

WHITHER KASHMIR? (PART I)

Editor
Dr Noor ul Haq
Assistant Editor
Nargis Zahra

CONTENTS

Preface	v
1. Kashmir Dispute: Background	1
2. UN Resolutions on Kashmir	5
3. India's Commitments	22
4. Strategic Interests and Kashmir (1947-48)	38
5. Draconian Laws in Indian Occupied Kashmir	44
6. Violence in Kashmir (1989-February 2010)	52
7. An Account of Mass Massacres	53
8. Atrocities by Indian Troops in 2007	62
9. Atrocities by Indian Troops in 2008	62
10. Kashmir and the Process of Conflict Resolution	63
11. Land Transfer to Hindu Site Inflames Kashmir's Muslims	79
12. US Should Help Resolve Kashmir Issue: Obama	80
13. Peace Linked to Kashmir: France	81
14. Kashmir Taken out of Holbrooke's Brief: Report	83
15. How the Kashmir Dispute Affects Security in South Asia	84
16. Kashmir Dispute Can't be Wished Away	91
17. Saudi Prince Urges Obama to Resolve Kashmir Dispute	92
18. US and China Want Kashmir Resolved: Critical International Issue	93
19. Kashmir's Latest Controversy	94
20. Zardari Seeks US Mediation on Kashmir Issue	97
21. Conflict-Weary Kashmir Marks 20 Years of Insurgency	97
22. Resolution of Kashmir Issue a Must	99
23. The Meaning of Shopian	100
24. World Bank Refuses to Accept Kashmir as Indian Territory	104
25. Elections in Indian Held Kashmir and the Kashmir Dispute	104
IPRI Publications	108

PREFACE

Pakistan (Muslim majority state) and India (Hindu majority state) emerged as independent dominions in South Asian Subcontinent on August 14/15, 1947, leaving the fate of about 500 princely states undecided. However, these states were required to accede to either of the dominions on the basis of their geographical location and the wishes of their people. Accordingly, the state of Jammu and Kashmir should have acceded to Pakistan because of its overwhelming Muslim population and geographical location.¹ The non-adherence to the accepted principle resulted in Indo-Pak wars of 1965 and 1971, besides two limited wars in Kashmir during 1947-48 and 1999 and several stand-offs, the last one being in 2002 for about a year. The United Nations resolutions agreed to by both India and Pakistan required that the “the accession of the state of Jammu and Kashmir to India or Pakistan will be decided through the democratic method of a free and impartial plebiscite conducted under the auspices of the United Nations”². The plebiscite remains stalled because of the Indian strategy of gaining time as spelled out by its first Prime Minister Pandit Jawaharlal Nehru when he told Sheikh Abdullah of Kashmir that “We are superior to Pakistan in military and industrial power”, and with the passage of time Pakistan will “accept a settlement which we consider fair, whether in Kashmir or elsewhere.”³ Accordingly, in 1950s, India refused a dialogue on Kashmir on the plea that Pakistan had joined Western sponsored “defence pacts”, and now “terrorism” is cited as a reason for non-resumption of composite dialogue. Consequently, owing to non-implementation of the UN resolutions, the people of the state of Jammu and Kashmir continue to suffer; the state remains a “disputed territory” awaiting resolution and a nuclear flashpoint.

¹ The state has a total area of 84,471 square miles which is approximately the same as of Great Britain. Its irregular borders in the north and east coincide with those of China (Tibet and Sinkiang) for about 600 miles, with northern Afghanistan for about 30 miles and with Pakistan in its south and west for about 603 miles. At the extreme southwestern end, a strip of land forms border with India. In 1947, the state had 77.11 per cent Muslims, majority of whom would have liked to accede to Pakistan.

² UN Resolutions, August 13, 1948, January 5, 1949, and December 23, 1952.

³ Iqbal Jafar, “Misleading assumptions”, *Dawn* (Islamabad), March 21, 2010.

The *IPRI Factfile* (Part I and II) presents relevant UN resolutions, reports of violence in the Indian held Kashmir as released by Kashmir Media Service, selected articles and statements appearing in the media, and timeline of the Kashmir conflict retrieved from Wikipedia.

March 30, 2010.

Noor ul Haq

KASHMIR DISPUTE: BACKGROUND

Pakistan's principled position on Jammu and Kashmir is based on the UN Security Council Resolutions, which provide that the final disposition of Jammu and Kashmir will be made in accordance with the will of the people. Pakistan is committed to this position until the three parties to the dispute, Pakistan, India and the people of Jammu and Kashmir arrive at some mutually acceptable final settlement.

Pakistan has always emphasized the necessity of a meaningful, constructive and result oriented dialogue to resolve the Jammu and Kashmir dispute. Pakistan maintains that rigidity and aggression must give way to accommodation and flexibility. In their struggle for self-determination, the Kashmiri people have undergone untold sufferings and hardship over the years. Pakistan believes that the Kashmiri people must be associated with the Pakistan-India dialogue process for arriving at a sustainable solution. Their legitimate aspirations cannot be ignored and must be accommodated in any just and durable solution.

Historical Background

The Kashmir dispute between Pakistan and India dates back to the partition of British India into two independent states in August 1947. At the time, the princely states under British suzerainty but not directly ruled by the British Government opted for joining either Pakistan or India taking into account their contiguity to one or the other country and the wishes of their people.

In the case of Jammu and Kashmir, the ruler was Hindu while the population was overwhelmingly Muslim and wanted to join Pakistan. India consistently pressurized the Hindu ruler to accede to India. Apprehending that the Hindu ruler was likely to succumb to Indian pressure, the people of Jammu and Kashmir rose against him, forcing him to flee from Srinagar. On 24 the October 1947 they formed their own government. On 27 the October, the Government of India announced that the Hindu ruler had acceded to India. This claim was made on the basis of a fraudulent instrument of accession. India sent its forces into the State and occupied a large part of Jammu and Kashmir. Indian leaders, including Prime Minister Jawaharlal Nehru and Viceroy Lord Mountbatten, solemnly declared that the people of the State would decide the final status of Jammu and Kashmir. For over half a century, the

Kashmir dispute has be-devilled relations between Pakistan and India. Several efforts, for resolution of the issue, both at multilateral and bilateral levels have failed to show any meaningful result. India took the matter to the UN Security Council in 1948. The UN Security Council through its Security Council Resolutions No. 47 (1948), 51 (1948), 80 (1950) and the United Commission for India and Pakistan resolutions of 13 August 1948 and 5 January 1949 declared that accession of Jammu & Kashmir to India or Pakistan should be decided through the democratic method of a free and impartial plebiscite. These UN resolutions were accepted by both India and Pakistan. Prime Minister Nehru declared before the Indian Parliament that India was committed to holding a free and fair plebiscite in Kashmir. However, India reneged on its commitment to hold plebiscite on the pretext of this stance.

In 1951 India projected the rigged assembly elections in the Indian occupied Kashmir as a substitute to the UN sponsored plebiscite. However, the UN Security Council Resolution No.91 (1951) denied the authority of the Constituent Assembly to decide about the future of the state and reminded the parties that the final disposition of the state of Jammu & Kashmir is to be made in accordance with the will of the people of Kashmir. The UN Resolution No.122 (1957) reaffirmed the earlier resolution of 1951 stating that the elections could not be held as substitute to the plebiscite.

India now claims that Kashmir is an integral part of India. This contention is misleading and incorrect because of the following reasons:

- The disputed character of Jammu & Kashmir has been recognized by the UN, accepted by both India and Pakistan and endorsed by the international community.
- The Line of Control in the disputed area of Jammu & Kashmir is not an international boundary and recognized as such by India.
- There is complete alienation in the Indian occupied Kashmir (IoK) against the Indian rule.
- Pakistan and India in the Joint Statement of 6 January 2004 are committed to seeking a final settlement of the Jammu & Kashmir dispute.

Outside the UN, direct negotiations between Pakistan and India were held from the very inception of the dispute in 1947. Several rounds of negotiations held during the past five decades have not resulted in any

meaningful or substantive progress as India adamantly maintained that the status quo cannot be changed.

Over half a century, the people of Kashmir are awaiting the exercise of their right to self-determination. Non-implementation of the Security Council resolutions coupled with the massive violations of the human rights by the Indian Security Forces has compelled the people of IoK to resist Indian occupation. In 1989, the people of Jammu and Kashmir, inspired by similar movements for freedom in other parts of the world, rose against the Indian occupation. India sought to suppress their movement with massive use of force, killing hundreds of innocent men, women and children. Since 1989, more than 90,000 Kashmiri people have been killed. There are over 700,000 Indian troops in IOK. There have been numerous cases of human rights violations. In spite of the brutal repression of the Indian Security Forces, the peaceful struggle of the Kashmiri people continues undaunted.

In fact Indian state terrorism in Occupied Kashmir has become even more pronounced in the post September 11 phase. India has tried to use the global sentiment following the September 11 events to paint the Kashmiri freedom struggle as terrorism and its own repression of that indigenous freedom struggle as a means to fight against terrorism.

In an attempt to malign Pakistan and the Kashmiri freedom movement, India has stepped up its propaganda of cross LOC infiltration from Pakistan and our involvement in so-called cross border terrorism. These allegations are nothing but a ploy to shift focus from the massive violation of human rights being perpetrated by the Indian Security Forces in IOK. While making such baseless allegations, India refuses to allow a neutral mechanism to investigate these charges.

Pakistan has all along emphasized the need to further strengthen and enhance the monitoring of the LoC by the United Nations Military Observer Group in India and Pakistan (UNMOGIP). UNMOGIP is the UN's oldest peace-keeping operation.

The Composite Dialogue Process

After a long period of heightened tension and stalled dialogue, the Prime Minister of India, Mr. Atal Behari Vajpayee visited Islamabad on 3 – 6 January 2004 to attend the 12th SAARC Summit. In a joint statement issued on 6 January, 2004, the President of Pakistan and the Prime Minister of India agreed to commence the process of the Composite Dialogue. The Joint Statement also committed the two countries to find a

permanent solution to the Jammu & Kashmir dispute acceptable to all parties.

The Composite Dialogue that commenced in February 2004 between Pakistan and India is a means to achieve a just settlement of the Jammu and Kashmir dispute in accordance with the aspirations of the Kashmiri people. Earlier, Pakistan had set the stage for the resumption of the dialogue process by announcing a vital CBM in the shape of declaration of a unilateral cease-fire across the LOC in November 2003.

During the past 2 and half years, while the Composite Dialogue has been in process, Pakistan has tabled certain concrete proposals for working towards a final settlement of the Jammu and Kashmir dispute. The four-point formula presented by the President offers the best mechanism to break the impasse. The four-point formula envisages that:

- Official talks commence,
- Centrality of the Jammu and Kashmir dispute is acknowledged,
- Any proposal unacceptable to any party or Kashmiris is taken off the table and,
- Best solution acceptable to the parties and the Kashmiris is taken up, All Kashmir related proposals demonstrate Pakistan's sincere desire and reflect flexibility and readiness to take bold initiatives.

Given sincerity, flexibility and courage on both sides, it should be possible to move forward towards a just settlement. The Pakistani side has urged India to move forward together with Pakistan in a search for a final settlement that is acceptable to the Kashmiri people. We have also reiterated in unequivocal terms that the Jammu and Kashmir issue is the core issue, which cannot be sidelined and put on the backburner .In addition to the Composite Dialogue, the two sides have agreed on a number of Kashmir-related Confidence Building Measures (CBMs), including intra-Kashmir bus and truck services, opening of crossing points on the Line of Control (LOC), meeting points for divided Kashmiri families on the LOC and greater interaction among Kashmiri leadership on both sides of the LOC. These CBMs have improved the political atmosphere in the region, which together with conducive international environment; offer a unique opportunity for both Pakistan and India to resolve the Kashmir dispute. While the CBMs have their importance, progress towards a settlement alone will raise hopes, reinforce confidence in the peace process and discourage violence and

militancy that has persisted since 1989 largely as Kashmiri reaction to human rights violations and heavy Indian military presence in IOK.

On 11 July 2006 India used the Mumbai blasts to postpone the Foreign Secretary level talks to review the 3rd round of the Composite Dialogue. India blamed elements from Pakistan for their involvements in the blasts. The Indian decision to put on hold the Foreign Secretary level talks has been seen as a negative development by Pakistan and the international community. The Indian decision was also at variance with the Joint Statement issued on 18 April 2005 by the leaders of Pakistan and India that “terrorist acts would not be allowed to derail the peace process”. While Pakistan has condemned the terrorist attacks in the Mumbai at the highest level and has offered assistance in investigating the blasts, India continues to point fingers at Pakistan.

Progress towards a settlement should not be linked to sporadic terrorist incidents anywhere in Indian occupied Kashmir or India. This would only add to the frustration of the Kashmiris who continue to suffer heavy Indian military presence, human rights violations and harsh laws, such as J&K Public Safety Act and Armed Forces Special Prevention Act. These gross human rights violations have been documented by Amnesty International and Asia Watch.

President Musharraf has emphasized the need for “out of box thinking,” sincerity, flexibility and courage to address this dispute. He has stated that a solution of this dispute must be acceptable to Pakistan, India and most importantly, the people of Jammu and Kashmir. Pakistan has never shied away from bilateral engagement with India of which the ongoing Composite Dialogue is a manifestation. We hope that the process of composite dialogue will lead to peaceful settlement of all bilateral issues, including Jammu & Kashmir, to the satisfaction of both sides. Only a constructive dialogue would promote progress towards the common objective of peace, security and economic development of our people and for future generations.

<http://www.mofa.gov.pk/pages/Brief.htm>

UN RESOLUTIONS ON KASHMIR

United Nations Resolutions on Kashmir

- * Resolution of the Security Council of April 21, 1948
- * Resolution of the Commission of August 13, 1948
- * Resolution of the Commission of January 5, 1949

- * Resolution of the Security Council of March 14, 1950
- * Resolution of the Security Council of March 30, 1951
- * Resolution adopted by the Security Council at its 765th meeting on 24 January 1957, concerning the India–Pakistan Question
- * Resolution adopted by the Security Council at its meeting on 20 September 1965

Resolution of the Security Council of April 21, 1948

The Security Council, having considered the complaint of the Government of India concerning the dispute over the State of Jammu and Kashmir;

- Having heard the representation of India in support of that complaint and the reply and counter-complaints of the representative of Pakistan;
- Being strongly of the opinion that the early restoration of peace and order in Jammu and Kashmir is essential and that India and Pakistan should do their utmost to bring about a cessation of all fighting;
- Noting with satisfaction that both India and Pakistan desire that the question of the accession of Jammu and Kashmir to India or Pakistan should be decided through the democratic method of a free and impartial plebiscite;
- Considering that the continuation of the dispute is likely to endanger international peace and security,

Reaffirms the Council's resolution of 17 January

- Resolves that the membership of the Commission established by the resolution of the Council of 20 January 1948, shall be increased to five and shall include in addition to the membership mentioned in that resolution, representatives of ... and ... and that if the membership of the Commission has not been completed within ten days from the date of the adoption of this resolution the President of the Council may designate such other Member of Members of the United Nations as are required to complete the membership of five;

Instructs the Commission to proceed at once to the Indian Subcontinent and there place its good offices and mediation at the

disposal of the Governments of India and Pakistan with a view to facilitating the taking of the necessary measures, both with respect to the restoration of peace and order and to the holding of a plebiscite, by the two Governments, acting in co-operation with one another and with the Commission, and further instructs the Commission to keep the Council informed of the action taken under the resolution, and to this end,

Recommends to the Governments of India and Pakistan the following measures as those which in the opinion of the Council are appropriate to bring about a cessation of the fighting and to create proper conditions for a free and impartial plebiscite to decide whether the State of Jammu and Kashmir is to accede to India or Pakistan.

A. Restoration of Peace and Order

1. The Government of Pakistan should undertake to use its best endeavors:

- (a) To secure the withdrawal from the State of Jammu and Kashmir of tribesmen and Pakistani nationals not normally resident therein who have entered the State for the purpose of fighting and to prevent any intrusion into the State of such elements and any furnishing of material aid to those fighting in the state.
- (b) To make known to all concerned that the measures indicated in this and the following paragraphs provide full freedom to all subjects of the State, regardless of creed, caste, or party, to express their views and to vote on the question of the accession of the State, and that therefore they should co-operate in the maintenance of peace and order.

2. The Government of India should:

- (a) When it is established to the satisfaction of the Commission set up in accordance with the Council's resolution of 20 January that the tribesmen are withdrawing and that arrangements for the cessation of the fighting have become effective, put into operation in consultation with the Commission a plan for withdrawing their own forces from Jammu and Kashmir and reducing them progressively to the minimum strength required for the support of the civil power in the maintenance of law and order;
- (b) Make known that the withdrawal is taking place in stages and announces the completion of each stage;

-
- (c) When the Indian forces shall have been reduced to the minimum strength mentioned in
 - (a) above, arrange in consultation with the commission for the stationing of the remaining forces to be carried out in accordance with the following principles:
 - (i) That the presence of troops should not afford any intimidation or appearance of intimidation to the inhabitants of the States;
 - (ii) That as small a number as possible should be retained in forward areas;
 - (iii) That any reserve of troops which may be included in the total strength should be located within their present base area.

3. The Government of India should agree that until such time as the Plebiscite Administration referred to below finds it necessary to exercise the powers of direction and supervision over the State forces and police provided for in paragraph 8, they will be held in areas to be agreed upon with the Plebiscite Administrator.

4. After the plan referred to in paragraph 2(a) above has been put into operation, personnel recruited locally in each district should so far as possible be utilized for the re-establishment and maintenance of law and order with due regard to protection of minorities, subject to such additional requirements as may be specified by the Plebiscite Administration referred to in paragraph 7.

5. If these local forces should be found to be inadequate, the Commission, subject to the agreement of both the Government of India and the Government of Pakistan, should arrange for the use of such forces of either Dominion as it deems effective for the purpose of pacification.

B. Plebiscite

6. The Government of India should undertake to ensure that the Government of the State invite the major political groups to designate responsible representatives to share equitably and fully in the conduct of the administration at the Ministerial level, while the plebiscite is being prepared and carried out.

7. The Government of India should undertake that there will be established in Jammu and Kashmir a Plebiscite Administration to hold a

plebiscite as soon as possible on the question of the accession of the State to India or Pakistan.

8. The Government of India should undertake that there will be delegated by the State to the Plebiscite Administration such powers as the latter considers necessary for holding a fair and impartial plebiscite including, for that purpose only, the direction and supervision of the State forces and police.

9. The Government of India should, at the request of the Plebiscite Administration, make available from the Indian forces such assistance as the Plebiscite Administration may require for the performance of its functions.

10. (a) The Government of India should agree that a nominee of the Secretary-General of the United Nations will be appointed to be the Plebiscite Administrator.

(b) The Plebiscite Administrator, acting as an officer of the State of Jammu and Kashmir, should have authority to nominate his assistants and other subordinates and to draft regulations governing the plebiscite. Such nominees should be formally appointed and such draft regulations should be formally promulgated by the State of Jammu and Kashmir.

(c) The Government of India should undertake that the Government of Jammu and Kashmir will appoint fully qualified persons nominated by the Plebiscite Administrator to act as special magistrates within the State judicial system to hear cases which in the opinion of the Plebiscite Administrator have a serious bearing on the preparation for and the conduct of a free and impartial plebiscite.

(d) The terms of service of the Administrator should form the subject of a separate negotiation between the Secretary-General of the United Nations and the Government of India. The Administrator should fix the terms of service for his assistants and subordinates.

(e) The Administrator should have the right to communicate directly with the Government of the State and with the Commission of the Security Council and, through the Commission, with the Security Council, with the Governments of India and Pakistan and with their representatives with the Commission. It would be his duty to bring to the notice of any or all of the foregoing (as he in his discretion may decide) any circumstances arising which

may tend, in his opinion, to interfere with the freedom of the plebiscite.

11. The Government of India should undertake to prevent, and to give full support to the Administrator and his staff in preventing, any threat, coercion or intimidation, bribery or other undue influence on the voters in the plebiscite, and the Government of India should publicly announce and should cause the Government of the State to announce this undertaking as an international obligation binding on all public authorities and officials in Jammu and Kashmir.

12. The Government of India should themselves and through the Government of the State declare and make known that all subjects of the State of Jammu and Kashmir, regardless of creed, caste or party, will be safe and free in expressing their views and in voting on the question of the accession of the State and that there will be freedom of the press, speech and assembly and freedom of travel in the State, including freedom of lawful entry and exit.

13. The Government of India should use and should ensure that the Government of the State also use their best endeavors to effect the withdrawal from the State of all Indian nationals other than those who are normally resident therein or who on or since 15 August 1947 have entered it for a lawful purpose.

14. The Government of India should ensure that the Government of the State release all political prisoners and take all possible steps so that:

- (a) All citizens of the State who have left it on account of disturbances are invited, and are free, to return to their homes and to exercise their rights as such citizens;
- (b) There is no victimization;
- (c) Minorities in all parts of the State are accorded adequate protection.

15. The Commission of the Security Council should at the end of the plebiscite certify to the Council whether the plebiscite has or has not been really free and impartial.

C. General Provisions

16. The Governments of India and Pakistan should each be invited to nominate a representative to be attached to the Commission for such assistance as it may require in the performance of its task.

17. The commission should establish in Jammu and Kashmir such observers as it may require of any of the proceedings in pursuance of the measures indicated in the foregoing paragraphs.

18. The Security Council Commission should carry out the tasks assigned to it herein.

Resolution of the Commission of August 13, 1948

The United Nations Commission for India and Pakistan, having given careful consideration to the points of view expressed by the representatives of India and Pakistan regarding the situation in the State of Jammu and Kashmir, and

Being of the opinion that the prompt cessation of hostilities and the correction of conditions the continuance of which is likely to endanger international peace and security are essential to implementation of its endeavors to assist the Governments of India and Pakistan in effecting a final settlement of the situation,

Resolves to submit simultaneously to the Governments of India and Pakistan the following proposal:

PART I

Ceasefire Order

- A. The Governments of India and Pakistan agree that their respective High Commands will issue separately and simultaneously a cease-fire order to apply to all forces under their control in the State of Jammu and Kashmir as of the earliest practicable date or dates to be mutually agreed upon within four days after these proposals have been accepted by both Governments.
- B. The High Commands of the Indian and Pakistani forces agree to refrain from taking any measures that might augment the military potential of the forces under their control in the State of Jammu and Kashmir. (For the purpose of these proposals forces under their control shall be considered to include all forces, organized and unorganized, fighting or participating in hostilities on their respective sides.)

-
- C. The Commanders-in-Chief of the forces of India and Pakistan shall promptly confer regarding any necessary local changes in present dispositions which may facilitate the cease-fire.
 - D. In its discretion and as the Commission may find practicable, the Commission will appoint military observers who, under the authority of the Commission and with the co-operation of both Commands, will supervise the observance of the cease-fire order.
 - E. The Government of India and the Government of Pakistan agree to appeal to their respective peoples to assist in creating and maintaining an atmosphere favourable to the promotion of further negotiations.

PART II

Truce Agreement

Simultaneously with the acceptance of the proposal for the immediate cessation of hostilities as outlined in Part I, both Governments accept the following principles as a basis for the formulation of a truce agreement, the details of which shall be worked out in discussion between their representatives and the Commission.

A)

1. As the presence of troops of Pakistan in the territory of the State of Jammu and Kashmir constitutes a material change in the situation since it was represented by the Government of Pakistan before the Security Council, the Government of Pakistan agrees to withdraw its troops from that State.
2. The Government of Pakistan will use its best endeavour to secure the withdrawal from the State of Jammu and Kashmir of tribesmen and Pakistani nationals not normally resident therein who have entered the State for the purpose of fighting.
3. Pending a final solution, the territory evacuated by the Pakistani troops will be administered by the local authorities under the surveillance of the Commission.

B)

1. When the Commission shall have notified the Government of India that the tribesmen and Pakistani nationals referred to in

Part II, A, 2 hereof have withdrawn, thereby terminating the situation which was represented by the Government of India to the Security Council as having occasioned the presence of Indian forces in the State of Jammu and Kashmir, and further, that the Pakistani forces are being withdrawn from the State of Jammu and Kashmir, the Government of India agrees to begin to withdraw the bulk of its forces from that State in stages to be agreed upon with the Commission.

