Chapter-5

International
Concern for Conflict
Resolution
The international community’s efforts to help resolve the Kashmir issue began only after the dispute erupted in October 1947. The controversy remained on the world’s radarscope for a quarter of a century, and then faded away when India and Pakistan agreed at Shimla in 1972 to resolve it peacefully by bilateral negotiations. The outbreak of an insurrection against Indian rule in the Kashmir valley at the end of 1989 returned the problem to world attention. The United States and other major powers soon recognized that the nuclear capabilities of the rival claimants made the issue more dangerous and its resolution more urgent. All have recognized that the continuing refusal of the Indian Government to countenance an international role in Kashmir makes it likely that any outside efforts will be unsuccessful as others were in past. For the maintenance of peace, security, and cooperation between the India and Pakistan, the role of US, UN, EU, SAARC, OIC and Civil Society as a whole cannot be ignored. All these international actors and non-governmental organizations have played a vital role in maintaining peace in the whole South Asian region and mitigated conflictual situations into peace building process. These organizations tried several times to play a tremendous role in South Asia region. Moreover, in the context of Kashmir their role and struggle for the maintenance of peace is well accepted by all. However, some times international concern was neglected by India and Pakistan both. But many occasions these organizations laid emphasis on peace process in the region and prevented the wars between the two countries.

It is obvious fact that really the support of non-governmental organizations and international community in the peace building, peace-making and peacekeeping process is well-accepted phenomenon. International communities put a great impact in paving the way for peace process in Kashmir. These organizations always criticize vehemently gross violation of human rights in Kashmir valley committed by security forces and militants. The conflict resolution mechanism includes the role of all parties whether it may be political institutions or non-governmental organizations, the primary aim of conflict resolution mechanism is to resolve the conflict through bargaining and mutual understanding and to avoid conflicts by peaceful methods and techniques. Conflict is not unavoidable; rather conflict could be resolved through mutual consensus, negotiations, conciliations and bargaining. Kashmir conflict could
be solved after listening the basic aspirations of Kashmiris. Kashmir needs Good Governance, which must be accountable, responsive, and democratic oriented, peace-loving, peoplizing government. Good governance can pave good avenues for peace process in Kashmir. India can solve the Kashmir conflict when it really takes into account the problems of Kashmiris, which they are facing in Kashmir. India can win the hearts of Kashmiris when it will prevent and ban violations of human rights, misuse of power, fake encounters, missings of civilians, crackdowns, interrogations, curtailment of autonomy and fundamental rights of the people of Kashmir, safety and security problem, unemployment, etc.

In addition, draconian laws, such as POTA, Public Safety Act, AFSPA, and other martial laws are needed to be revoked. Withdrawal of Armed Forces from civilian areas, and minimize the quantity of Armed Forces and Police from Kashmir territory can be suggested as options for the establishment of peaceful Kashmir. It is very important to mention here that until and unless the demands of Kashmiris will not be addressed, the cycle of violence will be continued. Cycle of violence can be prevented only through addressing the problem of autonomy, protection and safety of people, addressing the issue of self-determination, withdrawal of the Armed Forces Special Powers Act (AFSPA), Public Safety Act, POTA, and other draconian laws, not only this but to minimize the quantity of Armed Forces and Police, respect the dignity of people of Kashmir. Until, India will not address these issues, all activities and dialogues will produce zero results. Because, people cannot enjoy a dignified life under the draconian laws and turmoil situations. People of Kashmir can enjoy their life when they will be free from danger and fear of violence. When they will enjoys all the basic rights for a dignified life, which, they do not have since 1989 in Kashmir. This chapter of my thesis will highlight the role of International Community and Non-governmental organizations, their policies and initiatives for the resolution of Kashmir conflict. International community and non-governmental concern can be a better option to pressurize both India and Pakistan on the resolution of Kashmir conflict. Here it is very important to note that some times external mediation plays a vital role in avoiding the long-standing conflicts and paves a way for peace.
US Policy and the Kashmir Dispute: Prospects for Resolution

The India-Pakistan dispute over Kashmir has vexed US policy makers since 1947. Indeed, it is difficult to identify an international political conflict that has for so long proved utterly resistant to resolution. Over the years, the United States has pursued a variety of approaches to the Kashmir problem: unilateral initiatives, bilateral efforts with the United Kingdom, and multilateral proposals under the UN auspices. All have come to naught. At other times, frustrated US leaders have tried to wash their hands of the whole quandary, only to see it remerge even more virulently. Among contemporary American Foreign Policy elites, scholars, government officials, journalists, and private analysts – “intractable” is the preferred adjective for the Kashmir conflict.

