

Issues & Challenges to Cross LoC Trade

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ABSTRACT

This study aims to explore the issues and challenges to the Cross LoC Trade which is a good gesticulation as a part of CMBs in consolidating the relations between the people living on both sides of divided Kashmir. The traders and business community across LoC have reinvigorated this initiative since its commencement as they have been dynamically involved to conduct this trade. This is the main reason that despite all the hurdles, the volume of this trade is constantly increasing. However, the local community is apathetic in this trade as goods coming from other part of LoC reach straight to the Pakistani markets through Azad Kashmir and then after repacking, these items once again reach the local markets in Azad Kashmir, making the goods is expansive and not expedient for the local peoples in Azad Kashmir. On the other hand, the Cross LoC trade has been very supportive in reducing tensions between both the traditional contenders (Indian and Pakistan) as the number of firing incidents across LoC have been greatly reduced since its derivation. Despite the success, there are certain concerns which need to be addressed immediately otherwise the future of Cross LoC trade in the existing environment looks obscure.

Key Words Trade, Cross LoC Trade, Kashmir, Barter Trade, Intra-Kashmir trade

Introduction

While the trade across the line of control is playing its positive role to build the environment of peace and in bringing the citizens of two sides of LoC closer, it is really odd to have trade between two parts of divided Kashmir. There are many hurdles and barrier in tangible practice of trade across LoC. Some of these hurdles are on the record, have been documented and are known to everyone who has some cognizance with the geo-politics of Kashmir. However, some hurdles are not well acknowledged and not known apart from those who are virtually taking part in the trade.

The Governments on the two sides of divided Kashmir enthusiastically took the initiative of trade between two parts of Kashmir, but no gusto seems to be there in facilitating this trade. In the talks on trade during last two years, the core issue discussed between authorities of two sides was to open new trade routes which could not take the practical silhouette yet. But there are many other glitches which

limit the efficacy of trade. The trade between two parts of Kashmir is ‘double blind’ in the sense that neither have opportunity of direct interaction with their trade partners, nor do they have chance to have a prior look at the material they want to bargain.

Similarly, the barter based trade system and the limited number of tradable items and many other hurdles make it really odd to have the trade. However, despite all these hurdles and barriers, the volume of trade is promising and goods worth approximately 100-million are traded in one trading session across line of control. The purpose of this document is to survey the problems faced by the traders participating in cross LoC trade and recommend appropriate measures for their solutions. Qualitative methodology has been used to find out the impediments in this on-going cross LoC trade.

Lack of Interaction between Traders

The principal hurdle in the trade across the line of control is perhaps lack of interaction opportunities between the traders. The traders who are betrothed in the cross LoC trade do not have opportunities of meeting with each other except meeting at the trade meeting points. They are unable to share the sample of goods that they are trading. Therefore, it is very hard to decide which thing should be bought or sold. They are not able to escort their consignment across LoC so that they can’t get a reward of their choice for the items they are marketing. The trade system is ‘double blind’ in the sense that the traders are not able to see the sample of goods that they are purchasing nor they have opportunity of direct interaction with their trade partner so that they can settle the disputes and can decide good match of their requirement.

Barter Based Trade System

The trade across LoC is allowed only on barter system. The Barter system is arduous type of system which requires double co-incidence of wants for trade. Barter transactions can be possible only when two persons desiring exchange of commodities should have such merchandises which are mutually needed by each other. Barter Trade System is one of the main hurdles the traders face today, as LoC trade items are not traded through financial intermediary. Traders are only allowed to exchange the goods with their counterparts across the LoC at trade points (Titrinote and Chakothi).

It is very challenging to find out a trade partner across the LoC as this trade is purely barter trade and there is no cash involvement in this system. The problem of lack of double coincidence of wants was highlighted by one of the traders as follows: “if we trade out one truck from here, it could be profitable for us. However, it is possible that in return, the truck coming from across the LoC would be non-beneficial for us and we would face inconvenience in it as the prices of

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some specific items could be less here (Sardar Mohammad Munawar Khan, Personal Communication, November 3, 2012).