2. Pending the acceptance of the conditions for a final settlement of the situation in the State of Jammu and Kashmir, the Indian Government will maintain within the lines existing at the moment of the cease-fire the minimum strength of its forces which in agreement with the Commission are considered necessary to assist local authorities in the observance of law and order. The Commission will have observers stationed where it deems necessary.
3. The Government of India will undertake to ensure that the Government of the State of Jammu and Kashmir will take all measures within its power to make it publicly known that peace, law and order will be safeguarded and that all human and political rights will be guaranteed.

C)

1. Upon signature, the full text of the truce agreement or a communiqué containing the principles thereof as agreed upon between the two Governments and the Commission will be made public.

PART III

The Government of India and the Government of Pakistan reaffirm their wish that the future status of the State of Jammu and Kashmir shall be determined in accordance with the will of the people and to that end, upon acceptance of the truce agreement, both Governments agree to enter into consultations with the Commission to determine fair and equitable conditions whereby such free expression will be assured.

Resolution of the Commission of January 5, 1949

The United Nations Commission for India and Pakistan,

Having received from the Governments of India and Pakistan, in communications dated 23 December and 25 December 1948, respectively, their acceptance of the following principles which are supplementary to the Commission's Resolution of 13 August 1948:

1. The question of the accession of the State of Jammu and Kashmir to India or Pakistan will be decided through the democratic method of a free and impartial plebiscite;
2. A plebiscite will be held when it shall be found by the Commission that the cease-fire and truce arrangements set forth in Parts I and II of the Commission's resolution of 13 August 1948 have been carried out and arrangements for the plebiscite have been completed;
3. (a) The Secretary-General of the United Nations will, in agreement with the Commission, nominate a Plebiscite Administrator who shall be a personality of high international standing and commanding general confidence. He will be formally appointed to office by the Government of Jammu and Kashmir.
(b) The Plebiscite Administrator shall derive from the State of Jammu and Kashmir the powers he considers necessary for organizing and conducting the plebiscite and for ensuring the freedom and impartiality of the plebiscite.
(c) The Plebiscite Administrator shall have authority to appoint such staff of assistants and observes as he may require.
4. (a) After implementation of Parts I and II of the Commission's resolution of 13 August 1948, and when the Commission is satisfied that peaceful conditions have been restored in the State, the Commission and the Plebiscite Administrator will determine, in consultation with the Government of India, the final disposal of Indian and State armed forces, such disposal to be with due regard to the security of the State and the freedom of the plebiscite.
(b) As regards the territory referred to in A.2 of Part II of the resolution of 13 August, final disposal of the armed forces in that territory will be determined by the Commission

- and the Plebiscite Administrator in consultation with the local authorities.
5. All civil and military authorities within the State and the principal political elements of the State will be required to co-operate with the Plebiscite Administrator in the preparation for the holding of the plebiscite.
 6. (a) All citizens of the State who have left it on account of the disturbances will be invited and be free to return and to exercise all their rights as such citizens. For the purpose of facilitating repatriation there shall be appointed two Commissions, one composed of nominees of India and the other of nominees of Pakistan. The Commission shall operate under the direction of the Plebiscite Administrator. The Governments of India and Pakistan and all authorities within the State of Jammu and Kashmir will collaborate with the Plebiscite Administrator in putting this provision into effect.
(b) All person (other than citizens of the State) who on or since 15 August 1947 have entered it for other than lawful purpose, shall be required to leave the State.
 7. All authorities within the State of Jammu and Kashmir will undertake to ensure, in collaboration with the Plebiscite Administrator, that:
 - (a) There is no threat, coercion or intimidation, bribery or other undue influence on the voters in the plebiscite;
 - (b) No restrictions are placed on legitimate political activity throughout the State. All subjects of the State, regardless of creed, caste or party, shall be safe and free in expressing their views and in voting on the question of the accession of the State to India or Pakistan. There shall be freedom of the press, speech and assembly and freedom of travel in the State, including freedom of lawful entry and exit.
 - (c) All political prisoners are released.
 - (d) Minorities in all parts of the State are accorded adequate protection.
 - (e) There is no victimization.
 8. The Plebiscite Administrator may refer to the United Nations Commission for India and Pakistan problems on which he may require assistance, and the Commission may in its discretion

call upon the Plebiscite Administrator to carry out on its behalf any of the responsibilities with which it has been entrusted.

9. At the conclusion of the plebiscite, the Plebiscite Administrator shall report the result thereof to the Commission and to the Government of Jammu and Kashmir. The Commission shall then certify to the Security Council whether the plebiscite has or has not been free and impartial.
10. Upon the signature of the truce agreement the details of the foregoing proposals will be elaborated in the consultations envisaged in Part III of the Commission's resolution of 13 August 1948. The Plebiscite Administrator will be fully associated in these consultations.

Commends the Governments of India and Pakistan for their prompt action in ordering a cease-fire to take effect from one minute before midnight of 1 January 1949, pursuant to the agreement arrived at as provided for by the Commission's Resolution of 13 August 1948; and

Resolves to return in the immediate future to the Sub-continent to discharge the responsibilities imposed upon it by the Resolution of 13 August 1948 and by the foregoing principles.

Resolution of the Security Council of March 14, 1950

The Security Council,

Having received and noted the reports of the United Nations Commission for India and Pakistan, established by the resolutions of 20 January and 21 April 1948

Having also received and noted the report of General A. G. L. McNaughton on the outcome of his discussion with the representatives of India and Pakistan which were initiated in pursuance of the decision taken by the Security Council on 17 December 1949

Commending the Governments of India and Pakistan for their statesmanlike action in reaching the agreements embodied in the United Nations Commission's resolutions of 13 August 1948 and 5 January 1949 for a cease-fire, for the demilitarization of the State of Jammu and Kashmir and for the determination of its final disposition in accordance with the will of the people through the democratic method of a free and impartial plebiscite and commending the parties in particular for their action in partially implementing these resolutions by

- The Cessation of hostilities affected 1 January 1949.
- The establishment of a cease-fire line on 27 July.
- The agreement that Fleet Admiral Chester W. Nimitz shall be Plebiscite Administrator.

Considering that the resolution of the outstanding difficulties should be based upon the substantial measure of agreement on fundamental principles already reached, and that steps should be taken forthwith for the demilitarization of the State and for the expeditious determination of its future in accordance with the freely expressed will of the inhabitants,

1. Calls upon the Governments of India and Pakistan to make immediate arrangements without prejudice to their rights or claims and with due regard to the requirements of law and order, to prepare and execute within a period of five months from the date of this resolution a programme of demilitarization on the basis of the principles of paragraph 2 of General McNaughton's proposal or of such modifications of those principles as may be mutually agreed;
2. Decides to appoint a United Nations Representative for the following purposes who shall have authority to perform his functions in such place or places as he may deem appropriate:
 - (a) To assist in the preparation and to supervise the implementation of the programme of demilitarization referred to above and to interpret the agreements reached by the parties for demilitarization,
 - (b) To place himself at the disposal of the Governments of India and Pakistan and to place before these Governments or the Security Council any suggestions which, in his opinion, are likely to contribute to the expeditious and enduring solution of the dispute which has arisen between the two Governments in regard to the State of Jammu and Kashmir?
 - (c) To exercise all of the powers and responsibilities devolving upon the United Nations Commission by reason of existing resolutions of the Security Council and by reason of the agreement of the parties embodied in the resolutions of the United Nations Commission of 13 August 1948 and 5 January 1949,
 - (d) To arrange at the appropriate stage of demilitarization for the assumption by the Plebiscite Administrator of the

- functions assigned to the latter under agreements made between the parties,
- (e) To report to the Security Council as he may consider necessary submitting his conclusions and any recommendations which he may desire to make;
3. Requests the two Governments to take all necessary precautions to ensure that their agreements regarding the cease-fire shall continue to be faithfully observed, and calls upon them to take all possible measures to ensure the creation and maintenance of an atmosphere favorable to the promotion of further negotiations;
 4. Extends its best thanks to the members of the United Nations Commission for India and Pakistan and to General A. G. L. McNaughton for their arduous and fruitful labours;
 5. Agrees that the United Nations Commission for India and Pakistan shall be terminated, and decides that this shall take place one month after both parties have informed the United Nations Representative of their acceptance of the transfer to him of the powers and responsibilities of the United Nations Commission referred to in paragraph 2 (c) above.

Resolution of the Security Council of March 30, 1951

Having received and noted the report of Sir Owen Dixon, the United Nations Representative for India and Pakistan, on his mission initiated by the Security Council resolution of 14 March 1950.

Observing that the Governments of India and Pakistan have accepted the provisions of the United Nations Commission for India and Pakistan resolutions of 13 August 1948 and 5 January 1949 and of the Security Council resolution of 14 March 1950, and have re-affirmed their desire that the future of the State of Jammu and Kashmir shall be decided through the democratic method of a free and impartial plebiscite conducted under the auspices of the United Nations.

Observing that on 27 October 1950 the General Council of the "All Jammu and Kashmir National Conference" adopted a resolution recommending the convening of a Constituent Assembly for the purpose of determining the "future shape and affiliations of the State of Jammu and Kashmir"; observing further from statements of responsible authorities that action is proposed to convene such a Constituent

Assembly and that the area from which such a Constituent Assembly would be elected is only a part of the whole territory of Jammu and Kashmir.

Reminding the Governments and Authorities concerned of the principle embodied in the Security Council resolutions of 21 April 1948, 3 June 1948 and 14 March 1950 and the United Nations Commission for India and Pakistan resolutions of 13 August 1948 and 5 January 1949, that the final disposition of the State of Jammu and Kashmir will be made in accordance with the will of the people expressed through the democratic method of a free and impartial plebiscite conducted under the auspices of the United Nations.

Affirming that the convening of a Constituent Assembly as recommended by the General Council of the "All Jammu and Kashmir National Conference," and any action that Assembly might attempt to take to determine the future shape and affiliation of the entire State or any part thereof would not constitute a disposition of the State in accordance with the above principle.

Declaring its belief that it is the duty of the Security Council in carrying out its primary responsibility for the maintenance of international peace and security to aid the parties to reach an amicable solution of the Kashmir dispute and that a prompt settlement of this dispute is of vital importance to the maintenance of international peace and security.

Observing from Sir Owen Dixon's report that the main points of difference preventing agreement between the parties were:

- (a) The procedure for and the extent of demilitarization of the State preparatory to the holding of a plebiscite.
- (b) The degree of control over the exercise of the functions of government in the State necessary to ensure a free and fair plebiscite.

The Security Council,

1. Accepts, in compliance with his request, Sir Owen Dixon's resignation and expresses its gratitude to Sir Owen for the great ability and devotion with which he carried out his mission;
2. Decides to appoint a United Nations Representative for India and Pakistan in succession to Sir Owen Dixon;
3. Instructs the United Nations Representative to proceed to the Sub-continent and , after consultation with the Governments of

India and Pakistan, to effect the demilitarization of the State of Jammu and Kashmir on the basis of the United Nations Commission for India and Pakistan resolutions of 13 August 1948 and 5 January 1949;

4. Calls upon the parties to co-operate with the United Nations Representative to the fullest degree in effecting the demilitarization of the State of Jammu and Kashmir;
5. Instructs the United Nations Representative to report to the Security Council within three months from the date of his arrival on the Sub-continent. If, at the time of this report, he has not effected demilitarization in accordance with paragraph 3 above, or obtained the agreement of the parties to a plan for effecting such demilitarization, the United Nations Representative shall report to the Security Council those points of difference between the parties in regard to the interpretation and execution of the agreed resolutions of 13 August 1948 and 5 January 1949 which he considers must be resolved to enable such demilitarization to be carried out;
6. Calls upon the parties, in the event of their discussions with the United Nations Representative failing in his opinion to result in full agreement, to accept arbitration upon all outstanding points of difference reported by the United Nations Representative in accordance with paragraph 5 above; such arbitration to be carried out by an Arbitrator, or a panel of Arbitrators, to be appointed by the President of the International Court of Justice after consultation with the parties;
7. Decides that the Military Observer group shall continue to supervise the cease-fire in the State;
8. Requests the Governments of India and Pakistan to ensure that their agreement regarding the cease-fire shall continue to be faithfully observed and calls upon them to take all possible measures to ensure the creation and maintenance of an atmosphere favourable to the promotion of further negotiations and to refrain from any action likely to prejudice a just and peaceful settlement;
9. Requests the Secretary-General to provide the United Nations Representative for India and Pakistan with such services and

facilities as may be necessary in carrying out the terms of this resolution.

Resolution adopted by the Security Council at its 765th meeting on 24 January 1957, concerning the India-Pakistan Question

The resolution is a reaffirmation of the Security Council resolution of 30 March 1951 that the convening of a Constituent Assembly and any action taken by it would not constitute disposition of the State in accordance with the will of the people of Kashmir expressed through the democratic method of a free and impartial plebiscite conducted under the auspices of the United Nations. It was introduced by Australia, Colombia, Cuba, the United Kingdom and the U.S.A., and supported by 10 members of the Council, the Soviet Union abstaining.

The Security Council,

Having heard statements from representatives of the Governments of India and Pakistan concerning the dispute over the State of Jammu and Kashmir,

Reminding the Governments and authorities concerned of the principle embodied in its resolutions of 21 April 1948 (S/726), 3 June 1948, 14 March 1950 (S/1469) and 30 March 1951 (S/2017/Rev. 1), and the United Nations Commission for India and Pakistan resolutions of 13 August 1948 (S/1100, para. 75) and 5 January 1949 (S/1196, para. 15), that the final disposition of that State of Jammu and Kashmir will be made in accordance with the will of the people expressed through the democratic method of a free and impartial plebiscite conducted under the auspices of the United Nations,

1. Reaffirms the affirmation in its resolution of 30 March 1951 and declares that the convening of a Constituent Assembly as recommended by the General Council of the 'All Jammu and Kashmir National Conference' and any action that Assembly may have taken or might attempt to take to determine the future shape and affiliation of the entire State or any part thereof, or action by the parties concerned in support of any such action by the Assembly, would not constitute a disposition of the State in accordance with the above principles;

2. Decides to continue its consideration of the dispute.

Resolution adopted by the Security Council at its meeting on 20 September 1965

The Security Council;

1. Demands that a cease-fire should take effect on Wednesday, Sept. 22, 1965, at 0700 hours GMT, and calls upon both Governments to issue orders for a cease-fire at that moment and a subsequent withdrawal of all armed personnel back to the positions held by them before Aug. 5, 1965.
2. Requests the Secretary-General to provide the necessary assistance to ensure supervision of the cease-fire and withdrawal of all armed personnel.
3. Calls on all States to refrain from any action which might aggravate the situation in the area.
4. Decides to consider, as soon as operative paragraph 1 of the Council's resolution of Sept. 6 has been implemented, what steps could be taken to assist towards a settlement of the political problem underlying the present conflict, and in the meantime calls on the two Governments to utilize all peaceful means, including those listed in Article 33 of the Charter, to this end.
5. Requests the Secretary-General to exert every possible effort to give effect to this resolution, to seek a peaceful solution, and to report to the Security Council thereon.

http://www.mofa.gov.pk/Pages/UN_Resolution.htm

INDIA'S COMMITMENTS

Reporting Nehru's statement on holding plebiscite in Kashmir, The Amrita Bazar Patrika, Calcutta, in its January 2, 1952 issue quoted him saying: As a great nation, we cannot go back on it. We have left the question for final solution to the people of Kashmir and we are determined to abide by their decision.

The drama of so-called accession of Kashmir to India by Maharaja Hari Singh was staged by the Congress leaders in connivance with British Viceroy Lord Mountbatten, who was made the first Governor-General of India by Hindus to oversee completion of partition plan to damage Pakistan. The mere fact that no document of accession is available with

India or on UN record is proof of a combined plot that was hatched by Hindu leadership with their British well-wisher.

India is continuously harping on the blatant lie that Kashmir is an integral part of India. How has a disputed territory suddenly become part of India when the commitments made by her to allow people of Kashmir to express their choice have not been honoured. No plebiscite has been held. The Kashmiris have not opted to accede to India in any plebiscite. The UN had already ruled in 1951 and again in 1957 that any elected assembly in Indian occupied Kashmir shall have no right to decide the future of the state as to the question of accession to India or Pakistan.

The honourable Prime Minister and other prominent leaders of that 'great nation' had made solid solemn pledges and commitments that people of Kashmir shall be given the right to decide their future. These commitments made by India to the world, Pakistan and the Kashmiris are reproduced from the book, 1 "The Undying Spirit".

Part-I

Nehru, Indian Prime Minister's Telegram to British and Pakistan Prime Ministers, October 27, 1947

"I should like to make it clear that the question of aiding Kashmir in this emergency is not designed in any way to influence the State to accede to India. Our view which we have repeatedly made public is that the question of accession in any disputed territory or State must be decided in accordance with the wishes of people, and we adhere to this view".

Lord Mountbatten, Governor General of India, replies to Maharaja's (alleged) request for accession to India, October 27, 1947

"In consistence with their policy that in the case of any State where the issue of accession has been the subject of dispute the question of accession should be decided in accordance with the wishes of the people of the State, it is my Government's wish that as soon as law and order have been restored in Kashmir and her soil cleared of the invader, the question of State's accession should be settled by a reference to the people".

Nehru, Indian Prime Minister's telegram to Prime Minister of Pakistan, October 28, 1947

"In regard to accession also, it has been made clear that this is subject to reference to people of State and their decision".

Nehru, Indian Prime Minister's broadcast to nation from All India Radio, November 2, 1947

"We have declared that the fate of Kashmir is ultimately to be decided by the people. That pledge we have given (and the Maharajah has supported it) not only to the people of Kashmir but to the world. We will not and cannot back out of it. We are prepared when peace and law and order have been established to have referendum held under international auspices like the UN We want it to be a fair and just reference to the people, and we shall accept their verdict. I can imagine no fairer and juster offer".

"We are anxious not to finalise anything in a moment of crisis and without the fullest opportunity to be given to the people of Kashmir to have their way. It is for them ultimately to decide".

"And let me make it clear that it has been our policy all along that where there is a dispute about the accession of a State to either Dominion, the accession must be made by the people of the State. It is in accordance with this policy that we have added to proviso to the instrument of accession of Kashmir".

Nehru, Indian Prime Minister's telegram to Pakistan Prime Minister, November 4, 1947

"I wish to draw your attention to broadcast on Kashmir which I made last evening. I have stated our Government's policy and made it clear that we have no desire to impose our will on Kashmir but to leave final decision to the people of Kashmir.

I further stated that we have agreed on impartial International agency like UN supervising any referendum".

"This principle we are prepared to apply to any state where there is a dispute about accession. If these principles are accepted by your Government there should be no difficulty in giving effect to them".

Nehru, Indian Prime Minister's telegram to Prime Minister of Pakistan, November 8, 1947

"... where the State has not acceded to that Dominion whose majority community is the same as State's, the question whether State has finally acceded to one or other Dominion should be ascertained by reference to the will of people".

Nehru, Indian Prime Minister's letter to Prime Minister of Pakistan, November 21, 1947

"Kashmir should decide question of accession by plebiscite or referendum under international auspices such as those of United Nations".

Nehru, Indian Prime Minister's statement in Indian Constituent Assembly, November 25, 1947

"In order to establish our bona fides, we have suggested that when the people are given the chance to decide their future, this should be done under the supervision of an impartial tribunal such as the United Nations Organisation. The issue in Kashmir is whether violence and naked force should decide the future or the will of the people".

Nehru, Indian Prime Minister's telegram to Pakistan Prime Minister, December 12, 1947

"We have given further thought, in the light of our discussion in Lahore, to the question of inviting UN to advise us in this matter. While we are prepared to invite UNO observers to come here and advise us as to proposed plebiscite, it is not clear in what other capacity the UN help can be sought...

"... I confess, however, that I find myself unable to suggest anything beyond what I have offered already, namely, to ask UNO to send impartial observers to advise us regarding the plebiscite."

Nehru, Indian Prime Minister's statement in Constituent Assembly of India, March 5, 1948

"Even at the moment of accession, we went out of our way to make a unilateral declaration that we would abide by the will of the people of

Kashmir as declared in a plebiscite or referendum. We insisted further that the Government of Kashmir must immediately become a popular government. We have adhered to that position throughout and we are prepared to have a plebiscite, with every protection for fair voting, and to abide by the decision of the people of Kashmir".

Nehru, Indian Prime Minister's statement in Constituent Assembly of India, March 5, 1948

"... Ultimately there is no doubt in my mind that, in Kashmir as elsewhere, the people of Kashmir will decide finally, and all that we wish is that they should have freedom of decision without any external compulsion".

White Paper on Kashmir issued by Government of India, 1948

"The question of accession is to be decided finally in a free plebiscite, on this there is no dispute. There will be no victimisation of any native of the State, whatever his political view may be, and no Kashmiri will be deprived of the right to vote".

Gopalaswami Ayyangar's address in Constituent Assembly May 27, 1949.

"No doubt we have offered to have a plebiscite taken when the conditions are created for the holding of a proper, fair and impartial plebiscite. But if the plebiscite produces a verdict which is against the continuance of accession to India of the Kashmir State, then what we are committed to is simply that we shall not stand in the way of Kashmir separating itself from India".

Nehru, Indian Prime Minister's statement at press conference in London, January 16, 1951 (reported in *The Statesman*, New Delhi January 18, 1951)

"... We all agreed that it is the people of Kashmir who must decide for themselves about their future externally or internally. It is an obvious fact that, even without our agreement, no country is going to hold on to Kashmir against the will of the Kashmiris".

Nehru, Indian Prime Minister's statement in Indian Parliament, February 12, 1951

"We had given our pledge to the people of Kashmir, and subsequently to the United Nations; we stood by it and we stand by it today. Let the people of Kashmir decide".

Nehru, Indian Prime Minister's address at public meeting in Srinagar, June 4, 1951 (reported in The Hindu, Madras, June 5, 1951)

"First of all, I would like to remind you of the fateful days of 1947 when I came to Srinagar and gave the solemn assurance that the people of India would stand by Kashmir in her struggle. On that assurance, I shook Sheikh Abdullah's hand before the vast multitude that had gathered there. I want to repeat that the Government of India will stand by that pledge, whatever happens. That pledge itself stated that it is for the people of Kashmir to decide their fate without external interference. That assurance also remains and will continue".

Nehru, Indian Prime Minister's report to All- India Congress Committee (reported in The Statesman, New Delhi, July 9, 1951)

"Kashmir has been wrongly looked upon as a prize for India or Pakistan. People seem to forget that Kashmir is not a commodity for sale or to be bartered. It has an individual existence and its people must be the final arbiters of their future. It is here today that a struggle is being fought, not in the battlefield but in the minds of men".

Krishna Menon's Press statement in London (The Statesman, New Delhi, August 2, 1951)

"It is not the intention of the Government of India to go back on any commitment it has made. We adhere strictly to our pledge of plebiscite in Kashmir - a pledge made to the people of Kashmir because they believe in democratic Government... We do not regard Kashmir as a commodity to be trafficked in".

Nehru, Indian Prime Minister's statement, as reported by Amrita Bazar Patrika, Calcutta, January 2, 1952

"Kashmir is not the property of either India or Pakistan, it belongs to the Kashmiri people. When Kashmir acceded to India, we made it clear to the leaders of the Kashmir people that we would ultimately abide by the verdict of their plebiscite. If they tell us to walk out, I would have no hesitation in quitting Kashmir..."

We have taken the issue to the United Nations and given our word of honour for a peaceful solution... As a great nation, we cannot go back on it. We have left the question for final solution to the people of Kashmir and we are determined to abide by their decision."

Nehru, Indian Prime Minister's statement in Indian Parliament, June 26, 1952

"If, after a proper plebiscite, the people of Kashmir said, 'we do not want to be with India', we are committed to accept it though it might pain us. We will not send an army against them. We will accept that, however hurt we might feel about it, we will change the Constitution, if necessary.

"India is a great country and Kashmir is almost in the heart of Asia. There is an enormous difference not only geographically but in all kinds of facts there. Do you think (in dealing with Kashmir) you are dealing with a part of UP or Bihar or Gujrat?"

Nehru, Indian Prime Minister's speech at public meeting in New Delhi, as reported in The Times of India, Bombay, July 7 1952.

"In any event, from the start India was committed to the principle of letting the final word regarding accession rest with the people of the princely states and there could be no getting away from that commitment. In fact, that was why India had accepted Kashmir's accession only provisionally in 1947, pending the expression of the will of the people".

