CHAPTER - V

CLINTON ADMINISTRATION: USING HUMAN RIGHTS FOR GEO-STRATEGIC INTERESTS

"Virtues Are Swallowed Up by Self-interest as Rivers are lost in the Sea."

(Francois de la Rochefoucauld, in the Maxims of La Rochefoucauld).
CHAPTER - 5

CLINTON ADMINISTRATION: USING HUMAN RIGHTS FOR GEO-STRATEGIC INTERESTS

CLINTON ADMINISTRATION’S POLICY-OBJECTIVES IN SOUTH-ASIA

The Clinton administration after assuming power in 1993 had set forth certain policy matters to be pursued in the post-cold war phase. The U.S. engagement especially in areas of greatest strategic significance were the national interests, according to Anthony Lake, President Clinton’s National Security Adviser, which merited U.S. intervention such as “to prevent the dangerous proliferation of nuclear weapons of mass destruction, to prevent acts of terrorism, to defend U.S.’s most important economic interests, because it was here that Americans saw their most immediate personal stake in their international engagement; and for humanitarian purposes, such as in the cases of overwhelming violations of human rights.” He said these considerations and interests would guide American decisions to intervene in future in world affairs.

Echoing these policy-goals and setting out the guiding principles of U.S. foreign policy under Clinton administration, Secretary of State. Warren Christopher, in a speech at Harvard University’s John F. Kennedy School of Government said that “the end of cold war had given us an unprecedented opportunity to shape a more secure world of open societies and open markets

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a world in which American interests and ideals could thrive. But we also faced serious threats from which no border could shield us — terrorism, crime, proliferation and damage to the environment. If we lead, we can sustain the momentum that defeated communism, freed us from the danger of nuclear war and unfurled freedom’s flag around the world.”

To shape the more secure world Warren Christopher affirmed some principles by stating: “our commitment to provide leadership was the first of the central principles guiding air foreign policy .... The other principle was that support for democracy and human rights reflected our ideals and reinforced our interests. Our dedication to universal values was a vital source of America’s authority and credibility. We simply can not lead without it. Our interests are most secure in a world where accountable governments strengthens stability and where the rule of law protects both political rights and free market economies ....”

Additionally the Secretary of State affirmed that in the coming years we would give special emphasis to these main objectives in addition to those continuing principles, such as, pursuing peace in regions of vital interests to the U.S., confronting the new transcendal security threats and promoting open markets and prosperity.

Speaking in the same vein, under secretary of state for political affairs, Peter Tarnoff in an interview asserted that “American economic and military security remained a U.S. foreign policy priority, but working for the

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3 ibid.
expansion of democracy and free markets was a priority too, because this promoted the values that we attached importance to in our own society. Combating the new threats of terrorism, drugs, nuclear proliferation and environmental degradation was also key to our foreign policy agenda. \(^4\)

Joining the chorus with them, Robin Raphel, the assistant secretary of state for South-Asian affairs, said in an interview that “helping to scale down regional tensions was the key concern of U.S. foreign policy in South-Asia. In addition U.S. was supporting efforts there to promote economic development, protect the environment, enforce human rights, and combat narcotics production and trafficking.” \(^5\)

On India and Pakistan, she said that lessening tensions in that region and finding a way to curb proliferation of weapons of mass destruction and missiles, promoting trade and development, investment, economic growth, democracy and human rights were the big issues for the Clinton administration.

On the issue of weapons of mass destruction she said that both India and Pakistan were capable of producing a modest number of nuclear weapons in a fairly short period of time. She said the Clinton administration was encouraging both India and Pakistan to participate in the nuclear Non-proliferation Treaty and Comprehensive Test Ban Treaty (CTBT). She also expressed concern about the potential for ballistic missiles in South-Asia and the Clinton administration was urging restraint on India and Pakistan, who have not deployed any ballistic missiles so far.

\(^4\) ibid. p. 3.

\(^5\) ibid. p. 6.
On the issue of human rights, she praised "India for setting up a National Human Rights Commission and the good work it has been doing, and the respect and authority it has gained." She said death in custody, torture, insurgent violence and discrimination against minority groups were common problem in South-Asia. However, she said that "it was fair to say that today there was a much greater awareness of human rights standards than there was ten years ago. The international community could take a lot of credit for that and the U.S. could take some in terms of the effort the US put into their human rights report." 

These objectives were further vindicated in the statement of U.S. ambassador to India, Frank w. Wisner. He, while speaking to some leading business magnets of India in Bombay on January 23, 1997, said that "United States has had national interests at stake that warranted American engagement in South-Asia. Secretary of State-designate Madeleine Albright recently observed that, we have a wealth of equities in this region. These span a broad range of interests, from peace to stability in Asia, to trade and investment, to regional security and environmental concerns." 

ASIA SOCIETY’S REPORT ON INDIA AND PAKISTAN

In early 1994, 'The Asia Society' had sent a study mission of distinguished Americans to South-Asia to look at U.S-South-Asian relations

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ibid. pp. 7-8.
ibid. p. 8
Frank W. Wisner, "Examining America's Assumptions About India", Official Text (United States Information Service (USIS), New Delhi), January 23, 1997, p. 2
in the post-cold war period. This group, chaired by the honourable Carla A.Hills, former U.S. trade representative, and the honourable Arth·a. Hartman, former U.S. ambassador to France and to the Soviet Union had issued a report that laid out a blue-print for U.S foreign policy towards South-Asia. Stephen P.Cohen was one of the members of this study team. The team opined that "contrary to prevailing American perceptions, South-Asia was important to the United States and offered both short and long term opportunities. American business could benefit from the regions economic opening and growth ... Economic relations should therefore be the focal point of U.S. engagement with the region."9

On democracy and human rights, the study mission observed that "the enlargement of the community of democratic states that protect human rights was an increasingly important objective of U.S. foreign policy. American interests and values would be more secure in such a world and contribute to overall U.S objectives. To support democracy and human rights, the U.S. should address concerns about human rights in South-Asia primarily in the context of multilateral dialogues, urge South-Asian governments to allow representatives of international and U.S. human rights organizations to conduct independent investigations in cooperation with local groups ...."10

On security and peace in the region, the Asia Society mission commented that "the most immediate threat to peace in South-Asia is the conflict in Kashmir .... A future India-Pakistan conflict could conceivably

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10 ibid. pp. 34-35.
involve the use of nuclear weapons and destabilize U.S. interests stretching from the Middle East through Central Asia and from the Indian Ocean to South-east Asia ..."1

Given the wide scope of security issues in South-Asia, the study mission recommended that on Kashmir dispute, the U.S. should "continue to express concern about the potential for a wider India-Pakistan conflict, higher casualties, further human rights violations and additional drains on economic resources to arise from the Kashmir dispute: encourage the continuation and even expansion of official and no-official dialogues, within and outside the region on the Kashmir dispute."12

On the nuclear weapons and missile proliferation between India and Pakistan, the U.S. should "address India's and Pakistan's nuclear weapons capabilities in the context of a given non-proliferation effort, reexamine present policy concerning nuclear energy cooperation with India and Pakistan, seek to engage India and Pakistan in bilateral and multi-lateral missile control initiatives, continue government to government dialogues on nuclear and missile issues with India and Pakistan while encouraging an expansion of official and non-official dialogues, and to assist India and Pakistan to avert accidental convention war, if they are willing to receive such assistance."13

11 ibid. pp. 35-36.
12 ibid. p. 36
13 ibid. p. 37.
On September 21, 1994, the Committee on Foreign Affairs, House of Representatives and its Subcommittee on Asia and the Pacific met in a round-table to discuss the Asia society recommendations and U.S.'s South-Asia policy. This committee was chaired by the Indiana Representative Lee H. Hamilton, and Dan Burton, the Representative from Indiana was among its many members. Setting the ball rolling, Lee H. Hamilton opined that “for too long, South-Asia had been a forgotten stepchild of American foreign policy. Preoccupied for 40 years with the Soviet Union, U.S. had either ignored South-Asia or reacted to events there in cold war terms. But South-Asia, home to one-fifth of the world’s population was too important to be ignored. It deserved a fresh look from U.S. policy makers ....”

American Samoa Representative Eni F.H. Faleomavaega was particularly saddened with the fact that “South-Asian part of the world had blessed us with the wisdom and teachings of Mahatma Gandhi and proudly claimed to be the world’s largest democracy — was now poised on the edge of confrontation with weapons of the most violent nature. India’s development of the Prithvi and Agni missiles systems had been joined by Pakistan’s procurement of M-11 missiles from China. The sharp escalation of tensions between these two friends of America and responsible members of the United Nation was disturbing.”

14 US House, Congress 103, Session 2, Sub-Committee on Asia and Pacific, of the Committee on Foreign Affairs, Round-Table, South-Asia Policy (Washington, D.C., 1994), p 1
15 ibid, p 25
Participating in the round-table discussion before the Committee, Carla Hill said that "US interests were two-fold in the broad sense. The first are commercial. There was no question that as economic reforms were sweeping this vast area, containing more than 1 billion people that this was an emerging market that should not be overlooked ..."16

But the California U.S. Representative Dana Rohrabacher called for emphasis on human rights. He said that in "India right now we have a disaster in the Kashmir. That problem is holding India back. That conflict is holding India back. India may not move to solve that problem absent pressure from the United States and other countries regarding the human rights of the people that live in the area ... Letting this problem to faster is a major road-block to peace in South-Asia ..."17

In the post-1990 phase, the Bush administration used this issue as a goal to be pursued in tandem with America's security, political, economic and commercial interests, thus, abandoning its earlier low-profile human rights policies in its relations with India and Pakistan. With the collapse of Soviet Union, nuclear proliferation and missile proliferation greatly threatened America's security interests. The region of South-Asia, especially India and Pakistan were subject of concerns in this context. Upholding and prioritising human rights provided the best options to pressurize both India and Pakistan to concede on capping nuclear proliferation and missile proliferation. And now this policy is being pursued more vigorously and effectively by the Bill Clinton administration to achieve these objectives.

16 ibid, p. 7
17 ibid, pp. 11-12
US'S GEO-STRATEGIC INTERESTS IN INDIA AND PAKISTAN

The main areas of US interest are confined to "nuclear proliferation, missile technology development, Kashmir, human rights and intellectual property rights." In regard to nuclear non-proliferation, great concern has been expressed about an imminent nuclear conflict between India and Pakistan and the need to cap, reduce and eliminate the nuclear capability of both countries, as a priority US objective. Similarly, the argument for stopping missile technology development is to pre-empt the building of a delivery system. On the issue of Kashmir, the argument is that unless "there is a resolution of the problem there could be an Indo-Pak conflict which would have unpredictable consequences in the sub-continent. The use of human rights issue is intended as a point of entry to fish in troubled waters, just as the pressure being exerted on intellectual property rights is to threaten retaliation across the whole gamut of foreign trade by threatening to invoke special 301 and Super 301. side-stepping the provisions that exists for dispute settlement under the newly-revised GATT rules." Hence, the Clinton administration continues to focus like a laser beam on the human rights in India.

