



RESEARCH PAPER

**US Management of Border Disputes with Pakistan and India during
2001-2015**

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PAPER INFO

Received:

May 14, 2021

Accepted:

August 20, 2021

Online:

August 24, 2021

Keywords:

Border Disputes,
Conflict
Management
India,
Pakistan,
Siachen

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ABSTRACT

This research paper attempted to explain the US-foreign policy for Pakistan and India. It took account of the main area of the relations that acted as conflicted nature for India and Pakistan post 2001 till 2015, namely, Border Disputes and upon this the US-management is been analyzed. Case studies of prominent border disputes i.e. Sir Creek, Siachen and Kashmir have been taken into account. This study finds that the USA foresee to promote peace in the region, but tilt towards the India is prominent for its huge economic market (and other incentives) for managing the relations. On the issue of Kashmir, the US has been active in mediating since beginning of the issue but due to India's attitude to resolve issue without a mediator; the US foreign policy in this regard could not give fruits.

Introduction

The South Asian region has always been of great importance due to its geographical location and history. The great powers of the world have a history of intervening in this region for strategic and economic purposes. Similarly, among the contemporary great powers the USA also tries to maintain her influence in this region. The two major countries residing in this region with whom the USA wants to maintain strategic and economic relations are Pakistan and India. The political, strategic and economic situation of the South Asia is very much dependent on the aforementioned states. However, the unfortunate situation is that both the states i.e. India and Pakistan are rivals since their independence and have conflicting interests. This research is to analyze the foreign policy of the USA in dealing conflicting interests of Pakistan and India (Muzaffar, et. al. 2017).

Material and Methods

This research and analysis is qualitative (Hancock et al., 2001) in nature. Primary (state.gov, etc.) and secondary data has been collected for this dissertation. The data is composed from different documents available that include articles, newspapers, books, official, governmental documents and research papers. The US- Foreign policy till 2015 and its relation with border disputes is qualitatively analyzed. Major disputes namely, 1) Siachen, 2) Sir Creek and 3) Kashmir acted as case studies for analyzing US foreign policy.

Literature Review

Border Disputes

The major border disputes of India and Pakistan are Sir Creek, Siachen and Kashmir. The following literature will help explaining them briefly.

Sir Creek

Sir creek is 93 kilometers narrow piece of water between Pakistan and India; it opens into the sea called "Arabian Sea" and splits the area of Kutch (Province Sindh of Pakistan with Indian state of Gujrat). Position of Sir Creek is at around "23°58'N, 68°48'E" (Abbas, n.d.). The Sir Creek issue is continuous, which has plagued the two nations for decades. Both states consider right on Sir Creek.

Disagreement resides in the clarification of the marine borderline between Sindh and Kutch. Earlier to the independence of India, the provincial area remained a portion of Bombay Presidency in British Subcontinent. After independence of India in 1947, Sindh turned out to be a part of Pakistan on the other hand Kutch became a portion of the India. It is claimed by Pakistan to the whole Sir Creek as per paragraphs 9 and 10 of "the Bombay Government Resolution of 1914" (Khan, 2012) contracted amid the Rao Maharaj of Kutch and the then Government of Sindh.

The Sir Creek borderline turned out to be argumentative subsequently just after the resolution of Ran of Kutch disagreement amongst the two states through arbitration accepted by the "Indo-Pakistani Western Boundary Case Tribunal", that got established to the contract of June 30, 1965. The ad hoc court provided its decision on 19th February 1968 and gave 90% of the claim to India to the Ran of Kutch; however Pakistan was given 10% of the disputed area of Kutch. The two states acknowledged the judgment but then the government of India was severely critiqued internally for ensuring agreement to an undeserved conflicted resolution mechanism that caused what was supposed by Indian aggressors as an approval of a hostile outcome.