Nehru, Indian Prime Minister's statement in Indian Parliament, August 7, 1952

"... With all deference to this Parliament, I would like to say that the ultimate decision will be made in the minds and hearts of the men of

Kashmir and not in this Parliament or at the UN.... First of all, let me say clearly that we accept the basic proposition that the future of Kashmir is going to be decided finally by the goodwill and pleasure of our people. The good will and pleasure of this Parliament is of no importance in this matter, not because this Parliament does not have the strength to decide the question of Kashmir but because any kind of imposition would be against the principle that this Parliament holds.... If, however, the people of Kashmir do not wish to remain with us, let them go by all means; we will not keep them against their will, however painful it may be to us. We want no forced marriages, no forced unions...

"I want to stress that it is only the people of Kashmir who can decide the future of Kashmir. It is not that we have merely said that to the United Nations and to people of Kashmir; it is our conviction and one that is borne out by the policy that we have pursued, not only in Kashmir but everywhere. Though these five years have meant a lot of trouble and expense, and in spite of all we have done we would willingly leave Kashmir if it was made clear to us that the people of Kashmir wanted us to go. However sad we may feel about leaving, we are not going to stay against the wishes of the people. We are not going to impose ourselves on them at the point of the bayonet.

"I started with the presumption that it is for the people of Kashmir to decide their own future. We will not compel them. In that sense, the people of Kashmir are sovereign."

Joint Communiqué by Prime Ministers of Pakistan and India, August 20, 1953

"The Kashmir dispute was specially discussed at some length. It was their firm opinion that this should be settled in accordance with the wishes of the people of that State with a view to promoting their well-being and causing the least disturbances to the life of the State. The most feasible method of ascertaining the wishes of the people was by fair and impartial plebiscite. Such a plebiscite had been proposed and agreed to some years ago. Progress, however, could not be made because of lack of agreement in regard to certain preliminary issues. The Prime Ministers agreed that these preliminary issues should be considered by them directly in order to arrive at agreements in regard to this. These agreements would have to be given effect to and the next step would be appointment of a Plebiscite Administrator".

Nehru, Indian Prime Minister's letter to Prime Minister of Pakistan, September 3, 1953

"... We suggested the salutary rule that the Plebiscite Administrator should be chosen from some small and more or less neutral country of Asia or Europe. There are many such countries and there should be no difficulty in finding an eminent and impartial person from among them.

"As a result of the plebiscite over the entire state, we would be in a position to consider the matter, so that the final decision should cause the least disturbance and should take into consideration geographical, economic and other important factors.

"I should like to make it clear that there is no intention on my part to exclude the UN from this question of Kashmir. The Plebiscite Administrator would function under UN supervision but it seems to me quite obvious that while the UN can be helpful, any settlement must depend upon the consent and co-operation of India and Pakistan. Therefore, it is for us to agree and not to look to the UN to produce some settlement, without our agreement.

"... If we aim, as we must, at closer and co-operative relationship between India and Pakistan, we must find a solution of the Kashmir problem which is not only satisfactory to the people as a whole there but is also achieved without bitterness and sense of continuing wrong to India or Pakistan.

"... Obviously, the Kashmir problem is of high importance; in some way the most important problem before us, and we must tackle it".

Nehru, Indian Prime Minister's letter to Pakistan's Prime Minister, November 10, 1953

"You refer to the question of regional plebiscite. I can only repeat what I endeavoured to put before you when we met. Our object is to give freedom to the people of Kashmir to decide their future in a peaceful way so as to create no upset, as we said in our joint statement...

"Therefore, I had suggested that the plebiscite should be for the State as a whole and the detailed result of the plebiscite would then be the major factor for the decision to be taken. The detailed result will give us a fairly clear indication of the wishes of the people not only in the state as whole but in different areas."

Nehru, Indian Prime Minister's statement in Indian Parliament, February 22, 1954

"[The Constituent Assembly of Kashmir] did not come - it cannot come - in the way of our observing our international commitments in regard to a plebiscite, in regard to anything".

Nehru, Indian Prime Minister's speech, as reported in The Times of India, May 16, 1954

"India will stand by her international commitments on the Kashmir issue and implement them at the appropriate time.

"The repudiation of international commitments would lower India's prestige abroad".

Nehru, Indian Prime Minister's statement in India Council of States, May 18, 1954

"Every assurance we have given, every international commitment we have made in regard to Kashmir holds good and stands. Difficulties have come in the way and may come in its fulfilment, but the difficulties are not of our seeking but of others. But so far as the Government of India are concerned, every assurance and international commitment in regard to Kashmir stands".

Nehru, Indian Prime Minister's statement in Indian Parliament, March 31, 1955

"... Kashmir is not a thing to be bandied about between India and Pakistan but it has a soul of its own and an individuality of its own. Nothing can be done without the goodwill and consent of the people of Kashmir".

Part-II**Letter from Government of India to UN, December 31, 1947**

"... The people of Kashmir would be free to decide their future by the recognised democratic method of plebiscite or referendum, which in order to ensure complete impartiality may be held under international auspices.

"This was also in accordance with Mahatma Gandhi's view, since he had stated that the India Government sent troops by air to Kashmir telling the Maharaja that the accession was provisional upon an impartial plebiscite being taken of Kashmir irrespective of religion".

Gopalaswami Ayyangar at Security Council, January 15, 1948

"In accepting the accession they [the Government of India] refused to take advantage of the immediate peril in which the State found itself and informed the Ruler that the accession should finally be settled by plebiscite as soon as peace had been restored. They have subsequently made it quite clear that they are agreeable to the plebiscite being conducted if necessary under international auspices".

Gopalasawami Ayyangar, at Security Council, January 15, 1948

"On the question of accession, the Government of India has always enunciated the policy that in all cases of dispute the people of the State concerned should make the decision."

Gopalasawami Ayyangar, at Security Council, January 15, 1948

"... We have no further interest, and we have agreed that a plebiscite in Kashmir might take place under international auspices after peace and order have been established".

Gopalasawami Ayyangar, at Security Council, January 15, 1948

"... Whether she [Kashmir] should withdraw from her accession to India, and either accede to India or remain independent, with a right to claim admission as a member of the UN - all this we have recognised to be matter for unfettered decision by the people of Kashmir after normal life is restored there.

"We desire only to see peace restored in Kashmir and to ensure that the people of Kashmir are left free to decide in an orderly and peaceful manner the future of their State. We have no further interest, and we have agreed that a plebiscite in Kashmir might take place under international auspices after peace and order have been established".

Gopalasawami Ayyangar, at Security Council, January, 1948

"The question of the future status of Kashmir vis-à-vis her neighbour and the world at large and a further question, namely, whether she should withdraw from her accession to India and either accede to Pakistan or remain independent with a right to claim admission as a member of the United Nations - all this we have recognised to be a matter of unfettered decision by the people of Kashmir after normal life is restored to them".

Gopalasawami Ayyangar, at Security Council, February 3, 1948

"... As the Security Council is aware, the Government of India is fully committed to the view that, after peace is restored and all people belonging to the State have returned there, a free plebiscite should be taken and the people should decide whether they wish to remain with India, to go over to Pakistan, or to remain independent, if they choose to do so".

Gopalasawami Ayyangar, at Security Council, February 6, 1948

"... When the emergency has passed and normal conditions are restored, she will be free, by means of a plebiscite, either to ratify her accession to India, or to change her mind and accede to Pakistan, or remain independent. We shall not stand in the way if she elects to change her mind. That, I think, is the proper description of India's attitude."

Sir Benegal Rau, at Security Council, February 7, 1950

"It is therefore clear that the admission of representatives from any particular State into the Indian Constituent Assembly did not necessarily imply accession. As I have said, Kashmir had this right to representation ever since April 1947; it acceded tentatively, in October 1947 so that the accession came after the grant of the right and not the other way round".
Telegram from Indian Prime Minister Nehru to UN Representative for India and Pakistan, August 16, 1950.

"We have not opposed at any time an overall plebiscite for the State as a whole but you made some alternative suggestions because you came to the conclusion that there were no prospects of an agreement as to conditions preliminary to such a plebiscite...."

"We have always recognised that any plan for a plebiscite should be such that the people concerned would be enabled to express their feelings freely and without fear...."

"It has always been our view that, in the event of a plebiscite, the people of Kashmir should decide their future for themselves. Kashmiris who have gone out of the State should, of course, be entitled to return for this purpose. But I do not think that others have any claim to participate in a plebiscite campaign."

B. N. Rao in Security Council, March 29, 1951

"The Constituent Assembly* cannot be physically prevented from expressing an opinion on this question if it so chooses. But this opinion will not bind my Government or prejudice the position of this Council."

Which was to be convened by the Kashmir National Conference for deciding the accession issue - ED.

Krishna Menon, Indian Representative at UN General Assembly, referring to Congo Problem, April 5, 1951

"Irrespective of the voting of this resolution, an abstention or two, the fact is that is the law of the United Nations at the present time.... My government has always taken the view that resolutions, if they are passed, must be implemented."

Letter of September 11, 1951 addressed to the UN Representative for India and Pakistan

"As regards paragraph 4, the Government of India not only reaffirms its acceptance of the principle that the question of the continuing accession of the State of Jammu and Kashmir to India shall be decided through the democratic method of a free and impartial plebiscite under the auspices of the United Nations, but is anxious that the conditions necessary for such a plebiscite should be created as quickly as possible."

Letter from Indian Prime Minister Nehru to UN Representative for India and Pakistan, September 11, 1951

"... The Government of India agree that the Plebiscite Administrator should be appointed as soon as conditions in the State, on both sides of

the cease-fire line, permit of a start being made with the arrangements for carrying out the plebiscite. To appoint the Plebiscite Administrator before would be premature.

"The Government of India would, therefore, prefer such a proposal to be omitted from the present document; it would be more appropriately included in proposals that deal specifically and in detail with the holding of the plebiscite and connected matters."

Mrs. Vijaya Lakshmi Pandit, at Security Council, December 8, 1952

"We do not seek to go behind the UNCIP resolutions, or to ignore the vital elements of principle contained in them... We have always adhered to the UNCIP resolutions.... We cannot be a party to the reversal of previous decisions taken by the United Nations Commission with the agreement of the parties."

Krishna Menon, at Security Council, January 24, 1957

"... I want to say for the purpose of the record that there is nothing that has been said on behalf of the Government of India which in the slightest degree indicates that the Government of India or the Union of India will dishonour any international obligations it has undertaken."

Krishna Menon, at Security Council, February 8, 1957

"It is possible, for any sovereign state to cede territory. If, as a result of a plebiscite, the people decided that they did not want to stay with India, then our duty at that time would be to adopt those constitutional procedures which would enable us to separate that territory."

Krishna Menon, at Security Council, February 20, 1957

"The resolutions of January 17, 1948 and the resolutions of the UNCIP, the assurance given, these are all resolutions which carry a greater weight - that is because we have accepted them, we are parties to them, whether we like them or not."

Krishna Menon, at Security Council, October 9, 1957.

"...These documents (UNCIP reports) and declarations and the resolutions of the Security Council are decisions; they are resolutions, there has been some resolving of a question of one character or another, there has been a meeting of minds on this question where we have committed ourselves to it."

Krishna Menon, referring to Goa, The Statesman, Delhi, January 19, 1962

"India believes that sovereignty rests in the people and should return to them."

Part-III**UN Commission for India and Pakistan, January, 1949**

"As a result of these conversations the Commission on December 11, 1948, communicated its proposals to the two Governments. The main points of those proposals were: that the accession of the State of Jammu and Kashmir would be decided by way of a free and impartial plebiscite, that the Secretary General of the UN would nominate in agreement with the commission a plebiscite Administrator who would be a person of high international standing and who would derive from the Government of Jammu and Kashmir the powers which he considers necessary to organise and conduct a free and impartial plebiscite....

"Both Governments... accepted the proposals and declared the cessation of hostilities in the territory of the State of Jammu and Kashmir as from January 1, 1949."

UN Mediator Dr. E. Graham's proposals to UN September 7, 1951

"The Governments of India and Pakistan:

"4. Reaffirm their acceptance of the principle that the question of the accession of the State of Jammu and Kashmir to India or Pakistan will be decided through the democratic method of a free and impartial plebiscite under the auspices of the UN"

Proceedings of Security Council, January - February, 1957

"On February 21, the Security Council requested its President (Gunnar Jarring of Sweden) to examine with the two Governments any proposal likely to promote settlement of the Kashmir issue having regard to the earlier resolutions of the Council and the UNCIP. By an earlier resolution of January 24, 1957, the Council had affirmed its old stand to determine Kashmir's future by plebiscite and declared that any action by the Kashmir assembly and its support by the parties would not constitute disposition of the State in keeping with that principle."

Resolution adopted by Security Council on January 24, 1957

"The Security Council

"Having heard statements from representatives of the Governments of India and Pakistan concerning the dispute over the State of Jammu and Kashmir;

"Reminding the Governments and authorities concerned of the principle embodied in its Resolutions of 21 April 1948, 3 June 1948, 14 March 1950 and 30 March 1950, and the United Nations Commission for India and Pakistan Resolutions of 13 August 1948 and 5 January 1949, that the final disposition of the State of Jammu and Kashmir will be made in accordance with the will of the people expressed through the democratic method of a free and impartial plebiscite conducted under the auspices of the United Nations;

"Reaffirms the affirmation in its Resolution of March 30, 1951 and declares that the convening of a Constituent Assembly as recommended by the General Council of the "All Jammu and Kashmir National Conference" and any action that Assembly may have taken or might attempt to take to determine the future shape and affiliation of the entire State or any part thereof, or action by the parties concerned in support of any such action by the Assembly, would not constitute a disposition of the State in accordance with the above principle;

"Decides to continue its consideration of the dispute."

Conclusion

Nehru, the Prime Minister of India, pursued a policy of deception, a rape of his own pious commitments and remained a perfect disciple of Hindu

Political Statecraft i.e. Chanakiya. Dr. Ayyub Thukar makes an interesting comment:

"Sir Owen Dixon was once forced to affirm that, the fellow (Nehru) is lying. Others have said of him that in and out of office, he was fond of riding a high moral horse. He thereby not only threw dust in the eyes of the world, he also succeeded in deceiving himself. He finally arrived like a Humpty Dumpty, at the stage where words did not mean what they connoted, but what he said they meant".

The deception by the prominent successive Indian Leadership has been blasted off for good by the Nuclear Blasts in the sub-continent. The scenario in South Asia has changed. The entire world community now accepts that Kashmir is the root cause of bad blood between India and Pakistan. The carefully worked out strategy by India to put the Issue in the cold forever has failed. Kashmir has come into the limelight, despite all efforts by India to the contrary. It is time that India realises the gravity of the situation and tries honestly to end the sufferings of Kashmiris forever; who are fighting to gain liberty from Indian occupation. »

<http://www.kmsnews.org/databank/indias-rape-own-commitments>

STRATEGIC INTERESTS AND KASHMIR (1947-48)

The territories of Pakistan, as demanded by All-India Muslim League, included the State of Jammu and Kashmir. (*Times, Weekly*, May 10, 1943). But the British Government was against the creation of Pakistan.

The most important reason for their opposition was the problem of defence against Soviet Russia and China. They feared that the defence of the South Asian Subcontinent would be compromised by partitioning the country into two dominions. (Sir Stafford Cripps, note on Pakistan, January 16, 1946, IOR: L/P&J/8/690, ff. 30-1.) Sir Stafford Cripps argued that an independent Pakistan could not defend itself against powerful neighbours due to financial and geographical factors. The defence of Pakistan was vital to the defence of India. To defend itself, Pakistan would need nearly as large an Army as that would be required to defend India as a whole. He claimed that an army of pre-war size required to defend the subcontinent would cost around Rs. 1000 million, whereas Pakistan's total central revenue would only be about Rs. 600 million. (Ibid.) His contention was that the defence of the entire subcontinent and for that matter of the British Commonwealth would be placed in jeopardy. Another line of argument put forward by him was that West

Pakistan would lack the depth necessary for the defence of the country. Pakistan would require Indian help for maintaining alternate lines of communication from Bombay because even Karachi would be vulnerable to enemy air attacks. (Note by Pethick-Lawrence entitled "Viability of Pakistan," February 13, 1946, TP, VI, pp. 951-63.)

Pethic-Lawrence told Muhammad Ali Jinnah that Britain was a great power. It had to look at the Indian problem as a part of the world situation where they had vital interests to preserve. They were to ensure that India could stand on its own. The lasting solution would be the one in which India could defend itself against external aggression. (Record of interview between Cabinet Delegation, Wavell and Jinnah, April 4, 1946, IOR: LP&J/5/337, ff. 68-73.) Clement Richard Attlee, Prime Minister of Great Britain, pointed out that it would be in the hands of the proposed state of Pakistan to bar or open "the two entrances to India from Peshawar to the sea in the west and from the Himalayas to the sea in the east." (Attlee to Cabinet Delegation and Wavell, April 13, 1946, IOR: LP&J/5/337, ff. 170-4.) He was apprehensive that:

In the case of Pakistan (West) it seems likely that she would tend to identify her interest more with the Muslim lands of Central Asia, Or she might through fear engendered by her own weakness uncover the vitals of India by not resisting on the natural battle ground of the hills of the Indian frontier. (Ibid.)

Obviously, therefore, the British interest was to have a united India. A powerful India could withstand any possible expansionist designs of the Soviet Union or China. It also could safeguard the strategic and economic interests of Britain in the area. The Cabinet Mission's Statement of May 16, 1946, rejecting the division of India, aimed at achieving this very objective. The British Strategic interests were to maintain an effective and integrated system of defence of the Commonwealth countries. India formed an important link between the British possessions in the Middle East and the Far East. (Wavell to Pethick-Lawrence, July 13, 1946, Wavell Papers, TP, VIII, pp. 49-52.) The worst possible scenario from the British point of view was if India fell under the control of the Soviet Union. (Ibid.) Their military Chiefs of Staff appreciated that if Indians were divided politically, the country would be left wide open to the Soviets. (Chiefs of Staff (India) Committee, appreciation, forwarded by Wavell to Pethick Lawrence, July 13, 1946, Wavell Papers, TP, VIII, pp. 49-57.) It was essential that there was no interference in the supply of oil from the Persian Gulf. The

sea lanes with Australia and New Zealand must remain open. These requirements could not be fulfilled if India was lost to the Soviet Union. (Ibid.) Also the air communications between Arabia and Africa on the one side and Burma, Malaya, Australia and New Zealand on the other could not be maintained without the use of air bases in India. Ceylon would be untenable if the Soviet Union dominated India. India was thus invaluable to the British Commonwealth (Ibid.) The policy statement of the British Government of February 20, 1947, therefore, sought to prevent the partitioning of India. (Cabinet India and Burma Committee, note, February 22, 1947, Mountbatten Papers, OR: MSS. Eur. F.200/48.) In March 1947, Prime Minister Attlee told his new Viceroy of India, Lord Louis Mountbatten, that the definite objective of the British Government was:

A unitary Government for British India and the Indian States if possible, within the British Commonwealth, through the medium of a Constituent Assembly, set up and run in accordance with the Cabinet Mission's Plan.

(Attlee to Mountbatten, March 18, 1947, Mountbatten Papers, IOR: MSS. Eur. F.200/16.)

The British Government, under the threat of a civil war in India, reluctantly agreed to the creation of Pakistan. Their apparent policy was to award minimum possible territories to Pakistan so that India's position as a powerful state might not be compromised. Thus they awarded the province of Assam less the district of Sylhet to India and partitioned the province of Bengal. Thus gave India full control over its northeastern borders with China. Similarly on the northwestern side, they partitioned the province of the Punjab and awarded certain Muslim majority areas to India. Of these Gurdaspur and Ferozpur districts are prominent. It is on record that initially the salient enclosing the whole of Ferozpur and areas adjacent to Zira Tehsils were included in Pakistan. (See map and C. Beaumont's note, August 8, 1947 describing boundary forwarded by G. Abell to S.E. Abbot, August 9, 1947, IOR: R/3/1/157. Also see Jenkin's hand written remarks in Beaumont's note of August 8, 1947, National Documentation Centre, *The Partition of the Punjab*, Vol. I, 1988, photocopy between pages 246 and 247.) On August 10 or 11, 1947, Evan Jenkins, the Governor of the Punjab, received a secraphone message from the Viceroy House ordering action to "eliminate salient." (Jenkins to Mountbatten, April J 948, IOR: LIP&J/1 0/119, ff. 104-6.) As for Gurdaspur district, Justice Muhammad Munir, who was a member of the

Boundary Commission, later observed about Lord Cyril Radcliffe, his British Chairman, that:

Sir Cyril adopted a circuitous and disingenuous plan to link India with Kashmir by not drawing a line along any main physical feature but along an insignificant hill torrent having its origin in Kashmir, (Munir, *Pakistan Times*, August 14, 1978.)

Mountbatten was doing his best to ensure that the Indian princely states should accede to India. For instance, he put all his pressure upon the Muslim states of Hyderabad, Bhopal and Rampur to break their will to remain independent or accede to Pakistan. (Viceroy's Personal. Report No. 16, August 8, 1947. IOR: LPO/6/123, ff.224-41; TP 12, 590-406.) Mountbatten, while writing to the Secretary of State for India, had clearly stated that the states should be merged with the "Indian Union for:

The Indian Union, consisting nearly 3/4ths of India, and with its immense resources and its important strategic position in the Indian Ocean is a Dominion which we cannot afford to estrange I have no doubt that you will agree with me that we should leave no stone unturned to convince the Indian Dominion that although we had to agree to the plan of partition, we have no intention to leave it balkanised or to weaken it both internally and externally. (Mountbatten to Listowel, August 8, 1947. Mountbatten Papers, MSS. Eur. F,2001136, document 39.)

Thus, the state of Jammu and Kashmir has become a typical example where all other dictates were sacrificed at the alter of strategic interests of India and Britain. Kashmir's strategic importance lies in the fact that its northern borders coincide with those of China and Afghanistan and are close to Russia. Almost all the rivers, which are the life line of Pakistan's economy, originate and flow from Kashmir into Pakistan. Geographically Pakistan surrounds Kashmir towards its West and South. The Indian Union got access to it from the direction of southeast through the district of Gurdaspur. Mountbatten had been emphasizing upon certain states to join Indian Union because of their geographical location. On the same analogy the state of Jammu and Kashmir should have acceded to Pakistan. (Mountbatten's Personal Report No. 16, August 8, 1947. IOR: LPO/6/123, ff. 224-41; TP, 12, 590-604.) Pandit Nehru also conveniently forgot the principle of the partition of the subcontinent into Muslim and non-Muslim majority areas. He formally asked Mountbatten that though Muslims formed 77.11% of the population in the state of Jammu and Kashmir, it should go to India.

(Nehru to Mountbatten, June 17, 1947. IOR: R/3/1/137, ff. 90-98, TP x, 442-8.) The reason he gave was that both Maharaja Hari Singh, the Hindu ruler of Kashmir, and Sheikh Abdullah, a Muslim freedom fighter, would like to join the Indian Union. Nehru did not agree with Pandit Kak, the Prime Minister of Kashmir, who had advised Maharaja to join Pakistan for two reasons: first, the geographical position of the state and, second, if Kashmir acceded to Indian Union, the "hostile people from the surrounding territory of Pakistan might enter Kashmir and give trouble." (Ibid.) Nehru surprisingly felt that it was "absurd to think that Pakistan would create trouble" if Kashmir acceded to India. (Ibid.) Practically, the foremost reason for Kashmir's accession to India, according to Nehru, was that the state was "of the first importance to India as a whole ... because of the great strategic importance of that frontier state." (Ibid.).