According to Stephen Cohen, a respected authority on the sub-continent, "the road to accession to the NPT runs through Kashmir." This


(All references to the Times of India in this chapter are to the New Delhi of that paper).

19 ibid

was clearly evident when American position on Kashmir started hardening. In the very first year of the Democrat's rule in the US, senior functionaries of Clinton administration went on record questioning the legality of the "Instrument of Accession" by which Jammu & Kashmir joined India and the efficacy of the Shimla Agreement. Besides, the very first visit by a senior State Department official to New Delhi under the Clinton administration was marked by public criticism of India's human rights record in Kashmir. In May 1993, the then interim director of the Bureau of South-Asian Affairs, John Mallot had openly criticised the role of India's security forces in Kashmir. Ostensibly, the pressure from domestic human rights groups forced the Clinton administration to take a tough stand on Kashmir. Mallot minced no words while describing American apprehensions about the Kashmir situation. This was followed by President Clinton's reference to Kashmir along with Angola and Caucasus in his address to the UN General Assembly. He had said, "bloody ethnic, religious, and civil wars rage from Angola to the Caucasus to Kashmir."21 Significantly none of Clinton's predecessors had made such a reference in any international fora. In fact, he thrust a purely bilateral issue involving India and Pakistan on the UN agenda by unfairly bracketing it with civil war zones of Angola and Caucasus. Needless to say, this created worst possible apprehensions in India about the US policy with regard to Kashmir. It is worth pointing out that "Clinton's reference to Kashmir in his UN address came after the Indo-US bilateral talks reached a dead-end, with the then Indian foreign Secretary J.N. Dixit making

it clear that New Delhi would not compromise on certain bottomlines on indigenous technology for nuclear or missile-cum-space programmes.”

Later on, certain pronouncements by Clinton administration officials strengthened the doubts about the change in the US Kashmir policy from that of its predecessor Republican regime. These utterances by the US officials indicated a change in earlier American policy of supporting Shimla Agreement and ruling out the Plebiscite formula. For instance, Robin Raphel, Assistant Secretary of State of South-Asian Affairs, during a “background briefing” questioned the 1947 Instrument of Accession, the then ruler of Kashmir Maharaja Hari Singh had signed on 26 October, 1947 with Lord Mountbatten, the then Governor General of India, merging his princely state with India. She also raised doubts about the efficacy of the Shimla Agreement which binds India and Pakistan to settle their disputes bilaterally free from third party intervention. She also declared that the entire Kashmir region was a disputed territory and there were three parties to it, India, Pakistan and Kashmir. She added that any solution to Kashmir issue must be acceptable to Kashmiri’s who were unhappy with the existing set up. Interestingly this statement was made during the height of Hazratbal crisis. Raphel’s remarks had emboldened the militants to continue occupying the holy shrine and hardened their stance at a time when the dispute was about to be solved. The Government of India while lodging a strong protest charged the US with “adopting a studied tilt towards Pakistan and accused US of questioning the unity and integrity of India.”


23 Times of India. 1 April 1993
As a matter of fact, the whole edifice of Indo-US ties tattered for a while and a wave of anti-American sentiment swept the country. Raphel’s statement was viewed in New Delhi as an extremely dangerous one. It was interpreted in Indian media as encouraging the secessionists in Kashmir, strengthening the forces of fundamentalism and emboldening Pakistan to wage its low intensity war against India with greater impunity.

Obviously, nobody in the State department had thought of the cataclysmic forces it could unleash in the sub-continent by pushing too hard on Kashmir. Simple-minded officials like Ms. Raphel were not just unable to read the high communal temperature prevailing in the country today, but also failed to understand that while there might well be a gradual acceptance in India of a negotiated settlement with both the Kashmiris and Pakistan, "clumsy efforts to hasten this process would be perceived almost unanimously in India as a step towards a second partition of India. The communal maelstrom that would follow could make the present turmoil in Kashmir seen like a teddy bears picnic."24 This brings up the question of the exact national goals of the Clinton administration in pursuing its policy on Kashmir.

Indian ambassador in U.S., S.R. Ray asked for a formal letter setting out US policy on Kashmir and Shimla Agreement. Sensing the violent cyclone of protest in India, Clinton administration felt constrained to calm the storm by obliging the Indian way. The carefully worded letter signed by Peter Turnoff, Under Secretary of State for Political Affairs, gave the assurance that the Clinton administration placed considerable value on Indo-

24 The Pioneer (New Delhi), 1 November 1993. (All reference to The Pioneer in this chapter are to be New Delhi of that newspaper).
US relations. However, the letter did not, in any way, change Raphel’s assertion that Kashmir is a ‘disputed territory’. Regarding the most objectionable part of Raphel’s statement questioning the legality of the 1947 Instrument of Accession, it was stated that Kashmir being a disputed issue, it followed that the Instrument of Accession and other documents were widely disputed too.

After Raphel’s controversial remarks, another shocking event was President Clinton’s reply to the Kashmir separatist leader Dr. Ghulam Nabi Fai, assuring “to work with him and others to bring peace to Kashmir. The letter was interpreted as signalling a major shift in US policy towards Kashmir in keeping with the alleged ground strategy of balkanising India. According to Selig Harrison, South-Asian expert at the Carnegie Endowment for Peace, “the Clinton letter episode was very tragic and said that after Raphel’s unfortunate remarks, Clinton would have been careful not to pour oil on troubled waters.”

A little later, President Clinton added insult to injury by sharing Pakistan’s concerns about human rights abuses in Kashmir. This was no off-the-cuff remark. It was a statement on the US policy on the occasion of the presentation of credentials by Pakistan’s ambassador, Ms. Maleeha Lodhi, who had not only embarked on an anti-India tirade, but also invited the US President to use his good offices to put the Kashmir issue on the front burner of world attention. President Clinton’s remarks indicated a reluctance on Washington’s part to view the Kashmir problem in all its

complexity and a propensity to endorse the patently motivated Pakistani propaganda on human rights violations in the valley.

The Indian government reacted angrily to this “statement by Clinton administration over the possible abuses of human rights in Indian government efforts to quell rebellion in Kashmir.”

At the same time, Robin Raphel in her speech in Asia Society “equated the situation in Kashmir with the civil war in Afghanistan. Raphel told all concerned that this was not her personal view but had the full backing of president Clinton.” In essence, the US was bent on describing what was happening in the valley as an intensifying civil strife in which the Indian security forces are supposedly acting like an occupation army.

Coming close on the heel of these statements, the Assistant Secretary of State for Human Rights, John Shattuck had said the “US condemned human rights violations in Kashmir and that military was no excuse for them.” The Clinton administration’s pointman for human rights said on the eve of Human Rights Day on December 10, “insurgency, no more than terrorism or any other form of violent political or quasi-political activity, can justify human rights violations to the extent that such violations occur in Kashmir or elsewhere, the United States condemn it.” Mr. Shattuck added saying Washington had extensive discussions with India over human rights issues and he had participated in several of these. He said, “we have pressed

27 M.Saleem Kidwai, n.22, p. 10.
very hard and are now pleased to see that missions are being permitted by human rights groups to India, particularly Amnesty.\textsuperscript{30}

India got a double whammy when a leading American human rights organizations reported that it was the most dangerous country in Asia along with the Philippines, for human rights monitors. Human Rights watch on 9th December 1993 released its annual world report which stressed that "China, Burma and Kashmir exemplified the continuing human rights problems in Asia, the development in the region was the debate over how to address them, with non-governmental organisations pitted against governments to insist that human rights were universal concept and not culture-specific."\textsuperscript{31}

The report stated, the monitoring of human rights by activists continued to be extremely dangerous in areas of conflict in India, especially Kashmir. In Kashmir, the report drew attention to what it called "the massacre of civilians by border security force troops in Sopore." Regarding Punjab, the report asserted that the brutal police crackdown appeared to have brought to an end to the ten-year old conflict there but at the cost of massive police abuses.\textsuperscript{32}

Regarding the killings of Muslims both following the Babri Masjid incident and the Bombay Blast incident in January, the report targeted New Delhi for not making public the findings of an official investigation.

This report also drew attention to the violations allegedly committed by militant groups in Kashmir, which it said, "continued to murder suspected

\textsuperscript{30} ibid.
\textsuperscript{31} ibid.
\textsuperscript{32} ibid.
informers and other civilians, to launch attacks on civilian targets, and to commit rape and other abuses.**33**

However, there is no unanimity of views among American opinion makers on the nature of the Kashmir dispute, the relevance of Shimla Agreement in the present context to resolve the dispute, the role that some officials of the Clinton administration may be seeking for the US in resolving the dispute. At the most, benign Americans appear to be stating that the settlement of Kashmir dispute involves the Indians, the Pakistanis and Kashmiri people. But this approach does not pretend to outline a solution within parameters acceptable to all the three parties. What is significantly new in American thinking in a growing perception that the Kashmir dispute demands a fresh approach away from the traditionally persistent demands for a plebiscite, for international intervention and for a trilateral solution. It would be worthwhile to refer to the report of Gary Ackerman Sub-Committee of House of Representatives on Asia and the pacific. The Sub-Committee report is enormously significant as this is the first time a section of the US Congressmen have challenged the traditional American approach on Kashmir issues. The report “rejected the plebiscite option as overtaken by history and therefore irrelevant to present circumstances. The UN resolutions calling for a plebiscite were no longer relevant as they did not provide Kashmiris with a choice other than accession to India or Pakistan. Since a majority of Kashmiris would probably reject both of these options in favour of independence, the plebiscite is doomed to failure.”**34**

**33** ibid.

**34** M. Saleem Kidwai, n.21, p.11
Thus, the very beginning of the Clinton administration in 1993 injected element of unnecessary discontent in the Indo-US relations, the rumblings of which is continuing to be heard for all these years. Kashmir and human rights issues affected the Indo-US relation. Thus human rights became one of the three most contentious issues between India and the US along with the nuclear non-proliferation and trade issues.