This kind of business can only be successful if a person in Azad Kashmir has close relatives in Indian Administered Kashmir and both the relatives agree to trade goods for each other and then it is beneficial for both parties. People are of the view that the relatives are trusted in this kind of trade; otherwise, it is a big risk to put a big amount of money in a blind way (Syed Javed Hussain Gilani, Personal Communication, September 16, 2012). Due to the absence of trusted partner on either side of Kashmir, it makes a clear sense that the new people are unable to pop into the cross LoC trade.

There are heavy risks of default and non-payment in this Barter Trade System. For example, if a merchant from one side demands items from his counterpart from other side of LoC, and then escapes or does not confer him imbursement, there is no method of its return. In spite of invoice, Government does not help in the return of payment as both the governments could develop any mechanism to deal with payment issues. In practice, there is no legal cover or support is provided to the cross LoC traders and there is no legal framework available to deal with these disputes. This is because cross LoC is not considered as international trade; rather, it is just a part of Confidence Building Measures (CBMs) in which both the governments have to maintain the status of LoC and continuation of trade at the same time (Ali, 2012).

Actually, Intra-Kashmir Trade was established to develop tranquillity and linkages between people of two sides of divided Kashmir; but as a result of cynicism in trade, it is slowly going to transform into antipathy. Mian Khalid Rafiq, the President of Chamber of Commerce Mirpur says that it is a blind trade, which involves lot of threats. If it is a part of CBMs, then there are very little probabilities of its success as it is interconnected with the Kashmir Conflict (Personal Communication, January 11, 2013).

Dr. Wali Rasool (Rawalpind-Islamabad based intra-Kashmiri trader) elucidates that the blind trade is very serious jeopardy for the Kashmir-based traders who moved to Pakistan after the 1988. About 90 percent of them had been involved with Kashmir movement and they have no system to re-enter into Kashmir to clear their business disputes if their business partners escape. However, the LoC traders from Azad Kashmir and J&K have the prospect to approach their business partners on either the side of the LoC by getting the visa if the need arises. However, this is not an easy business (Personal Communication, November 9, 2012). The LoC trade agreement assigns responsibility to Trade and Travel Authority (T&TA) to improve the existing standard policies and procedures and formulate a new mode for the settlement of claims and disputes between the traders. However, in this regard, T&TA could not eliminate this obstruction yet.

Limited List of Tradable Items

The list of items that can be traded across LoC is very limited, it contains only 21 items. Therefore it is hard for a trader to find a good match of his desires, especially when there is no involvement of money in the trade system. In addition many of the items initially allowed for trade were subsequently banned due to one or another reason. A list of such banned for trade goods is as under:

- Garlic: The reason behind the ban on Garlic was wrong handling methods and delayed delivery of Garlic. There had been a delay in sending the trucks across the LoC for many days. Owing to being remained dumped in these trucks, garlic got roots and branches and when it was taken to the markets across the LoC, the Jammu & Kashmir Government (also called Indian Occupied Kashmir as Article 1 of Indian Constitutions declares the territory of Jammu & Kashmir a part of Indian Union, from hereafter J&K, (A. S. Anand 2006) imposed restrictions on it by declaring it detrimental item for the health. However, it was a highly profitable and beneficial business (Waheed Anwar Waheed, Personal Communication, November 3, 2012).
- Trade of Saffron and Furniture could not be carried out. The reason behind Saffron was that there was sign of impurity in it that is grim to detect in normal conditions. While the reason of furniture was that, “there is lack of acquaintance about the samples and quality” (Khawaja Abdul Samad Shad, Personal Communication, September 16, 2012).
- Ginger was banned because it was imported from China to Pakistan and “traded out” (trade out items mean those, exported from Azad Kashmir to J&K) to J&K without removing the Chinese labels on it, which was banned by authorities of J&K as on 4th July 2012, the Indian Home Affairs Ministry issued new SOPs via circular *No.13015/01/2011-K.III*, to elucidate these bans. According to clause (a) of the new guidelines: “The Agreed List of items of trade would be respected by all the authorities handling cross LoC trade. All those items, listed in the Agreed List would be allowed to be traded subject to the condition that products of third country origin would not be allowed to be traded” (Irfan, 2012). The Indian SOPs have clearly mentioned that the items/products produced in third country (including Pakistan) would not be allowed in cross LoC trade, however, it did not reference anything about the items manufactured in India.
- The J&K authority has banned the trade of Ajvane to Azad Kashmir (Pakistani Administrated Kashmir, henceforth AK) because it was counted as part of spices, not as herbals; while spices are enlisted in “trade in” (term trade in item is used as items imported from J&K to AK).
- Due to the shortage of Daal Moongi (Green Gram) in Pakistan, the embargo had been imposed on it. It is a settled principle that in case of scarcity in any item, its trade would stop partially and when the production gets normal, its trade would continue again (Sardar Kazim Khan, Personal Communication, November 3, 2012). Nowadays, Green Gram is available in a large quantity in