There is ample evidence to show that Mountbatten and Nehru together took special interest in the state of Kashmir. Their interest was visible from the time they had agreed to partition India. Late in April 1947, Mountbatten, in consultation with Nehru, initiated the process of transferring Gilgit to the ruler of Kashmir. (Mountbatten to Listowell, April 29, 1947. IOR: L/P&S/13/1260, f.45; TP, x, p. 485.) In June 1947, after the announcement of Partition Plan, Mountbatten tried to influence Pandit Kak, the Prime Minister of the state of Kashmir. Mountbatten told him that his state must accede either to Pakistan or Hindustan. He gave him a hint that if Kashmir joined India "it would be inevitable that they should be treated with consideration." (Mountbatten's interview with Pandit Kak, June 22, 1947. IOR: R/311/i37, f.114, Viceroy's interview No. 150; TP, XI, p. 555-6.) During July 1947, there were apprehensions that the Maharaja of Kashmir might declare adherence to Pakistan. Mountbatten called a meeting of top leaders of the Indian National Congress, Mohandas Karamchand Gandhi, Pandit Jawaharlal Nehru and Sardar Vallabhbhai Patel. He worked out a strategy to persuade Kashmir to join the Indian Union. (Viceroy's personal report No. 15, August I, 1947, IOR: LPO/6f.123, ff. 208-22; TP, XII, pp. 449-50.) During this period, the oppressed people of Kashmir in Poonch rose in revolt against the Maharaja. The Muslim officers and men deserted the Kashmir State Forces, which had disintegrated. They joined hands with the freedom fighters. The tribesmen from the North western Province rushed to Kashmir to help their co-religionists. The Maharaja fled to Jammu. In Jammu itself, Hindus and Sikhs had "practically eliminated the entire Muslim element in the population, amounting to 500,000

people." In these circumstances, Maharaaja's formal accession to Indian Union was finalized on October 26 and Indian troops air-lifted to Kashmir on October 27, 1947. (See Ian Stephens, *Pakistan*, Penguin Books, 1964, pp. 238-50.) And thus the fate of four million people, more than three quarters Muslim, was settled. It was not according to popular wish but by one man, Hari Singh, the fugitive ruler of Kashmir. He was, of course, prodded by Mountbatten, the Governor General of India in taking this fateful decision.

Muhammad Ali Jinnah came to know the same day about the entry of Indian troops into Kashmir at Lahore. Immediately he ordered General Douglas Gracey, the acting Commander-in-Chief of the Pakistan Army to despatch Pakistani troops to Kashmir. These orders were not carried out. The next day General Gracey and Field Marshal Auchinleck, Supreme Commander at Delhi, both visited Jinnah and got his orders cancelled. (Ibid., pp. 249-50.) Later, Mountbatten also met Jinnah at Lahore. Jinnah wanted the withdrawal of Pathan tribesmen and the Indian Army from Kashmir and then the two Governors-General should administer the state and arrange a plebiscite. This offer was rejected by the Indian Government. The Indian Army occupied bulk of the state of Kashmir. The Pakistan Army had an initial setback as its forces were neither organized nor available in Pakistan. According to the personal report of the Viceroy, General Messervy, the Commander-in-Chief of the Pakistan Army, had informed him that on August 15, 1947, out of 67 battalions available in West Pakistan, only 35 would be left behind, Most of these would be at half strength owing to the movement of Hindu/Sikh companies without Muslim companies being available in Pakistan for replacement. (Viceroy's personal report No. 16, para 43, August 8, 1947. TP, XII, pp. 599-600.) The Kashmiri irregulars known as Azad Kashmir forces and the Pathan tribesmen were no match to regular Indian forces yet they contained them till May 1948, when limited Pakistan Army entered Kashmir. In December 1948, the Pakistan Army planned to strike India with "a serious blow at the soft underbelly" of their vital southern sector "paralyzing all Indian activities there." (Pakistan Army, General Headquarters, Historical Section, *The Kashmir Campaign*, 1970, p. xxv.) It is possible that this operation was mainly responsible for India's ultimate request for the cease-fire in Kashmir, which came into effect on January 1, 1949. (Ibid.) It is not known why Pakistan agreed to the ceasefire. Perhaps there might be apprehensions about unrestricted inter-Dominion

warfare. (Ian Stephens, *Pakistan*, p. 256.) Or there might be a possibility that a prolonged conflict might invite Russians to interfere.

Almost half a century has passed since the subcontinent became independent but the people of Kashmir are still struggling for freedom against heavy odds. Pakistan had already fought two wars with India in 1965 and 1971, and a limited war in 1999. The likelihood of another war cannot be ruled out. Strategically, the Indian occupation of Kashmir poses a potential military threat to the very existence of Pakistan. The peaceful solution is not forthcoming. This is because India is not honoring the resolutions of the UN Security Council accepted by the Governments of India and Pakistan that

the question of the accession of the State of Jammu and Kashmir to India or Pakistan will be decided through the democratic method of a free and impartial plebiscite conducted under the auspices of the United Nations, (UN Resolution of December 23, 1952 (52883))

To sum up, it did not suit the strategic interests of Great Britain to partition the subcontinent. When it became impossible for them to keep India united, they worked to strengthen India as far as possible so that she may be able to checkmate any possible Russian or Chinese advance towards Indian Ocean. It was therefore maneuvered that the strategically important state of Kashmir was denied to Pakistan so as to add to India's stature and give her definite advantage over Pakistan in the region. This has led to Indo-Pak wars. The people of Kashmir are persistently struggling against Indian domination. The Kashmir problem can be peacefully resolved if its accession to India or Pakistan can be decided according to the wishes of the people without any regard to the strategic interest of any state.

(Note: TP: Nicholas Mansergh and other, eds., *The Transfer of Power 1942-1947*, London
IOR: Indian Office Library and Record, London)

Dr. Brig. (R) Noor ul Haq, International Seminar, on "Quaid-i-Azam, and Kashmir" at Islamabad, 8-9 May 1996.

DRACONIAN LAWS IN INDIAN OCCUPIED KASHMIR

Forward

The Kashmiri people have been subjected to the worst kind of human rights abuses ever since the British sold Kashmir to the Dogra Maharaja

Gulab Singh. Since the partition of the Sub-Continent in 1947, this gruesome task has been taken over by the Indian forces, which number over 700,000. Arundhati Roy, a well respected Indian writer, while speaking in New York in May 2006, said:

The biggest myth of all times is that India is a democracy. In reality, it is not. Several states in India are on the verge of civil war.... In the Kashmir valley alone, some 80,000 people have been killed. In Iraq, there are 1, 50,000 military personnel whereas in Kashmir valley there are some 7, 00,000.

The Indian troops deployed in Indian Occupied Kashmir operate under a host of draconian laws, specific to Kashmir, which have made these forces take on the role of an occupying army. They have been given a free hand to play havoc with the life, honour and property of the hapless Kashmiris. These black laws are briefly described in this brochure, enabling the readers to have an idea of their inhuman dimensions.

Jammu & Kashmir Public Safety Act, 1978

The Act promulgated in 1978 (amended in 1987 and 1990) empowers the State government to detain a person without trial for two years under the pretext of maintenance of public order. The Act fell short of the recognized norms of justice, such as equality before law, the right of the accused of appearance before a Magistrate within 24 hours of arrest, fair trial in public, access to counsel, cross examination of the witnesses, appeal against conviction, protection from being tried under retrospective application of law, etc. Even the provisions of the Act, though already unsatisfactory, have been consistently violated. The detainees are not informed of the reasons of their arrest and they are kept in custody for a much longer period of time than stipulated in the Act. They are not allowed to meet their relatives and counsels. The amendment of 1990 extended its operation beyond the State, enabling the State machinery to keep the detainees in the jails of India, outside the State. Under Section 22 of the Act, any legal proceeding against officials for acts “done in good faith” are also disallowed.

The law has been widely used against the innocent Kashmiris as well as political opponents. Thousands of people have over the years been detained under the Act.

Jammu & Kashmir Disturbed Areas Act. 1990

Under the Act, the whole or part of the State can be declared disturbed area by the Central Government or the Governor. The whole valley of Kashmir and two Districts of Jammu have since been declared disturbed areas. An official of the level of Head Constable is allowed to use force or shoot (and kill) under the pretext of maintaining the public order. The Act gives the police extraordinary powers of arrest and detention. It provided a cover to the state machinery for indiscriminate and unprovoked firing at peaceful and unarmed demonstrations, extra judicial killings and destroying the property of Kashmiris on suspicion. Moreover, Section 6 gives legal immunity to persons acting under this Act; no suit or prosecution can be instituted, except with the previous sanction of the government against any person in respect of anything done or purported to be done in exercise of the powers conferred by the Act.

Terrorist and Disruptive Activities Act (TADA) 1990

The Act enforced in 1985 (amended in 1987) gives security forces and armed forces special powers for use of force, especially the amendment of 1987 made it tougher. It was widely used for unauthorized administrative detention without formal charges or trial for upto one year. Under the Act, involvement in, or preparation for, disruptive activities attracts sever punishment upto life imprisonment. Arrests can be made even on suspicion of committing “disruptive activities”, broadly defined as “any action taken, whether by act by speech or through any other media which questions, disrupts or is intended to disrupt, whether directly or indirectly, the sovereignty and territorial integrity of India, or which is intended to bring about or support any claim..... for the cession of any part of India from the Union.....”

Since the law gives special powers to the security forces in the use of force, arrest and detention, it was extensively used in the occupied Kashmir. Even after lapse of the Act in 1995, the cases are filed under this Act, which provides that it may be applied to preceding trials in various courts and to persons, who may be tried in connection with the offences alleged to have been committed prior to 1995. The regime of the occupied Kashmir acknowledged that it held 772 persons under the TADA. Still many more are in Indian jails, outside the State.

This law also fails to meet the international standard of fundamental principles of justice, which requires that the detainees should have a fair and prompt trial and they should be informed of the reasons of arrest. The defence counsel is not permitted to see witnesses for the prosecution, who are kept behind screen while testifying in court. Besides, confessions extracted under duress are permitted as evidence.

The Armed Forces (Jammu & Kashmir) Special Powers Act, 1990

The Armed Forces (Jammu & Kashmir) Special Powers Ordinance, introduced in July, 1990, was later enacted by the Parliament of India and enforced on 10th September, 1990. When certain areas are declared to be “disturbed”, the army and paramilitary forces are granted sweeping powers under Section 4 (C) of this Act.

The armed forces can be used in aid of civil authorities and even a non commissioned officer can search any place, stop/seize any vehicle, fire at any person (and kill), or arrest him even on the basis of suspicion with no obligation to inform him of the grounds thereof. It gives the Indian security forces sweeping powers that facilitate arbitrary arrests and detention and extra judicial executions as well as destruction of property.

The provisions of the black law are further violated in the occupied Kashmir by the security forces. Under the law, an arrested person is to be handed over to the nearest police station. But it is seldom done. Besides, the armed forces personnel are supposed to act as and when requested by the civilian authorities. In other words, the former should work under the direction of the latter. However, factually the security forces are inflicting atrocities on the Kashmiris without informing the civil administration. The State government has proved ineffective in controlling the Indian security forces, who have unleashed a reign of terror in occupied territory. The Act legitimizes barbarism in the State, as under Section 7, the security forces are given immunity from prosecution for any act committed by them.

Prevention of Terrorism Act (POTA), 2002

The Prevention of Terrorism Ordinance (POTA), promulgated on 25th October, 2001 was initially rejected by the Upper House, when presented for enactment. However, it was passed at the joint session of the Indian

Parliament on March 26, 2002. Though the law was for the whole country, its main focus was occupied Kashmir.

POTA equipped the Indian forces with extra ordinary powers. Under the law, any act committed with a lethal weapon was termed terrorist act. The offences included even inviting support for an alleged “terrorist organisation”, addressing a gathering of sympathizers (of a terrorist organisation) and arranging, helping or assisting to arrange a meeting in which support for any “terrorist organisation” or its activities is expressed. The properties of the alleged terrorists, terrorist organisations and their sympathies would be seized. The suspects could be detained for 3 months without framing charges against them and for another 3 months, if allowed by a special Judge.

The Government officials admitted that excesses had regularly been committed. A long list of illegal arrests and unlawful killings has been documented by the human rights organisations. This black law was used mainly in occupied Kashmir. Ninety Nine point nine percent arrested under this Act were Muslims. Owing to strong protests and denunciation from the world leaders and organisations, the Act has now been withdrawn.

Unlawful Activities (Prevention) Amendment Ordinance 2004

The Ordinance was passed by the Indian President in 2004 and was implemented forthwith. It has since been promulgated as Act. It again provides extraordinary powers to armed forces and other law enforcement agencies, similar to those previously provided by the POTA.

In addition to the above-mentioned measures, the laws and ordinances regarding other disturbed parts of India can also be applied in occupied Kashmir.

The National Security Act (NSA)

Under the NSA, a person can be detained without charge or trial for upto one year to prevent him from acting in a manner prejudicial to state security, the maintenance of public order or relations with a foreign power.

Official Secrets Acts (OSA)

Under the Official Secrets Act (OSA), the Government may restrict publication of sensitive stories. But the Government interprets this broadly to suppress criticism of its policies.

Newspapers Incitements to Offences Act

The Newspapers Incitements to Offences Act, 1971 remains in effect in Jammu and Kashmir. Under the Act, a District Magistrate may prohibit the publishing of material resulting in “incitement to murder” or “any act of violence”.

Criminal Procedure Code

The Criminal Procedure Code provides for an open trial in most cases, but it allows exceptions in proceedings involving official secret trials in which statements prejudicial to the safety of the State might be made, or under provisions of special security legislation. The authorities enjoy special powers to search and arrest without a warrant. If required, the public assemblies can be banned and a curfew can also be imposed.

Indian Telegraph Act

The Indian Telegraph Act authorizes the surveillance of communications, including monitoring telephone conversations and intercepting personal mail, in case of public emergency or “in the interest of the public safety or tranquility”.

Besides the afore mentioned draconian laws, the following are also in force:-

1. Enemy Agent Ordinance 1948
2. The Egress and Internal Movement (Control) Ordinance, 1948
3. Prevention of Unlawful Activities, 1963
4. Prevention of Subversion and Sabotage Act, 1965

World Opinion

- The TADA gives a license to kill. (Amnesty International).
- The powers of the TADA and the Armed Forces Special Power Act are incompatible with the state obligation to uphold and protect

human rights, in particular the right to life. (UN Human Rights Committee).

- Wide powers of arrest granted under TADA, combined with the absence of fundamental legal safeguards for detainees, create a climate, which encourages abuse of power and facilitates illegal and secret detention. (Amnesty International).
- The TADA has come to represent a blatant and wide spread violation of civil rights. (Daily The Indian Express).
- This organisation has not come to know of a single case of disappearance in Indian Held Kashmir in which the perpetrators have been brought to justice. (Amnesty International).
- Thousand of allegations of torture and deaths in custody have been reported in Jammu & Kashmir since early 1990. (Amnesty International Report, 1995).
- “Access to redress for victims of human rights violations, a right guaranteed under international law, is being denied to victims in Jammu & Kashmir”. (Amnesty International – May, 1997).
- Thousands of political persons were detained without charge or trial under special legislations such as TADA, the Armed Forces (Special Powers) Act and the Disturbed Areas Act, which lacked vital legal safeguards. (Amnesty International Report, 1997).
- Many provisions of TADA contravene important international human rights standards, especially the right to liberty and security, to a fair trial, freedom of expression and the right not to be tortured. (Amnesty International).
- India should release all detained Kashmiri leaders and political workers. The draconian law, the Public Safety Act should be annulled, if it cannot be so amended as to conform to the standard of protection of human rights. (Amnesty International – May, 2001).
- The Armed Forces (Special Powers) Act violates provisions of International human rights law, including the right to life, the right to remedy and the rights to be free from arbitrary deprivation of liberty and from torture and cruel inhuman or degrading treatment or punishment. (Amnesty International).
- The continuance of a system characterized by extra ordinary law created to fight the insurgency, like the Armed Forces Special Powers Act, the Public Safety Act and the POTA, has “produced an environment of impunity and lawlessness”. A systematic pattern of abuse emerges – the Armed forces do not disclose, indeed they

conceal their identity, no record is maintained of who is conducting the arrest. The Armed forces do not respond to summon from the courts even in habeas corpus petitions. The High Court of Jammu & Kashmir has been forced to close hundreds of cases without even finding what happened to disappeared persons for non cooperation of the Armed forces. (Tapan Bose – The Committee of Initiative on Kashmir).

- The Prevention of Terrorism Act (POTA) continued to be used to detain political opponents and members of minority populations. The lapsed Terrorist and Disruptive Activities Act continued to be used to arrest people in Jammu and Kashmir by linking them to cases filed before 1995. Preventive arrest and detention provisions contained in other security laws as well as in the Code of Criminal Procedure were also misused against political and human rights activists. (Amnesty International Report, 2004).
- The Indian government's failure to account for these abuses and take rigorous action against those members of its forces responsible for murder, rape and torture amounts to a policy of condoning human rights violations by the security forces.
- Among the worst of these violations have been the summary executions of hundreds of detainees in the custody of the security forces in occupied Kashmir. Such killings are carried out as a matter of policy.
- operating as secret illegal army, have been the state – sponsored paramilitary groups. Many of these groups have been responsible for grave human rights abuses, including summary executions, torture and illegal detention as well as election – related intimidation of voters. (Human Rights Watch Asia, Report, 2005).
- Indian troops continue to use extra judicial killings as a method to suppress insurgency in Kashmir. The National Human Rights Commission (NHRC) reported 136 deaths in police custody and 1357 deaths in judicial custody during the period of January to March, 2004. Besides, the Indian authorities generally did not report encounter deaths in Jammu & Kashmir to the NAHRC. (State Department Report, 2005).
- The condition of detainees (Kashmiris), languishing in different jails of the State (occupied Kashmir) and outside (India) was worse than that of those in Abu Gharib prison in Iraq. The methods and manners in which detainees are being treated in interrogation centres

are horrible. You will forget Abu Gharib after listening to the horrific tales of Kashmiri detainees in these jails. (Kashmir Bar Association, Srinagar - April, 2006).

- According to the Association of Parents of Disappeared Persons, eight to ten thousand Kashmiris disappeared mysteriously in Indian Held Kashmir between 1989-2003, while the Asian Centre for Human Rights put the figure at six thousand. (US State Department Report, 2006).
- Politically motivated violence slightly decreased but torture, deaths in custody and “disappearances” continued to be reported. At least 38 people were reported to have died in custody..... Several people had been held under the PSA for over 10 years under successive PSA detention orders. (Amnesty International Report-2006).

Human Rights Violations Perpetrated by Indian Security Forces in Indian Occupied Kashmir

<i>From January 1989 to May 2006</i>	
Killings	90,986
Houses/Shops Destroyed	105,182
Children Orphaned	106,683
Women Molested	9,658
Women Widowed	22,406
Innocent Kashmiris in Custody	3,288

Note: As on 31st May, 2006

Source: All Parties Hurriyat Conference

Special Committee of the Parliament on Kashmir, June 2006.
http://www.na.gov.pk/s_kashmir_draconian_law.html

VIOLENCE IN KASHMIR (1989-FEBRUARY 2010)

<i>From January 1989 to February 28, 2010</i>	
Total Killings	93,142
Custodial Killings	6,966
Civilians Arrested	116,931
Structures Arsoned/Destroyed	105,832
Women Widowed	22,719
Children Orphaned	107,326
Women gang-raped/Molested	9,901

<http://www.kmsnews.org/>

AN ACCOUNT OF MASS MASSACRES

A brief chronological account of mass massacres in Kashmir that this area has witnessed and its people have suffered since 1931.

The Dogra rule, followed by Indian occupation in 1947, is a bleak chapter in the history of Jammu and Kashmir. The Dogra rule, which continued from 1846-1947, is considered as the gloomiest period. Indian armed forces occupied a major part of Jammu and Kashmir on October 27, 1947 that is continuing to date.

The Indian troops pursued the policy of suppression in a systematic manner to reduce the overwhelming Muslim majority in occupied Jammu and Kashmir. To achieve this objective Indian troops started the process of mass massacre. There are plenty of events and evidences to support this gory fact.

1931

July 13: The people of Kashmir had been raising their voice against the Dogra usurpation of their land and as a result they faced brutal consequences. On July 13, 1931, a large number of Kashmiris gathered in front of the Srinagar central jail, at a time when the trial of a youth Abdul Qadeer accused of involvement in a case of agitation, was in progress inside the jail. The objective was to demonstrate solidarity with the young man. As the time for obligatory prayer approached a young

Kashmiri stood for Azan (Call for the prayer) and the Dogra police opened fire on him, and he got martyred. Thereby, another youth took the place of the martyred young man and started the Azan. He too was shot dead. In this way 22 Kashmiris embraced martyrdom in their efforts to complete the Azan.

1947

August 26: In June 1947, people of Poonch had launched a no-tax campaign against the heavy taxation of Maharaja. To curb the agitation, Maharaja Hari Singh, the last Dogra ruler of the state, ordered the use of brute military force. On August 26 the protesters were confronted by the Dogra-armed forces. The Dogra troops opened bran-gun fire on the huge crowd of 5,000 civilians, martyring and wounding hundreds of them.

October-November: Maharaja Hari Singh fled from Srinagar to Jammu on October 26th 1947, as the liberation activists were poised in Srinagar's suburbs to capture the city. On reaching Jammu, he issued orders to his troops and police besides the Hindu extremist groups, to kill Muslims found anywhere. The Muslims were asked to assemble in parade ground in Jammu so that they would be driven to Pakistan in lorries.

While on their way, on October 20, 1947, eight thousand Muslims were massacred at Malatank Jammu. On October 22, 1947 at least 14000 Muslims were massacred at Saniya Jammu and 15,000 Muslims were gunned down near the bridge at Akhnoor.

On November 5 and 6, 1947, more than 100 lorries, loaded with women, children and old men were taken into the wilderness of Kuthua forests. Hindu extremists and armed gangs were let loose on these innocent people and an unparalleled butchery was perpetrated, killing thousands of them. Women were raped, molested and their valuables looted. All these bloodsheds were taking place in full view of the Indian army, which had by that time occupied a major part of the state. In another act of butchery, a large gathering of 25000 Muslims, in Miran Sahib and Ranbir Singhpura, were machine-gunned.

During migration to Pakistan in 1947, nearly 300,000 people were massacred in cold British daily "the London Times" wrote on October 10, 1947 in a report from its special correspondent in India that the Maharaja, under his own supervision, got assassinated 237,000 Muslims, using military forces in Jammu area. The editor of "Statesman" Ian Stephen, in his book "Horned Moon" wrote that till the end of autumn 1947, more than 200,000 Muslims were assassinated.

Right from 1947, the fury of mass killings is going on unabated. Kashmiris suffered massacres in 1965 and 1971. Since 1989, India increased its acts of brutalities and people were killed in mass groups. Some of the savage events are as under.

1990

January 8: Firing at various places in Srinagar city, 17 people were killed. Enquiry ordered by then Governor Jagmohan. No outcome appeared.

January 15: In Handwara town, the Indian army and paramilitary forces shot dead 17 unarmed civilians including one woman when troops opened unprovoked fire on peaceful protesters.

January 21: 55 innocent civilians were killed in the localities of Basantbagh and Gawkadal in Srinagar city by CRPF troops when more than 20,000 people took to the streets, defying curfew.

January 22: The Indian army and paramilitary forces resorted to unprovoked firing at Alamghari Bazar Srinagar and killed many unarmed civilians. The people had come out unarmed to protest against the military killings at Gaw Kadal in Srinagar.

January 25: 26 civilians were shot dead in Handwara town of Kupwara district. The township was set afire by BSF after the latter was panicked by a bang. Some of the slain persons including women were roasted alive.

March 1: In order to halt massive demonstrations by the people, who were to submit a memorandum to United Nations Military Observers Group on India and Pakistan (UNMOGIP), Indian army opened fire at Tengpora bypass and Zakoora crossing in Srinagar, killing 21 and 26 demonstrators, respectively.

May 21: Seventy persons were put to death by CRPF troops near Islamia College Srinagar. The unarmed civilian mourners were carrying the dead body of late Mirwaiz Molvi Muhammad Farooq, prominent liberation leader and father of APHC chairman, Mirwaiz Umar Farooq. More than three hundred people were injured. Five women, one of them pregnant, were killed. Even minors were not spared. The forces did not spare even the coffin-bearers. The dead body of late Mirwaiz was also shot at.

August 6: The troops besieged Mashali Mohalla in Srinagar, raided the houses of local inhabitants and killed innocent civilians. In this incident more than two-dozen people were brutalized, of whom nine died on the spot.

August 10: BSF cordoned off the whole area of Pazipora, Kupwara. The male inmates were ordered to gather in a park for identification parade. The locals objected to let ladies stay at their homes without being accompanied by any male members. Later the forces, in absence of male members, entered the houses and raped and molested a number of ladies. By hue and cry of the ladies, the male members tried to rush to their respective homes in order to rescue the ladies from the clutches of the armed forces. But the troops fired on the unarmed civilians of the locality and killed 25 of them on the spot.

September 11: A civil passenger bus, carrying about fifty persons, was intercepted by the BSF troops. Passengers were fired upon. 22 died on the spot. The bus was set on fire due to which eight persons got burnt alive.

October 01: The BSF personnel in Handwara town of Kupwara district started indiscriminate firing on the unarmed civilians, who were busy in marketing activities, killing 20 of them on the spot.