According to the annual report of the Asia watch, a New York based human rights group, the US in private discussions with India “raised the human rights issues at the Aid India Consortium meeting in Paris on July 1, 1993 at the initiative urged by several leading US congressmen.”35 Besides, the US Senate, in its report accompanying the 1993 appropriation Bill, inter alia, urged the US executive directors to the World bank, Asian Development Bank and International Monetary Fund (IMF) to “use their voice and vote in accordance with the US human rights law to promote improvements in human rights by the Indian government.”36

Thus, slowly but inexorably, the human rights situation in Kashmir became a contentious issue between the US and India, at the beginning of the Clinton administration. Before that, India-bashing on this score had been the function of lurid newspaper accounts, reports of human rights groups or the legislative activity of a handful of habitual India-baiters in the Senate and the House of Representatives. Official US concern used to be expressed with moderation and, by and large in private.

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35 Times of India. 22 December 1993.
Today, it is pointed out by some analysts that when Americans talk of China, "they do so with respect and dare not raise issues like human rights and democracy beyond a whisper, in sharp contrast to the strident, offensive and minatory tone they adopt towards India".37

But when it comes to Pakistan-sponsored terrorism in Kashmir, the Clinton administration takes a soft line. In 1993, the Clinton administration “debated whether to add Pakistan to its official lists of nations that support terrorism, such step could shatter what was once close relationship and could cause backlash of anti-American feeling in another Islamic country. Senior Administration officials said Federal law give them no other option unless Pakistan can present evidence that it has severed ties with separatist groups in disputed Kashmir region that employ terrorism as a weapon”.38 It was judged to be supporting terrorism, Pakistan would face automatic halt to indirect. American assistance it had continued to receive as well as new barriers to trade between the two countries. In 1993, Pakistan was pushed into corner by threats that it would be declared a terrorist state, “although the US and no intention whatsoever of carrying out the bluff, as it was clearer when Secretary of State Warren Christopher gave a clean-chit to Pakistan on this issue”39. Even though, the US ambassador in Islamabad had charged Pakistan with sponsoring terrorism in Kashmir, it was let off the hook.

A careful analysis of these statements and utterances by the US President and other US officials suggest that official American minds believe

37 Times of India 26 December 1993.
39 The Pioneer 1 November 1993.
that a "United fully autonomous federal or confederal state of Kashmir with its security guaranteed by Indian and Pakistan would be the best solution". This challenges the positions of both, India and Pakistan, where the Northern Territories have been fully integrated within the Pakistan state. The American approach is neither acceptable to India nor to Pakistan. Pakistan is not likely to be less disturbed than India by the idea that the two parts of Kashmir join together to form an independent entity. Islamabad is as negative as New Delhi to the US suggestion that the people of Kashmir join India and Pakistan to hammer out a settlement of the problem. The American, then are not inclining to either side.

But the "US has its own agenda: an independent Kashmir, which might emerge, only from a long drawn out, low-intensity Indo-Pakistan conflict". Washington’s ambivalence about Pakistan’s involvement’s in the Kashmir violence and its periodic condonation of it have, in fact, helped to prolong the conflict. The resumption of US arms aid to Pakistan under the Hank Brown amendment in November 1996 appears to be indirect support of Pakistan for its continuing proxy war in Kashmir.

There are reports that the US has been encouraging contacts between sessionist leaders of Jammu and Kashmir and leaders of Pakistan occupied Kashmir and their Pakistani controllers. Because "an independent Kashmir would be more amenable to US influence than to that of India or Pakistan and

40 Mr. Saleem Kidwai, n 21, p. 11.
41 ibid.
would serve the US interests better, thereby gaining access to Tibet to needle China on human rights violations there.\textsuperscript{42}

That is why China has told Pakistan that "it would not accept any form of independence for Jammu and Kashmir because it fears that the US could use Kashmir as a base to destabilise Beijing. China fears an independent Kashmir could become an American surrogate on its southern border.\textsuperscript{43}

When Pakistani Prime Minister Benazir Bhutto visited Beijing in December 1993, there was no sign of China's traditional support for Pakistan's stance on Dashmir. A diplomat who accompanied Ms. Bhutto said the "Chinese said that the Americans are already undermining them through Tibet and Xinjiang, and Kashmir would become another hotbed of anti-Chinese activity".\textsuperscript{44} Xinjiang is the western most province which borders Kashmir and is predominantly Muslim. China has likened an "independent Kashmir to another Israel in the heart of Asia.\textsuperscript{45}

Although neither India nor Pakistan supports the idea of an independent Kashmir, and nor does the West, the Chinese appear paranoid that "Washington may push India and Pakistan towards eventually agreeing to a degree of independence for the region through a process of autonomy and self-rule."\textsuperscript{46}

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\begin{itemize}
\item \textsuperscript{42} ibid. p. 12.
\item \textsuperscript{43} The Statesman, (New Delhi), 5 January 1994, p. 14. (All reference to the Statesman in this chapter are to the New Delhi edition of that newspaper).
\item \textsuperscript{44} ibid.
\item \textsuperscript{45} ibid.
\item \textsuperscript{46} ibid.
\end{itemize}
In fact, US policies on Kashmir are not based on the merits of the case but on its own political and security purposes. Though the US disclaims any desire for a foothold in Dashmir, American researchers, and economic and strategic analysts have given the assessment that if the US wishes to have economic access to Central Asia, the most effective land route would be through Jammu and Kashmir. In the context of US policy objectives in Central Asia, as stated by expert Dr. Henry Kissinger, the inescapable conclusion is that “the US would like to take advantage of the centrifugal political trends in Jammu and Kashmir to further its own interests regardless of the impact on India’s territorial integrity and security.”

The China factor is important as the US was never reconciled to Pakistan ceding certain areas in the northern territories of Jammu and Kashmir state to China in 1962. When Ms. Raphel spoke of Kashmir being a disputed area, US interests seem to be focused on part of Kashmir. It is this part of Kashmir which gives direct access to Tibet and China and serves the US interests better.

It would logically be desirable from the US viewpoint to cultivate this proposition more so because of unforeseeable problems that might arise in Central Asian region in near future. “With the Central Asian republics opening up economic avenues and having nuclear weapons on their soil, Russia continuing to be unstable, Pakistan asserting its Islamic character in international politics and the Chinese as unpredictable as ever, the Americans would have to have a friendly country strategically located.” Their bet would

47 M. Saleem Didwai, n. 22, p. 12.
48 ibid.
be that “support for liberation movement would reap them future dividends”.49

Thus, the sudden renewal of international pressure on Kashmir being led by the US, the sole remaining superpower, gives the Kashmir question unprecedented urgency and even legitimacy. Kashmir, as officials put it, “has appeared on the ‘radar screen’ and no amount of rhetoric about the Shimla Agreement or aide memories can wish that away. Ms. Raphel may be a villain of the piece in New Delhi and the flavour in Islamabad, but she is certainly no loose cannon on the State Department desk. Nor is she to be dismissed as a ‘bleeding-heart’ junior functionary who overstepped her official brief”.50

Washington’s motives on the renewed crusade against human rights violations in Kashmir are that it believed that “Kashmir is in the international focus now and the US thinks it can arm twist India and Pakistan to the negotiating table. Secondly, Benazir is more vulnerable to US pressure than her predecessor. She also has close contacts with the current ruling elite in Washington. The US also needs Pakistan as a link to the Islamic crescent. Thirdly, the US has increased pressure on India and Pakistan to sign the NPT. Both countries are reviewing their nuclear policy. Washington would like to use that pressure to include the Kashmir issue. And lastly, the US fears a

nuclear conflict between India and Pakistan over the Kashmir question what the "Time magazine headlined as Asia’s worst flashpoint".\textsuperscript{51}

Since mid-1993, the focus has shifted back to India, buttressed by the Clinton administration’s crusade against human rights violations. In August 1993, at a confidential high level policy planning meeting in the State Department, the US redefined its foreign policy priorities. India and Pakistan figured somewhere in the bottom. This meeting was the crucial turning point. Raphel, who is an articulate and aggressive speaker "suggested that the time was ripe to turn the screws on both India and Pakistan over resolving Kashmir".\textsuperscript{52} Her argument advocating a "gloves off" line was forceful and credible.

And the Clinton administration is using the human rights issue and Kashmir problem as pressure tactics to settle its "differences with India on transfer of high technology, NPT, international missile regime, Super 301 and intellectual property rights."\textsuperscript{53}

Though the US interest and involvement in Kashmir issue is not something new, but of late, it has become much more heightened and deepened. The context of the cold war might have changed, but the status of being the only super power has inherent temptations. Kashmir presents an attractive opportunity. Its geopolitical importance is not an exaggeration. Besides, and unsettled Kashmir would provide the US greater leverage both

\begin{itemize}
\item \textsuperscript{51} ibid.
\item \textsuperscript{52} ibid. p. 59
\item \textsuperscript{53} ibid. p. 65.
\end{itemize}
in India and Pakistan. So, despite the pretentions to the contrary, "Washington has a vested interest in the Kashmir problem". While the Bush administration had come round to the view that the Shimla Agreement provided the best means for solving the Kashmir tangle, the latest US position is that the will of Kashmir people should be considered in any solution that is attempted. The Clinton administration is for a trilateral solution. It believes that "the Shimla Agreement has been a non-starter for over 21 years and no progress has been made and the position adopted by both sides is far too rigid to allow for any flexibility. By definition, therefore, the agreement is de facto. Secondly, the US views that whatever external support there may be for the militants in Kashmir, there are very strong indigenous elements to the insurgency and at this point it is really self-sustaining. Thirdly, the US believes that the underlying causes for the insurgency are not limited to external assistance but to the intensity of the anti-Indian mood in the valley. Fourthly, the India needs to clean up its act in terms of human rights violations in the valley and try to restore some semblance of governance. Fifthly, the US views the whole of Kashmir as disputed territory which makes it self-evident that the Instrument of Accession (IOA) is also in dispute. Sixthly, the US believes that the dynamics of the Kashmir situation have changed dramatically since 1947 when the IOA was signed or the UN resolutions were passed. Lastly the US believes that the Kashmir will increasingly lead to heightened tensions between India and Pakistan, possibly resulting in another regional conflict, involving nuclear weapons. 

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55 Dilip Bobb, n.50, p. 57.
As it is already mentioned, according to Stephen Cohen, the road to accession to the NPT runs through Kashmir. Therefore, the nuclear issue cannot be isolated from the unbridged Kashmir dispute between India and Pakistan. The US is condemning India for violating human rights in Kashmir and also getting tougher with India on the nuclear question. All this is part of the same strategy. The US objective is to compel India to sign the NPT and the Kashmir question comes handy to the US in trying to achieve this. From the Indian viewpoint, an old pressure point has been reopened by the Clinton administration.

