.

Meanwhile, the Kashmir region has since 1949 been split into two areas, one administered by Pakistan, the other by India. The dividing line between these two areas, agreed to as a temporary measure by both countries at the end of the 1948 Indo-Pak war and initially called the ceasefire line, is referred to as the Line of Control (LoC). It runs on a diagonal from Pakistan northeast to China and, unlike either the Punjab border or Indo-Pak borders farther south, is not marked by border pillars, making it a notional line rather than an actual one.

The United Nations also in 1949 established an observer group—first the UN Commission and then, in 1951, the UN Military Observer Group—to mediate the Kashmir dispute. The presence and intervention of this group proved a major stabilizing factor in the region through the end of the 1960s. The 1971 war between India and Pakistan, however, led to renewed territorial disagreement. In 1972, after the Bangladesh war of independence, India and Pakistan redesignated the 1949 ceasefire line as the Line of Control. This delineation, though, was on the map, not on the ground. Furthermore, no third-party monitoring mechanism remained in place. Thus, after a time of relative calm, tensions along the LoC gradually resumed in the late 1980s, culminating in 1998, when both countries, having tested nuclear weapons, officially declared themselves nuclear powers. This run-up to the Ceasefire Agreement of 2003 was thus particularly tense.

In more recent years, Pakistan has been asking India to formalize the 2003 agreement.<sup>2</sup> New Delhi has not yet responded. Conversations with officials in India suggest that the reluctance comes from concerns that India would not be able to respond militarily to terrorist infiltration if it persisted despite a formal agreement.

Why is the nearly fifteen-year-old ceasefire so often violated? India offers a single catch-all explanation, that the Pakistani military provides covering fire to terrorists infiltrating the Indian side of the region, which leads the Indian side to fire in return.<sup>3</sup> Pakistan, meanwhile,

blames India for unprovoked firing targeted at the civilian population on the Pakistani side.<sup>4</sup> A closer look at ceasefire violations over the past decade tells a different story.

Six explanations suggest why the agreement is so prone to breaking down:

- political factors, such as the visits of Indian and Pakistani leaders to their respective sides in the region, special holidays, and sometimes local elections;
- lack of properly established legal, treaty, and institutional mechanisms to manage the borders;
- rampant defense construction along the Line of Control in violation of existing norms;
- local operational factors such as aggressive testing of new troops on the other side, land grab operations, and surgical strikes;
- terrorist infiltration into the Indian side of Kashmir; and, finally,
- unauthorized crossing of civilians from either side.

India and Pakistan's failure to properly assess the causes of the violations has led both governments to adopt policies that have proved ineffective in addressing them. New Delhi has invested considerable diplomatic and political capital in emphasizing terrorism. Islamabad, on the other hand, insists that larger outstanding bilateral disputes are the issue. India's focus has led to policies aimed at preventing terrorism but have not calmed the borders. Pakistan, in focusing on dispute resolution, fails to recognize other contributing factors.

Even if terrorist infiltration were to end, conflict in the region—including ceasefire violations—might well continue (as it has for seventy years), leading to even further heightened tensions. The CFA, though, does tend to hold during a result-oriented bilateral dialogue process on key disputes. The absence of a peace process is not the sole reason for the breakdown of the CFA, nor can ceasefire violations be solely explained by terrorist infiltration. Indeed, even when infiltration was low, ceasefire violations were high.

Despite the clear link between the bilateral relationship and the occurrence of ceasefire violations, factors on the ground without question significantly and directly contribute to the violations. Analysts and the two governments have not given this argument much consideration, however. It is therefore in the interest of both governments to determine why some areas are so prone to violations and to cooperate on a solution to mitigate the drivers. Although resolving outstanding conflicts is indeed the ideal way to prevent CFVs, until that happens, India and Pakistan would do well to address the intervening factors.

Research for this report drew on field visits to the Indian side of both the international border and the LoC, off-the-record interactions with active Indian and Pakistani military officials, and formal interviews with retired military and paramilitary officials on both sides, and foreign service officers. No systematic official data on CFVs is available in either the Indian or Pakistani public domain. Although the UN Military Observer Group reports CFVs to UN headquarters, the reports are not shared in the public domain. Aggregate numbers of yearly CFVs are regularly released by the two governments without any indication of where, when, or why they occurred.

To overcome this lack of meaningful data, two new datasets—one for Pakistan and another for India—were created by counting the CFVs from daily newspaper reports from 2002 to 2016. These reports typically include the date, general location, and sometimes the precipitating factors. Not every CFV is reported in the press, however. The number of violations in the dataset is therefore significantly lower than that in the official records. The project dataset,

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***India and Pakistan's failure to properly assess the causes of the violations has led both governments to adopt policies that have proved ineffective in addressing them.***

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Map 1. Line of Control and International Border



Source: Redrawn by Robert Cronan/Lucidity Information Design, LLC for USIP.

however, is far more consistent and comprehensive, and thus extremely helpful to understanding the CFVs more clearly.

Understanding what a CFV entails and how they are counted is correspondingly important. First, one shot does not constitute a violation: a CFV might be thousands of shots fired by a range of weapons from personal firearms to military artillery, and might include multiple exchanges of fire across multiple areas within a period of twenty-four hours in reaction to an initial violation. Second, not all CFVs are reported to the top rungs of the government on either side or, sometimes, even on the chain of command of the force manning the border. Reporting

depends on a variety of factors, including whether it might be advantageous to those patrolling the border—whether Pakistani or Indian—to play up or play down violations in a particular area.

## **Managing the Border**

India and Pakistan undertake, either jointly or unilaterally, a variety of measures to manage the borders in the region. Understanding them, or the lack of them, sheds important light on the outbreak of ceasefire violations in the region.

### *Patrolling and Deployments*

The Indian army, supplemented by about five or six battalions of the paramilitary Border Security Force (BSF) deployed under its operational command patrols the Indian side of the LoC. The army's Srinagar-based 15 Corps and Nagrota-based 16 Corps are the two major formations based in J&K. Small patrol parties move around to dominate the area every night; each party patrols for about four hours, varying their routes every day. According to an Indian officer, ambush is laid in identified infiltration routes or where infiltration is suspected.

The army, with the few battalions it has posted in the Jammu sector along the border with Pakistan's Punjab province, provides an outer layer of defense to BSF forward formations. It performs counter-infiltration operations in the hinterland and leaves the responsibility of manning the international border to the BSF. The army also posts some of its troops with BSF companies in the forward posts for observation purposes. Before 2003, the army had operational command in the international border sector and the BSF operated under the army's command above the battalion level.

The Pakistan Army's 23rd Division is deployed along the LoC, and the Punjab Rangers along the working boundary (international border) in the Sialkot sector and the Punjab province border. Force Command Northern Area, a division-size army formation, is posted along the Siachen as well as sectors to the north. The brigade headquarters of certain battalions posted along the Pakistani side of Kashmir are in Muzaffarabad, the capital of the Pakistani-administered Kashmir. Divisional headquarters are in Murree, a colonial-era town in Punjab province. Corps headquarters are in Rawalpindi (commonly known as Pindi), also in Punjab and Pakistan's fourth largest city.

Although de jure the Punjab Rangers fall under the Federal Ministry of Interior, the force is manned by officers on deputation from the Pakistan army and its head is a serving two-star officer. Regular army soldiers are also deployed along with Punjab Rangers on sectors along the international border.

Soldiers of a Pakistani army unit deployed in a certain sector on the LoC are assigned to various posts and take turns observing the LoC. During the day, soldiers and their commander perform administrative tasks related to maintenance of the post, such as fetching supplies and filing reports to the battalion and brigade headquarters. Because the Pakistani side does not fear infiltration, its emphasis on laying ambush is considerably less than India's.

### *The LoC and International Border Fence*

India has built a fence along most of its border with Pakistan, the distance from which to the LoC ranges between five hundred meters and three or four kilometers. At several places, however, it is closer than five hundred meters. The entire fence along the international border is

electrified, but that along the LoC only partly. Construction of the international border fencing began in Indian Punjab in 1989 after the end of an insurgency there. Pakistan objected, however, to any extension in the Jammu sector—to the southwest in J&K on the border with Pakistani Punjab—and along the LoC. A BSF officer recalled complaints from the Indian Central Public Works Department personnel of being fired upon by Pakistani troops while constructing the Jammu portion. Construction and earthmoving equipment with bulletproof sheets were widely used. Bulletproof sheets were put on vehicles and other equipment and, before construction on the fence began, a bund (embankment) was formed beyond the area where the fence would be. Heavy firing along the international border and LoC between 2001 and 2003, before the CFA was agreed to, is partly explained by the fence building under way at the time.