Remarkably, however giving their positions to court; both the countries did not compete for the western-most portion of the borderline of the Ran of Kutch that

originated from a location called “Western Terminus” to ahead of Creek further to west. Moreover, both countries escaped negotiating this problem of clarification of borderline between the uppermost of Creek to its opening at the Arabian Sea in south-west before the tribunal board (Bhushan, 2005). Evasion for addressing of the Sir Creek borderline dispute via arbitration gave birth to a new quarrel between Pakistan and India.

It is claimed by Pakistan that the cause why India and Pakistan did not compete the borderline of Sir Creek before the arbitration court was for the reason that the complete creek till its bank on the sideways of India was portion of Sindh jurisdiction present in Pakistan(Misra, 2001). This point was explained by Pakistan by quoting a resolution of February 24, 1914 by the Government of Bombay before the liberation of Pakistan and India. It is claimed by Pakistan that the boundary of Sindh and Kutch on eastern side of Sir Creek stood demarcated on the grounds of a settlement according to which the Government of Sindh would sacrifice its right for Kori Creek to attain possession over the whole Sir Creek. Hence, it is argued by Pakistan that the borderline demarcation of Sir Creek remained not only intended to stay on the eastern side of river but with this it intended to be perpetually solved under the Resolution of 1914.

On the contrary, it is asserted by India that in agreement according to the norm of international law, “the thalweg” is the appropriate borderline of Sir Creek. This claim is backed by India explaining that officially Pakistan has recognized its point in a formal release of 19 May 1958, when Pakistan acknowledged that the Resolution Map of 1914 was envisioned to be no further than an annexure to Resolution of 1914. Accordingly, it is generalized by India that the Resolution of 1914, and not the Resolution Map of 1914, is conclusive in solving the issue of Sir Creek. It ponders to detail that the base of Resolution 1192 i.e. Letter Number 5543 covers a declaration of the Commissioner of Sindh, who is “the predecessor in interest of Pakistan,” as seconding position of India that “thalweg” of Sir Creek is authentic borderline in the river(Bhushan, 2005).

This issue remained unresolved and both the parties to it could not reach any conclusion with concrete solution. It resulted in prisoners because fishermen on the both sides could cross the water boundaries and hence could be caught. This portion of our research will help us in understanding the US stance and policy regarding Sir Creek.

2. Siachen:

The current issue in the zone of Siachen initiated on 13th April 1984, when Indian troops lifted to the Range of Saltoro. The Siachen Glacier (Around 22,000 to 11,000 feet in altitude and nearly 50 miles long) (Kanwal et al., 2007) is the uppermost, tallest and highest battleground in history. It is been said that it has beaten all other Pakistan-India quarrels in duration.

The Agreement of Karachi that was contracted between Pakistan and India on July 27, 1949 provided the control of Azad Jammu and Kashmir (AJK), and Gilgit Baltistan to Pakistan. The control of Ladakh, Jammu and Kashmir Valley was granted to India. The pact that took the description of actual situations of the armies of both states at the end of the war, illustrated a Cease Fire Line (CFL) amongst the two major portions of Kashmir that was only delineated to a demarcation at the base of Salto Range, generally recognized as NJ-9842 (Khan, 2012). Zone beyond the NJ-9842 was not demarcated and uninhabited till 1984 when Indians covertly launched "Operation Meghdoot" to conquer the Siachen Glacier, claiming to preempt supposed Pakistan's military plans in the area that could not be validated. It was impossible for Pakistan to respond to the aggression of India instantaneously, though efforts were made in 1984 and 1985 to regain the region.

In November 1992, contract was nearly reaching to be signed that visualized joint redeployment to make "a zone of complete disengagement". This region would be demarcated "without prejudice" to the recognized locations of either side. No further new places would be conquered or engaged in the labelled area nor would any action, military or noncombatant be permissible there. But the suggested agenda could not succeed again because of the mutual mistrust.