Therefore, the developments over the last few years have only added to the negative perception about US policies on Kashmir in Indian public opinion. The restoration of arms supply to Pakistan under the Hank Brown amendment is perceived in India as a tilt towards Pakistan, regardless of the justification and rationalization given by the US. One wonders as to what could be the agenda of discussion between Hank Brown and Maulana Omar Farooq, the youthful chairman of All Party Hurriyat Conference (APHC) of Kashmir, during the latter's visit to US in 1995.

Pakistan's nuclear status and its subversive activities in Kashmir and US turning a blind eye to all these facts, obviously evokes Indian resentment. Washington instead of trying to temper Pakistan's aggressiveness has been interested in using the Pakistani bomb to browbeat India out of its nuclear option. The US admonition of India on alleged nuclear testing on the basis of a newspaper story planted by US administration is highly deplorable. According to an American newspaper report, "US intelligence experts
suspected India was preparing for first nuclear test since 1974”.\(^{56}\) However, the Indian government denied it was planning first nuclear test since 1974 and described as “highly speculative New York Times reports” that intelligence experts suspected test was being prepared.\(^{57}\) It seems, the Americans seem to grossly underestimate India’s resilience and its determination to fight off this kind of mischief against its integrity and security.

**INDIAN REACTION TO US’S CONTROVERSIAL POLICY ON KASHMIR:**

In view of all these developments, the statement of Indian Home Minister, S.B. Chavan on the floor of Indian parliament charging the US with “evil designs” on Kashmir can not be dismissed as without any foundation. In what was perhaps the first frontal assault by a Union Minister on the US move to resume supply arms worth & 370 million under the one time waiver of the pressler Amendment, on such explicit terms, and said “the US is not interested in Pakistan or in India. They only want to get a foothold in Jammu and Kashmir for themselves”.\(^{58}\)

The Home Minister while dwelling on Pakistan’s continuing instigation of trouble in Jammu and Kashmir in a bid to undermine normally and holding of elections, went on to say that “this was not confined to Pakistan. Some big powers are also behind the entire game. And I have no hesitation in taking the name of US”.\(^{59}\) The Home minister said “he had levelled the charge

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\(^{58}\) Hindustan Times (New Delhi), 5 December 1995.

\(^{59}\) ibid.
against the US with full sense of responsibility and not in a bid to influence the voters in the ensuing Lok Sabha polls". Mr. Chavan said Mr. Clinton was resuming arms supply to Pakistan with the full knowledge that Islamabad possessed nuclear weapons. These are the reasons for Mr. Chavan's assertive and critical expression of Indian concern. The restoration of arms supplies to Pakistan under the Hank Brown amendment, which was fully endorsed by the Clinton administration, which was fully endorsed by the Clinton administration is "perceived in India as a tilt towards Pakistan". And these allegations can not be dismissed as a "residual suspicion in India of US geo-political aims left over from the cold war when India was generally aligned with the Soviet Union". The US State Department described the statement as 'undiplomatic' regrettable and unacceptable. However, the then prominent leader of the opposition, I.K. Gujral endorsed the Home Minister's reaction, indicating that there was little difference of opinion on this issue in the broad Indian political spectrum.

It is not for the first time that the Indian Home Minister has sharply reacted to US policies or proposals on Kashmir. In fact, in 1994 also, he said in Parliament that the US was neither interested in helping Pakistan nor India, and they would rather like to help themselves. He further said that he was prepared to believe that the US President was not properly briefed on Kashmir.

The reactions of Indian Home Minister are believed to be in response to the statements made by US State Department officials, including the US

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60 ibid.
61 Indian Express (New Delhi), 19, December 1995. (All reference to this Indian Express are to the New Delhi of that News paper).
President Bill Clinton himself, on Kashmir from time to time. The statements which ranged from questioning the Instrument of Accession which bound the state of Jammu and Kashmir with the Indian State to US President's reference to Kashmir in UN General Assembly and his other statements on human rights abuses in Jammu and Kashmir during the course of welcoming the new Pakistani Ambassador to the US. The sharp responses of Indian Home Minister may be viewed in the background of these very developments.

The statement of Indian Home Minister in the backdrop of Hank Brown amendment appears to be a response to US formula of granting greater autonomies to the Indian part of Jammu and Kashmir as well as Pakistan-occupied Kashmir, and also converting the Line of Actual Control (LAC) into a soft border. This position is perceived to have great defence and strategic implications to the detriment of India.

In December 1996, without specifically naming it, the US President Bill Clinton has identified Kashmir as one of the World's two most dangerous flashpoints along with Korea. Speaking at the Pacific Basic Economic Cooperation Conference in Washington, he said "Asia contains four of the seven largest militaries in the world and two of its most dangerous flashpoints. These were the world's most heavily fortified border between North and South Korea and the regional conflict in South-Asia where Indian and Pakistan, two of America's friends, live on the edge of conflict nor reconciliation".63

Coming on the heels of this statement, was President Bill Clinton as voicing concern over the ‘unresolved Kashmir dispute’ while replying to a letter by Democratic Congressman Nick Joe Rahall. Mr. Clinton said “the US embassy in New Delhi was in frequent contact with the major Kashmiri political groups and with Indian officials involved in Kashmir. Through these channels, we are working to reduce human rights violations, allow greater access by international organisations to Kashmir and encourage political dialogue in Kashmir that would lead to the restoration of a credible democratic process”. He shared Congressman Rahall’s view that the Kashmir dispute if left unresolved, poses a threat to peace and stability in South-Asia. I believe the only way to obtain a solution is through direct negotiations between India and Pakistan, negotiations that take into account the views of the people of Kashmir,” restating his administration’s known position.

ANNUAL COUNTRY REPORTS ON HUMAN RIGHTS PRACTICES IN INDIA AND PAKISTAN BY DEPARTMENT OF STATE FROM 1993 TO 1996

Against this backdrop of high-voltage responses and reactions of both the Clinton administration and Indian government on the delicate human rights situations vis-à-vis Kashmir and Punjab, it would be very much interesting and noteworthy to analyses the annual country reports on human

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"Times of India, 15 July 1996.

ibid.
rights, prepared by the US State Department as it would throw very meaningful insights into the Clinton administration's response, as these reports are prepared in line with the incumbent Presidency's policies and planning's.

In the very first year of the Clinton Presidency, the country reports on human rights in India for 1993 began its section on India saying that "despite extensive constitutional and statutory safeguards, significant human rights abuses persisted throughout India. The abuses were aggravated by severe social tensions and authorities attempts to contain violent secessionist movements. Abuses were particularly acute in disturbed areas, such as Punjab and Kashmir, where the judicial system had broken down in the face of terrorist threats. As in past years, areas of abuse included extrajudicial executions and reprisal killings by security forces in Kashmir. Punjab. and north-east India, encouraged to some cases in Punjab by government bounties on killed militants, political killings, kidnapping and extortion by militants; torture, rape, and deaths of suspects in police custody throughout India, in communicado detention for prolonged periods without charge under special security legislation, inadequate prosecution of police and security forces personnel implicated in abuse; widespread inter caste and communal violence; legal and social discrimination as well as extensive violence, both societal and by police and other agents of government against women; infrequent prosecution of dowry deaths, and widespread exploitation of indentured, bonded and child labour."^66

However, this report had a word of praise for India stating that in 1993 the Indian government sought to address human rights concerns by opening dialogues with international human rights organisations and the International monitors access to Kashmir and other parts of India, enhancing human rights training for police and army personnel, and creating a National Human Rights commission in October 1993 headed by Justice Ranganath Mishra, with powers to investigate and recommend punishment in cases of police abuse. But the report added that these efforts had produced only marginal results.

Turning its focus on Punjab, the country report stated that "police continued to engage in extrajudicial killing including fake encounter killings..... the Armed Forces (Punjab and Chandigarh) Special Powers Act of 1983 granted army and paramilitary personnel wide discretion in the use of lethal force, given authorities an easy defense for encounter killings....." 67

However, the report indicated that there were, few instances of terrorist violence in Punjab during 1993, basically due to strictest government security measures. It seems the Clinton administration was more concerned about the killings of terrorists than the killings of innocent civilians and security forces at the hands of the brute terrorists and apparently was not happy about the stringest security measures of Indian government in stamping out this menace.

The country report focussing its attention on another trouble spot of India, i.e. Kashmir, stated that "civilian and security force casualties reported in Kashmir were relatively stable, but the number of militants killed climbed significantly. Press reports indicated that 1,161 civilians and 215 security

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67 ibid. p. 1340
force personnel died in insurgency related violence in Kashmir in 1993. Militant casualties during this same period numbered 1,438, many of whom died under suspicious circumstances. The Jammu and Kashmir Basic Rights Protection Committee, a group headed by a retired high court justice, drew on press accounts to detail 168 deaths in insecurity force custody during the first fair months of 1993...  

The report, however, condemned the militant groups in carrying out politically-motivated killings on a wide scale, targeting government officials, alleged police informers, members of rival factions and Hindu civilians. At the same time, the country report had expressed concern after the government's decision to grant broad protection to all public servants, including the security forces, for acts committed while discharging their official duties in states under President's rule like Kashmir. The country report alleged that this "provision contributed to the security forces' sense of impunity in Jammu and Kashmir, which remained under President's rule throughout the year".  

On the Indian government attitude regarding international and non-governmental investigation of alleged violations of human rights, the country report had been very critical of the government on its attitudes towards the human rights groups and activists.  

The report, however, stated that in July 1993 the Home Ministry of Indian government "reversed its long-standing policy of barring investigating  

68 ibid, p. 1339  
69 ibid.
teams from Amnesty International and other international human rights organisations". Although no such investigations took place in 1993, but the government indicated the timing of such visits would be determined in consultation with the central government and concerned state governments. The government also reached agreement with the ICRC for a seminar on international humanitarian law to be held in Delhi in early 1994. In August, a four-member delegation from the International Commission of Jurists travelled to Kashmir as guests of the Government and met with a range of lawyers and human rights monitors, the report added.

The report further maintained that the National Human Rights Commission which was set up in October 1993 had started functioning with a greater mandate and in December 1993, the Commission had instructed state governments to inform it within 24 hours of any custodial death. The Commission warned that if any such incident was not reported to it in time, the Commission would assume there was cover up attempt.