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Pakistan but its trade has not yet been started (Sardar Kazim Khan, Personal Communication, November 3, 2012). The Director General (D.G.) Trade and Travel Authority (T&TA) described as, “though Daal Moongi is a profitable item yet it is a decided principal that any item that included in the trade list would be banned if its price goes up by 25 percent” (Brigadier (R), Mohammed Ismael, Personal Communication, December 31, 2012). In these days, the price of Daal Moongi has gone very high from RS. 15 to RS. 120 per kilogram.

- Traders alleged that, in order to save the local trader in Pakistan, Government has imposed a ban on banana and coconut, which are profitable items for traders (Sardar Kazim Khan, Personal Communication, November 3, 2012). D.G. T&TA has a different opinion as he told that both, AK & Pakistani governments are 100 percent sincere in promoting the intra-Kashmir trade, however, Indian Government and chiefly some of its institution are against it. Regarding, the deteriorating situation in intra-Kashmir trade, soon Pakistan foreign office will be informed of it (Daily Dharti, 2012). Indian authorities have banned some of the trading items in the list like: dates and Almond (Badaam). (Brigadier (R), Mohammed Ismael, Personal Communication, December 31, 2012).

This restriction on the list of trade items decreased the options for trade by a lot. In the first two years after starting trade, the amount of Daal Moongi traded out accounts for about 2000 million Pakistani Rupees which forms about 12% of total trade, but it was afterward restricted for trade, reducing the options available to the traders.

Lack of Access to Markets

Currently, the traders on both sides of line of control do not have access to the markets of each other. Therefore, they are unable to get the product of their choice or get a competitive price of their merchandise from the market of other side of line of control. They can exchange the goods only in the trade facilitation centres for the goods from other side of LoC.

There is no local market and dry port in Azad Kashmir. Therefore, goods reach Pakistani markets through AK and then after repacking, these items once again reach the cities in Azad Kashmir, making the goods expensive and not expedient for the local peoples in AK (Sardar Azeem Khan, Personal Communication, November 3, 2012). Traders have no access to the markets of across LoC. Therefore, it is hard to assess and gauge the weight, quality and prices of the item and there is no guarantee of equal return and recovery of discrepancy amount from counterparts across the LoC, which is a big snag in this kind of trade (Sardar Sagir Khan, Personal Communication, November 3, 2012). Mian Khalid Rafiq endorsed the above statement that there is no mechanism involved in evaluating the trade in and trade out items.

He also pointed out that the value of “Kashmiri Shawl” is approximately RS. 150,000 (One hundred & fifty thousand in Pakistani currency) per item and have no comparison with any item included in the trade list. A businessperson who runs the handicrafts business will not take interest in this kind of business. So, the traders should have the direct access to the markets on both sides of LoC (Mian Khalid Rafiq, Personal Communication, January 11, 2013).

Lack of Communication Facilities

There is no telecommunication facility available between two parts of divided Kashmir. Especially the traders from J&K cannot contact their Kashmir trade partners on Pakistani side. However, the traders from AK can communicate with the trade partners in J&K, yet the communication is not easy.