Since then the conflict remained unresolved, both the armies have faced death tolls and fatal injuries without any clear advantage. This part of the research would see the point of view and stance of the USA in order to resolve this issue of Siachen.

Kashmir

Pakistan and India contention dates back from the partition of 1947 of British India into Hindu majority India and Muslim Pakistan. It is claimed by both the countries that the former princely state of Kashmir is their part and this has led to a half century of hostile relationships, which has comprised three wars i.e. in 1948, 1965 and 1971. A United Nations facilitated cease fire in January 1949 provided Kashmir to be separated by a stop fire line into the Jammu and Kashmir of India, and Azad Kashmir and the some territories in north of Pakistan. The line of cease fire was named again the LOC (Line of Control) according to the Simla Agreement of 1972 (Gupta et al., 2002) that ended the 3rd Indo-Pak battle.

The social and economic growth of Pakistan and India, in reality the complete South Asian continent have significantly been held hostage by the more than 6 decades old Kashmir issue. The resentment and mistrust ensuing from the persistent dispute have led the two countries to assign a great fraction of their incomes to security that may include nuclear, conventional and ballistic projectile weaponries ability. Though the quarrel of Kashmir is embedded in the colonial time, few developments towards solution has been inferred during more than half century of liberation.

A key obstacle to a solution is that many see the Kashmir dispute as attached from the self-assessment and definition of the Pakistan and India. Some are of the view that according to Pakistan that from its establishment desired to stay as the "homeland for Muslims in South Asia", the presence of an adjoining Muslim popular state separate to its land weakens the full comprehension of the country. With regard to India, its self-assessment and definition is on the notion of a secular country that can accommodate a multiplicity of dissimilar clusters, the presence of a Muslim marginal country that can reside within its borderline is often considered important to the country's doctrine of unity in variety. The choice of an independent Kashmir for both Pakistan and India has normally been outside (Gupta et al., 2002) the scope of concern for the two adversary states of South Asia.

This Kashmir portion of our research will look upon the role of the USA in resolving the Kashmir dispute. This issue has been flinched for many decades and the resolution is still not in the phase of the implementation. The policy of the USA is important to understand here because of the dominant role in the world diplomacy. The USA has good ties with both the countries Pakistan and India hence her say and advice could act better for the solution of the long lasted disputed territory.

US Management of Border Disputes between Pakistani and India

This part of the paper explains the US management of the conflicted territorial issues between India and Pakistan. The US foreign policy for the three major border issues, namely Sir Creek, Siachen and Kashmir has been analyzed.

Sir Creek

Facts established in the past have presented Sir Creek as an insignificant bicker among Pakistan and India, the squabble remained considered valuable to a mediocre level because the demarcation of boundary of Sir Creek inlet affects the naval boundary demarcations of both countries. The ascertainment of the belt of coastal waters, the jurisdiction of coastal state over use of marine resources of specific sea zone (EEZ), and the offshore rights of both countries would be affected by it. Projection depicts that 2,246 square kilometers of EEZ could be lost by Pakistan if Sir Creek's longitudinal outline is demarcated as boundary. The two countries also foresee the area's capability of economic profiteering (Shah, 2009) as they view it as highly affluent in plant life, petroleum, minerals and gas as well as oil.

Both states have signed and affirmed the United Nations 1982 Convention on the Law of the Sea (UNCLOS), however, they have failed to settle the issue of naval boundary (Nandan, 1995) due to their incapability of useful application of the detailed issue resolution method under UNCLOS. Proposal of India was that for imminent clearance of the Sir Creek issue, both states would mutually demarcate their naval boundaries by initiating demarcation from the borderland of their respective EEZs and then progressing inbound towards a bilaterally agreeable point according to the clauses of the Technical Aspects of the Law of Sea (TALOS) (Shah, 2009). But, India remained reluctant to engrossment of any third-party in the

settlement of any pending bicker with Pakistan. In the meantime, Pakistan eagerly backed any engagement of third party in the settlement of the Sir Creek and several other boundary squabbles with India but was opposing to demarcate its naval borderline with India if the Sir Creek issue would not settled (Shah, 2009). It is interesting that under UNCLOS, by 2009, if the two countries are unable to demarcate their naval boundary, then the International Sea Bed Authority can take over the control of their area of offshore rights.