The country report on Pakistan opined that there was no significant change in the human rights landscape in 1993. It observed that "serious problems on human rights front remained in several areas. Government harassment of political opponents declined during the year, especially after the neutral caretaker government took power in July. However, repression against a Sind-based political party continued. The arbitrary detention, arrest, torture, and other abuse of prisoners and detainees continued to be a serious problem, and there were no significant efforts to reform the police and judicial systems or to prosecute and punish those responsible for abuses. Religious

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70 ibid, pp. 1349-50
zealots continued to discriminate against and persecute non-Muslims, basing their activity in part on discriminatory legislation against religious minorities. The government did little to curb these activities. Sectarian riots between the Sunni and Shia communities were less intense, but religious and ethnic-based rivalries resulted in numerous murders and occasional civil disturbances. Traditional social and legal constraints kept women in a subordinate position in society, and significant restraints remained on workers' rights. The use of child and bonded labour remained widespread in spite of legislation to restrict these practices.71

The country expressed concern over the series of extra-judicial killings taking place in Sind by the government forces. It charged the Pakistani government of executing "extra-judicial killings, often in the form of staged 'police encounters'-- shootouts resulting in the death of suspects -- continued in 1993. Most of these killings occurred in rural Sindh as part of the army's law and order programme Operation Clean Up... In May, 1993 Azeem Tariq, chairman of Mohajir Quami Movement (MQM) political party was assassinated. Law enforcement personnel were rarely charged or tried for killings, which were estimated to have numbered in the hundreds in 1993."72

The country report expressed grave concern over a spate of violence and riots in Karachi, Gilgit and Baluchistan. The most serious riot took place in August 1993, when Shia and Sunni organisations clashed in Gilgit killing 12 people and injuring many people. Tribal violence in Baluchistan often

71 ibid. p 1370
72 ibid. p 1371
resulted in bloodshed. The government had been unable to stem these riots and quell the violence.

On the Pakistani government attitude regarding international and non-governmental investigation of alleged violations of human rights, the country report stated that although the domestic human rights groups in Pakistan were free to operate without government restrictions, but nonetheless, official harassment’s continued. In one such reported harassment of human rights organisations, “the federal security agents in March 1993 raided the Lahore headquarters of the Human Rights Commission of Pakistan (HRCP), a leading non-governmental human rights organisation. The security forces detained several staff members, including the director, and confiscated posters critical of President Ghulam Isaq Khan. No charges were brought against HRCP members, nor were of the federal security agents involved in the incident disciplined. The local police and civil authorities denied any knowledge of the raid”. 73

However, the report stated that the Pakistan Senate in 1993 formed a permanent committee on human rights to advise the government on various aspects of human rights, including child and bonded labour, women’s issues, and abuse of prisoners. The committee had yet to take any specific action. The report said that in 1993, persons affiliated with various international human rights organisations had been permitted to visit Pakistan and travelled freely.

73 ibid, p. 1381
The report expressed concern over the continuing discrimination against religious minorities in Pakistan in the spheres of education and employment based on religion. Several International Labour Organisation bodies expressed concern in 1993 that Pakistani laws facilitate discrimination in employment based on religion. Christians in particular had difficulty finding jobs above those of menial labour. Many Christians continued to express the rear of forced marriage of Christian women to Muslims, although some human rights monitors believed that the practice was relatively rare. Many Christians also believed that they were subject to harassment by the authorities. They cited difficulty in obtaining permission to build churches and the blasphemy laws as primary examples. Other than Christians, the Hindus and Ahmadis, officially designated as non-Muslims also suffer from harassment and discrimination and had limited chances of advancement in public sector.

Thus the Clinton administration on the very first year of his presidency set forth a very pro-active policy on human rights vis-a-vis Kashmir and put considerable pressure on India on this front. It was very clearly evident when Assistant Secretary of State for Human Rights John Shattuck, Clinton's pointman on human rights, condemned human rights violations in Kashmir and said militancy was no excuse for them. On the eve of Human Rights Day on December 10, 1993, he said that "insurgency, no more than terrorism or any other form of violent political or quasi-federal activity, could justify human rights violations. To the extent that such violations occurred in Kashmir or anywhere, the United States condemns it."  

Surveying the human rights landscape in India for 1994, the country report released in 1995 stated that there continued to be significant human rights abuses despite extensive constitutional and statutory safeguards. It stated that like last years, "many of these were generated by intense social tensions, the authorities' attempts to repress violent secessionist movements and deficient police methods and training. These problems were acute in Kashmir, where the judicial system had been disrupted both by terrorist threats including the assassination of judges and witnesses, and by judicial tolerance of the government's heavy-handed anti-militant tactics. The security forces continued to commit extrajudicial killings of suspected militants in Kashmir. Human rights monitors maintained they had documented the names, dates and circumstances in scores of extrajudicial killings each month. Deaths in Kashmir increased in 1994 compared with previous year. Press reports indicated that 1,296 civilians, 175 police personnel and 1,630 militants died in insurgency-related violence in Kashmir."^75

On Punjab, the report maintained that although instances of terrorist violence virtually disappeared in 1994 and the number of Sikh militants killed diminished considerably from 1993, but nonetheless, "76 alleged Punjabi militants were reportedly killed in armed encounters, including only four in the last six months of the year, compared with more than 583 such killings in 1993."^76


^76 ibid, p. 1220
The country report, however, appreciated the works of the National Human Rights Commission (NHRC), which found its performance very positive. The Commission with powers to investigate and recommend policy changes, punishment and compensation in cases of police abuse, began to establish its credentials as an effective advocate of human rights when it examined security forces abuses committed in November 1993 in Bijibehera, Kashmir. One international human rights group commended the commission’s report as ‘hard hitting’. The report said that “the steadfast work of local human rights groups and the contribution of NHRC helped bring about a public acknowledgment of serious human rights abuses and the need for official steps to deal with them”.  

The country report lauded the role of the NHRC in championing the cause of human rights. It said the “NHRC considered 496 complaints, recommended punishment and compensation in 174 cases, dismissed 274 cases, and sent 48 cases to other fora during its first six months of operation. In addition to closely following court martial proceedings initiated against fourteen BSF Members, the NHRC recommended that the BSF conduct a full review of force deployment in civilian areas, and pay compensation to families of the victims.... The commission’s report on its visits to Punjab strongly criticised the state government for abuses by police and recommended corrective measures”.  

The country report praised the Indian government for granting requests for visits to India by some international human rights organisations. In

77 ibid, p. 1220.
78 ibid.
January 1994, the Indian government permitted Amnesty International to visit Bombay, the first such visit in fourteen years to India. In March 1994, the government permitted representatives of the International Committee of the Red Cross (ICRC) to make a humanitarian needs survey in Jammu and Kashmir. ICRC representatives also conducted training of police and border security force personnel in international humanitarian law.

However, the report criticised the Indian government for not granting requests of visits to India by some other organisations. It said, the government refused a requested visit by the UN Human Rights Commission’s Special Reporter on Extrajudicial, Summary, or Arbitrary Executions to evaluate reported violations of the right to life in Kashmir. The country report said that the Indian government stated that the NHRC would undertake such investigations. The country report also alleged that the Indian government denied entry visas to two Human Rights watch researchers.

The country report for 1994 on Pakistan observed that although the Pakistani government made strong commitments to address human rights concerns, particularly those involving women, child labour and minority religions, “most human rights abuses were rooted in their social fabric. At year’s end, these efforts had not resulted in a significant change in the overall human rights situations. Serious problems continued in many areas. Government forces continued to use arbitrary arrest and detention, and had tortured or otherwise abused prisoners and detainees. They were unchecked by any serious government efforts to reform the police or judicial systems or to prosecute those responsible for abuse. This government, as did previous
ones, continued to harass political opponents and repressed the Sindh-based Mohajir Quami Movement (MQM) political party.\textsuperscript{79}

The report further criticised the Pakistani government for the extrajudicial killings which continued throughout the year 1994. Most of these killings had taken place during the army's 'operation cleanup' programme which ended on November 30, 1994. A survey conducted by the Human Rights Commission of Pakistan (HRCP) reported that "32 extrajudicial killings had taken place in Sindh between January and May 1994. Many were believed to have died as a result of police torture. The government did not charge any law enforcement personnel for these killings. A typical case occurred on May 3, when police killed five men in Sukkur, Sindh province. An HRCP investigation determined that the men were rounded up, brought to a police clerk's residence, tied up and killed with automatic weapons in a well-planned operation. The government used excessive force to control political demonstrations in Karachi. At least 13 people were killed ad 87 injured during police clashes with MQM demonstrators from April 29 to May 1, 1994."\textsuperscript{80}

The report stated that religious and ethnic-based rivalries resulted in numerous murders, mosque bombings and occasional civil disturbances in Karachi, Punjab province and in other parts. The use of child and bonded labour remained widespread in spite of both legislation to restrict these practices and the signing of a memorandum of understanding (MOU) on child labour with the International Labour Organisation (ILO). The report said that

\textsuperscript{79} ibid, 1245-46.

\textsuperscript{80} ibid, p. 1246.
Islamic religious zealots continued to discriminate against and persecute religious minorities, basing their activities in part on discriminatory legislation against those religious minorities like Hindus, Ahmadi’s and Christians. The government proposed changes in the enforcement of the so-called blasphemy law to limit its abuse, but no changes were enacted and abuse continued. However, in November 1994, the Lahore High Court overturned the 1992 blasphemy conviction of a Christian, GUL Massih, the report added.

The report maintained that the "Handood ordinances, promulgated by the central government in 1979, were an attempt to make the penal code more Islamic. These ordinances provide harsh punishments for violating Islamic law or Sharia, including death by stoning for unlawful sexual relations and amputation for some other crimes. These laws are applied to Muslims and non-Muslims and weigh most heavily on Women. Under these ordinances, a woman who reported that she had been raped or filed divorce might find herself charged with adultery...."81

As to the Pakistani government attitude regarding international and non-governmental investigation of alleged violations of human rights, the report stated that "religious extremists distributed material that accused several human rights activists of blasphemy and called for them to be killed. However, in 1994, the government formed a human rights unit in the Ministry of Interior as a sort of Ombudsman for human rights. A human rights committee was also established in the National Assembly, a similar

81 ibid, p. 1247
committee was formed in the Senate in 1993. However, these committees had taken little action till date".82

Now thus, one finds after analysing the 1994 country report on human rights in India and Pakistan by the US Department of State that the Clinton administration continued to raise the abuse of alleged human rights in Kashmir and Punjab. It seemed that the Clinton administration was more concerned about the human rights of the brute terrorists in those two states than the human rights of the civilian and security forces. It seemed the Clinton administration was not apparently happy about the stamping out of terrorism in Punjab.