Officers who served in the region before the fence was built argue that it has fundamentally changed the dynamics along the LoC, reducing terrorist infiltration, and the number of incidents in which opposing forces try to seize territory across the line.

A number of riverine gaps interrupt the international border fence. A variety of measures are taken to close them, using technological solutions such as laser lights, alarms, and cameras as well as *panji*, which are sharp metal obstructions placed on the ground to prevent trespassing. The fence on the LoC is far less effective than the one on the international border. In the LoC sector, for instance, the fence is often buried in snow during the winter and requires annual repairs after the snow melts. Sometimes also, an Indian officer explained, infiltrators use wooden planks to cross the fence.

### *Landmines*

Extensive minefields along the borders are another line of defense. India and Pakistan have conspicuously not signed the 1997 Ottawa Convention, more formally the Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on Their Destruction. Both countries use antipersonnel landmines on the LoC and sometimes even on the international border. Mines were placed, according to interviewees, in the India-Pakistan border area in 1947, 1965, 1971, and again in 2001 during Operation Parakram. Some of those old mines remain. Sites with mines are marked and safeguarded with fences and meshes per Protocol II to the Geneva Convention of 1980.

Sometimes these mines drift away in response to environmental conditions. “At times,” retired Pakistani army General Waheed Arshad explained, “mines are washed away by waterfalls or heavy rains... They are antipersonnel mines, so they are not very deep. A landslide may [also] take the mines away.” Sometimes also the Indian side places mines along infiltration routes in forward defense locations. A related danger, according to Indian officials, is of Pakistan Rangers or terrorists placing mines or IEDs (improvised explosive devices) along the J&K border fence to frustrate Indian activities there. A number of mine-related accidents have also taken place, on both sides of the border.<sup>5</sup> As a result of such mine drifting, retired Pakistani officer Lieutenant General Asif Yasin Malik remarked in an interview, areas that were not supposed to be mined ended up with them.

### *Flag Meetings*

The most basic level of communication between the Indian and Pakistani sides on the LoC and international border is between local commanders. Such interactions, which can be frequent on the zero line, even daily, are called casual contacts and can take place anywhere along the line,

but formal meetings require more preparation. Tent meetings in the international border region require even more preparation and are held at the deputy inspector general level. According to interviewees, however, no joint standard operating procedures (SOPs) on weapons that can be carried to such meetings by either side and how many troops can be present are in place.

For the most part, a BSF officer explained in an interview, most senior level meetings are not properly institutionalized. Director general-level talks between the BSF and Rangers are to be held biannually, for example, but in practice usually meet only once a year. Commandant and wing commander meetings are also supposed to take place once every six months, and company commander meetings once a month. Only at director general-level meetings are the minutes of the meeting signed by both sides.

The LoC offers several locations where such meetings can take place. Meetings in the Jammu-Sialkot sector on the international border, however, are held only at the Octroi Post, the sole formal communication point in Jammu, which means that protest or other communication notes are exchanged only from Octroi. Octroi is also the only direct phone link between the two sides in the entire Jammu sector. At their biannual meeting held in New Delhi in mid-September 2015, the BSF and Rangers decided to exchange phone numbers at multiple levels for better communication, though the decision has not yet been implemented.<sup>6</sup>

### *Hotlines*

Four hotlines—a direct dedicated telephone line—operate along the LoC: at Tithwal (Tangdhar), Uri, Rajouri, and Poonch (Chakan Da Bagh), an Indian army officer said in an interview. Messages can be routine information, prior notification of activities undertaken by either side, requests for clarification on civilian activities, or responses to queries. On average, fifty to sixty are sent and received each month from each hotline point. Each message is vetted through the corps commander or army commander as required.

Pakistani officers noted that sometimes contact with the Indian side for days is almost nil, and that at other times it is hectic, even frenetic. They also pointed out that sometimes the response comes promptly, sometimes it may take more than a day.

The highest level military contact between India and Pakistan is between the director generals of military operations (DGMOs) on their dedicated hotline, every Tuesday almost without fail. If the DGMOs are not available, their assistants speak in their stead. These discussions are always recorded, and after the conversation, the information is selectively disseminated to the Military Intelligence/Operations directorates on the Indian side. The directorate then issues a daily directive or bulletin that is sent to the principal staff officers to keep them in the loop about activities on the border. After the Tuesday conversation between the DGMOs, retired Indian army Lieutenant General Syed Ata Hasnain related in a New Delhi interview, the bulletin will be a short report highlighting what information was exchanged and what was discussed.

Although the hotline conversation is scheduled for Tuesdays, if serious issues come up either DGMO can initiate an exchange on any day following a special procedure known simply as the special hotline conversation. General Vinod Bhatia, the Indian DGMO from October 2012 to February 2014, confirmed that even on other days DGMOs can place a special hotline call if an urgent matter needs to be addressed, underlining the importance the two sides attach to the hotline.

The Tuesday conversation, the timing of which is scheduled by the Military Operations staff on both sides in advance, remains the most important contact between the two militaries.

A bilateral provision for the two DGMOs to meet exists but they rarely do so. Bhatia, for example, met his Pakistani counterpart Aamer Riaz only after fourteen years and then during the height of the ceasefire violations in December 2013. It was the first meeting since the Kargil conflict in 1999. The DGMOs have not met since then.

### **Villages**

Several villages border the zero line in the Kashmir region, in some cases beyond India's fencing. Some are proper settlements where people continue to live in their ancestral villages. In other cases, people from nearby villages cultivate the land close to the zero line.

People traveling beyond the fence to farm are regulated by an identification system. Those who live on the Indian side but beyond the fence and close to the LoC, an Indian army officer explained in an interview, have been given biometric IDs that are verified by army personnel. Despite Indian officials' insistence that interactions are not allowed to take place between the Indian villagers and the Pakistanis on the other side of the LoC, villagers living close to the line, especially those who have kinship ties, often cross back and forth undetected by the two forces. Such interactions were more frequent before the 1980s, but they have certainly not disappeared.

In the aftermath of the October 2005 earthquake, India and Pakistan agreed to open trade and travel crossing points on the LoC. Five were opened, but none across the international border in the Jammu sector.<sup>7</sup> Cross-LoC trade and travel have tended to continue despite bilateral tensions, but ceasefire violations tend to make trade and travel difficult.

People living near the international border often become ceasefire victims. In Jammu alone, according to the Indian Ministry of Home Affairs, nearly six hundred villages lie within five kilometers of the border, nearly 450 of which are vulnerable.<sup>8</sup> CFVs often result in mass displacement of residents from these villages. In 2014 alone, for example, 73,368 people from Jammu, Kathua, and Samba were reportedly displaced, albeit temporarily.<sup>9</sup>

### **Crossers**

Standard operating procedure on the Indian side in case of those who cross either the LoC or the international border inadvertently is to send the person to J&K police custody for interrogation and then return them if they are found innocent. Tariq Majid, a retired Pakistani army lieutenant general, remarked in an interview that "normally, you inform the other side as you get to know them. And there is no institutionalized arrangement. Inevitably, it takes time. The agreement on inadvertent crossings has been on the table; we are stuck because the political climate changed."

However, at times the forces on the ground take a more compassionate position. An army brigadier in Kashmir narrated an incident of an eleven-year-old Pakistani child being sent home within three days from the Tithwal crossing point.

The issue of speedy return of inadvertent crossers has been periodically taken up at bilateral meetings between the two countries. An agreement was reached during the second and third rounds of expert-level dialogue on conventional confidence-building measures (CBMs) in 2005 and 2006. Later, during the DGMOs meeting at Wagah in December 2013, they "decided to inform each other if any innocent civilian inadvertently crosses LoC, in order to ensure his/her early return."<sup>10</sup> A proper set of procedures in this regard is yet to be put in place, however.