The involvement of the USA in this matter remained limited because of the less interest by India for arbitration of third party. The US policy focused on resolving the issue by bilateral consultation peacefully in the light of international laws and US domestic laws those acted as precedents in the similar cases earlier. However, US policy towards the South Asia is based on liberal values in order to cooperate and avoid confrontation of any type to establish positive peace.

Siachen

Despite making intermittent allegations of encroachment on each other, both states have had followed armistice in Siachen following enablement of ties on the road to recovery since 25 November 2005 ("No decision", 2006). Nevertheless, not much improvement has been made by the aggregated colloquy for the settlement of the discord resulting in a deadlock climax of defense secretary-level negotiations for the tenth round held on 24 May 2006.

India's acknowledgement of the 1989 agreement for a mutual and unequivocal withdrawal to positions before 1984 (Sheikh, 2005) was urged consistently by Pakistan. While disagreeing against earlier evacuation, India, however, stressed upon the authentication and delineation of positions of troop before such a pullout, captivated by the assumption that Pakistan could enter into empty territory. On the other hand, Pakistan had serious concerns that India might use the illustration of troops' positions prior to withdrawal for validation of its plea over the controversial area.

Progress remained hindered continuously by the sheer trust deficit even though both states were eager to resolve this worthless and costly dispute. To prevail over the situation, both states could determine and organize a prevailing system of surveillance technologies and authentication procedures facilitating them to disentangle and disarm the area with certainty (India, 2006).

The four-point proposal included complete stop-fire on the Line of Control (LoC) and the United Nations Military Observer Group in India and Pakistan's (UNMOGIP) surveillance of it, no use of force in any conditions, demilitarization of Kashmir, and calling for an "unconditional mutual withdrawal" from Siachen (Aalia, 2015). The words of the proposal, and the entire speech in fact, were simple and clear and the tone remained assertive and assured, never dominating or commanding.

It was hard to gauge India's reaction to the proposal. However, it was not hard to predict that the UN certainly would not be the organization that would become the bolstering force behind the implementation of even a part of this proposal.

This issue was seen by the international community and the USA to be solved by the two states themselves till now. There were no concrete evidences of the US involvement in resolving this particular issue though it has been usually seen with the issue of Kashmir. India never wanted the third party to mediate this issue so arbitration at that point was not possible and the policy of the US was to stay quiet on that matter. Although the researchers from the US apprehended to make the conflict a peace park as different issues like that have been tackled by the US peacefully.

There has been no clear doctrines by the UN or the USA to bring the two states on tables for resolving this issue with a third party, though pressures to solve this issue bilaterally were upon both the states. India being on dominant position was avoiding the dialogues on Siachen and Kashmir.

Kashmir

On 1st January, 1948, while doubting that Pakistan did the invasion, India's Prime Minister Jawaharlal Nehru registered an objection with the UN Security Council conjuring Articles 35 and 34 of the UN Charter which demanded peaceful resolution of conflicts between Pakistan and India. The complaint was the result of the guidance of British Governor General Lord Mountbatten followed by Nehru however it was against the will of Deputy Prime Minister Sardar Patel. As, on October 26, already affirmed by Mountbatten in his written communication with Hari Singh, the complaint had India's reiteration of its plea of its provisional assurance to a "plebiscite or referendum under international auspices"(Indurthy, 2003), once the invader was expelled - a pledge which was regretted later by India and which recur persistently to her till today (Masood, et. al. 2020).