President Clinton set the tone on human rights for the year 1995 asserting in his proclamation of Human Rights Day, Bill of Rights Day and Human Rights Week on December 5, 1995 that "this year our work to promote peace in areas of conflict and to support human rights, democracy and the rule of law had continued to make a difference around the globe.... We live in an era of great advances for freedom and democracy. Yet, sadly, it also remains a time of ongoing suffering and hardship in many countries. As a nation long committed to promoting individual rights and human dignity, let us continue our efforts to ensure that people in all regions of the globe enjoy the same freedoms and basic human rights that have always made America great".83

82 ibid, p. 1255.
The annual country reports on human rights practices for 1995 by the US Department of State praised India for making significant progress in resolving human rights problems. It stated that "the Terrorist and Disruptive Activities (Prevention) Act (TADA), special security legislation under which thousands of persons had been held for prolonged periods without charges, was allowed to lapse. The International Committee of the Red Cross (ICRC) and the government reached an agreement to permit prison visits in Kashmir. The ICRC made its first visits to prisoners in October. In Punjab, the insurgent violence of past years had largely disappeared, and there was visible progress in correcting patterns of abuse by police. The assassination of the Punjab Chief Minister Beant Singh at the end of August, an isolated exception to restored civil peace in the state, resulted in neither a widespread crackdown nor a breakdown of order. The National Human Rights Commission continued to play a useful role in addressing patterns of abuse, as well as specific abuses, and was consolidating an institutional shift towards acknowledgment of human rights problems as it sought to create a 'human rights culture' through educational programmes". 84

However, despite these progress, the report alleged that there still continued to be significant human rights violations despite extensive constitutional and statutory safeguards available in India. It charged that "political killings by both government forces and insurgents continued at a high rate in the state of Jammu and Kashmir.... Estrajudicial killings of

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suspected militants by security forces in Kashmir continued at a high somewhat compared with previous years.”

The report also condemned the Kashmiri militants for carrying out politically motivated killings on a wide scale, targeting pro-government politicians, civilians, members of rival factions, and non-political community leaders who dared call for an end to violence in the state. These terrorist attacks accounted for hundreds of deaths, the report added.

On Punjab, the report stated that killings of Sikh militants by police in armed encounters appeared to be virtually at an end. During the first eight months of the year, only two persons were killed in police encounters.

On the Indian government attitude regarding international and non-governmental investigation of alleged violations of human rights, the report observed that “during the year 1994-95, the National Human Rights Commission (NHRC) received 6,835 complaints of human rights abuses, as well as 152 cases of custodial deaths or rape. At the end of the year concluded, and 1,384 remained pending.”

The report maintained that in February 1995, United Nations High Commissioner for Human Rights, Jose Hyala Lasso came to India and visited the state of Jammu and Kashmir. The executive Director of Human Rights Watch/Asia received permission to visit New Delhi to meet with the National Human Rights Commission in May. In February the Chairman of NHRC,

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85 ibid. pp. 1311-12.
86 ibid. pp. 1324-25
Justice Ranganath Mishra called on the government to permit Amnesty international to assess the human rights situation in Kashmir.

The annual country report for 1995 on Pakistan stated that there continued to be serious problems with human rights abuses. The report criticised the Pakistani government and charged that “the number of extrajudicial killings, often in the form of deaths in police custody or staged encounters in which the police and para-military forces shoot and kill the place in Sindh province in clashes between the government and factions of the MQM. In trying to restore order in Karachi, the government regularly used excessive force, including torture and alleged encounter killings against MQM activists. The rate of politically-motivated murders in Karachi reached an average of 10 per day in July, by the year’s end, over 1,800 people had been killed. According to Karachi police, 500 police officers had been suspended for misbehavior as of September. None were known to have been prosecuted for abuses”.

The report said that on 13 December 1995, Karachi Airport police shot and killed two activists of MQM, Hagigi faction (MQM/H). MQM Altaf Hussain group (MQM/A) activist Aslam Sabzwani died in police custody on July 7, 1995. 16 hours after his arrest on August 2, 1995, police killed MQM/Activist Farooq Dada.

The report however, condemned both the factions of MQM in Karachi for much of the violence and crime. It charged them with resorting to

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87 ibid, pp 1334-35.
extrajudicial killings and torture of their opponents and targeted police and security officials.

On the Pakistani government attitude regarding international and non-governmental investigation of alleged violations of human rights, the report had a good word of praise for Pakistani government for "establishing branch offices of the Government Human Rights cell in Karachi, Lahore and Peshawar. The government began a television and radio campaign to educate the public on human rights issues. The government established a new ministry of Human Rights in November 1995. However, by the Year’s end, the ministry had not found a centralized home and the government had not yet staffed all of its positions".88

Thus one finds after perusing the 1995 human rights report on India that it was arguably the most positive report in recent years on the human rights situation in India. The US Department of state had acknowledged the many steps taken by New Delhi to improve its record. It had a "good word of praise about the role of the National Human Rights Commission and praised it for its pioneering role".89

The 1995 country report was largely welcomed and appreciated by the media and policy makers. Appreciating the 1995 country report, one respectable English daily commented that "while adopting a distinctly even-handed approach on New Delhi’s usual bugaboo of Kashmir-excesses by both the security forces and the terrorists were recorded-the annual epitome

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88 ibid, p. 1346.
89 Hindustan Times, (New Delhi), 8 March 1996.
also contained, for the first time since the start of the insurgency in the troubled state, a mention of the plight of the pundits who had been displace in tens of thousands. The 1995 year country report also had noted that Indian authorities had allowed foreign journalists to travel freely in Kashmir and regularly spoke with militants leaders there. On Pakistan, the country report had castigated the Pakistani government for unleashing a reign of terror on the MQM activists and their leaders.

The Clinton administration at the end of its first term in office, however, prepared a very mixed picture of India's human rights situations for the year 1996. However, in its annual country reports on human rights for the year 1996, released by the US Department of State, appreciated the Indian government for making further progress in resolving human rights problems. It stated: "following state elections in September and October 1996, elected government was restored in Jammu and Kashmir for the first time in six years. Insurgency related deaths were at the same level as last year, although the proportion of civilian deaths increased slightly apparently due to militant efforts to prevent elections and disrupt the newly-elected government. In Punjab serious abuses of the early 1990's were acknowledged and condemned by the Supreme Court. Visits by International human rights groups, as well as continuing International Committee of the Red Cross (JCRC) prison visits in Kashmir, demonstrated increased transparency on human rights problems. The NHRC continued to enlarge its useful role in addressing patterns of abuse, as well as specific abuses. The NHRC helped

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90 Indian Express, (New Delhi), 7 March 1996.
foster human rights education among the police and security forces, and advanced its programme of human rights education in the schools”.91

However, the report observed that despite extensive constitutional and statutory safeguards, there continued to be serious violations of human rights, particularly in the state of Jammu and Kashmir. The government's “heavy-handed anti-militant tactics and the refusal by security forces to obey court orders aggravated the problem. A decrease in abuses by security forces in Kashmir coincided with increased abuses by pro-government counter-militants... security forces committed an estimated 100-200 extrajudicial killings of suspected militants in Kashmir valley. Although well-documented evidence to corroborate cases and quantify trends was lacking, most observers believed the number of killings declined from previous years. However, the decline was partially offset by an increased number of killings by pro-government counter-militants”92.

The country report also criticised the Kashmiri militants for disrupting the judicial system by assassinating the judges and witnesses. The militants were also responsible for numerous serious human rights abuses including extrajudicial executions and other political killings, torture, rape and brutality. They were also responsible for kidnapping and extortion in Kashmir, the report observed.

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92 ibid. pp. 2-3.
On the Indian government attitude regarding international and non-governmental investigation of alleged violations of human rights the report stated that "during the 1995-96 fiscal year, the national Human Rights Commission (NHRC) in Indian registered 9,751 complaints of human rights abuses, as well as 444 cases of custodial death or rape. A total of 1,277 cases remained pending from the preceding year. At the end of the fiscal year, 5,984 cases had been dismissed, 1,178 disposed of with directions, 546 concluded, and 3,535 remained pending. The NHRC organized and participated in several joint programmes with NGO's and worked with human rights NGO's in its investigation of individual complaints".93

The report appreciated the fact that several international human rights organisations visited India during the year. An amnesty International delegation made a month-long visit in July-August, the first visit since 1992. The team visited Delhi, Karnataka, and Rajasthan but was not permitted to visit Kashmir. UN Human Rights Commission Special Rapporteur on Religious Intolerance Abdul Fateh Amon visited India, including Kashmir as part of a three-member delegation in December 1996. An Asia-Pacific Human Rights NGO Congress was held in New Delhi in December 1995 and was attended by delegates from throughout the region.

On Pakistan, the country report for 1996 charged Pakistan that despite its public assurance to address human rights problems, still the overall human rights situations remained very poor and alarming. It observed that "police, investigative and intelligence agencies, and politically motivated count cases were used to harass and arrest political opponents of the government. Prison

93 ibid. pp. 18-19.
conditions were poor. The judiciary had been subject to influence through constitutionally permitted transfers of judges and appointment of temporary judges to the High and Supreme Courts. Police continued to conduct illegal searches and infringed upon citizen’s privacy, for example through mail censorship. Case backlogs led to long delays in trials and lengthy pre-trial detention was a problem. The government imposed limits on the freedom of assembly, religion and movement”.

The report also condemned various political groups including the MQM and their opponents for killing large number of people in Karachi in sporadic violence and crime in 1996. There was large-scale extra-judicial execution of suspected criminals by police and government agencies. This was vindicated when President Leghari invoking section 58(2)b of the constitution dismissed the Benazir Bhutto government on November 5, 1996, charging among other things, that thousands of persons in Karachi and other parts of Pakistan were killed in police encounters and under police custody, and had been deprived of their right to life in violation of Article-9 of the constitution. He said most of these killings had taken place in Sindh province.

The country reports also charged the Pakistani government of discriminating against the peoples of northern areas such as Hunza, Gilgit and Baluchistan. These areas are disputed territories and have long-standing territorial dispute with India as these come under the Pakistan-Occupied-Kashmir (POK) area. The inhabitant of these areas were not covered under

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94 ibid, pp. 1-2.
any constitution and had no representation in the federal legislature, the report added

On the Pakistani government attitude regarding international and non-governmental investigation of alleged violations of human rights, the report praised the Pakistani government for providing protection to human rights lawyers defending accused blasphemies following threats and attacks on the lawyers by religious activists. The report stated that “although international human rights organisations had been permitted to visit Pakistan and travelled freely, but the government had not always been responsive to foreign NGO’s.” The report said that the caretaker government headed by Prime Minister Meraj Khalid merged the new ministry of human rights into the ministry of law, justice, human rights and parliamentary affairs. The new ministry of human right, however, did not accomplish much prior to an following the merger. Thus one finds that the 1996 human rights report on Pakistan by the Department of State was a harsh commentary on the Benazir Bhutto government’s record on human rights. It was seen by avid political observers that it was a stern warning to the post-February 3, 1997 election government of correcting the human rights records.