India and Pakistan have long held contradictory views on the involvement of external non regional powers – primarily the United States in their conflict. Whereas Delhi, has opposed the intervention of ‘third parties’ in what it sees as a ‘bilateral’ dispute over Kashmir – due primarily to an uncertain outcome – Islamabad has actively encouraged international mediation to balance its asymmetrical relationship with India. The United States has also had an ambivalent attitude in an active and sustained role in South Asia. However, these perspectives appear to be changing significantly. Not only is the United States actively involved in South Asia in the post-September 11 Security environment with its engagement of Pakistan in the ‘war on terror’ and the development of a strategic relationship with India but, for the first time, it has a growing military presence in the region as well as in the Arabian sea. The strengthened Indo-American relationship since 1990s has made possible American ‘facilitation’ in the Indian Pakistan conflict. Simultaneously, Islamabad has become aware that such facilitation may not lead to the expected outcome, due to its own complex internal dynamics. An American military presence in South Asia, especially in Afghanistan and Central Asia, can be expected to continue in the foreseeable future.
US Policy During 1947-63

In the late 1940s, South Asia did not figure prominently in American Foreign Policy. With cold war crises detonating around the world, Washington has little regional expertise and few resources to devote to India-Pakistan relations. When the Kashmir conflict erupted, the Truman administration “feared that the continuation of that dispute might lead to war between the two dominions, thus jeopardizing all US interests in the subcontinent”. By 1949, the Central Intelligence Agency was warning that the smoldering conflict might lead to all out war, severely destabilizing the region and providing the Soviets with an opportunity to expand their influence southward. Despite these concerns, US officials were reluctant to invest scarce diplomatic time and energy in helping to resolve the dispute. At first, US policymakers “devoted relatively little attention to what seemed initially a mere legal controversy in one of the world’s most remote areas”. Once Washington grasped the seriousness of the standoff, it distinctly preferred UN to US involvement. Owing to its other global commitments, the United States “consciously rejected any activist or leadership role in the Scheduled Security Council debates. It opted, instead, to exert its influence with the two parties in a quiet, low-key fashion”. Washington also worked closely with and often deferred to London. In both capitals, the prevailing view was that an independent Kashmir was not desirable due to prospect of Balkanization and consequent Soviet exploitation. The two sides agreed that there was “but one realistic solution” to the problem a free and fair plebiscite. Conditions favoring a plebiscite have never developed. The first plebiscite administrator was Admiral Chester Nimitz’s, the commander of US naval forces in the Pacific during the World War II. Nimitz’s efforts were undermined by ongoing Indo-Pakistan differences concerning the withdrawal of military forces and the administration of Kashmir during the voting. These and related disagreements would continue to prevent India and Pakistan from taking serious steps toward conflict resolution in 1949 and beyond. The early 1950s brought a number of attempts to jump start reconciliation, including failed missions to South Asia by Australian jurist Owen Dixon (1950), former US Senator Frank Graham (1951-53), and President Eisenhower’s emissary, Paul Hoffman (1953). Dixon found the prospects for resolution so dim that he told the Security Council: “I have formed the opinion that if there is any chance of setting the dispute over Kashmir by agreement between India and Pakistan it now lies in partition and in some
means of allocating the valley rather than an overall plebiscite”, meanwhile, Washington “regarded the problem as a serious dispute between two countries with which it had friendly relations, but not as an issue involving vital US interests. Kashmir also appeared to be the type of regional dispute that the UN should be able to resolve, especially as India’s original suggestion for plebiscite provided a basis for settlement”.3

As the 1950s wrote on, cold war politics militated against the solution envisioned by the UN. Indian leaders were incensed by the strategic courtship between the United States and Pakistan in 1953-54. Indian Prime Minister Jawaharlal Nehru was convinced that one of Washington’s motives in enlisting Pakistan into its evolving alliance system was to “check India’s power within the region”. Nehru wrote to one of his ministers: “the United States imagine that by this policy they have completely outflanked India’s so-called neutralism and will thus bring India to knees. Whatever the future may hold, this is not going to happen. The first result of all this will be extremely disliked by India”. Serendipitously, the new US military relationship with Pakistan gave Indian leaders ample justification for their already waning interest in a Kashmir plebiscite. As one diplomatic history puts it, “since India was already in possession of the most desirable portion of Kashmir, and since the overwhelming Muslim majority in the state made a vote to join Pakistan the most likely outcome of a fair referendum, a postponement of the plebiscite clearly served India’s interests”.4