Pre 1999 Scenario

Kashmir dispute first came in the limelight of agenda of the world when India raised it in the United Nations at start of 1948. The United States administered a foremost role(Schaffer,2012) in efforts of UN to settle the conflict. There was no vested interest of Washington in the dispute. Focus of its concerns and stakes was somewhere else, in Far East and the Europe in 1948. Looking at South Asia as a "British show", the policymakers of America had little knowledge concerning South Asia.

Washington infused its sessions of multilateral negotiation with attempts outside the UN, either with Britain or alone, it carried on to search for supervision and counseling as leader of Commonwealth and recent regal emperor of the subcontinent. Three consecutive presidents showed interest in Kashmir resolution

negotiation. In 1949, Harry S Truman, the first one of these, wrote to the heads of Pakistan and India persuading them to agree upon international mediation to resolve the issue. He was rejected by the Indians.

Later in 1960s, the United States went on to engage profoundly in a lengthy streak of mediation between Pakistan and India. After the talks got floundered, a map was produced by the United States which depicted the division of the Kashmir Valley among both the appellants. The US proposed that the map can act as a foundation for settling the issue. Developments were monitored closely by Kennedy and letters of personal level were sent by him to both Pakistani president as well as Indian Prime Minister yearning for improvements. Professor John Kenneth Galbraith who held ambassadorship in New Delhi, evaluated such regular interferences by the president in a sarcastic way. The complaint of Galbraith was that "letters from the president have been issued like Confederate currency and has similar results." The negotiations finally faltered which was a massive let down for JFK.

The administration of Bush and its followers solely focused on management of conflict instead of resolution of conflict. When tussle between Pakistan and India over dispute of Kashmir and other conflicts appeared to lead both states towards armed clash, Washington displayed its alacrity by sending first-class delegations to ease off the situation. A series of high-level government emissaries, including state and defense secretaries, went to Pakistan and India in the 2000s and 1990s having the goal of providing aid for the prevention of tensions so that it would not advance to the level of actual war.

Administrators of America have regularly said that their preparation to facilitate a resolution on Kashmir issue had been there, without providing proper definition of facilitate, and have silently tried to push both states forward. They have told that if both states allow, then they would definitely agree in playing a vigorous role. They realize that this would meant granting a veto to India against any further interference of the U.S., and also that the veto would be exercised by India.

Post 2000 Scenario

This significant change in insistence became clearer during Clinton's visit to Islamabad in March 2000 within a year subsequent to Kargil dispute. He cautioned his television audience of Pakistan by saying, "There is no military solution to Kashmir. International sympathy, support, and intervention cannot be won by provoking a bigger bloodier conflict. This era does not reward people who struggle in vain to redraw borders in blood."

The US had not been actively involved for the resolution of the Kashmir dispute due to its disinterest in politically devoting itself in the circumstances in which it admitted that non-cooperation from India will ultimately lead to the dangerous prospects like suffering disgrace by America and provoking acrimony of India. Castigating Pakistan into reducing its anticipation corresponding to the

dispute with India will not enter in the good books of Pakistan's planners of security. The rationale of withdrawal from a security/military model with a nearby antagonistic neighbor would not be acceptable to Pakistan's planners of defense, particularly following rising relationship among Washington and New Delhi. The stability of the region would be ensured by a solid kickoff of the settlement of the Kashmir conflict and despite Indian unwillingness, the USA need to take over the supervision within that scope. "Composite dialogues" among Pakistan and India have have presented a clear-cut failure of settlement and/or even advancement ahead of that conflict(Khan, 2010).