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## Understanding Ceasefire Violations

The areas most affected by ceasefire violations on the Indian side are Poonch and Jammu, followed by Samba and Rajouri. All four saw an increase beginning in 2012. On the Pakistani side, the areas are Sialkot, Rawalakot, Kotli, and Shakargarh, which saw high incidences in 2013, 2014, and 2015. These locations essentially face each other across the international border and LoC.

Data from official Indian sources do not provide any particular insights on why CFVs take place. Newspapers offer a few more details. The major causes in unofficial reports were unprovoked firing, not stated, crossfire, inadvertent crossing, and cover fire. Infiltration of militants has been mentioned since 2008. Data collected from official and nonofficial sources on the Pakistani side are even more limited. In 2015, three causes were cited: unprovoked, not stated, and crossfire. In 2014 and 2013, inadvertent crossing is also mentioned.

**Table 1. Ceasefire Violations and Related Casualties**

Year	Indian Official Data		Pakistani Official Data		Project Database	
	CFVs	Casualties	CFVs	Casualties	India	Pakistan
2001	4,134	–	–	–	–	–
2002	5,767	–	–	–	0	96
2003	2,841	–	11	–	1	30
2004	4	–	6	–	0	0
2005	6	–	9	–	1	1
2006	3	–	9	1	0	2
2007	21	3 (A)	18	–	1	3
2008	86	6	30	–	8	2
2009	35	6	46	–	7	5
2010	70	5	113	–	13	16
2011	62	3	104	2	14	6
2012	114	4	252	2	20	5
2013	347	5	464	5	25	46
2014	583	3	315	3	30	51
2015	405	10	248	16	40	55
2016	449	13	382	38	57	55
2017	36	1	157	2	–	–

Source: Author's tabulation based on official statistics from India and Pakistan.

### Political Factors

A 2015 Stimson Center report offers two important causative findings on ceasefire violations.<sup>11</sup> First, the relationship between violations and diplomatic progress is not statistically significant. CFVs do occasionally occur within the same time frame as high-level bilateral meetings, but not predictably. Second is the lack of any direct, causal relationship—or even a correlation—between high-level bilateral meetings and upticks in violence along the LoC between 2005 and 2015.

At the same time, interactions with the officers on the ground indicate that political factors are also an undeniable influence on CFVs. Those on the Indian side identify three types: Indian leaders' visits to the region; days of national importance to either side, especially when they coincide with periods of tension; and "Pakistan's attempts to keep the Kashmir issue alive."

Decisions at the central government level and national political mood can also often translate into ceasefire violations. Retired Pakistani General Amjad Shuaib argued that since Prime Minister Narendra Modi came to power in New Delhi, India has frequently been using heavy weapons to initiate violations. His fellow officer Lieutenant General Sikander Afzal maintained that top military and political leadership can intervene within the hour to halt a CFV, suggesting that continued exchanges are the result of deliberate decisions to support them. This idea is supported by a retired senior Pakistani officer who spoke anonymously to observe that “at times, political environment acts as a catalyst. We are living in an information age. The soldier in the forward most post is as affected by the media as the man in a city. A person’s mindset becomes agitated and in that environment people tend to react and display hostility.” This insight, which shows the impact of the media on the soldiers on the front lines, is an important one.

Linking high-profile visits to the region and ceasefire violations, a senior army officer in Rajouri said, “strategic and political developments are a major reason for ceasefire violations. A day before Modi’s first visit to Kashmir in July 2015, seven people were killed on the Indian side in a Pakistani violation of the ceasefire.”<sup>12</sup> In a separate interaction, a senior BSF officer said, “ceasefire violations that took place in Samba were linked with the prime minister’s visit to Jammu and Kashmir on April 19, 2016.”<sup>13</sup> The underlying logic is straightforward, as General Nandal observed: “It is symbolic. This is a disputed territory and this is an issue that Pakistan would like to highlight. The prime minister cannot simply say everything is all right [if there is a CFV].” Many Indian officers talked about the multiple violations in July 2015, soon after the Ufa meeting between Modi and Sharif, suggesting that such actions were undertaken to forestall diplomatic initiatives taken by the civilian government. Ambassador TCA Raghavan, a former Indian high commissioner to Pakistan, argued that “CFVs are often a way for the Pakistan army to send a message to its political leaders: don’t go too far on India.”

Regarding violations on days of national importance, such as respective independence days, especially when they coincide with periods of tension, an army officer in Rajouri recalled how on August 15, 2015, Pakistanis fired at Indian civilians, and Indians retaliated, leading to a series of CFVs in 2015 following the Ufa meeting.<sup>14</sup> India’s Lieutenant General AS Nandal remarked that “a J&K calendar lists all the major holidays—Republic Day, Independence Day, Diwali or Holi—and they try to ruin that for you.” Pakistani army officials reported similar attacks on their side. Violations were also rampant in the run-up to the 2015 State Assembly elections in Jammu and Kashmir. The Indian side believes this to be evidence of Pakistan’s violating the ceasefire in response to domestic political events in India. The Pakistani side attributes violations to the Bharatiya Janata Party–led government’s attempts to consolidate the Jammu region’s Hindu votes (the majority of the population being Hindu).

The third often-made argument is that CFVs are a way for Pakistan to keep the Kashmir issue alive. A senior BSF officer in Jammu argued that “violations take place because Pakistan wants to keep the temperature boiling in J&K.” A fellow officer agreed: “Pakistan wants to keep the tensions high and continue the destabilization of the Indo-Pak border. CFVs also attract international attention.”

India’s General Hasnain, now retired, elaborated the point:

Every time the situation improves in the Valley, Pakistan feels the need to bring it back into international limelight. A major violation is able to ensure that people do not forget the Kashmir conflict. Infiltration-CFVs are also linked with [the intention to disrupt or to send a message or warn against] high-profile events in India or Pakistan or India-Pakistan events like high-profile diplomatic exchange, visit of leaders. For instance, the LeT’s [Lashkar-E-Taiba] terrible atrocity against the Sikhs in Chittisinghpura village of Anantnag district during President Clinton’s visit to India [March 20, 2000].

On such occasions, as General Om Prakash (who took over the Indian army's Srinagar-based 15th Corps from Hasnain in 2012) argued, the adversary tries to increase the number of casualties, because a lower number would not attract the attention of international media.

The field visits of the UN's observation group are in fact sometimes used by the Pakistani side to provoke CFVs. Ajay Shukla, a retired colonel of the Indian army, explained this using a scenario: "The Pakistan army will arrange an UNMOGIP [UN observer group] visit to, say, the Langur sector and two hours before the [UN observer group] is scheduled to visit, they will open fire with everything in that sector, provoking the Indian side to retaliate. And they will make sure that [the UN] is visiting at the time of the Indian retaliation," making the Indian side look like the violator. Several Indian officers recounted similar experiences.

Sikander Afzal claimed that when ceasefire violations take place for days on end it is because they are intentional. Moreover, if there has been a casualty, then the firing that follows is not out of control, it is also intentional. The local commander might complain that he seeks revenge and firing then may be permitted in some places. Retired Pakistan army Lieutenant General Tariq Waseem Ghazi contends that political directions (or directions from higher chain of command) to engage in ceasefire violations may be issued to Indian or Pakistani troops for a variety of reasons, such as: to maintain dominance, to establish pressure through continuous engagement, to highlight or create disputes, to cause casualties as a matter of retribution, to show aggressive postures, or to cover and divert attention from other activities.

Pointing at the use of mortars in CFVs as an indication of higher level, if not explicitly political, clearance for ceasefire violations, Sikander Afzal, for instance, said that "mortar fire cannot be controlled by any level below the battalion level—permission from top is needed for the battalion to move the mortars anywhere—so it has to be a political decision to fire. Any fire beyond rifles and machine guns has to have the concurrence of the highest authority."

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**No formal treaty or legal basis for border management between India and Pakistan is in place.**

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### *Lack of Mechanisms*

No formal treaty or legal basis for border management between India and Pakistan is in place. Final ratification of the Ground Rules of 1960–1961 is still pending in both Islamabad and New Delhi. Despite this, both sides tend to abide by them in Punjab, Rajasthan, and Gujarat.