After Moscow enthusiastically endorsed the Indian position on Kashmir in 1955, the Soviet Union’s Security Council veto ensured that no adverse solution would be imposed upon India. Subsequent efforts at international mediation yielded little. These included a second mission to South Asia by Frank Graham in 1957, as well as ill-fated initiative by Washington and London in the aftermath of India’s defeat in 1962 China war with India’s security vulnerabilities having been exposed by China’s successful invasion. President Kennedy’s aid Averell Harriman and British Commonwealth Secretary Duncan Sandy’s persuaded a reluctant Nehru to enter into a bilateral discussions with Pakistan in early 1963. Five rounds of talks produced no progress on Kashmir, in large part because Pakistan and China in March 1963 “settled” their own territorial dispute in an agreement that gave China some 2,000
square miles of disputed Kashmir. Indian leaders were predictably furious, maintaining that Pakistan had, in essence, illegally negotiated away Indian territory.

**US Policy 1963-80**

The failure of the Harriman-Sandy's mission marked the beginning of a long period of US diplomatic disengagement from the Kashmir dispute. In 1965, India and Pakistan went to war over Kashmir for the second time. India's 1962 humiliation, its rapidly increasing military power, and political discontent in Indian Kashmir itself combined to convince Pakistani leaders that they had a brief window of opportunity to wrest the territory away from New Delhi. At the very least, an aggressive Pakistani policy could keep Kashmir on the boil by forcing India to the negotiating table once more. In the summer of 1965, Pakistan infiltrated thousands of armed guerrillas across the ceasefire line, in a clumsy attempt to spark a rebellion among the Kashmir valley’s Muslims. New Delhi responded with its own invasion of Pakistan-controlled Kashmir, capturing several key mountain passes. On 1 September, Pakistani armor crossed the ceasefire line in southern Kashmir and inflicted heavy losses on Indian forces. Faced with the loss of a vital road connecting Srinagar with India proper, New Delhi responded with a dramatic offensive across the Indo-Pakistani border in Punjab. The Indian forces outfought their Pakistani counterparts and blunted a counteroffensive aimed at the Indian city of Amritsar. By the time the UN intervened on 22 September, Pakistan had suffered a clear defeat. The prevailing US view of the 1965 war was “a pox on both their houses”. Disgusted with the latest turn of events in South Asia, the Johnson administration had imposed an arms embargo against both India and Pakistan. Not only that, but in the war’s aftermath, President Johnson “directed that the United States adopt a lowered profile in the subcontinent and pursue more limited policy objectives there”. In the first manifestation of this new orientation, Washington stepped aside and allowed the Soviet Union to convene a peace conference at Tashkent in January 1966. The US retrenchment from Kashmir would continue for fifteen years. India and Pakistan fought a third war in 1971. This time however, Kashmir was not the precipitating cause and the disputed territory saw only limited military operations. In November-December 1971, New Delhi helped to liberate East Pakistan and create the new state of Bangladesh.
The India and Pakistan signed the Simla agreement, which transformed the Kashmir ceasefire line into the LOC and stipulated that New Delhi and Islamabad would settle their political differences peacefully, through bilateral negotiations or any other mutually acceptable means. Simla essentially froze the international dimension of the Kashmir conflict; moreover, the power asymmetry between India and the rump Pakistan after 1971 was such that Islamabad was in no position to challenge the status quo. Indian Kashmir was also relatively quiet. One scholar observes that, after state elections in 1977, “Kashmir became quiet and beautiful as ever; it seemed as though the problem had been solved. From perspective of Delhi, it was a golden phase; both the rulers in Kashmir and the populace seemed content as if a marriage has been made”. Tranquility in Kashmir coincided with what one scholar calls “the logic of the American approach, to South Asia in the mid 1970 that is, the desire not to be bothered with a region that had consistently proved more troublesome than profitable”.^5