This report was received with alarm and criticism by the Pakistani media for example, one leading English newspaper of Pakistan, ‘Dawn’ of Karachi found the report “harsher than before in its tone and content and drew the conclusion that through this the US had sent a clear message to politicians in Pakistan that if they did not put their acts together, Washington would be willing to work comfortably with the army even under a barely

ibid. p. 21
concealed military regime. Now this was a major challenge for the new government." 96

The report, in fact, had blasted the Pakistan government saying that some of the Pakistani laws had encouraged an atmosphere of religious intolerance against Hindus, Ahmadi’s Christians and Zikru’s. It accused the government of resorting to the tapping of telephones and the persecution of religious minorities. It was, in a sense, a severe indictment on the Pakistani polity and society for the first time in many years by the US so much so that the US had given a veiled warning to the new federal government to address to these problems immediately. It was worst-ever portrayal of Pakistan’s shoddy human rights record by the US.

And it contrast, India received a missed rating in the human rights report for 1996. Although the report “continued to list various forms of human rights abuses, but conceded that during 1996 India made progressive advance in the field of human rights”. 97 This report was largely welcomed by the Indian media and policy makers. This was for the second consecutive year that the Clinton administration had praised India’s human rights record.

However, the 1996 country report on human rights was vehemently criticised by US law-makers attacking the Clinton administration’s human rights policy as a “live and let die approach that put US interests above oppression of other nations’ people”. 98 Chairing a meeting of the House

96 The Statesman, 10 February 1997
97 Hindustan Times, 1 February 1997.
international Relations Committee on 31st January, 1997, Representative Chris Smity charged that “the message we are sending to the world is that the government of United States is committed to the protection of fundamental human rights only in so far as such a commitment does not threaten to interfere with anything else it wants to accomplish.”

Criticisms also came from members of both parties cutting across party lines. Representative Lee Hamilton, a Democrat, questioned whether the reports had accomplished anything during the two decades they had been issued since 1977, Carter’s presidency. He asked, “do you think we really have saved lives?” And fresh man Democratic Representative Dennis Kucinich of Ohio, sitting on the panel for the first time, complained that the United States seemed to have settled into a dichotomy policy that separated human rights from other issues. Mr. Kucinich said “we are here in a sense to cry tears for the victims, but they seem to be crocodile tears. I think there is a lot of cynicism attached to these human rights reports. These separated human rights involved allies and unyielding nations such as China”.

It may be pointed out that when Americans talk of China, they do so with respect and dare not raise issues like human rights and democracy beyond a whisper, in contrast to the strident, offensive and even minatory tone they adopt towards India. The difference is the enormous stake the Americans realise they have in China’s economy.

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\(^{99}\) Ibid.

\(^{100}\) Ibid.

\(^{101}\) Ibid.
During Clinton’s Presidency, albeit, his first stint in office, the level of noises on human rights and Kashmir reached its crescendo. And their noises, had its, equal reactions in India. One Indian politician, George Fernandes alleged that “just as US used the excuse of the Iraqi offensive against the Kurds to attack Iraq, it may use a similar excuse to interfere in the Kashmir affairs”.102 One Indian scholar, Professor S.D. Muni called it as a “pressure point on India and Pakistan to extract concessions and accommodation for market access, non-proliferation and regional security interests”.103

During Clintons first term Presidency, sanction imposed in Pakistan on economic and military assistance enacted in 1990 under Pressler Amendment cutting off of all American assistance to Pakistan, was replaced by the Hank Brown Amendment in February 1996, envisaging to transfer to Pakistan of $368 million worth of sophisticated US arms including deadly F-16s fighter planes, as a one-time waiver. Larry Pressler commenting on this issue said that “when faced with a serious violation of the non Proliferation law, this administration blinked at this law and winked at Pakistan”.104

Had there been no Sino-Pakistan nuclear and missile cooperation and no biased US approach to Pakistan’s nuclear weapons programme, India might have had less to complain about regarding the US policy on non-proliferation. It may be noted that the Reagan and Bush administrations kept certifying Pakistan’s nuclear virginity until October 1990 to the US Congress

103 Times of India, 24 March 1995.
for five years notwithstanding the US intelligence reports on Pakistan’s relentless efforts to acquire nuclear weapons.

However, Pro-Pakistan Republican Representative Doug Bereuter, Chairman of the House International Relations Sub-Committee on Asia and the Pacific which had jurisdiction over matters relating to South-Asia, welcomed the Hank Brown Amendment and said that “we have important security interests in South-Asia. The passage of the Brown Amendment would help clear away some constraints we have had on building a productive relationship with Pakistan and would do so without aggravating tensions on the sub-continent.” 105

KASHMIR DISPUTE

Since there continues to be a lot of hue and cry over the human rights issue and status of Kashmir, it would be pertinent to throw some light on the state of Jammu and Kashmir for a fuller understanding of vexed Kashmir issue involving India and Pakistan. and the U.S. intervention in it.

Under the British regime, Jammu and Kashmir was an Indian state ruled by a hereditary Maharaja. On the 26th October, 1947, when the state was attacked by Azad Kashmir Forces with the support of Pakistan, the Maharaja Hari Singh was obliged to seek the help of India. after executing an Instrument of Accession similar to that executed by the rulers of other Indian Princely States. By the accession the dominion of India acquired jurisdiction over the state and the state was included as a part-B state in the First Schedule of the Indian Constitution as it was promulgated in 1950.

105 Hindustan Times. 16 February 1997.
When the fighting stopped in 1947, Pakistan had already occupied a third of Kashmir and India two-thirds, with the two segments divided by a U.N. designated line of control. In 1965, a Pakistani force entered Indian-held Kashmir in the expectation of sparking off a revolt against Indian rule. The revolt did not take place and India retaliated by sending its armies into the Pakistani part of Punjab. India emerged as the victor of this second Kashmir war.

In 1972, after India and Pakistan had fought another war over Bangladesh, the two countries signed a peace treaty at Shimla, called the 1972 Shimla Agreement, committing themselves to bilateral negotiations over Kashmir. In 1989, a large scale insurgency began, aided and abetted by Pakistan and still continues today. It is being fuelled by Pakistani arms and military training and the infiltration of Islamic fundamentalists from Afghanistan. The insurgents are splintered into dozens of bands and parties, roughly grouped into pro-independence and pro-Pakistani factions.

For both India and Pakistan, their claim to Kashmir validates their definitions of nationhood - Pakistan's as a Muslim homeland and India's as a secular state. Pakistanis allege that India is suppressing a movement for national self-determination. India firmly believes that Pakistan is aiding terrorism in Kashmir. Pakistan contends that there has yet to be a final determination of the status of Kashmir and that either a negotiated settlement on a U.N.-sponsored Plebiscite must take place. Pakistan wants this state to be merged into Pakistan.

However, India prefers a bilateral solution with Pakistan, as provided under the 1972 - Shimla Agreement. India contends that it is an integral part of India by virtue of that Instrument of Accession Act, and its territorial integrity cannot be compromised. If there has to be any discussion on Kashmir, it is about asking Pakistan to stop supporting
terrorism in Kashmir and vacate the Pakistan Occupied Kashmir (POK). India has not captured this state by force, rather it have merged with it voluntarily. Hence, the question of holding plebiscite on self-determination does not arise.

It is a well-known fact that Pakistan has been waging a low-intensity proxy-war against India in Kashmir since 1989, by actively supporting and helping terrorists and Islamic fundamentalists. And to contain this Pakistan-sponsored terrorism and to protect the unity and integrity of the country, India had to deploy several hundred thousand soldiers, paramilitary men and police.

The United States considers this as a "disputed territory" and wants that the views of the Kashmir people should be taken into consideration by India and Pakistan while settling this dispute. In other words, the U.S. favours an independent Kashmir, it does not want this state to stay with India or merge with Pakistan. Because an independent Kashmir will serve American geo-political interests by gaining access to Tibet to needle China and dictate the security and economic scenarios of the whole of South-Asia. It believes that an independent Kashmir would be amenable to U.S. influences and serve its interests better.

The foreign human rights groups like Amnesty International and Asia watch have been taking very blatant partisan and biased views on the issue of Kashmir. The London-based Amnesty International has been taking very prejudiced stand against India and condoning the terrorist activities of Pak-sponsored terrorists in Kashmir and Punjab. Amnesty insists on using the phrase "armed separatists" for the militants. But India absolutely is disagreeing with this nomenclature exalting their status and diluting the principled stand of the Indian government on the terrorists. since they best could be called
as mindless terrorists armed by Pakistan agencies to carry out subversive activities in India.

The American-based Asia Watch has been legitimising terrorist killings in Punjab and Kashmir. It has taken the curious position that security forces in Kashmir on combat duties are legitimate military targets, subject to direct attacks by militants and that such killings do not violate the laws of war if they occur in combat or ambush and are not the result of the perfidy. However, it is argued that normally when war is declared, combatants can be deemed to be legitimate military targets for the enemy. But in Kashmir, no war has been declared and hence, Asia Watch's reference to the laws of war is highly misplaced.

On 5 May, 1991, the Asia Watch brought out a highly biased report entitled "Human Rights in India: Kashmir under siege", prepared by Patricia Grossman and James A. Goldstone. The credibility of this report was highly questioned when investigations by Indian government agencies revealed that a Jawaharlal Nehru University research scholar, Shabuddin, was found in possession of a large amount of foreign exchange and some incriminating documents suggesting his links with Pakistan, when his Kaveri Hostel room was raided by the intelligence sleuths. It was found that he was also associated with Asia Watch. Even a copy of a letter written by the JNU research scholar to Firdaus Kashmiri of Hizb-e-Islami praised Patricia Grossman who wrote this report with James A. Goldstone. The extract was as follows: "Patricia has done a good work. The resolution which was passed by the American Senate on Kashmir about 15 days back was drafted by Patti. Earlier, she had won over several Senators during briefing sessions. The most important session continued for seven hours in which Patricia replied to a series of questions convincingly. In this briefing, John was representing an agency from London

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and Patricia from America. Mr. Shahbuddin was acting as a conduit between Kashmiri militants and their foreign-sponsored agencies in transferring money and other vital informations.

Amnesty International and Asia Watch commit the blunder of totally ignoring the role of Pakistan in Punjab and Kashmir. Both the organisations maintain studied silence and do not speak a word in their reports about the actions taken by the Indian government against erring security personnel. Both ignore widespread killings of innocent persons in Punjab and Kashmir.