They also adhere to them in the Jammu–Sialkot sector, according to a Pakistani army officer, even though India maintains that the observance of the Ground Rules is an ad hoc arrangement and Pakistan maintains that the border itself is ad hoc. Officials in Pakistan asserted that they will continue to follow the 1960–1961 rules until new rules are finalized and a new agreement is signed that overrides it, with which the Indian forces agree. But again, this is an ad hoc arrangement with no legal basis.

Senior BSF officials in New Delhi said that they have been asking the Ministry of Home to finalize the rules, given that doing so would enable the BSF to better manage the border. Foreign ministry officials in Islamabad stated that during bilateral talks in 2006, both sides had agreed to formulate and finalize new border rules. It is on the basis of this agreement that both sides will proceed forward, Pakistani army officers explained, when the talks resume. But no movement in this direction has so far been made.

This ad hoc nature of the border and the Ground Rules pose a major problem in border management. Although the Punjab, Rajasthan, and Gujarat borders have not had any significant issues under the nonfinalized Ground Rules, the problem is serious in the Jammu

sector. When combined with Pakistan's refusal to recognize the finality of the border and the recurrent ceasefire violations in the region, the lack of rules to govern border management is a serious challenge.

The Indian and Pakistani positions regarding the various Kashmiri agreements and their adherence to them is more complicated. India has generally argued that the Simla Agreement of 1972 made the Karachi Agreement of 1949 irrelevant, something Pakistan disagrees with. However, when it comes to the management of the LoC, both the Indian and Pakistani forces seem to go by the strictures of the Karachi Agreement but regularly violate provisions of that agreement as well. The Karachi Agreement stipulates that there should be no new defense construction within five hundred yards of the LoC, which is adhered to by both the armies at least theoretically; the Simla Agreement does not address the defense construction issue at all.

As noted, the international border segment of the Jammu and Kashmir border is managed by the Pakistan Rangers and the BSF with the help of the Ground Rules Agreement of 1961. Again, however, New Delhi has not accepted this agreement since the 1970s, even though the forces on the ground have adhered and continue to adhere to several of its provisions because no other treaty mechanism is in place to follow. But, as with the Karachi Agreement, the two forces—the BSF and the Rangers—violate the provisions of this treaty at will.

Moreover, the two sides also do not have enough mutually agreed upon SOPs to manage the borders along either the LoC or the international border though each has its own. The lack has major implications on the ground.

When a new section or company takes over a post on either side of the LoC or international border, instructions are given in writing and in great detail. All SOPs are written down. The units get to know about their movement only six months in advance. The troops thus know what to do in a situation an Indian army officer explained during an interview. Pakistani officials echoed this by pointing out that “these SOPs are given to each new unit.” Hardly anything is left to imagination on these unfriendly terrains. As Tariq Majid pointed out, “Almost everything including how the response would be. They are written down clear instructions—it is very comprehensive.”

Despite this, joint SOPs are rare, the exception, even though it is their absence that often leads to ceasefire violations. Relevant examples are numerous. As one Pakistani official pointed out, India's zero line patrolling beyond the fence, when unannounced, can easily be misperceived and treated as hostile. Ceasefire violations often follow.

No joint SOP, for instance, addresses how to respond if movement on the zero line is detected at night. Both sides pointed out that any such activity would be fired upon without question. Because villagers and farmers live close to the zero line, such a response could be problematic. Villagers on both sides of course routinely undertake activities—cutting grass, drawing water, and the like—that could lead to tension or standoffs given that neither working arrangements nor SOPs have been agreed to.

A BSF officer in Jammu presented a scenario in which things might easily have gone wrong given the lack of proper joint SOPs:

“If you are firing to tackle something on your side at night, you shoot a red light in the air—this is an SOP—to indicate your activity to both your side and the other side. On May 17, 2016, one burst of fire came from the other side. If it was accidental, they should have shot a red flare—but they did not. The Indian side, however, understood that it was accidental and therefore did not respond.”

Lack of clarity about the location of the line can also lead to standoffs and ceasefire violations, though it is not very frequent. The Kashmir LoC, as mentioned earlier, is not designated by border markers. Genuine confusion on the ground is therefore entirely possible as well as understandable, especially after the winter snow, torrential rains, or such other natural developments. At the same time, such developments could also be used as a cover for deliberate incursions. Vinod Bhatia pointed out that Pakistani soldiers are on occasion confused about the zero line because Pakistan has not built a fence along the LoC.

Brigadier General Naeem Ahmad Salik of the Pakistan army, now retired, agreed about periodic issues of clarity on the ground: “It is not a straight line—it zigzags and goes back and forth. If you are going from one post to another, and in between there is an intervening area which belongs to the other side, a mistake can be made.” In the Sialkot and Jammu sectors, he added, people do get lost, particularly near the Ravi River. A serving Indian general in Kashmir remarked that rivers or small streams can change course. Tariq Ghazi went into greater detail:

In the area where the Tawi flows into the Chenab, it creates a huge floodplain. When the floods come the troops end up withdrawing from there. After the floods recede, CFVs invariably take place because the topographic changes give rise to fresh or conflicting claims and so on. In areas where both sides are vulnerable, there are usually no CFVs. Where one side is vulnerable, there is greater danger of CFVs.

In any case, the LoC is delineated on a map, not the ground. Translating a map to the ground can be problematic. Retired Indian Lieutenant General Harcharanjit Singh Panag, now a defense analyst, contended that disagreements are inevitable:

“When the Line of Control was demarcated after the Simla Agreement, it was done with a thick pen on a small-scale map—a quarter inch to a mile or one centimeter to 2.5 kilometer scale. Once interpreted on a larger scale map—one inch to a mile or one centimeter to five hundred meters—the differences become glaring, both sides making claims and counter claims on the ground.”<sup>15</sup>

So when we juxtapose the lack of absolute clarity on the ground and the occasional jostling for small chunks of land, the potential for ceasefire violations is high.

In September 2016, an Indian soldier, Chandu Chavan, posted with the 37th Rashtriya Rifles battalion in Kashmir, “inadvertently crossed over” from his post on the Mendhar sector of the LoC.<sup>16</sup> In February 2013, Pakistan reported a similar incident of a Pakistani soldier in the Khoi Ratta sector.<sup>17</sup> If indeed these were inadvertent crossings, the argument that the lack of clarity or confusion about the zero line, which is at best a notional one, may have contributed to the inadvertent crossing has merit. Retired Indian Brigadier General Gurmeet Kanwal, now an analyst and scholar, supports this theory, saying that in strongly held areas like Tangdhar the LoC is well understood, but in lightly held areas like Gurez and Machil, it is more of a perception: “So when I construct a bunker where I think my territory lies, the Pakistani guy fires because he says it is on their side.” Most officials, however, say that the lack of clarity is a problem only in rare circumstances. As Tariq Majid remarked, “there are very few places of ambiguity and it is unsettled, but generally the line is known.”

The Jammu-Sialkot sector is far more clear given the international border pillars there. However, in some places in Jammu the border pillars have been displaced either by the force of nature or, as the Indian side would put it, by the “nibbling” of Pakistan Rangers. Because Pakistan does not recognize the international border, it does not recognize the pillars along it. The Pakistan Rangers therefore objects to the attempts of the BSF to replace those that go missing. The short stretches that have no pillars are often flash points for CFVs, a BSF officer remarked. Both retired and serving officers also recall instances when either side has occupied vacant posts or bits of territory, culminating in standoffs or ceasefire violations. Such actions could be more severe if a particular post has a history of tensions.

## Defense Construction

Both Indian and Pakistani officials, serving and retired, cited defense construction along the two borders in J&K by both sides as a major contributing factor to ceasefire violations. Neither the media nor official documents, however, hardly ever mention it as one. The evidence gathered from interviews and field visits strongly supports the argument that construction-related activities are the most important cause of CFVs.

In the data gathered for this report, at least two major violations are linked to construction activities. Two may not seem like much, but it is important to remember that causes of CFVs are almost never declared by either side except in vague terms. Even occasional references to a specific cause are therefore significant.