The 1980s and 1990s

The 1980s witnessed two developments that are crucial to understanding US policy on the Kashmir dispute today. First came a renewed strategic partnership between the United States and Pakistan, which was intended to defeat the Soviet Union in Afghanistan, or at least to make Moscow’s continuing war against its southern neighbor as painful as possible. Soon after the Soviet Union’s December 1979 invasion, President Carter ordered a covert CIA operation to supply US assistance to the anti-Soviet Mujahideen that would become the largest such operation since the Vietnam war. Pakistan became a vital conduit for the assistance. When the Reagan administration arrived on the scene in 1981, it promptly agreed to a multibillion dollar military and economic assistance package to Islamabad that suddenly vaulted Pakistan into the highest reaches of US aid recipients in league with Egypt, Israel, and Turkey. Pakistan’s reemergence as a “frontline state” in the cold war had a surprisingly limited impact on Indo-US relations. Despite New Delhi’s refusal to publicly condemn its Soviet ally’s bludgeoning of Afghanistan, India’s private disapproval was repeatedly conveyed to all concerned parties. Furthermore, Washington and New Delhi skillfully pursued their own warming of relations in the mid-1980s, as India sought to “grow” its economy in electronics, computers, and
telecommunications, areas where the Soviet Union was of limited utility. On May 1985, Memorandum of understanding in science and technology removed India from the US list of “diversion-risk” countries, paving the way for increased investment and technology transfer.

The second crucial development was the reemergence of Muslim separatism in Indian Kashmir. By 1989, Islamic militants in the Kashmir valley were in open rebellion, and, in the years since, a full-blown secessionist insurrection have raged against the Indian State. Even worse, with the Afghanistan war winding down, a reinvigorated Pakistan army rechanneled its energies and newly supplied military muscle toward the so-called “freedom fighters” struggling against Indian rule in Kashmir. The escalating war between Indian security forces on one side, and Pakistan supported insurgents on the other, radically transformed Indo-Pakistani relations by giving the two governments their first compelling reason to shed blood since the Bangladesh war two decades earlier. Early in 1990s, the Kashmir fighting evolved from a primarily civil conflict into an international crisis that brought India and Pakistan dangerously close to major war. New Delhi and Islamabad placed their military forces on high alert and issued bellicose threats suggesting that war was imminent. Some analysts believe that, during the 1990 crisis, Pakistan readied its nuclear weapons for deployment; others discount that view. Either way, the first bush administration was sufficiently alarmed that it dispatched d Deputy National Security Adviser Robert Gates to the region for talks with the two governments. The Gates intervention helped to calm tempers on both sides of the border.

*American Facilitation in Kargil Conflict, 1999*

Unfortunately, the Lahore framework remains unimplemented, with the single exception of advanced notification of ballistic missile tests on a unilateral basis in the ‘spirit’ of the Lahore MoU – although this has generated its own share of controversy over the years. Pakistan’s military intrusion across the LOC, allegedly at the time of the Lahore Summit, effectively ended all moves towards regional nuclear stability. Instead India and Pakistan were involved in an armed conflict with each other for the first time after their nuclear tests; the Kargil conflict of May-July 1999 formally ended with the United States facilitation. In the early 1999, Pakistan’s regular and
irregular forces crossed the LOC and occupied positions in the Kargil sector of Indian administered Jammu and Kashmir for reasons that are as yet unclear when this was detected in early May 1999, Delhi’s response was swift and comprehensive, involving the use of land and air forces to evict the intruders from the Indian side of the LOC. After several weeks of increasingly bloody conflict, Indian forces captured the key heights of Tololing (14 June) and Tiger Hill (early morning on 4 July). With Pakistani forces suffering critical defeats, it was expected to be only a matter of time before they were pushed back across the LOC; but undoubtedly, this would have raised Indian causalities further. Meanwhile, the United States was urging Pakistan to respect the LOC and withdraw its forces across the LOC, while at the same time, urging India to restrain itself from crossing the LOC to open another front in the conflict. Notwithstanding Delhi’s public statements on not using forces across the LOC, the potential for escalation into a full-scale conventional war raised fears in the international community of the risk of inadvertent nuclear escalation.6 In early July, the Pakistani Prime Minister flew to Washington, concerned over Pakistan’s increasing international isolation. At a hastily organized meeting with President Clinton on 4 July, Sharif requested American intervention to stop the fighting and resolve the Kashmir issue. But Clinton came down heavily on Sharif that Pakistan preparing its nuclear arsenal for possible deployment at the instructions of the Army Chief, General Musharraf, which was apparently taking place without Sharif’s knowledge. Amidst considerable American pressure, Sharif finally agreed ‘to take concrete and immediate steps for the restoration of the LOC’ which was accepted by Vajpayee when it was conveyed to him prior to its publicization. In effect, the United States facilitated a formal end to the Kargil conflict, which shortly afterwards saw the withdrawal of all Pakistani forces to its own side of the LOC without much additional Indian causality. American facilitation on the Kargil conflict in Delhi’s favour came as quite an unexpected surprise to many in India’s Ministries of External Affairs and Defence. This was, in effect, the first time in fifty years that the United States had sided with India against Pakistan, ‘openly and firmly’. This led soon led to a greater ‘comfort level’ with the United States, followed by Clinton’s successful visit to India in March 2000, followed by Vajpayee’s visit to the United States in the final days of the Clinton Administration.
Clinton Policy