1991

January 19: The personnel of 42-CRPF opened indiscriminate fire, killing 11 civilians in Magarmalbagh, Srinagar. Most of the victims were waiting for bus and being a busy place, most of the passers-by received bullet shots and died on the spot.

January 30: In Achabal Islamabad, the Indian armed forces opened indiscriminate fire, killing seven innocent persons.

March 11: At Rakhi Haigam, Sopore, in Baramullah district, Indian armed forces started indiscriminate firing, killing six civilians, including Manzoor Ahmad Dar aged only 12 years.

March 16: The Indian troops cordoned the area in Pishwari Trehgam in Kupwara district. At that time about 12 persons were offering prayers in a mosque within the cordoned area. The forces directed the worshipers to come out of the Mosque but they could not come out as they were engaged in the prayers. The forces entered into the Mosque and started firing. The Imam (Leader of the prayers) did not break the prayers. He was shot in his head. Other persons were dragged in the compound of the Mosque and six more persons were shot dead.

May 05: At Khayam, Khanyar in Sriangar, the troops fired indiscriminately on the pedestrians due to which, five persons including a girl, Aisha, aged three years were killed.

May 8: In Pir Dastgeer, Khanyar locality of down town Srinagar, troops of CRPF, BSF's 2nd and 60th Bn opened fire on thousands of people who were assembled to bury some martyred Kashmiris. 18 civilians were killed. In this incident, one infant aged two years, and his father were also killed.

June 11: The CRPF troops opened indiscriminate fire, having been frightened by the sound of a tire burst, leaving 32 civilians killed in the densely populated area of Chotabazar, Srinagar. The killed included, shopkeepers, passers-by, old persons, women and children.

September 03: At Safanagri and Nelora in Pulwama district, the armed forces fired on unarmed civilians and more than 23 got killed.

1992

April 2: In Aloosa village of Bandipore tehsil of Baramullah district, the villagers were kept confined to the village limits for the whole day by the Indian troops, while those out for fishing were fired upon. At least five boatmen were killed in the firing. Many bodies were recovered from the Wular Lake as they had been made to sink by tying heavy stones to their limbs.

April 13: During early hours of the day, BSF troops charged into the area, comprising Mohalla Hajama, Talian, Syed Sultanpora, Mahrajpora, and Chinkipora, started indiscriminate firing which resulted in killing of 13 civilians including one woman.

July 2: There was a tyre burst of a moving vehicle, which created a panic in the crowded market of Lal Chowk Srinagar. In response the CRPF troops, posted at Hari Singh High Street, fired indiscriminately, killing six civilians.

July 6: The BSF men subjected Ishbar locality in the outskirts of Srinagar to indiscriminate firing and at least 7 civilians were killed.

July 13: Army personnel entered the village of Nasrullahpora, adjacent to Budgam, and started indiscriminate firing, killing ten innocent people.

August 15: In Taj Mohalla of Tral in Pulwama district, BSF troops killed 6 civilians in cold blood. One of them was burnt alive.

October 2: 10 civilians were killed in Handwara town of Kupwara district by BSF troops.

December 12: Indian troops killed 7 civilians in Kishtwar area of Doda district.

1993

January 6: 94 BSF-Bn personnel ran amuck, killing 57 civilians, mostly roasted alive, when they set ablaze 37 residential and 35 commercial structures at Sopore in Baramullah district.

April 10: 47 innocent Kashmiris were burnt alive when BSF set afire, most of the Lal Chowk, Srinagar, destroying 59 houses, 190 shops, 53 godowns and 2 office complexes.

July 01: In Baba Reshi area of Baramullah district, the troops started indiscriminate firing and killed 9 civilians who had come to the shrine.

July 30: In Hangubutch, Pulwama district 12 civilians were killed and 100 injured. A magisterial probe was announced but never completed.

August 01: Sub inspector Ajmer Singh of BSF, 60Bn along with three of his subordinates, killed a couple Abdul Rashid Dar and Hajra after barging into their residence in Daribal Srinagar. Their critically injured son Hilal succumbed to wounds in hospital. After thousands of people took to the streets in anti-India demonstration, the police and army resorted to firing, killing 10 of them.

August 14: Indian secret agents dragged out passengers from a bus on Sarthal link road in Kishtawar, Doda and sprayed them with bullets, killing 14 civilians.

October 22: Troops of BSF 7Bn opened fire on a procession in Bijbehara town of Islamabad district, killing 50 and injuring 100 civilians.

November 20: At Aadipora, in Sopore area of Baramullah district, the BSF personnel opened fire and killed five persons including a woman.

November 24: In Sangrama in Baramullah district, the BSF troops fired indiscriminately and killed seven unarmed civilians.

December 22: At Bulbul Nowgam in Shangas area of Islamabad district, the Indian troops fired indiscriminately, killing six civilians.

1994

January 24: Indian troops killed 18 Kashmiris in Kupwara.

May 10: In Bandipora BSF troops, during crack-down, arrested 9 persons in presence of the locals, took them to a military camp in Bandipora where they were killed and their dead bodies were handed over to their relatives.

1995

February 10: BSF opened fire in narrow business street, in Gad Kocha, Srinagar, killing 6 shopkeepers and injuring 38 others.

1996

January 5: Indian armed agents massacred 15 Kashmiris, 10 of them belonging to one family, in Barshala village of Doda district.
June 8: In Kamlari village of Doda district, Indian armed agents killed eight civilians.

1997

March 20: Seven civilians were killed in Sangrampura (Budgam).

April 7: A group of Indian secret agents swooped on Sanghrampora village, in Beerwa outskirts in Budgam district, and shot dead seven Kashmiris.

April 18: 27 civilians were killed in Prankote in Udhampur district in Jammu region.

September 19: In mortar shelling by BSF, 11 villagers were killed in remote village of Arin in Baramullah district.

1998

January 26: Indian agents swooped Wandhama village of Ganderbal tehsil in Srinagar district and massacred 26 Kashmiris.

June 19: 25 civilians were killed in Chapnari area Of Doda district in Jammu region.

June 28: In Madwa, Doda 9 villagers were massacred by 26-Rashtriya Rifles, on the Eid (Muslim festival) day.

July 28: 16 civilians were killed in two villages of Doda District in Jammu region.

August 3: Twenty civilians were killed in Sailain village of Surankote, Poonch. The dead included seven children.

August 8: 35 labourers were killed in Kalaban on Jammu-Himachal Pradesh border.

1999

February 20: Four civilians were killed at Muraputta-Rajouri, nine at Barlyara-Udhampur and seven at Bllala-Rajouri in Jammu.

February 20: In Baljaralan hamlet of Udhampur district, Indian armed agents killed 10 civilians. Apparently, the same group reappeared in Mora Pota in Budhal belt, and killed 4 members of a family.

June 29: Indian troops and their agents dragged out 17 civilians, including 5 women and 7 children, in twin hamlets of Morha Bichai and Sahotri in Poonch and killed them.

June 30: Fifteen labourers were killed in Anantnag district of south Kashmir.

2000

February 28: Five civilians were killed near Qazigund in Anantnag district of Kashmir.

March 17: Indian secret agencies killed 7 truck drivers near a BSF camp at Qazigund in Islamabad district.

March 20: 35 civilians were massacred at Chatisinghpora in Anantnag.

March 24: Five innocent civilians, missing since March 24, 2000, were killed in custody and subsequently roasted by army at Brakpora in Islamabad district.

March 30: 7 protestors were killed by SOG troops near Pathirbal in Islamabad district, who were demanding dead bodies of Brakpora massacre.

May 14: Five teenagers, arrested from Sopore, were killed by Indian troops in Tangdar area of Kupwara district.

August 1: 35 Amarnath Yatris (pilgrims) were killed by Indian secret agencies and CRPF troops at Pahalgam in Islamabad district.

August 1: 31 civilians were massacred at Pahalgam in Anantnag.

August 1: 27 labourers were gunned down in Qazigund and Achabal in Anantnag.

August 2: Seven people of one family were killed in frontier district of Kupwara in North Kashmir.

August 2: 11 civilians were killed in Doda district of Jammu.

2001

February 03: Indian secret agencies killed 7 Sikhs at Mahjoornagar in Srinagar.

February 10: At Kotchatwal in Bhudal area of Rajouri district, 12 civilians including 6 kids and 4 women were killed by Indian troops and their secret agencies.

March 17: Eight people were massacred near Atholi in Doda.

March 21: At Mandi in Poonch district, the Indian troops used helicopters and gun ships and killed 10 Kashmiris.

March 31: At Doru, Islamabad, 7 Kashmiri drivers were killed by Indian troops.

July 21: 13 civilians were killed at Sheshnag in Anantnag.

July 22: 12 people were massacred in Cheerji and Tagood in Doda district of Jammu.

August 4: 15 villagers were killed in Ludder-Sharotid Har area of Doda.

August 6: Indian agents killed 7 civilians in Sajjar village of Atholi, in Kistwar tehsil of Doda district.

December 8: 10 unarmed civilians, including women and children, were killed in the indiscriminate military firing in Baramullah.

2002

January 6: 6 civilians were killed at Luddu and Ramsu, Doda.

January 20: 11 civilians were killed at Behra, Poonch.

January 21: Indian troops killed 14 persons including 8 children of 3 families, at Salwa village in Maindher area of Poonch in Rajouri district.

February 16: 8 civilians were killed at Nirala. Rajouri.

May 14: 36 civilians were killed at Kaluchak, Jammu.

July 13: 28 civilians were massacred at Kasimpura in Jammu.

August 5: Nine pilgrims were killed in Nuwan Pehalgam in Islamabad district.

2003

March 24: 24 civilians were massacred including 11 women and 2 children at Nadimerg village of Pulwama.

October 22: Seven members of a family were shot dead when armed Indian agents opened indiscriminate firing at a wedding ceremony in Domail area of Doda district.

2004

April 5: Seven civilians were killed at Pahalgam in Islamabad.

2006

May 01: 35 civilians were killed at Basantgarh in Udhampur and Kulhaang in Doda district.

<http://www.kmsnews.org/databank/a-bloody-account-mass-massacres>

ATROCITIES BY INDIAN TROOPS IN 2007

	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Total
Total Killings *	36	33	34	57	51	73	75	61	69	73	64	16	642
Men	34	32	32	55	49	71	67	59	65	70	63	16	613
Women	2	0	1	2	1	1	3	1	1	2	1	0	15
Kids	0	1	1	0	1	1	5	1	3	1	0	0	14
Custodial Killings	5	4	2	4	2	6	4	3	5	5	1	0	41
Tortured/ Critically Injured	235	71	101	193	147	215	384	204	229	76	83	107	2045
Arrested	77	61	73	91	84	131	160	82	71	66	41	79	1016
Arson (Houses, Shops, etc.)	14	6	11	18	8	7	23	7	4	31	54	24	207
Kidnapped or Missing	7	11	13	10	19	13	4	12	12	2	2	2	107
Women widowed	9	9	4	13	6	16	8	9	5	14	3	2	98
Children orphaned	17	17	9	26	12	31	16	17	10	28	7	3	193
Women gang- raped/Molested	5	2	4	4	7	8	4	21	4	3	6	0	68

March 15, 2010.

<http://www.kmsnews.org/databank/atrocities-indian-troops-2007>

ATROCITIES BY INDIAN TROOPS IN 2008

	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Total
Total Killings *	27	37	30	46	30	54	49	93	63	56	34	19	538
Men	27	37	25	43	28	53	40	86	59	53	32	18	501
Women	0	0	1	1	1	0	2	5	1	0	0	1	12
Kids	0	0	4	2	1	1	7	2	3	3	2	0	25
Custodial Killings	1	1	2	5	2	6	2	0	4	0	1	0	24
Tortured / Critically Injured	111	111	188	139	146	1003	274	1527	560	322	250	193	4824
Arrested	90	87	77	118	64	203	71	278	187	88	102	43	1408
Arson (Houses, Shops, etc.)	11	16	18	23	3	7	6	1	2	10	8	1	106

Kidnapped or Missing	3	3	11	6	3	6	0	4	8	0	0	0	44
Women widowed	1	2	4	3	3	5	6	46	4	3	5	3	85
Children orphaned	2	3	9	7	5	10	12	92	9	5	10	0	164
Women gang-raped/Molested	3	5	2	7	3	37	1	23	0	6	1	5	93

March 15, 2010.

<http://www.kmsnews.org/databank/atrocities-indian-troops-2008>

KASHMIR AND THE PROCESS OF CONFLICT RESOLUTION

Introduction

Kashmir as a major source of conflict in Indo-Pak relations is now passing through a process of transformation. From a bilateral issue the conflict of Kashmir is now changing its shape and witnessing the gradual involvement of people of Jammu and Kashmir (J&K) in a process of conflict management and resolution.

This paper attempts to examine the process of conflict resolution between India and Pakistan in the light of the Kashmir conflict. For Pakistan, without the resolution of the Kashmir conflict, there cannot be peace and stability in Islamabad-New Delhi relations. Whereas for India, Kashmir may be a major issue negatively affecting Indo-Pakistan relations, but is certainly not the core issue as repeatedly stated by Pakistan. The hard line positions taken by India and Pakistan on the Kashmir conflict resulted into stalemate in their relations, heavy defence expenditures and ineffectiveness of regional cooperation in South Asia. The holding of composite dialogue between India and Pakistan to discuss various critical issues, including Jammu and Kashmir, is a positive development as far as the process of conflict resolution in that troubled region is concerned. The gradual softening of Line of Control (LoC) and the holding of ceasefire between India and Pakistan along LoC since November 2003 account for the step-by-step management of the Kashmir conflict. Four important themes, which will be examined in this paper, are as follows:

1. Obstacles and pitfalls in the process of conflict resolution in Kashmir
2. Alternative architectures of peace and conflict resolution between India and Pakistan on the Kashmir conflict

3. The relevance of alternate architectures of conflict resolution in resolving the Kashmir conflict
4. Future prospects of conflict management and resolution of the Kashmir conflict

Background of the Problem

The Kashmir conflict is the outcome of a process of neglect, discrimination, suppression of Kashmiri identity and the pre-eminence of power centric approach held by the successive regimes of India and Pakistan. Regretfully, the end of the cold war at the superpower level couldn't bring any qualitative change in the mindset of people at the helm of affairs in New Delhi and Islamabad. On the contrary, Indo-Pak tension over Kashmir reached new levels after the outbreak of an uprising in the Indian controlled Valley of Kashmir in the late 1980s. The question is not the failure of the past initiatives for conflict de-escalation, management and resolution in Indo-Pak relations but how an alternate structure of peace and conflict resolution could be created and what can be done at the state and society level to fill the gaps in the approaches and perceptions of parties involved in the Kashmir conflict? Can such a structure for peace be acceptable to New Delhi, Islamabad and the Kashmiri leaders or will the contradictions which exist among them further delay the process of conflict resolution in the region?

Conceiving a plausible solution of the Kashmir conflict within the parameters of maintaining the state structures, order, fairness and justice is an uphill task. For around 57 years, the people of Jammu and Kashmir (J&K) have been suffering from a set of issues: injustices, insecurity, violence, terrorism and identity crisis. For the people of J&K this is compounded by a longer term threat to their survival because of an uncertain future, the region of South Asia, particularly India and Pakistan is also a victim of "conflict process" and "violence process" in Kashmir. These two processes are primarily the outcome of the failure of New Delhi and Islamabad, the two major players in the Kashmir conflict, to create conditions for peace and providing people of J&K relief from years of bloodshed and killings.

Three critical realities which grip India, Pakistan and J&K relate to the forces who are against altering the territorial status quo; those who want to change the map of J&K to their own advantage and those who want to seek a middle path and resolve the Kashmir conflict through a process of dialogue. The first two forces, who since the partition of the

Indian Sub-continent in August 1947, have followed the paths of confrontation, intransigence and belligerence in dealing with the Kashmir conflict are now exhausted thus giving an opportunity to the third force to play a more meaningful role and reverse the process of violence.

Conceptually, the conflict in Kashmir has four important dimensions impacting on Indo-Pak relations and the future of South Asia as a whole. First, the role of state actors, second centrifugal forces who at the present are out of the power structure, third the question of security and insecurity engulfing the people of Jammu and Kashmir and fourth the broad question of religion and ethnicity. If all the four dimensions are analysed the process of conflict resolution in Kashmir could be understood in a better manner. As far as the state actors are concerned, to a large extent, the position taken by Pakistan and India on the issue of Jammu and Kashmir has remained intransigent and devoid of much flexibility. After the offering of a hand of friendship by the then Indian Prime Minister, Atal Behari Vajpayee to Pakistan on April 18, 2003 and Islamabad's positive response, one can see some change in the positions taken by India and Pakistan on the Kashmir conflict. The meeting which took place in the sidelines of 12th SAARC summit held in Islamabad on January 6, 2004 between Vajpayee and President Pervez Musharraf resulted in the holding of a composite dialogue so as to resolve various issues, including the one related to Jammu and Kashmir, through negotiations. With the unleashing of the Indo-Pak normalization process from early 2004, one can see some progress as far as the resolution of Kashmir conflict is concerned.

As far as religion and ethnicity are concerned, both foment the identify crisis of the people of J&K. But, here the question is not of a unified Kashmiri identity vis-à-vis New Delhi or Islamabad but the existence of an identity crisis within the diversified regions of Jammu and Kashmir. The Muslims of Kashmir Valley, who are at the forefront of the movement for self-determination, do not share much of their cultural heritage with the Muslims of Jammu nor those of Pakistan administered Azad Kashmir, nor the Northern areas of Gilgit, Hunza and Baltistan. On this account, ethnicity is not a source of identity among the people of Jammu and Kashmir. The same is true in the case of religion, because the Buddhist community living in Ladakh do not share a faith with the Muslims, Hindus or Sikhs living in other regions of Jammu and Kashmir. As rightly said by an American expert on South Asian security affairs, Robert Wirsing, "the multiple and conflicting religious identities of

Indians, Pakistanis, and Kashmiris are deeply and unavoidably implicated in the Kashmir dispute. The Kashmir dispute's roots simply cannot be described entirely or even mainly in secular terms. Like it or not, the Kashmir dispute is, in no small part, a dispute over religion.”

From any standpoint, ethnic and religious contradictions in J&K make the process of conflict resolution in that part of the world quite complicated and challenging. But, the All Parties Hurriyat Conference (APHC) led by Mirwaiz Umer Farooq is unwilling to accept division of Kashmir on religious or ethnic lines. Talking to journalists at the end of his third visit to Pakistan, Mirwaiz said the:

“APHC envisioned J&K as one entity in any situation even if the former princely state were divided into several regions for self-governance. Kashmir be addressed as one unit as it existed at the time of partition of British India. For the first time since 1947, Kashmiri people's voice is being recognized to some extent and --- (their) centrality has come to the fore.”

Whether other regions of Kashmir, like Jammu, Ladakh and the Northern Areas of Pakistan, accept the authority of Srinagar in unified Jammu and Kashmir is a critical question, which is raised by different quarters in India, Pakistan and J&K. If external exploitation is replaced by internal colonization, the outcome may be the outbreak of a new phase of violence in those regions of J&K where the perceived domination of Srinagar may become a major impediment to a unified Jammu and Kashmir.

CR [Conflict Resolution] Process and Kashmir

Is the Kashmir conflict an ethnic, religious or social conflict or is a conglomeration of all these conflicts? If seen from a theoretical perspective, the Kashmir conflict is a classical case of a distinct ethnic and religious community (Muslims) feeling socially and politically deprived. The J&K conflict may be classified as a “protracted social conflict” because of feelings among Kashmiris of “economic and technological under-development, and unintegrated social and political systems, including distributive injustice, economic, social and extreme disparities in levels of political privilege and opportunity.”⁴ As substantiated by Edward E. Azar, “protracted social conflicts universally are situations

which arise out of attempts to combat conditions of perceived victimization stemming from the following:

1. A denial of separate identity of parties involved in the political process.
2. An absence of security of culture and valued relationships.
3. An absence of effective political participation through which victimization can be remedied.”

For Azar, the best possible solution for dealing with the protracted social conflict is the de-centralization of political structures so as to provide the discriminated group its identity and fulfilling its political needs. Decentralization, if introduced, can promote local participation and self-reliance and give a sense of control to marginalized groups over their affairs. Three things can be taken into account while examining Azar’s protracted social conflict theory in the context of the Kashmir situation. First, the question of identity; second the issue of security of culture; and third the absence of an effective political participation. The culture of violence and insecurity in J & K has been created because people living in that region faced a discriminatory attitude from state actors and the heavy centralized structure of governance further deepened the state of conflict. If a solution to the Kashmir conflict is reached based on securing the identity of the people of J&K, ensuring them basic security, cultural protection and political participation in a viable democratic process, it is possible that militant and terrorist elements will not be able to sustain the environment of fear and violence. Protracted social conflict can only be dealt with the proper involvement of the parties concerned and providing them a stake with which to encourage them to reach a plausible solution in a decentralized state structure.

Dynamics of the Kashmir Conflict

The Kashmir conflict is not only limited to the internal contradictions of J&K, its dynamics include historical, political, economic, cultural and security aspects. External factors also contribute to shaping the dynamics of the Kashmir conflict. According to Madhumita Srivastava, “the Kashmir conflict is primarily and fundamentally an ethnic conflict, though some forces in India as well as in Pakistan are trying their best to make it a communal one because of the identity of Kashmir people from the rest of India and Pakistan. That the Kashmir problem has always been a problem of ethnic identity Kashmiriyat and its resolution may be found

in upholding, rejuvenating and establishing the Kashmiriyat in an acceptable framework in the larger freedom and political order". On the other hand, Sumantra Bose argues that, the Kashmir conflict has multiple dimensions and is defined by a complex intersection of an international dispute with sources of conflict, internal to the disputed territory and its Indian and Pakistan - controlled parts. Any approach to resolving this multi-layered conflict must necessarily involve multiple, but connected and mutually reinforcing, tracks or axes of engagement and dialogue.

Therefore, to a large extent, "Kashmiris simply wanted basic democratic rights, including representative, accountable government and a voice in determining the destiny of their homeland. But, the Indian State appeared to interpret popular opposition to Pakistan as further licence to continue trampling on those very rights." Nonetheless, "the politics of Kashmiri identity was transmitted into ethnic nationalism, associated with a distinct Islamic tinge and a transfer from India to Pakistani loyalty. The ruling elite of Pakistan, unreconciled with the idea of the loss of Kashmir readily responded to this historic opportunity. Kashmir became one of the worst tragedies of international politics, degenerated into a pawn in Indo-Pak rivalry. The unfortunate victim of this process has been the people of Kashmir."

The dynamics of the Kashmir conflict could be divided, as stated by Iffat Malik into two distinct phases. The first phase starting from 1987-1989 can be considered as the period of "build-up" to "insurgency." The second phase beginning in 1989 until the present day is the period of actual full-scale insurgency. The major difference between these two, as pointed out by Iffat Malik is: first the intensity of public alienation from India and second, militant activity in Kashmir. Both have become much greater in later part. However, one could argue that, recently, a third phase relates to the internationalisation of the Kashmir conflict. This phase involves the escalation of hostilities from Indian Kashmir based conflict, between Kashmiri Muslims and Indian security forces, to direct conflict between India and Pakistan.

She further argues that, "Kashmir today is in a state of conflict. It has been so since 1989." Initially, the Kashmiri grievances were primarily of three types: first, New Delhi's policy to undermine the Kashmiri identity by violating article 370 of the Indian constitution which guaranteed special status to the territory of J&K. Autonomy for the people of Jammu and Kashmir was guaranteed by the Indian Government when in October 1949 India's Constituent Assembly inducted Article

306A in India's constitution, affirming that New Delhi's jurisdiction in the Indian Jammu Kashmir would remain limited to three categories of subjects specified in the Instrument of Accession, i.e. Defence, Foreign Affairs and Communications. However, when India became a Republic on January 26, 1950, Article 306 A became the basis of Article 370 of the Indian constitution, which guaranteed autonomy to J&K within the Indian Union. The forces opposed to granting autonomous status to J&K gained strength in Delhi resulting into the issuance of a constitutional order in May 1954, which replaced the 1950 constitutional order. While the 1950 constitutional order had guaranteed the autonomous status of J&K, the 1954 order gave the Indian Central Government the right to legislate in the Indian Kashmir to the majority of subjects on the Union list.

Second, the economic backwardness of J&K led to unemployment and lack of adequate economic opportunities because no viable industrial infrastructure was created by New Delhi in that state. The tourist industry in J&K was not developed in a professional manner and moreover, it was not a substitute for proper employment opportunities.