The Karachi Agreement of 1949 stipulated that no new defense construction should be undertaken and no troops placed within five hundred yards of the LoC. The restriction was reduced to 150 yards on the international border under the Border Ground Rules agreement of 1960. At the Second Expert Level Talks in August 2005, Pakistan proposed no defense works and no new posts, which India accepted. In January 2006, during the India-Pakistan Foreign Secretary talks in New Delhi, the Indian side gave the Pakistani side a *non-paper*—an unsigned document that, because it cites no names and bears no signatures, can serve as a detailed yet deniable basis for a deal.<sup>18</sup> In April, though they had held no related discussions since January, the two sides agreed at the third round of Expert Level Talks to not develop any “new posts and defence works along the LoC.”<sup>19</sup>

Despite these restrictions, new construction on both the LoC and the international border in Jammu is a regular occurrence, typically leading to a spate of CFVs. Field research to the area confirmed the presence of new defense construction within the restricted area. Officer interviewees, both serving and retired, also reported the existence of such construction, remarking that they often lead to ceasefire violations. Border Outpost Pittal in the Jammu sector is less than 150 yards from the border. Officers posted there pointed out that they have built such constructions in the past “but by the time the Rangers objected, it was late.”

Both sides try to take all available precautions to ensure that their construction activity is undetected. They work at night, use camouflage, and make the most of thick foliage for additional cover. During a field visit to the international border in Punjab, where new construction within 150 yards is rare, construction activity on both sides was clearly under way at night.

New construction is objected to for several reasons. One, it would give enhanced observation capability. Two, during a standoff, tactically built defense construction would provide the ability to hold ground. Three, it could provide enhanced observation capability. As Indian General Nandal succinctly put it, “someday we will have to launch an assault in war,” and the constructions of the adversary would become impediments. Sikander Afzal pointed out that “construction strengthens the other side’s capability to fire back.” Moreover, as Pakistan’s Waheed Arshad observed, “it also gives more military advantage to the side which has better positions, more positions, and flexibility at the tactical and sub-tactical level. The ceasefire can break down...then what? There is a military connotation to it.” In short, the rampant defense construction is driven by the need for enhanced observation capability as well as to prepare for higher military contingencies, which could in turn result in a cyclical process of reaction to the other side’s construction.

Complicating matters is the lack of clarity about what construction is allowed and what is not. Some officers argue that, although new construction is explicitly not permitted, repair work on existing construction is, and might include increasing the height of existing

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***The evidence gathered from interviews and field visits strongly supports the argument that construction-related activities are the most important cause of CFVs.***

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construction or expanding construction within the same premise. No consensus has been reached. As a senior army officer in Tangdhar argued, “If a new bunker is constructed within a post, it is not objected to. However if within twenty-five meters from a bunker, another is built then there can be objection.” Repair work, especially after winter snow and rainfall, can also be a problem. Pakistani officials confirmed this: “The fencing done by India along the LoC is often damaged during heavy snowfall. In certain sectors Indian forces attempt to repair it, which is a blatant violation, as Kashmir being a disputed territory, no side can fence it. Pakistan continues to contest such fencing efforts.” What is clear is that defense construction along the LoC and international border is entirely ad hoc: whether it will be objected to depends on subjective factors such as how the adversary perceives a certain construction, the measure of the distance, and the tactical advantage that a certain construction provides, among others. As Tariq Majid pointed out, all we have is “tacit understanding.”

Last, the determination of whether a particular construction is within or beyond the stipulated distance of 150 or five hundred yards is often made with the naked eye. Disputes on the determination can also lead to standoffs. When one side objects to a construction taking place but the other side does not stop, the ceasefire may well be violated. The absence of a mutually accepted system to verify the distance can thus, officers point out, evolve into a series of tit-for-tat CFVs.

### *Local Operational Factors*

A number of local-level military factors also lead to CFVs along the LoC and the international border.

#### *“Testing the New Boys”*

One such factor is what is often referred to as “testing the new boys”—one side testing the resolve of a new battalion posted in the counterpart sector. Both serving and retired officers from the two armies, BSF, and Rangers often refer to this as a ceasefire trigger.

Retired Indian General Syed Ata Hasnain pointed out that “CFVs can also result from ego problems—when a new unit comes in on one side, the other side will try to test them.” Gurmeet Kanwal said the same. A serving BSF commander in Jammu argued that “when a new battalion is inducted, the Pakistani side tests by firing and violating the CFA.” Pakistani General Afzal backed up this theory: “When battalions change on both sides, to test the other side and to show one’s ascendancy, one side might fire close to the other side.” Indian Generals Panag, Nandal, and Bhatia agreed as well.

Serving BSF officers in Jammu’s Pittal post attributed the CFVs that began in mid-July 2014 and lasted until nearly September to the Pakistan Rangers:

“There were multiple reasons behind the firing. . . . First, the 192nd battalion of the BSF had come to Jammu from Ganganagar in Rajasthan—this was a new battalion. The Pak side wanted to test it; so they fired and sniped. The battalion had been on the Pittal Border Outpost only ten days. The Indian forces retaliated. One soldier was killed and three injured on the Indian side and one Ranger killed at a nearby post. Firing went on for forty-five days.”<sup>20</sup>

Colonel Ajai Shukla remarked that this is standard and routine on the LoC, and then introduced another dimension to the testing thesis, that sometimes the departing battalion makes a parting show of strength.

A related factor is when the new unit would want to assert themselves especially when posted to places that have a history of tension and CFVs. Naeem Salik argued that sometimes a new battalion would want to assert itself to the other side. They take an aggressive posture and interfere with the patrolling thereby leading to CFVs.

## Emotions

Ceasefire violations can also be triggered by the emotional state of soldiers and commanders in an adverse operational environment. Pakistani officials concurred: “At times CFVs are a result of the emotional state or frustration of local commanders and soldiers in a certain sector.... Conditions are also harsh. To vent their frustration, soldiers and even commanders will sometimes resort to firing.” Such instances are a rarity, they added. They also pointed out that in the 1990s the incidence of emotionally charged exchange of fire was high.

In highly tense operational environments, other related psychological factors are also at play. General Yasin pointed out that “whether by intent or accident, if one of my soldiers is hit, then as a battalion commander, I have to respond. I must try and kill at least one guy on the other side. This is an unwritten thing which is clear in a soldier’s mind. I remember we had earmarked places—if there is a contingency, such and such place will be taken out.”

Many of these local-level factors lead to ceasefire violations that are entirely accidental. In addition, as Naeem Salik observed, many are the result of local level military dynamics and command and control issues rather than orders from above. When the situation was tense or hostile, Salik added, soldiers might fire simply to threaten the other side leading to localized firing. Local dynamics depend in large part, he remarked, on the mindset of the brigade commander—some commanders will pull people up for firing; some might say retaliate accordingly; some might say “use any weapon to take the post out. Basically, it travels down, right from the top.”

Still another factor is what many officers refer to as trying to gain moral ascendancy over the other side. India’s Syed Ata Hasnain explained: “On the LoC, there is a concept called moral ascendancy—‘I am the better Army’ and ‘I dominate you by my morale, training, capability.’ It is a macho game that adversaries in eye-to-eye contact indulge in.” Another Kashmir-based serving army officer said much the same: “Troops sometimes look for moral ascendancy and domination.” Former DGMO Vinod Bhatia defined it as the self-belief of a combat unit as soldiers, and as a unit, one’s side is better than the adversary—a psyche to be inculcated in the soldiers to dominate the other side.

The personality traits of the local commanders, many officers feel, have direct implications for CFVs. As Colonel Ajai Shukla, for instance, remarked, “In my opinion, the single biggest reason is the personality of the local commander.” In any case, the action happens on the front line and the beliefs and personality of the man in charge of that front line makes an enormous difference. Different commanders have different understandings of how much force calibration should take place at each level.

However, officers currently deployed on the field argued that such instances of a local level commander taking things into their own hands is a thing of the past especially in light of modern communication networks. A Kashmir-based general insisted that “today, there is a huge communication network in the LoC areas. The army uses all kinds of communication methods, such that no post remains isolated. If there is firing, hotlines are used to clarify or find out what is happening.” An Indian brigadier agreed. Better communication, closer oversight,

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***The action happens on the front line and the beliefs and personality of the man in charge of that front line makes an enormous difference.***

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and the absence of isolated posts have led to fewer ceasefire violations today: local level issues tend to be contained promptly.