Lack of Role of Financial Intermediaries

These days, the financial intermediaries like banks play a vital role in the international trade. The banks facilitate trade by the letter of credit which insures the trading partner for payment of his subscriptions. But there is no place of the financial intermediaries in the contemporary trade between two parts of Kashmir. Therefore, the chances of non-payment of payments are there. In fact, there are number of such complaints. Since the travelling between two parts of Kashmir is not very easy, it really very grim to get the mount reimbursed if the trade partner on other side of Line of control refuses to pay. Therefore, any delayed payment is very risky and the traders are bound to on spot trade which may be less advantageous if the trader did not find a good match of his desired portfolio.

Taxation Structure

Under the agreement between India and Pakistan, it is zero tariff trade, however, T&TA in consultation with AK traders, charges RS. 3000.00 (three thousand) per truck (one-sided) as handling charges and RS.500.00 (Five hundred) as Quarantine charges at Tetrinote (Rawalakot-Poonch) and Chakothei (Chakothei-Slamabad) trading points respectively. All this money collected from traders goes to the T&TA account, which is auditable. In addition to this, District Administration, charges RS. 500.00 (five hundred) each truck. Traders claim that there is no reason for charging the district tax as it increases the cost of items (Kashan Masood, Personal Communication, November 3, 2012).

On the contrary, Mubarak Awan says, “we pay all this money without any receipt, which is like a jagga tax (forced money)” (Personal Communication, September 16, 2012). T&TA condemned it, as it is the traders, those do not collect the receipt (Sardar Kazim Khan, Personal Communication, November 3, 2012). Syed Ejaz Shah revealed that the Kashmiri traders on the other side of the LoC pay just RS. 2000.00 Per truck and the J&K Government is taking special interest and

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committed to stimulate the intra-Kashmir trade as it has reserved RS. 200 million for the construction of terminal on trading point (Personal Communication, November 9, 2012). D.G. T&TA expressed that prior to the institution of T&TA (March 4, 2009), Government of Pakistan had allocated about RS. 200 million for the improvement of basic infrastructure, however, this money was not spent on the factual purpose.

Role of Trade and Travel Authority

The Trade and Travel Authority (T&TA) was established hypothetical to expedite the trade between two parts of divided Kashmir; however, many of the businessmen reflected as one of the main hurdles in this trade. Officers of T&TA allot numbers to the traders or list them. Sardar Kazim Khan claimed that “usually traders send the vehicles on their own but when profitable business starts, the officers of T&TA send new and unknown people (usually their own preferred individuals) to the crossing points with their names on top of the list and the local traders could scarcely catch themselves on the lowest part of the list, which is very disheartening for us” (Personal Communication, November 3, 2012). Approximately 100 traders are concomitant with Titirnote LoC trading point but sometimes 200 traders reach the crossing points, most of them being unknown to the native traders. Javed Iqbal Bhatti disclosed that out of around 1200 registered traders, only about 100 traders are active in LoC trade (Personal Communication, November 9, 2012).

Mahmood Akhtar Kakur grumbled that approximately 80 percent are the Pakistani and Indian traders are related with this trade through their proxies and there is need to discourage these commission agents (Personal Communication, November 9, 2012). It is pragmatic that these transitory or seasonal traders are favourites of T&TA officers who are the recipients of this trade. T&TA officials has declined all the allegations and told that in cross LoC trade, issuance of “list of traders” is on the basis of merit (Brigadier (R) Mohammad Ismael Khan & Mr. Shakoor Hussain, Personal Communication, March 28, 2013). However, it has been reported that in some cases, most of proxy traders sell their priority numbers to other traders against reasonable money (Shafiq Chaudhry, Personal Communication, January 11, 2013). Therefore, contamination in the system of T&TA is an immense problem for the traders associated with LoC trade. Consequently, traders call on strikes for their rights, which result into the snarl-up of trade, causing another detriment to the local traders (Asad Mubarak, Personal Communication, November 3, 2012). Mahmood Ahmed Dar endorsed that “we had to face the cases under anti-terrorist activities when we called on the strike against the orders of former chief secretary of Azad Kashmir” (Personal Communication, November 9, 2012).