HUMAN RIGHTS LOBBYING DURING CLINTON'S PRESIDENCY

As we all know, in American politics, various “Lobbies” play a very pivotal role in the decision making process. They have the potential of either making or breaking countries’ vital security interests vis-a-vis American foreign policy. Therefore, against this background, it is surprising to know that when India did not have a single lobbyist firm in America till very recently, Pakistan had six lobbyists to influence American policy towards India and Pakistan and to feed American people and government with consistent anti-India propaganda projecting India as the biggest violator of human rights in Punjab and Kashmir. Out of the six Pakistani lobbyists, the ‘Black, Mannford, Stone and Kelly’ which works for the Pakistani American Foundation (PAF), leads the pack in constantly bombarding America with anti-India propaganda.

However, against all these onslaughts of Pakistani lobbyists, India only appointed an American firm ‘MC Auliffe, Kelly and Rafaelli’, in 1994 to counter the Pakistanis anti-

\[106\] Times of India. 28 January 1992.
India campaign. However, in comparison to Pakistani lobbyists, it was a very weak lobbying firm. And on 12 April, 1996, Indian Mission in Washington added a second lobbying firm in order to make more impact with the Republican-controlled Congress. The new firm called 'American Continental Group’ headed by Wayne Berman and Peter Terpeluk had worked with former Presidents Ronald Reagan and George Bush and one close to Bob Dole and New York Senator D’Amato. The need for a second lobbying firm was felt acutely during the intense Congressional debates over the Hank Brown Amendment which was adopted by the Senate to allow transfer of $368 billion worth of arms to Pakistan.

The Pakistan mission in Washington, in contrast, has employed over a half-a-dozen lobbying firms spending several million dollars annually. That effort so far appears to have paid useful dividends. These lobbying firms navigate effectively through the U.S. Congressional labyrinth to tilt the scale in favour of their respective employer’s side. These Pakistani lobbyists try to influence the Congressmen and Senators in support of their cause. For example, the Pakistani lobbyists, have congressmen Dan Burton, the Republican Senator from Indiana and Willy Herger, Republican Congressman and others to target India in its alleged human rights violations.

Many have wondered, and wondered for long, why Dan Burton, representing Indiana’s sixth district for 14 years, has been such a visceral foe of India, trying to malign New Delhi at every opportunity, by vociferously although not accurately championing the causes of Khalistan and Kashmir separatism. According to the 10 February, 1997 issue of U.S. News and world report, that money from American Sikhs and Kashmiris have rolled into his campaign account, to the extent of 25 percent of total contributions from U.S. based Punjabi and Kashmiri separatist groups. Now he is facing the inquiry of the House Ethical Committee for his alleged involvement in the campaign funds embezzlement.
Recently, in February, 1991, this known India-baiter has said that he would again introduce a Bill seeking to debar New Delhi from receiving U.S. development assistance unless the President certifies that the country’s human rights positions has improved. In-a-dear-colleague letter, Burton said he would introduce the Human Rights in India Act in the Congress as the Indian government allegedly continues to violate human rights of Sikhs, Muslims, Christians and other minorities.

INDIAN CONGRESSIONAL CAUCUS

However, it is heartening to note that at present, India has got a “Congressional India Caucus”, an informal body of some bi-partisan pro-India Congressmen, trying to build up a positive Indo-Us relations to its full potential. It is headed by the New Jersey Democrat, Frank Pollone. Other members of this Caucus are Gary Ackerman of New York, Sherrod Brown of Ohio, Jim McDermott of Washington, Robert Mendendez of New Jersey (all Democrats); Stephen Horn of California, Joe Knollenberg of Michigan, Cliff Stearns of Florida, Bill McCollum of Florida and Fran A. Lobindo of New Jersey (all Republicans). This caucus was instrumental in securing the rejection in the House early this year (1997) and amendment introduced by Dan Burton, seeking to cut off U.S. developmental assistance to India in protest against its alleged human rights record.

TERRORISM & U.S. POLICY

The United States, particularly the Bill Clinton administration has been maintaining double-standards on the issue of terrorism. When terrorists strike in America, he takes a very tough stand, but when the same terrorists strike in other parts of the world, he takes a very soft stance. For example, when some terrorists bombed the famous New York Trade Centre last year killing some innocent people and damaging properties of worth million
dollars, he took a very tough line saying “they are terrorists, they are killers, and they should be booked soon and punished like killers”. But when terrorists gun down thousands of innocent civilians in Kashmir and Punjab, he charges India of violating the Human Rights of Kashmir and Punjab terrorists. Does it mean, the life of American people are more valuable and important than the life of other non-American people? Perhaps. they believe it is so. Recently the U.S. government spared no effort in tracing and bringing to U.S. from Pakistan, Mir Aimal Kansi, the assassin of two CIA Officials. The CIA and FBI reportedly paid as much as $3.5 million to informant’s to locate Kansi and then sent a special aircraft to fly him to the U.S. to stand trial. Soon after his tracing, the U.S. State Department spokesman Nicholas Burns remarked, “we are not a country that forgives. We do not forget. we seek retribution”. This solitary incident and Mr. Burns remarks demonstrates the seriousness and the extent to which the U.S. is willing to go when it comes to responding to acts of terrorism in their country.

INDIA & TERRORISM

However, India presents a complete contrast. The Indian psyche of resigned acceptance is evident in a number cases. when our brave security forces go down fighting against the terrorists in Kashmir and Punjab. It seems India has become inured to rampant terrorist killings as foreign mercenaries continue to be the mainstay of the terrorist war in Kashmir. And it is a sad commentary when the then Senior Superintendent of Police (SSP) in Tara Taran, Punjab. Mr. Ajit Singh Sandhu had to commit suicide unable to cope with the harassment and humiliation meted out to him by the government and courts. He was once called the hero of Tara Taran as he broke the back of terrorists in Tara Taran, once called the 'Mini-Khalistan' of Punjab. And after terrorism was stamped out, the state

refused to stand by him and dumped him on the way side forgetting his heroic deeds in maintaining the unity and integrity of India, fighting against the Pak-sponsored terrorism.

India cannot countenance a situation where all human rights are reserved for practitioners of terrorism. Addressing the historic first-ever summit of the U.N. Security Council in 31 January, 1992, the then Indian Prime Minister, P.V. Narasimha Rao said that “India had profound respect for those who were crusading for the protection and preservation of human rights. India has a 5,000 years-old record of non-invasion and non-annexation of alien territories with the shining example of a powerful monarch like ‘Ashoka’ turning into an apostle of non-violence. I am fully conscious of the obligations of the state in preserving human rights as contrasted with terrorist and secessionist elements killing innocent citizens with impunity. What is really being suggested is perhaps to delineate the parameters that harmonise the defence of national integrity with respect for human rights. In this regard, India is ever willing to discuss and contribute in the endeavour.”

He hailed the efforts for giving stress on good governance and development which hold the key for the improvement of human rights. He said that India is opposed to the question of linking foreign aid to issues like human rights and good governance. Amnesty International is also opposed to any such linkage between aid and human rights. India firmly believes that development needs must be accorded primacy of place poverty remains the greatest threat to world peace and dignity of the individual. India firmly believes that it is not possible to frame norms for human rights by an outside party on the basis of its unilateral vacuous perception.

109 Indian Express (New Delhi) 1 February, 1992.
HUMAN RIGHTS AND INDIA

Since the western countries including the US have been busy pointing out the alleged human rights violations in India, and even doubting the credibility of Indian democratic and human rights system, it would be worthwhile to throw some light into India’s rich human rights heritage to put the issue of human rights in India in its proper perspective. Human Rights, as both rhetoric and reality, has become so fashionable in recent years that a casual observer may sometimes assume that it was an invention of Jimmy Carter administration. However, looking at this from the perspective of political traditions and culture reminds us that questions of human rights have engaged thoughtful participants in many societies, in many parts of the world, for many centuries. This focus also suggests that the attitudes and values of nations are as much conditioned by history as by modern political theory or ideology. And India, with its rich heritage of an enduring civilisation, which is being called as more than a country but less than continent, is one of the more significant examples of how current political issues, including human rights are inseparable from our cultural themes and continuities.

Human Rights is very much rooted in our Indian culture and tradition, since time immemorial. In India we have always believed that man is the most superior creature on earth in the divine creation and by his or her birth, every homo-sapien has certain inalienable rights. The human rights also are very much embedded in our constitution and foreign policy.

To sum up Clinton’s human rights policy vis-a-vis India and Pakistan, it could be said that non-proliferation and economic interests, especially intellectual property rights were the two guiding pillars of the US foreign policy from 1993 to 1996, and would continue to be beyond this phase. Human rights issue was being used as an ‘entry point’ to extract concessions
on these two goals. The continuing economic interests in the South-Asian region by the US was vindicated when Secretary of State Warren Christopher “encouraged President Clinton to elevate trade and economics as foreign policy instruments and to focus on Asia, (South-Asia) and Latin America as regions where these instruments would yield impressive gains for Washington....”\textsuperscript{110} One scholar had rightly pointed out that for Clinton “Asia was going to remain as the number one priority area due to large scale economic involvement and the growing strategic importance....”\textsuperscript{111}

It may be pointed out that Clinton’s human rights policy towards China have floundered swinging the scale in favour of economic interests there. Having come to office pledging to get tough with dictators from Baghdad to Beijing, Clinton has found getting tough with China on human rights much harder than he had imagined. An early attempt to link China’s trade privileges with improvements in its observance of human rights was abandoned under pressure from American businessmen. But it is not just vulgar commerce that is leading the Clinton team to play down human rights. The threat of military conflict with China over Taiwan was emphasised to the Americans how high the stakes are--and caused them to redouble their efforts to get on with the Chinese”.\textsuperscript{112}

\textsuperscript{110} Linda B. Miller, “The Clinton Years: Reinventing U.S. Foreign Policy” \textit{International Affairs}, (London), vol. 70, no. 4, October 1994, pp. 621-34.

\textsuperscript{111} M.V. Rappai, “Clinton’s Asia Policy” \textit{Strategic Analysis}, (New Delhi), vol. XIX, no. 10-11, January-February 1997, p. 1576.

Thus in case of China, encouraging human rights was not a legitimate goal of US foreign policy under Clinton’s Presidency. And in the case of India and Pakistan, it could not be otherwise. Human Rights is being used as a bargaining chip to serve US’s vital security and economic interests. Geoecocomics is the name of the game. This could be summed up as nothing but the typical whip-him-then-hug-him-approach on human rights vis-a-vis India and Pakistan. The human rights reports have been finding fault with both India and Pakistan as a pressure tactics to extract concessions on US’s vital interests.