Emotional state or venting of frustration can lead to CFVs in unintended ways. Sikander Afzal pointed out that sometimes when India wins an India-Pakistan cricket match, the Indian side fires in celebration. On Eid, the Pakistani side would do the same. The firing might not be targeted on the posts and troops on the other side, but can lead to an exchange of fire.

### Land Grabs

Although infrequent, opportunistic or aggressive land grabs can also trigger ceasefire violations and persistent tensions. The LoC is an acknowledged boundary, but it is weakly defined and the holders-keepers concept is therefore still valid there. Vinod Bhatia explained: “What you have you keep, what you hold you keep and what you occupy also you keep.” Syed Ata Hasnain called it “grabbers, keepers” and defined it as “any side grabbing a piece of ground for a tactical advantage gets to keep it unless forcibly evicted.”

Retired Pakistani four-star general Tariq Mjid testified to such operations: “There have been instances—it happened in Kamar sector. Unless it is allowed by somebody, it doesn’t just happen. The Indians tried to snatch the Javed post on Pakistani side—a proper operation was planned and there was escalation.” His fellow officer Waheed Arshad spoke of the same sector during his interview, recalling that the Indian side had made significant ingress in that area.

Another retired Pakistani officer, speaking on condition of anonymity, pointed out that land grabbing was business as usual from 1971 through the mid- to late 1990s as the simple way to regain the areas lost during the 1971 war, especially along the LoC. “When it was realized that regaining was not possible,” he added, “attempts were made to improve tactical positions on the ground.”

This argument clarifies to a great extent why ceasefire violations are still so widespread in Poonch, Jammu, Samba, and Rajouri on the Indian side and Sialkot, Rawalakot, Kotli, and Shakargarh on the Pakistani side: these areas saw pitched battles during the 1965 and 1971 wars. Because it is not possible to fight and regain territory outside Jammu and Kashmir along the international border, land grabs and ceasefire violations became a regular occurrence along the J&K border.

General Nandal remarked that land grabbing is inevitable simply because the LoC is not well defined. Ajai Shukla pointed out that instances of land grabbing are nowadays minor and infrequent but that outsiders are generally unaware of them: “When you lose a certain post, for a local commander it’s a big deal to have lost it, but no local commander wants to make it appear that it was lost on his watch. So such events are generally played down and word doesn’t come out.”

### Surgical Strikes

On September 29, 2016, the Indian army’s DGMO Lieutenant General Ranbir Singh publicly announced a “surgical strike” the Indian army had carried out across the LoC that morning to take out terrorist launch pads in the Pakistani territory.<sup>21</sup> Pakistan refused to acknowledge it. From October 2016 onward, however, ceasefire violations spiked, a clear indication that cross-border strikes have a lasting impact on the LoC.

Since then, numerous reports and announcements made it clear that the September incident was far from the first of its kind that India had made on Pakistani soil. A month later, for example, *India Today* reported that “in March 1998, Indian Special Forces had crossed the LoC to carry out a strike, and in January 2000 crossed the Neelam River to the Nadala enclave for another mission” and referred to several other such instances.<sup>22</sup> In a statement before the parliamentary panel on external affairs, the first time the government made a public statement, India’s foreign secretary also mentioned such strikes.

A senior leader of the United Progressive Alliance regime that was in power until May 2014 in India also wrote that “such operations have been carried out before, even during the time of Manmohan Singh-ji but he never publicised it and kept beating the drum about it.”<sup>23</sup> Several serving and retired military officers also said in unambiguous terms during interviews that surgical strikes were carried out several times on more than one occasion in response to CFVs and have created conditions for still more. General Tej Kumar Sapru, former northern Indian army commander, asserted that “it was going on all the time; only thing that it was not advertised...it did not get reported in the media, as happens today.”

Vinod Bhatia recalled an August 2013 incident when the Pakistani army team killed five Indian soldiers in the Poonch sector of the LoC. The Indian army responded, Bhatia explained, because the “balance sheet had to be maintained.” Colonel Ajai Shukla recalled a similar operation in 1999 during the Kargil standoff when

“across the line, we launched physical assaults, captured Pakistani posts—there was one post near where the LoC starts in Munnawar Tawi, near the Beas River—which took the Pakistanis by surprise. Indian troops attacked a Pakistani post and killed nineteen soldiers and got back a visitors’ book in which Musharraf had signed two weeks before the attack took place.”

Surgical strikes, then, have been a regular feature of the life on the LoC for several decades. Both the Indian and Pakistani armies have staged such attacks. Both forces have special troops that carry out these operations. Surgical strikes are clearly the extreme end of the spectrum in the military engagement but do not take place in a vacuum. They are often a result of long spells of ceasefire violations and in any case lead to further violations.

### ***Terrorist Infiltration***

India has long and consistently argued that a major reason for ceasefire violations is the attempt by Pakistan-based terrorists to infiltrate J&K, accusing Pakistani forces of initiating covering fire for those seeking to cross the border. Indian officers also accuse Pakistani forces of planting mines or IEDs in an attempt to curtail Indian reconnaissance activities and to facilitate infiltration. Terrorists can trigger CFVs in other ways as well. A retired Indian general recounted a case in which a few militants fired on Indian soldiers and then ran, provoking retaliation against a Pakistani post that in turn provoked Pakistani counterfire. Ajai Shukla asserts that fully half of all CFVs are infiltration related, and that “the day infiltration stops, you can have ceasefire on the LoC that actually works.”

Some Pakistanis agree that infiltration-linked ceasefire violations did occur, but primarily during the thick of the Kashmir insurgency. A senior retired Pakistan general on condition of anonymity said that “on the Pakistani side, until 1993 or 1994, the firing used to be to divert the army or BSF attention from a particular area, so that we could push people through or receive people from the other side. People would come from Indian Kashmir to train.”

Officers on the ground, however, say that infiltrations do sometimes take place but not frequently, especially since the fence was built. Data on infiltration and ceasefire violations do not show a correlation (see table 2).

Table 2 makes it quite clear that even when ceasefire violations were at their lowest, between 2004 and 2007, no fewer than five hundred infiltration attempts were made each year. Furthermore, when CFVs increased again after 2011, infiltration declined. That is, the data do not support the argument about a direct link between CFVs and infiltration. Although interactions with military officers on both sides make it clear that infiltration is indeed one of the factors behind CFVs, it is not—as is often claimed—one of the primary causes.

Indian officers cite that sniper attacks by Pakistani soldiers or Rangers or even terrorists are also a significant catalyst of ceasefire violations. Syed Ata Hasnain said that sniping (as it is informally termed) is undertaken to create confusion and help infiltration. Rakesh Sharma of the Border Security Forces remarked that sniping takes a serious toll on morale: “A man standing on duty at the post is always under tremendous fear of being watched by the opposite side through a telescopic rifle and of being shot at any moment.”

A mid-level BSF officer in Jammu pointed out that, unlike firing, sniping is less escalatory because it has deniability. He also believes that the Pakistan army, unlike the Rangers, wants to escalate tensions with India. Sometimes, he asserted, the Pakistan army also hires professional snipers. Two senior BSF officers in Jammu confirmed this: “Snipers come from the army or ISI [Inter-Services Intelligence]. The Pakistan Rangers have to participate nonetheless” and that “Pakistan hires professional snipers and sniping is done to harass the Indian border domination and for psychological damage. Pakistan Rangers are not happy about sniping because they take the blame.”

Antisniping measures are difficult. Retaliation using fire assaults is the standard response. “The only way is to not give the other side a target, to not become a target,” an interviewee related. “Once in 2011 there were two casualties in two days, the snipers hit both the men

**Table 2. Comparative Data on CFVs and Infiltration**

Year	Ceasefire Violations	Infiltration Attempts	Infiltrations
2001	4,134	–	–
2002	5,767	1,504	–
2003	2,841	1,314–1,373	–
2004	4 (3)	507–537	–
2005	6	597	231
2006	3	572–573	317
2007	21	535	311
2008	86 (9)	342	57
2009	35 (9)	485	113
2010	70 (26)	489	95
2011	62 (11)	247	52
2012	114 (22)	264	121
2013	347	277	97
2014	583	221–222	65
2015	405	121	36
2016	437	364	105

Source: Author’s tabulation based on data from Indian Ministry of Home.