Third, political suppression resulting in arrests and detention of those who were critical of the Delhi supported government in Srinagar and their backers in Delhi. State sponsored manipulation in the J&K assembly elections also created political alienation among people against India. For instance, "the response of the Indian Government to the rising popular unrest and militant activity following the 1987 elections was highly significant because there was still a chance then that political concessions by New Delhi given to Kashmiri people could have controlled the insurgency. If in 1987 there was a chance that conflict could have been prevented, by 1990, Indian policies made it a certainty."

All the three grievances contributed to the escalation of conflict in J&K and the transformation of political and civil rights' movements among Kashmiris to the rise of extremism and fanaticism.

Viewed as a complicated but tragic conflict, J&K is a souring point in Indo-Pak relations. The people of that region have suffered endlessly but are unable to get relief. The story of their sufferings is quite old as both India and Pakistan vied to seek a legitimate status of that territory, but seldom took the feelings and aspirations of Kashmiri people into account. That led to the widening of the conflict and deepening of sharp mistrust and suspicions among the Kashmiri people about the intentions and policies of New Delhi and Islamabad. Unfortunately, as pointed out

by Wirsing, “the end of the cold war has brought neither peace dividend nor peace of mind to the South Asian region. It has, on the contrary, made unmistakably plain the enormous differences in the capabilities of India and Pakistan, elevated the importance within each of them of the armed forces, and given an enormous push in each to the acquisition of advanced weaponry, both conventional and nuclear.”

Is the prevailing positive trend in Indo-Pak relations a healthy sign for the just and early resolution of the Kashmir conflict, or like in the past will it be similar to other missed opportunities? The changing dynamics of the Kashmir conflict tend to put the people of J&K in a very critical situation because of two main reasons. First, if their leadership fails to play the cards well, they can again be cheated and get a raw deal. It has happened in the past and can also happen in the present and future. Second, if an element of conflict fatigue is prevailing over India and Pakistan, then it will become easier to think in terms of providing a just and fair settlement of the Kashmir conflict. What is predictable in view of the futility of resolution efforts, is management of the Kashmir conflict.

Pathways to Resolution

There is no short cut to the resolution of such an intricate conflict as Jammu and Kashmir. Realistically speaking, all pathways to the resolution of J&K conflict could be blocked if the basic principle of fairness and justice is not taken into account. The stark reality of the Kashmir conflict is its asymmetrical nature. Kashmiris being a weaker parties are conscious of their disadvantaged position vis-à-vis India. And, considering asymmetry, there is also a sharp imbalance in the power configuration of India and Pakistan. For that purpose, it is not wrong to argue that the only party which enjoys an edge vis-à-vis Kashmiris and Pakistan is India.

Any viable settlement on J&K must be backed by New Delhi. The question is how India and Pakistan can find a path for the resolution of the Kashmir conflict? Sumantra Bose argues that, “The key to breaking the deadlock in Kashmir lies in the metropolitan capitals of India and Pakistan”. Concerted sustained intergovernmental cooperation between India and Pakistan is the essential basis of any Kashmir process. If such intergovernmental cooperation were to occur the other dimension of the Kashmir problem might turn out to be surprisingly tractable. In its absence, however, no lasting, substantial progress is possible on those

other fronts, and the Kashmir question will continue to be a prime source of international tension, regional instability, and violent internal conflict.

According to Bose, the longer-term Kashmir settlement necessitates that the LoC be transformed from an iron curtain of barbed wire, bunkers, trenches, and hostile militaries to a linen curtain between self-governing India and Pakistan regions of Jammu and Kashmir. Self-rule framework for Pakistan and Indian controlled Jammu and Kashmir must be complimented by cross-border institutional links between the regions under Indian and Pakistan sovereignty. A self-rule framework for Indian and Pakistan J&K would require, as suggested by Bose, cross border Jammu and Kashmir Ministerial Council which will include Ministers from Indian and Pakistan controlled J&K so as to give impetus to cross border cooperation as a path to resolve the Kashmir conflict. The issues to be dealt with by such a council would be, inter alia, intra J&K trade and commerce, intra J&K waterways, cross border transport, environmental protection and preservation, agriculture, cultural matters and tourism. Such institutional links would also include cooperation between the elected members of Indian and Pakistan controlled J&K so as to transform the myth of soft border into a reality. Other matters like foreign affairs, external defence, currency and macro economic policy and some aspects of communication would be controlled by the governments of India and Pakistan.¹⁶ However, any agreement on Kashmir must be ratified by the participants of India and Pakistan, as well as by other relevant bodies in the two countries. It should also be put to popular referenda, conducted separately in the Indian and Pakistani parts of J & K. Bose in his road map for the resolution of the Kashmir conflict focuses on two things: first, not disturbing the territorial status quo and second involving the people of J&K in a proactive process of economic and political interaction resulting in the de-escalation of tension and development of a better understanding at the popular level on the issue of soft border.

On the other hand, Robert Wirsing suggests that, “there must be a formal commitment by India and Pakistan to the establishment of a joint commission on Jammu and Kashmir responsible for the LoC’s administration, liaison with UNMOGIP, prevention of violations, over sights of such measures of demilitarisation of LoC as may be eventually agreed. By endorsing such principles, India and Pakistan would be committing themselves to the creation of a permanent, internationally monitored and routinely functioning instrument for the bilateral

management of security cooperation in J&K. Vital to the successful adoption and implementation of the above principles is the formal and simultaneous commitment by the five permanent members of the UN Security Council to the formation of a suitably empowered international agency, perhaps a revived UN Commission on India and Pakistan (UNCIP II), responsible for negotiating the terms of India and Pakistani acceptance of these principles.”

Wirsing’s proposal for resolving the Kashmir conflict involves the international community, including the UN, which may not be acceptable to India but will have support in Pakistan. India has bitterly opposed the involvement of a third party or any other international participation in J&K conflict, even if such initiatives support the bilateral track of negotiations, but may agree to form a joint commission composed of India and Pakistan for bettering the conditions in that region.

Addressing a closed door symposium organized by the *India Today Conclave 2004* via satellite from Islamabad on March 13, Pakistan’s President Pervez Musharraf referred to his initiative to resolve the Kashmir dispute. According to him:

1. Centrality of the Kashmir dispute should be accepted.
2. Talks should commence to resolve that dispute.
3. All solutions not acceptable to either of the three parties be taken off the table.
4. The most feasible and acceptable option be chosen.

One major problem with Musharraf’s proposal is that India doesn’t accept the centrality of the Kashmir conflict and calls it one of the issues negatively impacting on India-Pakistan relations. Otherwise, the last three points do not conflict with the Indian position on J&K conflict. As far as the Kashmiri groups are concerned, they have no problems with the road map proposed by Musharraf for resolving the Kashmir conflict.

During 2006 and early 2007, two initiatives were taken by Pakistan President General Pervez Musharraf and the APHC Chairman, Mirwaiz Umer Farooq that departed from the traditional stance. In his path breaking speech in November 2004, Musharraf pursued a non-traditional approach on Kashmir by seeking an interim solution to that conflict, while not talking about the UN Security Council resolutions calling for plebiscite. Speaking at a conference organized by the Washington based think tank, Pugwash, President Pervez Musharraf said “his country’s

proposals for demilitarisation and self-governance offered a practical solution to the Kashmir dispute. An ultimate solution to the problem on these lines would make the LoC irrelevant. And such a solution would neither require redrawing of borders, nor make Line of Control irrelevant. The demilitarisation would be a great confidence-building measure and provide relief to Kashmir. This will also help discourage militancy.”

Four important points, which form the basis of Musharraf’s new approach on Kashmir, are as follows:

1. Step by step demilitarisation of Jammu and Kashmir.
2. Self-governance.
3. Soft borders.
4. Joint management of J&K

In an interview given to CNN-IBN news channel, President Pervez Musharraf proposed joint management by India and Pakistan of the disputed region of Jammu and Kashmir. That arrangement would leave India and Pakistan with reduced sovereignty over the territories, which they presently control in J&K. He further said in that interview that, “he did not agree with India’s claim that there already was self-governance in the held Kashmir, and claimed that most of the people there do not accept the Indian government. If India believed there was self-governance, we keep sticking to this position, we will never move forward because we do not agree. Therefore, if you want to move forward, we have to leave stated position.”

APHC Chairman, Mirwaiz supported the ideas embodied in a four-point proposal for an interim solution of the Kashmir conflict. He also endorsed the idea of the demilitarisation of Jammu and Kashmir.

The ‘Pakistan yatra’ of Mirwaiz in January 2007 is considered as a milestone in the process of conflict resolution because for the first time, he called for giving up armed struggle to pave the way for fruitful negotiations for a lasting settlement of the Kashmir dispute. According to him, We have already seen the results of our fight on the political, diplomatic and military fronts, which have achieved any thing other than creating more graveyards. Some people involved in the struggle could still have some reservations, but as far as the APHC was concerned we are not prepared to sacrifice any more of our loved ones.

Mirwaiz’s call to give up armed struggle was immediately rebuffed by Syed Ali Gilani, the head of a faction of APHC. He termed this stance

as a betrayal of the Kashmir cause and a hasty act without realizing the inflexible position of New Delhi on J&K. The commander of Hizb-ul-Mujahideen, Syed Salahuddin, also criticized the Mirwaiz's APHC faction of going too far by giving up armed struggle without waiting for the withdrawal of Indian forces from J&K, the release of Kashmiri leaders from Indian prisons and ending serious violation of human rights by New Delhi. But Mirwaiz and other likeminded Kashmiri leaders who accompanied him on his Pakistan visit must have got the green light from Islamabad before calling to give up armed struggle against India.

The reasons given by Mirwaiz for giving up armed struggle against India prove two things. First, the APHC wants to put New Delhi in a defensive position as the presence of around half a million Indian military and para-military forces in J&K would lack rationality when some Kashmiri groups want a peaceful resolution of conflict. According to Mirwaiz, armed struggle has failed to accomplish the desired results because India has not been forced to quit Kashmir, nor has such a struggle been able to get any meaningful international support. Even Pakistan, which long since believed in the active assistance of Kashmiri resistance groups, has amended its position and announced it's reluctant to back armed struggle. Yet, Ali Gilani says that Kashmiris will continue their armed struggle against India even without the support of Pakistan. Second, abandoning armed struggle will help the process of inter and intra-Kashmir dialogue and promote meaningful people to people interaction on both sides of line of control.

In a conflict resolution process, the willingness of the parties concerned to unleash the process of negotiations is the key. As long as there is stubbornness and conditions attached in order to be able to start negotiations, the prospects for a plausible resolution of any conflict are remote. The same requirement applies in the case of J&K conflict.

Some of the obstacles and pitfalls, which could be identified in the conflict resolution process in Kashmir are as follows:

- A. State policies
- B. Marginal role of civil society
- C. Hard line and extremist groups
- D. Zero sum game approach
- E. Role of external elements
- F. Failure of international community to side with the Kashmiri struggle of self-determination
- G. Missed opportunities for peace

The architecture for peace and conflict resolution in J&K, which has existed till now, ignored two fundamental realities: first, the participation of the people of J&K in the process of peace and conflict resolution and second, adopting a flexible position on issues which have created a stalemate and impeded reaching a solution for a long time. It primarily focused on either maintaining or changing the territorial status quo without considering the basic fact that political will, commitment and seriousness exercised on their part could have made things better, not only for the people of J&K, but also of people of South Asia. Some of the major processes, which may be relevant to an alternate architecture for peace and conflict resolution process in Jammu and Kashmir, are as follows:

1. Process of dialogue
2. Process of constructive cooperation
3. Process of constructive settlement
4. Process of protecting minority rights in Indian and Pakistan controlled J&K
5. Process of regional autonomy in Indian and Pakistan controlled J&K
6. Process of healing wounds through compensation
7. Process of socio, economic uplift of people through better education, health, employment and other basic facilities
8. Process of mutual tolerance
9. Process of neutralizing hard line elements
10. Process of creating a constituency of peace
11. Process of creating awareness about CR
12. Problems and challenges in creating an alternate architecture for CR process
13. Methodology to unleash the processes.

Any viable process of CR in Kashmir needs to take into account the inclusion of processes mentioned above. The foremost requirement is the process of dialogue with a clear-cut agenda on Kashmir, which must be unleashed by India, Pakistan and the Kashmiri leaders. If such a process is launched with seriousness and commitment, it may lead to constructive cooperation among the parties concerned in the Kashmir conflict, resulting into a viable settlement in which all the three parties may benefit and secure win-win positions. The process of launching two-pronged talks involving the Kashmiri groups and India on the one side,

and India and Pakistan on the other side has begun. Talks between the moderate faction of APHC and the Indian Government are going on.

The vision of a constructive settlement would include not only meeting the grievances of the people of Jammu and Kashmir, but also taking care of the rights of minorities in Indian and Pakistani controlled J&K. Unless the minorities, whether Hindu, Muslim, Sikh or Buddhist, in different regions of J&K feel safe and secure in any future settlement on J&K, it will become impossible to guarantee the success of conflict resolution.

However, the question arises, what incentives should be given to India to pursue a flexible approach on Jammu and Kashmir? Pakistan has made it clear that it can pursue a flexible approach on J&K provided India reciprocates. From a realistic standpoint, the biggest incentive for India, and for that matter also Pakistan, for the peaceful resolution of the Kashmir conflict is an end to around six decades of hostility, the diversion of huge resources from human development to defence expenditures and the hope of bettering the lives of millions of people, not only India and Pakistan, but also the whole of South Asia.

As far as regional autonomy is concerned, the process must include maximum decentralization of the affairs of J&K, whether under the Indian or the Pakistani control. According to an American Professor of Indian origin, "at the national level, New Delhi must move toward restoring Kashmir's compromised autonomy." Most of the grievances of Kashmiri people have emanated because they have not been treated properly by the state authorities, primarily those belonging to New Delhi. With minimum central control in the affairs of J&K, a positive change could be brought in that region, creating plausible condition for resolving the Kashmir conflict. This would also require healing of past wounds either by paying compensation to those who were victims of state repression or restoring their self-respect, which was badly violated during the era of violence. If the economy of J&K is made vibrant by giving small loans to poor people so that they can be self-employed and use the amount for education and housing, such steps will have a positive impact on the political environment of that region. At some stage, one can also think of establishing a "Truth and Reconciliation Commission" for J&K, which can hope to provide justice to those who suffered as a result of years and years of discrimination and state suppression. That type of an initiative must come from the side of those who have contributed to the sufferings of people and those who have suffered. In

that case, New Delhi and the Kashmiri resistance groups can think in terms of such a commission, which will create goodwill, harmony and tolerance in J&K.

Two important benefits which India can secure by following a flexible approach on J&K conflict are: first, for an emerging power like India, the solution of the Kashmir conflict will positively elevate its image at the international level. If India aspires for a permanent seat at the UN Security Council then it needs to improve its relations with its neighbours and also seek a peaceful resolution of the Kashmir dispute. Second, its relations with Pakistan may substantially improve, thus having a positive impact on the process of regional cooperation in South Asia. As far as Pakistan is concerned, the ruling establishment will have to reconcile itself to the fact that it cannot take Kashmir by force and any solution of the Kashmir conflict must be within the domain of larger autonomy. The benefits for Pakistan if the Kashmir conflict is resolved will primarily relate to reducing its defence expenditures, improving relations with New Delhi and getting more recognition and support from the international community.

Problems and challenges in creating an alternate architecture for conflict resolution in Kashmir are numerous. First, the forces that have benefited from the decades of violence in J&K will create maximum obstacles to the process of reconciliation, peace and conflict resolution. So far, the vested interest groups have succeeded in subverting efforts for purposeful dialogue and settlement. It is yet to be seen how the present positive trends in Indo-Pak relations, which have raised hopes for the resolution of the Kashmir conflict will help neutralize such forces. Second, false egos and stubbornness of the parties involved in the Kashmir conflict will also make things difficult for either establishing or strengthening an alternate architecture for conflict resolution process in Kashmir. Until the time, there is an element of maturity, prudence and sincerity among those who matter in the Kashmir conflict, it will be difficult to change the paradigms of conflict and remodel these on pragmatic and realistic lines. According to Iftikhar H. Malik, a scholar of Pakistani origin based in the UK,

In any realistic resolution of the Kashmir conflict, the larger interest of the Kashmiris must receive priority. For a long time, rather than being the focal point, they were simply regarded as a side issue. Yet, it is the Kashmiris who, for generations, have continued to suffer from decisions made about them without consultation.

Now the question is how the alternate architecture for conflict resolution can help resolve the Kashmir conflict? Following points could be examined in this regard:

- A. Mutual stakes of the conflicting parties to resolve the conflict
- B. Proper unleashing of processes and the simultaneous monitoring of progress
- C. Building of trust and confidence
- D. Benefits of peace and cooperation
- E. Learning from past failures
- F. Stabilization in political, economic and security relations.
- G. Involvement of people in the process of CR

Building of trust is the key in order to secure benefits of peace and cooperation. If the parties in a conflict are unable to learn lessons from the dynamics of conflicts, failures and successes, it becomes difficult to stabilize political, economic and security relations among parties who are in the process of resolving the conflict and cementing peace in the post conflict environment.

Most important, the involvement of different segments of society in India and Pakistan is essential for the success of CR process in Kashmir. If the Indian Prime Minister Dr. Manmohan Singh and President Pervez Musharraf are able to strike a deal on Kashmir but if it is not supported by people, particularly those who represent various political forces and groups, it will be difficult to guarantee the smooth sailing of such a deal. BJP has raised its objection on Congress led government's undermining of cross border terrorism while dealing with Pakistan. The BJP's argument is that during January 6, 2004 meeting between President Musharraf and Prime Minister Vajpayee, the centrality of stopping cross border terrorism from the side of Pakistan was acknowledged, a fact not emphasised by the government of Manmohan Singh. It is true that India and Pakistan have secular and Islamic identities but it should not mean that the people of Jammu and Kashmir should be denied their own identity. Therefore, taking people into confidence before reaching a settlement on the Kashmir conflict is necessary. One is aware of the fact that various extremist groups in India and Pakistan will not miss any opportunity to oppose the peace process. It is that segment of society, which must be neutralized for a successful launching and implementation of the CR process on Kashmir. While talking to media persons in Lahore, Mirwaiz said that, "now that the resolution of the Kashmir dispute seem

to have entered a decisive phase, the APHC would like to involve political parties of the two countries to be part of the Pak-India composite dialogue. APHC will hold talks with political organizations on both sides of the political divide to lend their support to the dispute.”

For the just and fair resolution of the Kashmir conflict, an alternate architecture for peace is essential. The question is: has the time for such an initiative arrived and if not then what can be done to create conditions in this regard? Only through a process of purposeful dialogue can the Kashmiris, Indians and Pakistanis ensure a better world for themselves and also for the people of South Asia. There is no other way to defeat the forces of darkness who have kept South Asia's poor and underdeveloped by not abandoning the path of confrontation and following the path of reconciliation and cooperation.

Moonis Ahmar, “Kashmir and the Process of Conflict Resolution” *Pakistan Security Research Unit (PSRU)* Brief Number 16, August 1, 2007.
<http://spaces.brad.ac.uk:8080/download/attachments/748/Brief16finalised.pdf>

LAND TRANSFER TO HINDU SITE INFLAMES KASHMIR'S MUSLIMS

Tens of thousands of Muslim demonstrators filled the streets in Indian-controlled Kashmir on Friday, burning flags and effigies of Indian leaders on a fifth day of protests against the transfer of land to a Hindu shrine.

Protesters clashed with riot police officers in several parts of Srinagar, the main city in the region, which has a Muslim majority. The police responded with tear gas, said Prabhakar Tripathi, a spokesman for the Central Reserve Police Force.

Three people have died and dozens of others, including at least 22 police officers, have been wounded since Monday, as the police have struggled to control angry mobs protesting the transfer of 99 acres of land by the state government to the Shri Amarnath Shrine Board, a trust running the popular Hindu shrine.

Protesters accuse the Indian government of planning to build Hindu settlements in India's only Muslim-majority state in an effort to change the demographic balance in the region.

Anti-Indian sentiment is strong in Kashmir, where nearly a dozen militant groups have been fighting since 1989 for independence or a merger with neighboring Pakistan. But Kashmiris had been enjoying a

period of relative calm until this week's protests, which rank among the angriest displays in two decades.

In an effort to ease tensions, the chief minister of the state of Jammu and Kashmir, Ghulam Nabi Azad, promised Wednesday that there would be no construction on the transferred land and pledged to meet with local political parties to address the protesters' grievances.

The Amarnath shrine is a cave that houses a large ice stalagmite revered by Hindus as an incarnation of Siva, the god of destruction and reproduction. Hundreds of thousands of Hindus are descending on the area as part of an annual pilgrimage to the cave.

This year, as in the past, thousands of soldiers are guarding the pilgrims' route. In previous years, the pilgrims made tempting targets for militant Islamist separatists, who claim that India, which has a Hindu majority, uses the event to bolster its claim over the Kashmir region.

New York Times (New York), June 28, 2008.
http://www.nytimes.com/2008/06/28/world/asia/28kashmir.html?_r=2&oref=slogin&pagewanted=print

US SHOULD HELP RESOLVE KASHMIR ISSUE: OBAMA

The United States should try to resolve the Kashmir dispute, says US presidential front-runner Barack Obama while backing American efforts to promote a better understanding between India and Pakistan. We should probably try to facilitate a better understanding between Pakistan and India and try to resolve the Kashmir crisis so that they can stay focused not on India, but on the situation with those militants, said Mr. Obama in an interview to MSNBC. After the Sept 11, 2001 terrorist attacks, the Bush administration adopted a new approach towards South Asia, urging Pakistan to review its traditional defence strategy that regards India as the main threat to its interests in the region. Instead, the Americans want Pakistan to refocus its attention on fighting the militants operating along the Afghan border.

Although initiated by the outgoing Republican administration, Senator Obama, a Democrat, also backs this policy. We also have to make the case that the biggest threat to Pakistan now is not India which has been the historical enemy, he said. It is actually militants within their borders, said the senator in a separate interview with CNN.

In another interview on Sept 25, Mr. Obama had said that if elected president, he would continue support of ongoing Indian Pakistani efforts

to resolve Kashmir problem to address the political roots of the arms race between India and Pakistan. The statements won him an immediate praise from the Kashmiri American Centre whose Executive Director Ghulam Nabi Fai urged India to listen to the international community and resolve the 62-year-old dispute. The Indian-American community, however, reacted angrily, urging Mr. Obama to focus on domestic issues. But the senator's statements reflect the fear that the dispute over Kashmir would encourage militancy in South Asia and would prevent Pakistan from focusing its attention on fighting terrorists. The Americans also feel that any militancy involving Muslims ultimately attracts anti-American elements that use it to promote their own agenda, as Al Qaeda did in Afghanistan. ...

Dawn (Islamabad) November 3, 2008.

PEACE LINKED TO KASHMIR, SAYS FRANCE: QURESHI, MUKHERJEE MEET

The foreign ministers of India and Pakistan met here on Wednesday amid renewed interest by the international community in a peaceful resolution of the Kashmir dispute.

Even as Foreign Minister Shah Mehmood Qureshi and his Indian counterpart Pranab Mukherjee held wide-ranging talks, including a clutch of minor and major disputes, the French government joined the arriving US administration in linking the prospects of peace in Afghanistan with the resolution of the Kashmir issue.

Addressing a news conference with his Pakistani guest, Mr Mukherjee was quick to reiterate that Kashmir was a bilateral issue and would be resolved bilaterally. To that extent no third-party mediation was required. Mr Qureshi, on the other hand, took care to clarify that the dispute had not been sidetracked and would be taken up at the next round of the Composite Dialogue.

Sources close to their talks said Mr Qureshi had discussed his agenda in India with British Foreign Secretary David Miliband in Islamabad earlier on Wednesday. It was not likely that the growing renewal of international interest in the Kashmir issue was not taking up in his meeting with Mr Mukherjee.

Taking the cue from US President-elect Barack Obama, France too said on Wednesday that it shared the view that peace in Afghanistan was

linked to how secure Pakistan felt about its problems with India over Kashmir.

Delhi's NDTV news channel quoted the official spokesman of the French government as saying that a peaceful settlement of the India-Pakistan dispute on Kashmir could pave way for a better security situation in Afghanistan.

The logic behind it is that if Pakistan is free of the tensions on its eastern border it shares with India, then Islamabad could concentrate more on security issues that dog its western border which straddles with Afghanistan, NDTV said in a dispatch from Paris.