Insubstantial Trade

The cross LoC trade is very fragile in its nature as it is directly interrelated with the Indo-Pak seriousness towards peace. Incidence in any part of the region cause stoppage of the trade as it happened on 17th of January 2014 in which Indian authorities arrested a truck driver carrying goods as a part of 50 trucks convoy from Chikothi (AK) to Salamabad (J&K), caused the suspension of all cross-LoC trade and bus services for last two weeks. The J&K authorities alleged that the driver was carrying some narcotics as part of the cross-LoC trade while in a counter reaction; Azad Kashmir Government has also held 27 Indian truck drivers carrying trade consignment and demanded release of their arrested driver (Daily Dharti, 2014). It seems to be a part of mistrust as both the parties alleged each other for using the negative tactics in mounting barriers in cross LoC trade.

Trade Value

As per the trade data compiled (From 2008-2013) by Trade & Travel Authority (T&TA), Muzaffarabad, the total trade value as per record of T&TA has been 28.276 Billion (PKR), out of which 15.72 Billion has been traded out (goods traded from AK to J&K) and 12.550 has been the value of goods traded in (goods traded from J&K to AK) since 2008, therefore, the trade out is approximately 25% more than the trade in. The trade out from Chakothi has been 12.238 Billion, whereas from Tetrinote, it was 3.488 Billion. The trade in from Chakothi was 10.393 Billion, while from Tetrinote, it was 2.157 Billion.

The growth in trade for the period 2010-12 has recorded the trade volume in 2010 was 5037 Million which increased to 12616 Million in 2012. Therefore, the annual trade volume was increased by 150%. However, the trade observed relatively slow growth from Tetrinote as compared to Chakothi and the total increase in trade from this trade point was about 18%. According to the data, it has been observed a tremendous annual trade growth despite many difficulties and hurdles since its inception.

Vision of Cross LoC Trade

The vision of Cross LoC trade was not just a trade between two divided parts of Kashmir but to reduce the tension between both the traditional contenders (Indian and Pakistan) and then to take steps towards the peace in region by resolving the Kashmir issue through the people to people contact. The first goal of this phase is nearly achieved as the number of firing incidents across LoC have been significantly reduced since its derivation (Bharadwaj, 2009). Due to the mistrust, the next step to provide the opportunity to the people to feel their existence and promote their opinion and create pressure on their respective governments for negotiation is yet to be achieved (Dr. Dimitrijevic, Personal Communication, March 13, 2015).

Recommendations

- The most important factor for promoting the cross LoC trade is the extension of the role of trade facilitation centre. Currently the trade facilitation is only a point where the consignment from other side of LoC is loaded/off-loaded and the traders can weight their traded goods. In order to promote the cross LoC trade, the role of trade facilitation centre must be strengthened. It is possible if a merchandises display centre is added in the trade facilitation centre. On this display centre, the traders may be allowed to display their stalls containing the samples of goods that they are able to trade. The traders from other side of LoC should be allowed to visit the trade facilitation and display centre where they can select the items they want.
- The trade across LoC should have legal protection by the two nations or by the Governments of two sides of LoC. A trader on one side of LoC should have access to the courts of other sides of LoC to settle the dispute if any and should be able to recover the amount in case of default by one of the trader's counterpart. Those who are registering for cross LoC trade should submit the certificate of financial reliability so that the cases of default could be eliminated.
- Policies and procedures of T&TA should be developed, accurate list of traders must be tabulated, and the authority of the allotment of numbers should be bestowed to the local authority whose head ought to be Trade Facilitator Officer (TFO) and business community instead of T&TA. Therefore, by capturing the unidentified traders, the trade system can be improved. Appropriate TFOs should be appointed because in the absence of TFO, Assistant Commissioner (AC) supervises the trade activities. In case of AC's urgent transfer, no continuity remains in the trade matters. The governments of both sides must adopt a cohesive mechanism so that in this category of blind trade, if a merchant from one side takes goods from other side of LoC and does not pay to him, the return of the money should be arranged.
- There is a need to review the list of the items and negative items should be deleted and replaced by the lucrative items. In case of ban on any specific item, the time frame should be given to the traders; otherwise, the traders have to undergo the substantial financial loss. The banned item should be replaced by new one.
- For the improvement of the on-going trade, the consistent sessions of Joint Chamber of Commerce (JCC) should be held on quarterly basis. In collaboration with Joint Chamber of Commerce, Seminars on cross LoC trade should be organized as only three seminars have been held up till now i.e. *Sri Lanka*, *Istanbul* and *Srinagar*. For the resolution of trade snags and complications, Joint Intra-Kashmir Trade Authority must be established. For this particular role, it should be acknowledged mandatory for traders to be registered with JCC.