Note: CFV numbers are drawn from Indian official sources. Violations are LoC, international boundary violations in parentheses.

through a loophole inside the bunker. We fired back, leading to four to five casualties on their side.”

Indian media reports have attributed Pakistani sniping to commandoes of Special Service Group.<sup>24</sup> A cursory glance reveals that considerably more snipers are at work on the Pakistani side than the Indian, prompting a newspaper report that “Army losing sniper edge over Pakistan on LoC.”<sup>25</sup> Indian officers also suggest that the Indian sniping capability is extremely limited. Sniping, they point out, often leads to CFVs precisely because one is compelled to respond. Sniping invariably escalates a situation and responding to it tends to discourage further attacks.

### *Unauthorized Civilian Crossings*

Civilian crossings of either the LoC or international border are not a significant direct cause of ceasefire violations. However, the inability of the local authorities to properly handle the situation and lack of associated joint SOPs could lead crossings to be a trigger. When related ceasefire violations do occur, they are usually during the crossing itself, and crossings could also lead to major standoffs.<sup>26</sup>

Civilian movements can also trigger CFVs in other ways. An army officer in Kashmir talked about how people coming from the Pakistani side to cut grass on the Indian side of the LoC could invite firing from the Indian troops because sometimes guides (to militants or infiltrators) might be in the garb of grazers: “This might lead to return fire from Pakistani troops. On other occasions, animals stray to the other side, and if a villager goes across to take the animal back, the Pakistani side fires, leading, sometimes, to an Indian retaliation.”

As Naeem Salik put it, “On the Pakistani side, the civilian population is right on the zero line and sometimes even ahead of the forward post. Sometimes people cross inadvertently—they might go after cattle that runs across. People would go across to attend marriages and come back. People familiar with the territory can easily bypass despite the difficult terrain.” In one such major incident, in 2012, a grandmother who ran away to the Pakistani side from India’s Charonda village triggered an action-reaction sequence of violations.<sup>27</sup>

Usually the unauthorized crossing of civilians is handled without any untoward incident. Pakistani officers argue that when soldiers sight civilians from the other side crossing to the Pakistani side, their response depends on the circumstance. Local commanders are instructed to immediately report to the chain of command and to contact the local commander on the Indian side to ascertain circumstances and the facts. Once locals report an inadvertent crossing, the local commander reports to the battalion headquarters and brigade headquarters, which in turn get in touch with their respective Indian counterparts. Relatives of the civilian are also called in. A background check is undertaken to ascertain bona fides. The issue is taken up at the next flag meeting. If not resolved there, the issue is sent up the chain of command.

### **Recommendations**

Because the primary driver of ceasefire violations in the Kashmir region is without question the larger political conflict between Pakistan and India, the violations should not and cannot be taken in isolation. They are only the tip of the iceberg. The two countries could and should take steps, however, to institute mechanisms to better manage violations. General Arshad cited an unwritten agreement that no helicopters would be shot down because helicopters often carry senior military officers. Along these lines, forces on both sides could agree not to trade fire on their respective independence days and other religious or national festivals. Such a

practice is more or less in place at the Attari-Wagah border, of exchanging sweets on such days. Extending this concept to Indian and Pakistani battalion-level formations could potentially reduce the possibility of CFVs at least on those days. It could also help build confidence among those in the forward areas.

Urgent measures need to be taken to formalize the 2003 ceasefire. A clear and detailed signed agreement that itemizes the attendant dos, don'ts, rules, guidelines, and principles would enable the two sides to better manage the border and significantly reduce the ad hoc nature of the current arrangements. Both serving and retired officers support this idea. Accepting the Karachi Agreement as written would be politically impossible for New Delhi, but adopting some of its salient features into a new agreement would send a strong signal of willingness to compromise and cooperate to Islamabad.

Second, the two governments should also take steps to finalize the India-Pakistan Ground Rules Agreement of 1961, which could help better manage the Jammu-Sialkot border. The ceasefire agreement, when finalized, would ideally also apply to this boundary.

Third, India and Pakistan could explore the possibility of developing joint SOPs on a number of issues such as managing villagers living close to the zero line, return of inadvertent crossers, tackling movements at night, and accidental firing, among others. More pertinent, the two sides could also explore the possibility of simultaneous coordinated patrolling of small stretches of land, as is practiced along the international border in Punjab. The more agreements and joint SOPs in place, the less the likelihood of ceasefire violations.

Finally, the two sides should consider ad hoc mechanisms for greater clarity on the ground alignment of the “notional line” in the Kashmir sector. Pakistan should consider accepting the border pillars in the Jammu-Sialkot sector as the temporary border until the final settlement of the J&K dispute. Physically demarcating the zero line could help avoid at least some of the incidents now likely along the LoC and international border.

Previous bans on defense construction along the zero line have clearly been ineffective, a matter of lip service and looking the other way. It is time to formulate a new agreement to clarify and itemize the conditions under which fresh construction, repair works, and extensions are permitted. One option is to allow new construction given that legally the Simla Agreement does not prohibit it. Such flexibility, however, could end up becoming too flexible. A less radical suggestion is to reduce the limit within which new facilities may be built to 150 yards from the LoC. The two sides could also consider agreeing not to build anything new within the restricted area but to allow all forms of maintenance and improvement of existing construction.

In regard to local military factors that trigger recurrent ceasefire violations, one solution would be to put more structured communication between the two forces in place, given the drop in violations when meetings between officers of the BSF and the Rangers take place and when the DGMOs meet. More designated flag meeting points should be established beyond the current four in Uri, Tangdhar, Chakan da Bagh, and Mendhar. For these meetings to make a difference, the DGMOs should meet for at least two days in Islamabad or Delhi or even Lahore or Amritsar rather than Wagah. “DGMO meetings,” Syed Ata Hasnain cautioned, “should not become glorified flag meetings at the higher level.”

Military-to-military confidence-building measures along with more local meetings, both sides agree, would be helpful. An unwritten agreement that no helicopters would be shot down was mentioned earlier. It could be formalized. The two sides could also reach an understanding on the use of unmanned aerial vehicles—drones—given that use of them would increasingly

become a flashpoint. More immediately, unmanned aerial vehicles could be written into the existing CBM on air space violation.

An increase in exchanges of military delegations and participation in each other's military seminars is recommended. The two sides could contemplate an agreement to facilitate visits at the institutional level between the two Staff Colleges and National Defense Colleges to promote discussion, cooperation, and collaboration on military thinking and national security perspectives.

More specifically, the following CBMs are possibilities:

- Jointly identify sensitive sectors so that the specific related issues can be understood and resolved at senior levels.
- Increase the number of structured flag meetings between local commanders: brigade commanders' flag meetings once in three or six months and divisional commanders every six months; increase flag meeting points; provide immediate responses to flag meeting requests; establish hotlines between important divisional headquarters.
- Redeploy heavy mortars and artillery guns thirty kilometers from the LoC and the international border in the Jammu-Sialkot sector.
- Take the following steps in the event of a local ceasefire violation: immediately report the matter to the other side using existing high-level military links or a casual meeting; immediately inform respective formations and army headquarters on both sides; carry out independent investigations; institute a joint investigation; visit locations; share reports and discuss during DGMO meeting.
- Provide for regular biannual meetings of DGMOs.

In regard to terrorist infiltration, because for Pakistan the resolution of the Kashmir dispute is the core of the J&K military standoff, and for India it is infiltration and acts of terrorism, each side needs to try to resolve the issue that is of concern to the other side. Use or support of terrorism, it needs to be understood, is unlikely to lead to a peaceful resolution of bilateral issues.

Although each side has its own SOPs to deal with unauthorized or accidental civilian crossings of the LoC and international border, no jointly agreed upon SOPs are in place to deal with such incidents. An elaborate set of SOPs to deter, engage, and repatriate civilians should be developed by the two sides. Part of that effort would be to outline a system for handling the movement of civilians who live in the area.

## Conclusion

The data are clear: constructive dialogue and quiet along the borders are strongly correlated. Between 2004 and 2007, when New Delhi and Islamabad engaged in a purposeful dialogue and came close to resolving the Kashmir dispute, ceasefire violations dropped dramatically: in 2002, close to 5,800 were reported, in 2004 only four. This trend continued until the 2008 attack on the Indian embassy in Kabul and the Mumbai terrorist attack. Since then, the numbers have risen steadily.