While New Delhi and Washington moved inexorably closer during President Clinton’s final year in office, US and Pakistani interests comprehensively diverged. This was vividly illustrated during the President’s long-anticipated trip to South Asia in March 2000. After five days of substantive bonhomie in India, Clinton spent roughly five hours in Pakistan, where he and the Pakistani leader, General Pervez Musharraf, enunciated starkly opposed views. On Kashmir, Clinton’s Policy recognized the bedrock reality of the Indian position. The two disputants themselves should resolve the conflict, as per the Shimla agreement of 1972. Significantly, the President made no mention of Kashmir in his well-received address to the Indian Parliament, while days later on Pakistani television. He exhorted Islamabad to eschew a military solution to the dispute. Clinton left no doubt in Pakistanis’ minds about his policy: “We cannot mediate or resolve the dispute in Kashmir. Only you and India can do that through dialogue.” This meant in practice that the US State Department would offer its “good offices” to help and facilitate a settlement, but it would not propose solutions to, or invest political capital in, the dispute. Pushing India any harder than this could derail the promising, US-Indian engagement process and would likely result in failure anyway.

The George W. Bush Policy

Much to Islamabad’s dismay the new Bush administration’s regarding South Asia policy hardly deviated from President Clinton’s. Indeed, if anything, Bush’s New National Security Team was intent on intensifying the regional policy it inherited. India’s fast-growing economy, its booming information technology sector, and its position as a relatively stable, democratic, nuclear power in a volatile region argued for deepening Indo-US ties. Not only that, but some senior officials perceived that New Delhi could provide a useful counterweight to Beijing’s growing influence in Asia, a perspectives that was strengthened by the April 2001, Hainan Spy Plane incident – the President’s first foreign policy test. By way of contrast, Pakistan seemed to offer nothing but trouble. Translated into policy, these perspectives dictated maintaining the Clinton line on Kashmir, i.e., urging the disputants to engage in bilateral negotiations, while not pushing so hard as to alienate India. Washington did
not, however, throw up its collective hands regarding Pakistan senior officials were “determined to improve the US-Pakistani relationship, without turning a blind eye to areas of disagreement. So, for example, the administration had already resolved before 9/11 to lift remaining 1998 nuclear sanctions.