- In order to match the quality and value of an item, a direct access to the market across the LoC should be given to the traders to purchase the items of their own choice. As it is a blind trade in which the traders are fully dependent on their counterparts across LoC and there is no assurance of equal return in this regard. Therefore, to overcome this blind trade system, the traders should have an opportunity to choose the products/items of their own choice according to variety and quality.
- Dry ports and markets must be established in which local people would gain the opportunity of jobs and on the other hand, valuable things would be available at lower prices in the local markets.
- Banking system should be applied by opening the branches of the banks on both sides of LoC through which the traders can transfer their money and it will restore the traders' confidence.
- Trade index on monthly basis should be introduced. In coordination with agriculture department, there should be code on List of all the trading items.
- In order to avoid the fake traders, all the unions of traders should be registered. Items in the existing list should be increased and clearly defined as there is lot of ambiguities in it. For example, Indian authorities have banned the trade of Ajvane by stating it as a trade in item.
- To avoid extra costs, trucks should be allowed to carry goods to their final destinations rather than double loading and unloading.
- Communication links among the traders must be improved by providing them quick access through telephone, courier, postal, internet and email services.
- Most of the traders don't have proper trade knowledge, business and communication skills, so at the end of the day, they have to bear heavy financial loss. Therefore, it is imperative to improve their communication skills and marketing knowledge through proper training.
- The infrastructure upgrading is also needed to promote links and movement between two sides.
- A step towards the reconciliation and development of the region, all the traditional routes including: Sialkot-Jammu, Mirpur-Bhimber-Jammu, Bhimber-Mirpur-Kotli-Noshera, Skardu-Kargil, Astore-Gilgit-Bandipura and Tithwal-Chilhana should be opened.
- The capacity of T&TA should be strengthened by recruiting the qualified and experienced staff and it should be acknowledged as a decision making body as sometimes it makes hard for the board members to get around at one call, which might affect the efficiency of T&TA.
- The geo-political situation plays an important role in cross LoC trade as it is linked with Kashmir issue and any tension/incidence at any part of either country results barricade of this trade. So, it is important for the smooth running of this trade that both countries should enter into an agreement for the continuation of this trade at every cost.

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- Both sides of Kashmir should be declared as “Tax Free Zone” so that common people may get maximum advantage of this trade. Tax should be levied only on those items which will be transported to India or Pakistan.

Conclusion

The opening of LoC for the movement of divided families followed by Cross LoC trade signalled a new hope for the people of other regions of Jammu and Kashmir that further measures will be taken to slacken the tension, open communications across the LoC and change the dynamics of Kashmir issue; however, a constant tension and mistrust between India and Pakistan have created many hurdles and barriers in conflict transformation. It was also expected that cross-LoC trade will help in grooming the economic situation in different parts of Kashmir, particularly, the items involved in this trade will be produced locally but it ended up with the involvement of the non-Kashmiri traders and products that have not their origin in the divided State which gives an justification to the Indian authorities to ban any item just to create hurdles as Indian SOPs have clearly mentioned that the items/products produced in third country (Pakistan) would not be allowed in cross LoC trade. This creates more doubts that Indian Government is interested in maintaining a status quo to shape the LoC as permanent boundary.

Despite many barriers in this blind business, there is a lot of potential in this on-going cross LoC trade and it can play a major role in people to people contact between the divided parts of Jammu & Kashmir which is essential for restoring peace in the region but for this very purpose both the governments have to create a joint mechanism to promote trade, and deal with the trade relating issues amongst traders. Regardless the tension, both, New Delhi and Islamabad have to enter in an agreement for the spirit of the cross LoC trade otherwise the dream of converting the Line of Control into Line of Peace will remain a mystery. This is a best time for all the stakeholders to learn from the history not to stay in history.

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