In other words, an overall positive bilateral atmosphere with robust bilateral diplomatic engagement encourages a quiet Indo-Pak border. Many of the local-level military factors identified have little or no influence. When tensions run high, however, as they have since 2009, ceasefire violations are routine and military factors have a dramatic influence.

Resolving the various disputes between India and Pakistan is clearly the surest way to prevent recurrent ceasefire violations, even the need for a ceasefire. In the absence of such a

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***Although addressing the fundamental political causes of ceasefire violations is unarguably important, it is equally important to focus on instituting measures on the ground to sustain the ceasefire.***

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comprehensive resolution, especially in J&K, however, it would still be worthwhile to focus on reducing the impact of the factors that prompt CFVs. Specifically, removing the ambiguity about defense construction, perhaps even allowing defense construction closer to the zero line, would remove one major cause. From a policy perspective, then, although addressing the fundamental political causes of ceasefire violations is unarguably important, it is equally important to focus on instituting measures on the ground to sustain the ceasefire.

The India-Pakistan dynamics in recent years underscore ceasefire violations as a major contributor to the escalation of military, diplomatic, and political tensions between the two sides. Such escalation between nuclear-armed rivals is dangerous, not only for each side, but also for regional and global stability. The two countries should be encouraged, in the short term, to institute measures to ensure that the Ceasefire Agreement of 2003 is not violated and, in the longer term, to engage in a meaningful result-oriented dialogue to resolve their long-standing disputes.

## Appendix. Interviewees

*Several Indian and Pakistani active and retired officers whose interviews are used in this report spoke on condition of anonymity.*

- Afzal, Sikander. Pakistan army. Lieutenant general, retired. Director general (Analysis) in Inter-Services Intelligence. Later commander of II Corps. Interviewed April 16, 2016.
- Arshad, Waheed. Pakistan army. Lieutenant general, retired. Director at Military Operations Directorate at time of 2003 ceasefire agreement. Retired as army chief of general staff. Interviewed April 15, 2016.
- Bhatia, Vinod. Indian army. Lieutenant general, retired. DGMO from 2012 to 2014. Currently the director of the Centre for Joint Warfare Studies, New Delhi. Interviewed September 19, 2016.
- Ghazi, Tariq Waseem. Pakistan army. Lieutenant general, retired. Commanded army corps based in Sindh from 2001 to 2004. Later appointed defense secretary of Pakistan from 2005 to 2007. Interviewed November 7, 2016.
- Hasnain, Syed Ata. Indian army. Lieutenant general, retired. Military secretary at headquarters in New Delhi. Formerly commanded the XV Corps in Kashmir. Interviewed June 5, 2015.
- Kanwal, Gurmeet. Indian army. Brigadier general, retired. Commanded infantry brigade in the Gurez Sector in northern Kashmir on the LoC during Operation Parakram in 2001 and 2002. Leading military scholar. Interviewed May 4, 2016.
- Majid, Tariq. Pakistan army. Lieutenant general, retired. Director general of military intelligence, chief of general staff, commander of X Corps, chairman joint chiefs of staff committee. Interviewed April 14, 2016.
- Malik, Asif Yasin. Pakistan army. Lieutenant general, retired. Director general joint intelligence, commander 11 Corps, secretary at Ministry of Defense. Interviewed April 15, 2016.
- Nandal, AS. Indian army. Lieutenant general, retired. Commanded 16 Corps, Commandant of Army Infantry School in Mhow. Interviewed September 23, 2016.
- Panag, Harcharanjit Singh. Indian army. Lieutenant general, retired. Commanded two of India's key army commands, Central and Northern. Leading commentator on strategic issues. Interviewed March 3, 2017.
- Prakash, Om. Indian army. Lieutenant general, retired. Commanded 25th Infantry Division along the LoC in Kashmir. Later commander of 15 Corps in Srinagar. Interviewed September 27, 2016.
- Raghavan, TCA. India. Ambassador. Former Indian high commissioner to Pakistan. Interviewed September 8, 2016,
- Salik, Naeem Ahmad. Pakistan army. Brigadier general, retired. Former director, Arms Control and Disarmament Affairs at the Strategic Plans Division within Pakistan's Nuclear Command Authority. Leading scholar on Pakistani nuclear policy and doctrine. Interviewed April 13, 2016.
- Sapru, Tej Kumar. Indian army. Lieutenant general, retired. Commander 16 Corps, Indian army. Later Northern army commander. Interviewed October 10, 2016.
- Shuaib, Amjad. Pakistan army. Lieutenant general, retired. Adjutant general Pakistan army in 2000. Interviewed December 18, 2016.

Shukla, Ajai. Indian army. Colonel, retired. War correspondent and prime time news anchor for New Delhi Television. Currently consulting editor on strategic affairs with *Business Standard*. Interviewed September 6, 2016.

Sherma, Rakesh. Border Security Force. Inspector general, retired. A native of Jammu. Interviewed on September 15, 2016.

## Notes

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3. See, for instance, the 2014–2015 annual report of the Indian Ministry of Defense (MOD) that "the terrorist infrastructure across the border remains intact and Pakistan's frustration manifested itself in CFVs and high-visibility, audacious attacks by foreign terrorists" (<http://ddpmod.gov.in/sites/default/files/Annual%20report%202014-2015.pdf>); the following year, the annual report asserted that CFVs were politically motivated: "Pakistan continues to calibrate violence to keep the LC alive and to showcase issue of unresolved/unsettled borders in J&K" ([http://ddpmod.gov.in/sites/default/files/Annual%20Report%20MOD\\_2016.pdf](http://ddpmod.gov.in/sites/default/files/Annual%20Report%20MOD_2016.pdf)); the latest report (2016–2017) states that Pakistan-based "outfits continued to be encouraged to infiltrate into India under the cover of massive cross-LoC and cross-border firing in Jammu and Kashmir and other areas throughout the year" ([www.mod.nic.in/writereaddata/AnnualReport1617.pdf](http://www.mod.nic.in/writereaddata/AnnualReport1617.pdf)). The Ministry of External Affairs also weighs in on the causes of CFVs in its 2015–2016 annual report: "Continued terrorism emanating from Pakistan remained a core concern. The months of July and August saw an increase in the number of Cease Fire Violations (CFVs) and unprovoked firing, along the International Border (IB) and Line of Control (LoC), leading to death of defence personnel and civilians" ([www.mea.gov.in/Uploads/PublicationDocs/26525\\_26525\\_External\\_Affairs\\_English\\_AR\\_2015-16\\_Final\\_compressed.pdf](http://www.mea.gov.in/Uploads/PublicationDocs/26525_26525_External_Affairs_English_AR_2015-16_Final_compressed.pdf)). In October 2015, Abhishek Singh from the Permanent Mission of India to the United Nations spoke at the UN: "The world knows that the primary reason for firing is to provide cover to terrorists crossing the border. It needs no imagination to figure out which side initiates this exchange" ([www.thehindu.com/news/national/india-responds-to-nawaz-sharifs-speech-at-un/article7710260.ece](http://www.thehindu.com/news/national/india-responds-to-nawaz-sharifs-speech-at-un/article7710260.ece)). A month later, the director general of BSF asserted that the "Pakistan Army engages in willful violation of the ceasefire agreement along the Line of Control so as to provide fire cover to infiltrators" ([www.dailypioneer.com/columnists/edit/escalating-the-proxy-war.html](http://www.dailypioneer.com/columnists/edit/escalating-the-proxy-war.html)).
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Why is the nearly fifteen-year-old ceasefire between Pakistan and India in the disputed Jammu and Kashmir region so often violated? India offers a single catch-all explanation, that the Pakistani military provides covering fire to terrorists infiltrating the Indian side of the region leading to ceasefire violations between the two militaries. Pakistan, meanwhile, blames India for unprovoked firing targeted at the civilian population on the Pakistani side of the LoC. A closer look at ceasefire violations over the past decade tells a different story. This report, derived from field research and numerous in-depth interviews with both Indian and Pakistani officials and senior military figures, offers six explanations on why the agreement is so prone to breaking down, explains the related factors, and outlines recommendations on what the two countries might do to better manage the ceasefire or even avoid violations altogether.

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