It quoted Mr. Eric Chevallier, special adviser to the Minister of Foreign and European Affairs, who is also the spokesperson for the French Foreign Office, as saying to visiting journalists that the renewed interest and the new international push to solving the longstanding Kashmir dispute makes sense.

According to this line of thinking, he said, if there is decreased tension on the Pakistan-India border with Kashmir, the Pakistani security apparatus could put enhanced efforts in securing the porous border Pakistan shares with Afghanistan.

Solving the Kashmir dispute will help everybody in the region, Mr. Chevallier said. He added that resolving the Kashmir issue might also help avoid the cross-border bombing of the tribal areas of Pakistan.

Emphasising that there was a need for a negotiated settlement to the Afghan problem, France is hosting in Paris a special regional meeting of all the countries that are neighbours to Afghanistan, with the hope that a quick solution can be found to the Afghan crisis, Mr. Chevallier said. He emphasised that there is no military solution to the issue of Afghanistan.

On being questioned as to whether France supports the UN plebiscite in Kashmir, Mr. Chevallier said: The Kashmiri people should find a way to develop peace in the region. Mr. Qureshi arrived here on Wednesday on a four-city tour of India and said he had come to India with an open mind and open heart to build bridges between the two countries. ...

Javed Naqvi, *Dawn* (Islamabad), November 27, 2008.

KASHMIR TAKEN OUT OF HOLBROOKE'S BRIEF: SAYS REPORT

On India's request, the US administration has kept the Kashmir dispute out of the portfolio of Ambassador Richard Holbrooke who was appointed President Barack Obama's special envoy for Afghanistan and Pakistan last week.

Eliminating Kashmir from his job description is seen as a significant diplomatic concession to India that reflects increasingly warm ties between the country and the United States, the Washington Post noted in a report.

At a news briefing earlier this week, US State Department spokesman Robert A. Wood said Kashmir was not part of Mr. Holbrooke's mandate. His mandate is to go out and try to help bring stability to Afghanistan, working closely with Pakistan he said. India has some very clear views as to what it wants to do vis-à-vis dealing with the Kashmir issue, as well as the Pakistanis.

When asked whether Mr. Holbrooke would play a role if there were heightened tensions again over the Mumbai attacks, Mr. Wood said: I don't want to speculate in terms of what he may or may not do, but his brief is focused solely on, as I said, Afghanistan-Pakistan.

Ambassador Holbrooke was originally tasked as the special envoy for Afghanistan, Pakistan and related matters, code for India and occupied Kashmir, a US official told the Post. But on the morning Mr. Holbrooke's posting was announced related matters had been deleted from the description.

The Post reported that Indian diplomats, worried about Mr. Holbrooke's tough-as-nails reputation, didn't want him meddling in Kashmir. Ambassador Holbrooke is nicknamed the Bulldozer for arm-twisting warring leaders to the negotiating table as he hammered out the 1995 Dayton peace accords that ended the war in Bosnia.

The public glee many Indians feel over their country's latest diplomatic success follows the government's victory in securing a (nuclear) deal with the United States the report noted. The deal gives India access to civilian nuclear technology, even though it is not a party to the Non-Proliferation Treaty and is seen by many Indians as the first step towards India's recognition as a legitimate nuclear power. The Post pointed out that India and Pakistan had made slow but steady progress on

Kashmir over the past four years, but relations quickly chilled after the November attacks in Mumbai.

Brajesh Mishra, India's former national security adviser told the Post that no matter what government was in place, India was never going to relinquish control of Jammu and Kashmir. That is written in stone and cannot be changed, he added. During the US presidential campaign, Mr. Obama said the Kashmir issue was central to any stability in the region. But India opposes third-party intervention in the dispute, insisting Kashmir is an internal issue and should not be a part of any outsider's mandate.

Mr. Obama's comments, however, had rekindled hopes in Pakistan that the Obama administration might play a greater role in seeking a negotiated settlement to the Kashmir dispute than previous US administrations had. In interviews to various US news outlets, Indian officials warned Ambassador Holbrooke against any high-profile intervention in Kashmir, pointing out that it was so politically sensitive in India that its referred to as the K-word.

Dawn (Islamabad) January 30, 2009.

HOW THE KASHMIR DISPUTE AFFECTS SECURITY IN SOUTH ASIA

Interviewer:

- Jayshree Bajoria, Staff Writer.

Interviewees:

- Daniel Markey, Senior Fellow for India, Pakistan, and South Asia, Council on Foreign Relations.
- Raja Mohan, Professor, S. Rajaratnam School of International Studies, Nanyang Technological University, Singapore
- Hasan-Askari Rizvi, Independent political and defense analyst, Pakistan
- Howard B. Schaffer, Deputy Director and Director of Studies, Institute for the Study of Diplomacy, Georgetown University
- M. Farooq Kathwari, Chairman, President and CEO, Ethan Allen Inc., Chairman, Kashmir Study Group

U.S. President Barack Obama has defined the elimination of terrorist networks in Pakistan and Afghanistan as crucial to U.S. national security interests. Yet some analysts say the territory of Kashmir could pose a problem to the administration's counterterrorism efforts in the region. Often called one of the world's most dangerous flashpoints, Kashmir has been at the root of two large-scale wars and one limited conflict between India and Pakistan since the August 1947 partition. Tensions between the countries escalated in the 1990s with a rise in militancy in the Indian-administered region. India accuses Pakistan's premier intelligence service, Inter-Services Intelligence (ISI), of supporting militant groups in Kashmir, a charge Pakistan denies.

The two countries started a peace process in 2004 that explored options such as increasing trade and greater people-to-people contact across the disputed border but talks have been plagued by political crises in Pakistan and terrorist attacks in India. Analysts point out that the Kashmir dispute distracts Pakistan's security forces from focusing on militants inside the country since a majority of Pakistan's troops remain deployed on the eastern border with India. Five experts on South Asia—Daniel Markey, C. Raja Mohan, Hasan-Azkari Rizvi, Howard B. Schaffer, and M. Farooq Kathwari—discuss U.S. interests in Kashmir and propose policy options for the Obama administration to tackle this long-standing dispute.

There is little doubt that normalized relations between India and Pakistan, including a regionally acceptable settlement on Kashmir, would offer tremendous benefits to the United States. Indo-Pak tensions are especially dangerous because they bring two nuclear states toe-to-toe; they distract Islamabad from the urgent task of combating terrorists and militants on its own soil; and they contribute to Pakistani suspicions about India's activities in Afghanistan. Thus, the long-standing dispute over Kashmir is one part of a wider regional dynamic that has direct implications for Washington's ability to support a stable Afghan state and to address the threat posed by terrorist groups in South Asia.

Yet in spite of its central strategic importance, the United States is not well positioned to tackle the Kashmir issue. Washington should not seek to insert itself in the diplomacy between Islamabad and New Delhi or to press publicly for concessions from either side. These moves would backfire, since Indian and Pakistani leaders can ill-afford to appear to their domestic audiences as if they are caving to U.S. pressure over an issue as sensitive as Kashmir. Moreover, the recent history of back-

channel dealings between Islamabad and New Delhi suggests that the basic contours of a Kashmir settlement are already well-known to both sides; no need for Washington to reinvent the wheel.

"[T]he long-standing dispute over Kashmir is one part of a wider regional dynamic that has direct implications for Washington's ability to support a stable Afghan state and to address the threat posed by terrorist groups in South Asia." - Daniel Markey.

That said, the White House is understandably eager to promote Indo-Pak rapprochement. This urge is all the more desperate because the United States has every reason to fear that Pakistan-based terrorists will attempt another Mumbai-style attack in the near future. In that event, the Indian government might feel compelled to launch reprisal attacks inside Pakistan, prompting an escalating spiral of uncertain duration and violence.

Under these conditions, the Obama administration should seek to insulate the Indo-Pak rapprochement process by devoting greater attention to the specific group that masterminded last November's Mumbai attack: Lashkar-e-Taiba (LeT). The United States should press for more extensive Pakistani investigations, arrests, and military action against LeT and its associated organizations, and Washington should also lend support where possible. Given the group's history of close ties to Pakistani military and intelligence and the extensive sympathy it enjoys within segments of the Pakistani public, undertaking a true crackdown on LeT may well prove a difficult and bloody affair. But without tackling this threat, prospects for progress in Kashmir, for regional stability, and for U.S. success in its counter terror and counterinsurgency missions will remain extremely dim.

Raja Mohan

From the Indian perspective, there is a short answer to the question on what the Obama administration should do about Kashmir as part of its Af-Pak strategy: nothing. There is also a longer answer to the question--nothing direct--that I would like to develop.

First, the empirical evidence. The many direct U.S. interventions in Kashmir over the last six decades were not only unsuccessful but also prevented the construction of sustainable ties with India. New Delhi saw Washington's Kashmir interest as part of a broader tilt toward Pakistan that began in the early years of the Cold War.

If Kashmir has been at the heart of India's accumulated distrust of the United States, the Bush administration chose to ignore the issue as it tried to build a strategic partnership with India. Paradoxically, it was precisely during this period of American "neglect" that India and Pakistan made the biggest progress on resolving their conflict over Kashmir. From 2003-2007, Delhi and Islamabad unveiled many confidence-building measures in Kashmir for the first time since the partition of the subcontinent. Above all, Indian and Pakistani leaders negotiated, through an official back channel, the framework of a political settlement on Kashmir. The talks, however, are stalled thanks to internal instability in Pakistan and the renewal of spectacular terror attacks on India like the kind we saw in Mumbai last November.

As it understood the costs to America's blossoming ties with India, the Obama administration quickly stepped back from the initial impulse to re-inject itself into Kashmir. The administration must nevertheless persist in building on Obama's one important insight: The conflicts on the eastern and western borders of Pakistan are interconnected. At the source of the trouble in Kashmir and Afghanistan has been the Pakistani army's decades-old policy of nurturing extremist groups as strategic assets against New Delhi and Kabul. Under Obama, Washington has come to recognize that defeating al-Qaeda and the Taliban involves getting the Pakistani army to end its deliberate support of violent extremism. This, in turn, is possible only if the United States can help Pakistan's civilian leaders wrest control over national security policy from the army. If and when he makes progress on these two objectives, Obama will find it no problem at all to convince Indian Prime Minister Manmohan Singh to sign off on the Kashmir deal that he has already negotiated.

Hasan-Askari Rizvi

Improvement of India-Pakistan relations and the resolution of the Kashmir conflict would strengthen Pakistan's role in the ongoing U.S. efforts to eliminate extremism and terrorism in Afghanistan and Pakistan and stabilize those countries. This is especially important because Pakistan's civilian leadership and military top brass are now unanimous in viewing all Taliban groups and their allies as a threat to the stability of Pakistan and the region. The military operation in the Swat area [of Pakistan] has dislodged the Taliban and this area is now under the control of Pakistani civilian and military authorities. Pakistan has launched

another military operation in South Waziristan and such operations will be launched in other parts of the tribal areas in the future. Pakistan's attention will be partly diverted from its tribal areas and northwestern border with Afghanistan to its eastern border with India if tension increases between India and Pakistan. This was the case after the Mumbai terrorist attack (in November 2008) when Indian leaders issued strident statements against Pakistan, moved their troops from peacetime locations up closer to the border, and toyed with the idea of strategic airstrikes in Pakistani territory.

Pakistan's political right and Islamic elements take advantage of troubled India-Pakistan relations--especially the non-resolution of the Kashmir conflict--to argue that India, rather than the Taliban, is a threat to Pakistan. Further, the militant groups based in mainland Pakistan, known for their involvement in Indian-administered Kashmir, use the stalemate on Kashmir to mobilize popular support. The Pakistan government finds it difficult to take a firm action against these militant groups when India-Pakistan relations are marked by high-level hostility and India is publicly demanding action against these groups. Improved India-Pakistan relations and resolution of major disputes, including Kashmir, will make these militant groups irrelevant and increase the Pakistani government's ability to curb them.

The Obama administration is most suited to help ease tension between India and Pakistan and improve their bilateral relations because it has equally cordial relations with both countries. It needs to encourage India to revive the suspended "composite dialogue" comprising eight issue areas including Kashmir and terrorism. Pakistan would like the United States to play a mediatory role on Kashmir. But, this is not possible because India is opposed to it. However, the Obama administration can help the two sides make the dialogue results oriented. If the less complicated issues--the Siachen Glacier, Sir Creek boundary, and the water issue--are resolved, this would produce enough goodwill to resolve the Kashmir conflict. The U.S. administration should be more assertive in working toward improved India-Pakistan relations.

Howard B. Schaffer

The unsettled Kashmir dispute poses a potentially serious threat to the expanding interests the United States now has in South Asia. Any conflict between India and Pakistan sparked by the dispute could escalate into a catastrophic nuclear war. Pakistan's critical role since September 11, 2001,

in shaping the future of Afghanistan has given the issue a further major dimension. The traditional focus of the Pakistan armed forces on combating a perceived threat from India and the continuing patronage that Pakistani intelligence agencies provide to Islamic extremists in Kashmir make it more difficult, both politically and militarily, for Islamabad to help the United States and its coalition partners combat the Afghan Taliban and al-Qaeda. These factors also heighten Pakistan's own problems in contending with domestic extremists. Pakistani support for armed insurgents in Kashmir contributes significantly to tension with India and heightens Indian suspicion that Islamabad is responsible for perpetrating violence within India proper. And until a settlement is reached, there will be no dearth of "spoilers" eager for opportunities to inflame India-Pakistan relations.

"If Washington does find a propitious opportunity to play a more active role, the settlement it promotes should call for making the Line of Control a permanent border that is porous; autonomy for Kashmiris on both sides; and joint institutions on an all-Kashmir basis."- Howard Schaffer; Washington should look for opportunities to play a more active role in helping resolve the dispute while recognizing that this won't be easy. These opportunities will arise only when there are strong governments in both countries willing and able to make the difficult concessions necessary for a settlement. And before the United States becomes more involved, India-Pakistan relations must improve from their present dismal state. Any eventual U.S. diplomatic involvement should be unobtrusive and avoid fanfare. For instance, assigning a high-profile special envoy would be fatal to U.S. efforts. If Washington does find a propitious opportunity to play a more active role, the settlement it promotes should call for making the Line of Control a permanent border that is porous; autonomy for Kashmiris on both sides; and joint institutions on an all-Kashmir basis.

These elements were under discussion in back-channel India-Pakistan negotiations until the talks were suspended following the Mumbai attacks in November 2008. Both sides state that they wish to resume the discussions on Kashmir and the broader composite bilateral dialogue. But New Delhi has served notice that it will be unwilling to do so until Pakistan has taken satisfactory action against the Mumbai [terrorist attack in November 2008] perpetrators. Washington has urged the Pakistanis to do so. Nothing is to be gained, at least at this point, in the U.S. calling on the two governments to hold substantive discussions.

Farooq Kathwari

Conflict in South Asia poses serious economic and security threats to U.S. interests. The ongoing war in Afghanistan and the fighting in Pakistan are serious and dangerous realities. In order to achieve stability, regional cooperation and trust must be established, especially between India and Pakistan. Resolving the Kashmir conflict will go a long way in bringing peace to South Asia.

There is greater realization in India and Pakistan that they need to settle the Kashmir dispute for their wellbeing and that of the region. The conflict over the former princely state of Jammu and Kashmir has been the chief source of tension between India and Pakistan, fueling three wars between the nations since 1947 and resulting in tremendous costs to the region--loss of life, impact on economic growth, large defense spending, and rise in extremism.

For Kashmir, the conflict has been a great tragedy and a disaster in all respects: a large death toll, human rights abuses, displacement of populations, a devastated economy, serious environmental damage, massive military buildup, and severe psychological distress.

The positive news is that in the last few years, through quiet, back-channel negotiations, the parties--India, Pakistan, and the peoples of the Kashmir region--have come close to a feasible solution. All sides now understand that their stated positions of the last sixty-two years are not realistic and that compromises have to be made. In this regard, I was involved in forming the Kashmir Study Group in 1996 to help shape the debate toward a peaceful and honorable resolution to the conflict. The main features of the proposed solution, developed in consultation with the parties: the establishment of truly self-governing entities on both sides of the present Line of Control; guarantees of human and civil rights for the culturally diverse populations and minorities; and all parties committed to demilitarization and the renouncing of violence.

India and Pakistan need to engage in composite bilateral talks on all important issues. Recurrent tensions over Kashmir will undercut any initiative to bring stability to South Asia as well as perpetuate the risk of a nuclear war.

While the ultimate responsibility of negotiating a solution is with the involved parties, it is also the right time for the United States to pursue creative, persistent, and discreet high-level diplomacy to help

move the peace process forward.

Interview, *Council of Foreign Relations*, July 14, 2009.
www.cfr.org

KASHMIR DISPUTE CAN'T BE WISHED AWAY

Kashmir continues to be a nuclear flashpoint in South Asia, causing periodic eruptions that can endanger the entire region. This was the conclusion of a two-day conference on Kashmir in the US capital which was attended by scholars, journalists and politicians from India, Pakistan and Kashmir to seek a peaceful solution to this long-simmering dispute.

The speakers urged the Obama administration to facilitate a resolution to the 62-year-old dispute. Hailing the candidate Barack Obama's perception that Kashmir was the gateway to peace in South Asia, the speakers called the president not only to appoint a special envoy but also to impress upon the Indian and Pakistani leaderships to resolve the issue that continued to be a nuclear flashpoint between the two countries. Elucidating Pakistan's official position, Ambassador Husain Haqqani noted that the Kashmir issue "cannot be wished away". The Obama administration, he said, had a better understanding of Pakistan's position on this issue and also understood Islamabad's security dynamics in the regional context.

Some very courageous participants from India highlighted human rights violations in the valley -- torture, rapes, unlawful detentions and disappearances. Pandit Jitender Bakhshi, Ved Bhasin, Harinder Baweja, Gautam Navlakha, Tapan Bose, and Angana Chatterji, an Indian-American, are among the scholars who stand for human values, rising above religious, ethnic and parochial considerations.

So is Bishnu Podal, a professor from Nepal. Ghulam Rasool Malik and Zahid G. Mohammed, from the valley, depicted a painful picture of the daily life under Indian occupation. Pakistani participants -- Senator Mushahid Husain and Maleeha Lodhi among them -- covered political and diplomatic aspects of the dispute, reminding India that military means alone could not resolve this issue. Speakers at the 10th international conference, organised jointly by the Kashmiri American Council and Association of Humanitarian Lawyers, warned that violence would continue to chase the region unless the Kashmir problem was resolved and the people were granted the right to determine their future.

Six US lawmakers also participated in the conference at Capitol Hill, the home of the US Senate and the House of Representatives. The speakers expressed great concern at the depressing and dismal humanitarian situation in the state. They also hailed the resoluteness of the people of Jammu and Kashmir in carrying forward their struggle for freedom.

The militarisation of the valley was also debated in detail. Some speakers pointed out that the over-militarisation not only had worsened psycho-traumatic situation but it was also taking a toll on the region's economy. They noted that by converting more and more areas into cantonments, India had destroyed agriculture, the backbone of the Kashmiri economy. The speakers stressed that the right to self-determination was an inalienable right of the people of Jammu and Kashmir, and it was high time they be allowed this right.

In his concluding remarks, Dr Ghulam Nabi Fai, executive director of the Kashmiri American Council, urged the international community, particularly the US administration, to play its role for the resolution of the Kashmir dispute on the basis of fair play and justice and in accordance with the aspiration of the people.

Anwer Iqbal, *Dawn* (Islamabad), July 27, 2009.

<http://www.dawn.com/wps/wcm/connect/dawn-content-library/dawn/the-ewspaper/front-page/kashmir-dispute-cant-be-wished-away-779>

SAUDI PRINCE URGES OBAMA TO RESOLVE KASHMIR DISPUTE

One of the most powerful and influential royal family members of Saudi Arabia, Prince Turki al-Faisal has urged the US President, Barack Obama to push India and Pakistan for resolving the Kashmir dispute for his AfPak policy to make any progress. According to Kashmir Media Service, Turki al-Faisal, in an article he wrote in the international Herald Tribune last Saturday, said that Saudi Arabia could play a supporting role in settlement of the dispute. Turki al-Faisal, who remained head of Saudi intelligence for 24 years from 1977 to 2001 and who has served as Ambassador to UK, and US proposed a seven-point action plan for Obama to achieve progress in Afghanistan. The fifth point of this action plan is to push India and Pakistan to fix Kashmir.

He said that the US had cordial relations with both, Pakistan and India and if it started efforts for an amicable solution of the long-standing

Kashmir dispute, Saudi Arabia could play the role of a mediator. ‘When India and Pakistan feel the strength of the American push on Kashmir, they will come along,’ he wrote.—APP

Dawn (Islamabad) October 15, 2009.

<http://www.dawn.com/wps/wcm/connect/dawn-content-library/dawn/news/world/13+saudi+prince+urges+obama+to+resolve+kashmir+dispute-za-09>

US AND CHINA WANT KASHMIR RESOLVED: CRITICAL INTERNATIONAL ISSUE

In many public and private statements the US administration, think tanks, generals and politicians have clearly stated that Kashmir is the root cause of much of the militancy in South Asia. After relentless pressure the Americans don’t talk about it publicly. Delhi has used its equity with the Americans on trying to remove Kashmir from the vocabulary of America—and it hasn’t worked. Every once in a while a voice from Washington once again reiterates the fact that Kashmir is disputed territory. For all her maps and talk, Kashmir remains an international issue. Even after six decades Delhi has not been able to gobble up the Muslim majority area. Nehru’s blunder has caused huge problems for generations of Bharatis. On Pakistan’s Independence Day every August 14th, the Kashmiris raise Pakistani flags on buildings in Srinagar and elsewhere in Indian occupied Kashmir. Every August 15th they raise black flags to protest the Bharati Independence Day.

The United States is negotiating some measurements with both Pakistan and Afghanistan to determine success in the fight against extremists, says US Secretary of State Hillary Clinton. In three separate interviews to US, Afghan and British media outlets, released by the State Department on Friday, the secretary also acknowledged that the United States was encouraging India and Pakistan to resume their efforts to seek a negotiated settlement of the Kashmir issue. ...

‘Are you looking at tackling the Kashmir problem to try to help Pakistan really move its focus to the border with Afghanistan?’ she was asked.

‘Well, we’ve encouraged both countries to resume a dialogue that they were engaged in which came to a halt and yet holds a lot of promise. They had made progress, I’m told, in sorting through some of the longstanding difficulties they face, and most particularly the status of

Kashmir. But it's clear that any solution has to come from the two countries themselves,' said the top US diplomat. 'You're not pushing? 'Well, we are encouraging them to get back into dialogue. We think that is important. But with respect to any resolution, that's up to them,' she responded.

No amount of Indian chagrin can change the fact that China does not accept the Indian occupation of Kashmir. The recent US-China joint statement coming out of Beijing so astounded Delhi that it retorted with several statements decrying the mention of India-Pakistan relations.

Hillary Clinton has once again admitted that the US is pushing Bharat towards talks on Kashmir. Delhi missed a huge opportunity with President Musharraf. Now it has go back to old Pakistani positions about a plebiscite. Mir Waiz sensing movement is ready to go on his rounds to Islamabad and Beijing. Mir Waiz in his flawed logic wants a free Kashmir and an independent Kashmir. This folly will make Kashmir end up like Sikkim. Most Kashmiris realize this. That is why Gilani is still so popular. Bharatis living in their isolated homes in apartheid society have no clue about the depth of feeling the Kashmiris have for Pakistan—they never will.

Moin Ansari, November 21, 2009.

Link: <http://pakistanledger.com/2009/11/21/critical-international-issue-us-and-china-want-kashmir-resolved/>

KASHMIR'S LATEST CONTROVERSY

On the eve of his visit to the United States, Indian Prime Minister ManMohan Singh has once again triggered the controversy over Kashmir by telling CNN's Fareed Zakaria on October 22 that "there will be no redrawing of" of the borders in the disputed region. He said that within the existing border arrangements, the "two countries can work together to ensure that peace is maintained, that trade is made free and ensure that encouragement is given for more people-to-people contact."

Neither the UN Security Council nor Pakistan or the Kashmiri people consider the Line of Control as a permanent border. Consequently, the Indian prime minister's statement received a swift reaction from the Pakistan Foreign Ministry. Its spokesman Abdul Basit said India had no "right to decide the issue unilaterally." In his words, the Kashmir dispute must be resolved in accordance with UN resolutions,

and that Kashmir was a pivotal part of the comprehensive peace dialogue between Pakistan and India.