Both India and Pakistan have had not come up to confront squarely and attempt to deal decisively with major changes in global preferences regarding the conflict of Kashmir and their implications of foreign interference for the settlement of the issue. Any crucial part is improbable to be played by the USA or other foreign player for the modification of the status quo of the region. This could only result in the possibility of imbalance and strife. Most of the Pakistanis, however, are having the wrong view of the promotion of interests of Pakistan done by their consistent emphasis on the foreign intervention. Moreover, the Indians also have not brought about any flexibility in their stance. They regularly croon that "foreign - especially American - hands off Kashmir." They are unable to realize how advantageous such interference could be to them, as it was evident by Clinton's approach towards Kargil. Discordant leaders including particularly those supporting freedom have also insisted on the entailment of the foreign, read American, interference. This demeanor is more impractical than those insisted in Pakistan and India. Not ever since the British concisely built up the Kashmir issue to make it international in faltered talks of 1962-63, no major political circle or prominent government demanded Kashmir's individual status.

Ambassador Richard Holbrooke (not Bill Clinton, as had been gossiped around) was designated by the fresh president as his special representative for Pakistan and Afghanistan. The nomination brought about extreme disappointment in New Delhi. As per Government of India's agitated perception, Washington had finally realized that advancement in resolving Kashmir issue was a key feature in the U.S. attempt to cause a meaningful as well as reciprocal way of Pakistan in the contest opposite Al-Qaeda and the Afghan Taliban in resurgence. There is no clarification whether the administration of Obama ever thought of Holbrooke as a huge role-player or not. However, more significant was the Indian belief about Washington's attempt to play, an undesirable role according to them, in relationship of Pakistan and India. They made their point to the administration of Obama that this was unacceptable for them. They told that with Holbrooke's visit every now and then, they would be ready to play a consulting role on Pakistan and Afghanistan however, they urged Washington not to give the powerful ambassador any mandate to contribute roughly to the relationship of Pakistan and India and specifically to the Kashmir (Masood, 2019).

In spite of the statement given by Obama as a candidate during his campaign for the resolution of the Kashmir dispute, his administration approved of this stance.

That to challenge the position of New Delhi would be of no benefit at all, must be understood well by Washington. At this juncture, the Indians' were firmly stuck to their position and depriving of their collaboration; a broadened mandate of Holbrooke also did not seem to be fruitful. It could only bring about stress among relationship between India and U.S. at the juncture where there was determination shown by Obama in increasing the advancements made by George W. Bush for bolstering them. As was Bush, the fresh president also recognized that India was becoming an upcoming international power the friendship of which was pertinent to the United States. When he visited India in official terms in November 2010, he told the Indian parliament, "The partnership between the United States and India will be one of the defining partnerships of the 21st century." In that speech Kashmir was not mentioned by him and his comments to media regularly included the line that America was ready to play any role Pakistan and India could agree it should undertake.

This stance symbolized a reversed policy on Kashmir which has been followed by all late administrations. This is precisely a policy depicting non-interference, encouragement while being on sideline and aiming at dealing with the crisis. It creates the understanding that a more vigorous approach will be adopted by the United States on the condition that India allows. And no indications from New Delhi have been shown which represents its non-flexibility (Schaffer, 2012) on its adverse stance on this issue regardless of the fact that U.S. viewpoint of the importance of the Kashmir dispute got acutely changed after nuclear-testing.

Thus explaining the US management of the territorial issues between India and Pakistan. that largely explains to resolve the issue through cooperation and negotiation.

Conclusion

This paper explains the US management of the conflicted territorial issues between India and Pakistan. The US policy of the three major border issues, namely Sir Creek, Siachen and Kashmir has been analyzed. They largely explain to resolve the issue through cooperation and negotiation bilaterally. The USA has not been indulged directly any main role in solving the conflicts of Sir Creek and Siachen, although suggested resolving it jointly in the light of international laws and domestic laws of the USA. Contrarily, on the issue of Kashmir, the US had been active in mediating since beginning of the issue but due to India's attitude to resolve issue without a mediator; the US foreign policy in this regard could not give fruits. This led many times to dead locks between Pakistan and India, the US policy on Kashmir is now in the cold storage and apparently silent in order for their own interests to have better relations with the growing super economy of the Asia, India.

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