There is no doubt that in recent years the center of gravity of the conflict in South Asia has shifted from Kashmir to Pakistan's frontier with Afghanistan and in Afghanistan itself. However, the same period has also seen a simmering conflict in the disputed region of Kashmir, where a militant uprising has been going on for the past 20 years.

In a recent report, the Amnesty International called upon US President Barack Obama to raise the issue of India's oppression in Kashmir when he meets Prime Minister Singh in Washington. The report states: "The Indian side of Kashmir is an area where the security forces commit mass human rights abuses with impunity...facilitated by the Armed Forces (Special Powers) Act and other similar laws. During their recent meeting in Beijing, President Obama and his Chinese counterpart Hu Jintao issued a joint statement, saying they "agreed to cooperate" for "bringing about more stable, peaceful relations in all of South Asia." On the occasion, US Secretary of State Clinton said in an interview that the United States wanted the resumption of talks between India and Pakistan to sort out their differences, including Kashmir. Pakistan's present leadership is willing to engage India for a "constructive engagement and meaningful dialogue", to use Foreign Minister Shah Mehmood Qureshi's recent remarks, to resolve the Kashmir dispute amicably. The response from Indian leadership is quite disappointing. Instead of showing an interest in mutually resolving Kashmir, Prime Minister ManMohan and his ministers for external affairs and home affairs have somehow developed this habit of sidetracking the key South Asian dispute which is also one of the main sources of regional terrorism. For instance, in the same interview, Mr Singh said, "Pakistan has not done enough with regard to pursuing the perpetrators of the Mumbai terror attacks.

He continued by alleging that Pakistan's fight against Taliban was at cross-purposes with the US-led war in Afghanistan. On its own, India has attempted to reach out to the Kashmiri resistance groups—but without any role of Pakistan in the negotiated settlement of the dispute. The All Parties Hurriyet Conference (APHC), a representative body of a number of Kashmiri resistance group, does not subscribe to such a course. That is why its Chairman Mirwaiz Umar Farooq recently stated a just solution to the Kashmir dispute could be brought about only through tripartite talks—participated by Pakistan, India and Kashmiris. He even proposed the inclusion of China in any future negotiations over Kashmir.

The role of China in Kashmir was first highlighted this year when Beijing started to issue visas to Indian Kashmiris on separate sheets—rather than stamps in an Indian passport. That implied to Indians that China questioned India's rule over Kashmir. India responded to the Chinese move by allowing Tibet's spiritual leader, the Dalai Lama, to visit the Arunachal Pradesh region near the Chinese border in November. New Delhi has likewise criticized the recent joint statement of Presidents Obama and Hu. Mistrust between India and China has grown this year over the disputed Indian border state of, especially with the visit of the exiled Dalai Lama.

The two countries fought a brief but bloody war in 1962. Resolving the Kashmir dispute is central to peace in South Asia, a region already overshadowed by terrorist violence in Pakistan and Afghanistan. In other words, combating terrorism in this volatile region requires solving the 62-year dispute, which has already caused three wars and as many, if not more, standoffs between the two countries.

Lashkar-e-Tayyiba, the organization which allegedly conducted the November 2008 terrorist assaults in Mumbai, and other al-Qaeda affiliates in the region seek their existential and operational legitimacy from the continuing prevalence of unresolved Muslim conflicts such as Kashmir.

A former activist of Lashkar-e-Tayyiba, for instance, told Kamran Haider of Reuters recently in an interview that his group could “strike again despite Pakistani efforts to rein it in.” “I don't know whether they'll carry out another attack like Mumbai, but for sure they won't leave India in peace as long as Kashmir is not resolved,” he was quoted as saying.

“Their goal is Kashmir freedom. It's the priority. They still pray for the freedom of Kashmir every time they finish their prayers.”

The above statement makes the inherent danger in the continuously unresolved Kashmir dispute very clear. Its non-resolution will continue to fuel non-state terrorism, provide a pretext to violent non-state actors in the region to engage in militancy, including terrorism, and distract Pakistan as a frontline counter-terrorist state in the region from proactively combating terrorism. In fact, neither India nor Pakistan can any longer afford the luxury of continuingly pursuing a peace process which only produces cosmetic results in trade, transport and confidence-building spheres and does not address the core issues of dispute between the two countries such as Kashmir.

Instead of making irresponsible statements on Kashmir, which generate unnecessary controversy, dimming hopes for the resumption of

dialogue between India and Pakistan, the Indian leadership should come forward and join its Pakistani counterpart's unilateral chorus on starting a "meaningful and constructive" process to once and for all resolve a dispute on the basis of which terrorist groups thrive and jeopardize regional peace and stability.

Dr Ishtiaq Ahmad, *Weekly Pulse* (Islamabad), November 26, 2009.
<http://www.weeklypulse.org/pulse/article/4562.html>

ZARDARI SEEKS US MEDIATION ON KASHMIR ISSUE

President Asif Ali Zardari called upon US President Barack Obama on Thursday to demonstrate American neutrality and willingness to help India and Pakistan overcome their mutual distrust by stepping up its efforts 'to mediate the Kashmir dispute'. Referring to concerns in Pakistan over the Kerry-Lugar legislation, which President Obama signed into law and requires the secretary of state to report to Congress on military and civil progress in Pakistan, Mr. Zardari observed: 'It shows how sensitive many here are to what they see as unfair treatment by the United States.' ...

'But', he added, 'even to those of us who are striving towards accommodation and peace, the long history and the unresolved situation in Kashmir give Pakistanis reason to be concerned about our neighbour to the east. Just as the Israeli-Palestinian dispute cannot be resolved without accommodating the Palestinian people, there cannot be permanent regional peace in South Asia without addressing Kashmir.' ...

Dawn (Islamabad), December 11, 2009.
<http://www.dawn.com/wps/wcm/connect/dawn-content-library/dawn/news/pakistan/13+zardari+urges+us+role+towards+kashmir+resolution-za-07>

CONFLICT-WEARY KASHMIR MARKS 20 YEARS OF INSURGENCY

In a year of watershed events from Berlin to Tiananmen Square, 1989 also witnessed the birth of one of the world's longest-running separatist insurgencies in Indian-administered Kashmir. Twenty years on, the bitter struggle against Indian rule in the scenic, Muslim-majority Himalayan region continues, even though some groups that took up arms have since chosen to eschew violence. India puts the official death toll at more than

47,000 people, while human rights groups say the number of dead and disappeared is closer to 70,000. While the roots of the problem go back to the Indian sub-continent's gaining of independence and subsequent partition in 1947, the launch of the full-scale insurgency is generally traced to the December 1989 kidnap of the daughter of India's home minister Rubiaya Sayeed, then a 23-year-old medical intern, was freed on December 13, 1989, in exchange for five jailed militants whose release triggered celebrations across the Kashmir valley. It was the police response — a fierce crackdown in which more than 100 people were killed — that prompted separatist-minded Kashmiris to take up arms against the Indian state, though low-key militancy had already been born.

Among the militants was Afroz Ahmed, now 42, who said he and many others had been inspired by historic events elsewhere in 1989, particularly the fall of the Berlin Wall and the Soviet military withdrawal from Afghanistan. 'The events in Germany and the Russian defeat gave us confidence at that time to take on India,' he told AFP. Ahmed spent two months in a training camp in Pakistan-administered Kashmir before returning to the Indian-controlled section of the divided region to join insurgent operations. He was captured and jailed for five years and now believes that armed struggle was never the solution. 'I don't think insurgency will force a mighty power like India out of Kashmir,' said the father of two.

By the mid-1990s, Kashmiri separatist ranks had swelled with foreign 'jihadi' fighters of Arab, Afghan and Pakistani origin, many of whom had fought Afghanistan's Soviet occupation. India has long accused Pakistan of sheltering, training and arming Kashmiri militant groups. Islamabad denies the charge, although it openly extends 'moral support' to the Kashmiri right to self-determination.

The nuclear-armed South Asian rivals have fought two wars over Kashmir, which is divided by a UN-monitored Line of Control. Among the most active Kashmiri militant groups is the Lashkar-i-Taiba, blamed by India for the deadly 2008 Mumbai attacks. It was also accused of involvement in an audacious 2001 attack on the parliament in New Delhi, which brought India and Pakistan to the brink of another all-out war.

The Kashmir insurgency initially began as an independence movement spearheaded by the Jammu and Kashmir Liberation Front (JKLF). Later, the militant wing was taken over by groups favouring the region's accession to Pakistan. India's response to the growing violence

was to pour hundreds of thousands of military and paramilitary troops into the Kashmir valley, a move that alienated many in the majority Muslim community.

Human rights groups in Kashmir, as well as monitors like the New York-based Human Rights Watch, have accused the security forces of widespread rights abuses. India says it probes all such claims. Few families have been left untouched by the violence and the dominant mood among many ordinary Kashmiris is one of conflict fatigue. 'We just want peace,' said Haleema Akhter, 62, a retired teacher. 'Violence has brought us nothing but destruction,' Akhter said. 'During the initial years of the militancy, it seemed the goal (of independence) was near but 20 years later it is still nowhere in sight.'

Javed Mir, once one of the most wanted JKLF commanders and now a leading separatist politician, rejects the argument that armed struggle has been a total failure. 'It was launched with an aim of highlighting the Kashmir issue internationally. And it has succeeded in doing that,' Mir told AFP. The number of militant attacks dropped sharply after India and Pakistan initiated a peace process in 2004, but senior separatist politicians like Yasin Malik warn of a return to violence if a political solution is not forthcoming.

'Our youth are feeling frustrated. Further delay will push them towards another bloody revolution,' Malik said. The warning is echoed by Tahir Mohiudin, editor of the local Urdu weekly 'Chattan,' who believes the Indian government is fooling itself if it believes the separatist movement will just peter out. 'If the issue keeps lingering on, one can't rule out a return to the peak days of insurgency,' he said. The federal government has said it is willing to open a dialogue with any Kashmiri group that has renounced violence, including those seeking an end to Indian rule. In the meantime, separatist protests, police clashes, tear gas

and house searches remain features of life for residents of Srinagar.

World News, *Dawn* (Islamabad), December 13, 2009.
<http://www.dawn.com/wps/wcm/connect/dawn-content-library/dawn/news/world/04-kashmir-marks-20-years-of-insurgency-q>

RESOLUTION OF KASHMIR ISSUE A MUST

Prime Minister Syed Yousuf Raza Gilani on Saturday urged the international community to realise that peace and stability in South Asia can only be guaranteed if all outstanding issues between Pakistan and India, including the Kashmir dispute, are resolved.

“Non-resolution of outstanding issues is impeding the government of Pakistan’s efforts to effectively counter the menace of terrorism,” the prime minister said while chairing the 44th session of the Azad Jammu and Kashmir (AJ&K) Council that was held under his chairmanship here at the PM House. ...

In his opening statement, the prime minister underlined the need for early resumption of stalled dialogue process with India. He, however, mentioned that the dialogue must be meaningful and result-oriented. He impressed upon India and the rest of the world that terrorism is the real issue.

The prime minister said that Pakistan has shown commitment to reverse the course of confrontation in South Asia. “Pakistan is ready to start a journey of peace and accommodation in order to provide a better environment to the people to prosper and develop,” he added.

He expressed the hope that both the governments of Pakistan and India would live up to the expectations of their own people as well as the people of Kashmir so that the dream of lasting peace in South Asia can be realised.

News International (Rawalpindi), December 20, 2009.

THE MEANING OF SHOPIAN

In the month that marked 20 years of the uprising against Indian rule, occupied Kashmir once again erupted in anger. The shutters came down and life was paralysed by a strike across the Valley on Dec 15. This time the protest was ignited by the findings of a federal police investigation into the rape and murder in May of two women in Shopian, a town 35 kilometres from Srinagar.

Thousands of angry youths took to the streets in Shopian in response to the call by the victims' families and the Majlis-e-Mushiwarat, a local group formed to secure justice for the murdered women.

The report of the Central Bureau of Investigation (CBI) presented to the Jammu and Kashmir High Court claimed that the two women – a

17-year-old and her 22-year-old sister-in-law – died by drowning, and not rape and murder at the hands of the state security forces, as their family and locals had insisted for months. This provoked demonstrations by outraged Kashmiris, who rejected the report and accused the authorities of a cover-up.

Mehbooba Mufti, the opposition leader in the state assembly, had this to say: "The whole charade of investigations by multiple agencies was aimed at shielding the culprits rather than bringing them to book." She was referring to the bizarre sequence of events since May when local officials initially claimed that the girls had drowned, then retracted this in the face of mass protests and agreed they might have been murdered.

A state inquiry commission in its report in July held law enforcement personnel responsible for destroying the evidence. But in September the state authorities handed over the investigation to the CBI.

The latest protests testify to the fraught situation in the Valley and stress the unchanged reality about the depth of popular alienation and the overwhelming sentiment for freedom from Delhi's rule. Every protest, even on civic issues, morphs into demands for an end to Indian occupation.

The large street protests in the past two years have also marked the Kashmiri struggle's transformation into a non-violent youth-driven mass movement for self-determination, which has been much harder for Delhi to de-legitimise than the armed resistance.

The unrest that raged in the Valley in the summer against the Shopian outrage was a spectacular demonstration of the extent of the ferment in the Valley. So also were the even bigger protests last year over the Amarnath Shrine dispute. This belied the Indian claim that elections had "settled" the Kashmir issue.

Despite the current claims by Indian leaders that they are pulling out some 30,000 troops from Kashmir – from the over half-a-million forces deployed there – the Valley remains the world's most militarised region. It is also the most traumatised. A report last week in *The Independent* said that in 1989 before the uprising and its ruthless suppression got underway, around 1,500 people annually sought help for mental-health issues. Today that number has shot to around 75,000.

Neither the humanitarian dimension of the Kashmir issue nor, for that matter, its political or security aspects, have recently attracted much attention from the international community. Yet the surface calm in Kashmir is but a thin veil over its combustible nature. And it remains the

most proximate cause for the escalation of Pakistan-India tensions. Indeed, all four Indo-Pakistani crises in the past two decades were linked, directly or indirectly, to Kashmir.

International inattention to the human rights situation was more than evident before and during Prime Minister Manmohan Singh's visit to Washington last month. In a letter addressed to President Barack Obama, Amnesty International urged him to take up human rights violations with India's prime minister, saying that, among others, the people of Kashmir bear the brunt of these abuses.

The letter dated Nov 18 also highlighted the fact that the Armed Forces (Special Powers) Act (AFSPA), which remains in force in Kashmir, has facilitated grave abuses including "disappearances, rapes, extrajudicial executions and deaths from torture." This evoked no response from Washington and none from the American media.

While Kashmiris see little change in the coercive environment that defines their daily lives, Indian officials portray Delhi's recent decision to draw down troops from Kashmir as evidence of the improved situation in the Valley. This reduction was promised in June at the height of the summer protests in what seemed to be an effort to defuse tensions and halt the momentum of the peaceful movement. One of the key demands renewed by the street protests was for the demilitarisation of the state.

Announced amid much fanfare last week the pullout of two infantry divisions from Kashmir was greeted with deep skepticism by Kashmiri leaders, and by public calls for an independent verification. Many leaders said they saw no visible sign of any reduction in the military presence. Mirwaiz Umar Farooq, leader of the All Parties Hurriyat Conference (APHC), said: "This is merely an announcement... Who saw them leave Kashmir?"

The drawdown may well represent little more than a seasonal rotation of troops. In the past, too, such claims have produced a recycling of forces, often necessitated by the need to address the stress and strain of prolonged counterinsurgency duties and the obvious effects on troop morale.

Even if in this instance the troops are not replaced, the numbers are still a modest proportion of over 600,000 occupation forces present there. According to a Kashmiri commentator, if Indian officials claim there are only a few hundred militants left, what is the need to maintain such a heavy military force?

Moreover, a troop withdrawal is not the same as demilitarisation if the culture and infrastructure of repression remains intact. In the absence of a move to meet key Kashmiri demands – repeal of repressive laws, especially the AFSPA, end to arbitrary detentions and search-and-cordon operations, release of all political prisoners, cessation of extrajudicial killings and a halt to the human rights abuses – the atmosphere of coercion will not be significantly transformed.

India's defence minister A K Antony made it clear in making the drawdown announcement that the AFSPA will remain in force, because without its powers "the military will not be able to act effectively." The Act gives sweeping powers to the security forces to act with impunity – shoot, arrest or search without warrant and kill on suspicion.

In this backdrop, the pulling out of a few thousand soldiers actually means little. It will hardly alleviate Kashmiri demands or, for that matter, address the roots of recurring tensions in the Valley.

Delhi has of late sought to engage leaders of the APHC in talks. But these ostensible overtures have been made absent by any concessions that can form the basis for serious negotiations. This strengthens the impression that the move is designed to divide rather than negotiate with the movement's leaders.

For his part, Mirwaiz Umar Farooq has set a number of conditions for Delhi to meet before formal talks can proceed. They include creating a "conducive atmosphere" for meaningful talks that entails a number of steps, especially an end to human rights abuses.

Meanwhile, with the Pakistan-India dialogue process suspended for over a year now Indian officials insist that terrorism is the only issue they are interested in discussing with Islamabad in any future talks. By taking this position Delhi is signaling a singular lack of interest in pursuing a negotiated solution of the Kashmir dispute – on terms other than its own. None of this holds promising prospects for a people whose fate has so tragically been shaped by a history of conflict, repression, injustice and denial of the right of self-determination and whose future has been stolen by the obduracy of an occupation force. Until there is wider international acknowledgement that the road to peace in the region runs through the Valley of Kashmir, the people of that land may yet have to witness more Shopians.

Dr Maleeha Lodhi, *News International* (Rawalpindi), December 22, 2009.

WORLD BANK REFUSES TO ACCEPT KASHMIR AS INDIAN TERRITORY

The World Bank has refused to accept Indian Occupied Kashmir as an integral part of India and has rather insisted upon a disclaimer from the Jammu and Kashmir government that funding for a project will not be seen as recognition of India's territorial claim on the state.

The agency has put a 'disclaimer clause' for bankrolling a key project in the disputed state which indicates that funding of projects in disputed areas should not be used to endorse territorial claims.

"If you have a query on World Bank's decision on J&K, Ask Prabhu now". This has been communicated to New Delhi by the occupying state government which wants the World Bank-funded Rs 740 crore 'Participatory Watershed Management Project' to be completed.

Indian Occupied Jammu and Kashmir's Forest Minister Mian Altaf Ahmad, along with MPs from the state met Finance Minister Pranab Mukherjee recently in New Delhi to discuss the issue.

Jammu and Kashmir's occupying government wants the New Delhi to settle issue with the World Bank, which has refused to fund more projects in the state, treating it as disputed territory between India and Pakistan. Ahmad said the World Bank had raised the disclaimer issue last year after assessment of the project which was then at the funding stage.

He said if the Centre pursued the matter; the bank could be convinced to give up the disclaimer condition. Despite Ahmad's views to the contrary, this is a shocking development. The World Bank was instrumental in committing India to allow the waters of the state's three principal rivers - the Indus, the Jhelum and the Chenab - to flow unimpeded under the Indus Water Treaty of 1960. ...

Special Report, *Daily Mail* (Islamabad/Beijing), December 22, 2009.
<http://dailymailnews.com/1209/22/FrontPage/FrontPage1.htm>

ELECTIONS IN INDIAN HELD KASHMIR AND THE KASHMIR DISPUTE

Abstract

Every election in Indian Held Kashmir (IHK) has had its own dynamics and political environment. The assemblies were formed and worked regardless of whether they enjoyed any support from the public, and

whether the ruling party had any legitimacy or moral grounds for its rule. The eleventh state assembly elections in IJK which took place in November-December 2008 have generated several significant issues that have relevance to the future dispensation of the Kashmir issue and the politics in the state. The implications of the moderately high turnout in the polls are heavily debated, with some quarters even construing it as the erosion of the mass support base for the valley's freedom movement and the acceptance by Kashmiris of the status quo. However, the protests lodged in the valley by thousands of people chanting anti-India and pro-freedom slogans following the Amarnath Shrine crisis in 2008 and the Shopian tragedy in May 2009 emphasized the fact that freedom sentiments are not only alive in the valley but have been transferred to the fourth generation of Kashmiris since the Indian occupation. Therefore, the history of elections in IJK guides that elections will neither be accepted by the people of Jammu and Kashmir as a substitute to the right to self determination or plebiscite, nor pacify freedom sentiments in the valley. ...

Conclusion

The moderate voter turnout witnessed in the eleventh state assembly elections was misread even by the pro-freedom leadership of APHC, resulting in its confusion over the subtle reality that the elections and their results do not make the Kashmir dispute irrelevant or marginalized. On the other hand, Indian officials claimed again that Kashmir's accession to India had been tacitly ratified by the participation of the people in the state assembly elections. This assertion begs the question: the people of Kashmir were promised a plebiscite by the UN General Assembly in 1948, and basing their decision on elections is illogical, illegal and fundamentally wrong.

Notably, the state assembly does not have any mandate to determine the status of J&K. Therefore, the elections and their results have no bearing whatsoever on the people's decision concerning freedom or accession. Secondly, if one were to accept for the sake of argument that the elections represent the will of the people in this respect, it would be necessary to include the entire population of the state in the polls, including the populations of Azad Jammu and Kashmir and the Northern Areas and the refugees from IJK settled in Pakistan, which has not been the case in any election.

If the assembly elections had been the yardstick for measuring the freedom sentiments in the valley, the urge for freedom would have died down long ago and people would have accepted the state's accession to India. But this did not happen; rather, the call for freedom has intensified with time. The emergence of the mass uprising calling for freedom in the valley in 2008 and 2009 is a case in point.

The people who voted in the 2008 elections might have shared the view that the poll process would not affect the status of the Kashmir problem—indeed, this is the message they were given by the mainstream political parties throughout their campaigns. It is then logical that they exercised their right to franchise in the hope that this would grant them some relief from the miserable conditions of their day to day lives. Well-known social activist Muhammad Abdullah explained why people from his village, Dardpora, situated some 24 kilometers from Kupawara, the nerve center of pro-freedom politics, decided to participate in the elections: “The people of the village would not cast vote in the past, but it is observed that the winning candidate would ignore the area out of revenge. So we decided to cast vote this time, but voting and the freedom movement are separate issues. We have protested too; four boys were beaten in the market; if need be we will not remain behind tomorrow...” He added that “This time all the candidates are saying, ‘If you cast vote, we will provide water for your fields.’ We are compelled to vote in order to have water for our fields.”

Many analysts rightly believe that “Those in charge of Kashmir policy in New Delhi would be committing a gross error in assuming they can go back to business as usual...it would be a mistake to assume the issue itself has been voted away.” So “New Delhi must not view the elections as signaling a return to “business-as-usual” in the politics of the state.”

Indian Premier Manmohan Singh declared that “the large turnout in the Jammu and Kashmir was a victory of democracy and national integration, no matter who won the elections”. However, during the Lok Sabha elections the following year, voter turnout in three constituencies out of the total of six in the Kashmir valley was low: 26 percent in Anantnag, 24 percent in Srinagar, and 40 percent in Baramula. Had the people voted for national integration and Indian democracy in the state assembly elections, their participation would have been much higher in the parliamentary elections.

Moreover, claims that the regular conduct of elections in IHK and participation of people in the voting process can be equated with referendum or plebiscite, and that freedom sentiments have withered away and people have associated themselves with Indian federation have been eclipsed by recent protests in the state. Thousands of people, including a large proportion of youth, thronged the valley streets chanting anti-India and pro-freedom slogans following the Amarnath Shrine crisis in 2008 and the Shopian tragedy in May 2009. Indeed, these incidents emphasized the fact that freedom sentiments are not only alive in the valley but have been transferred to the fourth generation of Kashmiris since the Indian occupation.

The elections in IHK have their own dynamics and they have not been able to change the ground realities concerning the freedom movement in Kashmir's society. According to Navlakha, "It would be a mistake to read a relatively decent turnout in seven phased state assembly elections in J&K as rejection of the demand for self-determination. Not too long ago similar claims about demise of the movement were rubbished by massive non-violent assertion for azaadi."

State assembly elections have been held in Jammu and Kashmir in the past and are likely to continue to be held in the future. If history is any guide, it can safely be concluded that they will neither be accepted by the people of Jammu and Kashmir as a substitute to the right to self determination or plebiscite, nor pacify freedom sentiments in the valley.

Awais Bin Wasi, *Policy Perspectives*, Vo. 6, No. 2, July/December 2009.
<http://ips-pk.org/content/view/900/182/>