American Facilitation in the India-Pakistan Border Confrontation, 2001-2002

Even though the United States became involved in resolving the Kargil conflict, it is the American led war on terror in South Asia and the subsequent India-Pakistan border confrontation that has brought about a significant change in American engagement in South Asia. Following the American attack against Afghanistan in October 2001 targeting the terrorist Al-Qaeda leadership responsible for the attack on the United States and their Taliban hosts. Pakistan became a frontline state for American logistic support and intelligence facilities in Afghanistan. A number of American military personnel and equipment also remain deployed in Pakistani military bases in support of the ongoing war on terror in Afghanistan. However, the attack on the Indian Parliament on 13 December 2001 allegedly by Pakistan based Jaish-e-Mohammed terrorists threatened to disrupt the ongoing American led military campaign in Afghanistan. As part of its ‘coercive diplomacy’ against Pakistan, Delhi launched ‘operation Parakram’ (valour) on 19 December 2001, which constituted the largest mobilization of the Indian armed forces. This was a deliberate move, taking place amidst the war on terror, to threaten military action against Pakistan if it demands to end alleged Pakistan sponsored cross-border terrorism were not met. This included the deployment of India’s three strike corps (comprising armoured and mechanized formations) at forward positions on the international border with Pakistan’s counter mobilization; nearly one million armed personnel were deployed across the India-Pakistan borders. In view of the nuclear armed status of both states, there appeared to be considerable risk of nuclear escalation by misperception or miscalculation following the break out of a conventional war. On 20 March, 2002, the Director of the Central Agency (CIA), George Tenet, warned the United States Senate Armed Services Committee that the chances of a war in the region were the highest since 1971.
Having repeatedly stressed the sanctity of the LOC during the Kargil war. India’s prospective actions threatening the use of force across the LOC set off alarm bells in Washington and London. Meanwhile, Pakistan appeared equally determined to counter an Indian military attack with conventional and nuclear forces. With the deliberate disruption of normal diplomatic communication, Delhi and Islamabad were communicating with each other on nuclear and conventional matters on a public basis during much of the ten months of the 2001-2002 border confrontation. These nuclear signals were multiple constituencies internal, regional and international. For both India and Pakistan, the most important constituencies were the domestic public, each other and the United States, which had the most influence in the region. For Delhi, the United States could help put pressure on Pakistan to cease cross-border infiltration of militants into Indian administered Kashmir; for Islamabad, the United States could restrain Delhi from military action. With tensions heightening following the terrorist attack on an Indian Army residential camp in Kaluchak, Jammu, on 14 May 2002, and Delhi’s subsequent nuclear signaling, a flurry of high level American and British choreographed visits took place to Delhi and Islamabad. The contours of a possible easing of India-Pakistan tensions began to emerge from Jack Straw’s visit on 28 May, Straw visited Islamabad, where he urged Musharraf to take action on the ground to counter cross border ‘terrorism’ in Indian Administered Kashmir. In Delhi the next day, Straw urged India to exercise restraint and prevent its armed forces from using force across the LOC. He also told Delhi that Musharraf had promised to curb infiltration into India and to close down ‘terrorist’ camps in Pakistan Administered Kashmir by the time of Armitage’s visit to the region in early June. On his return to London on 31 May, Straw publicly expressed his concern over the dangerous situation in the region, ‘when you have one million men under arms on either side of the LOC, all in a high state alert and readiness, both countries have nuclear weapons, and one of them Pakistan has said they reserve the right to use them first. This essentially signaled the issue of travel advisories on 1 June by the Governments of the United States, the United Kingdom, Canada, France, Japan, Australia, New Zealand and others, urging their citizens to leave India and Pakistan immediately, and warned others from traveling to either country. The travel advisories led to an exodus of business visitors, tourists, diplomatic personnel and their dependents, largely from India, as they had already pulled out from Pakistan earlier. Ostensibly ordered for fear of an outbreak of war, this unprecedented step caused much annoyance in Delhi,
which perceived it as an attempt to pressure it against launching an attack across the LOC. On 31 May, United States Secretary of State Colin Powell publicly criticized Pakistan for the continuing infiltration across the LOC, despite Musharraf's assurances that it would be ended. The following day, in an interview with the BBC, Musharraf indicated that ‘instructions’ had been given by Pakistan to cease such activity. Although it was still too early to say that it had stopped, Powell emphasized that, when, and if, it does stop, and it must also stop permanently’. On 6 June, United States Deputy Secretary of State Richard Armitage arrived in Islamabad to build on Straw’s visit and hammer out a deal between India and Pakistan. After a tough meeting, Musharraf gave Armitage, a commitment that he would end cross-border infiltration permanently. This was a considerable improvement on his pledge to Straw a week earlier to curb infiltration into India. While Delhi formally welcomed this development, it expressed caution in terms of implementation. Consequently, Armitage’s departure from Delhi, the thaw in India Pakistan tensions was evident. In effect, American facilitation successfully eased India-Pakistan tensions, and ended the ten month border confrontation, and the longest period of military mobilization between the two countries.\footnote{India-Pakistan Joint Press Statement, on 6 January 2004}  

\textit{India-Pakistan Joint Press Statement, on 6 January 2004}

In a dramatic development on the sidelines of the twelfth SAARC Summit in Islamabad in January 2004. India and Pakistan agreed to resume an official level dialogue after a three-year hiatus. The joint statement of 6 January 2004 also noted that Delhi agreed to settle Kashmir to the satisfaction of both sides and that Islamabad would not permit any territory under Pakistan’s control to be used to support terrorism in any manner. On 18 February 2004, after three days of official level ‘talks on talks’ in Islamabad, India and Pakistan agreed to resume their bilateral ‘composite dialogue’ in May-June 2004, soon after the Indian general elections. This is to take the form of a ‘composite dialogue’ on eight issues, including two on peace and security, including CBMs and Jammu and Kashmir – at the Foreign Secretary level. The two Foreign Ministers are to meet in August 2004 to review progress. Both Delhi and Islamabad had strong motivations to reach an accord during the SAARC Summit. For Vajpayee, a personal desire for a stable bilateral relationship with Pakistan his third and final peace effort had been initiated with his ‘hand of friendship’ speech in Srinagar in
April 2003, and buttressed by approaching general elections in April 2004; for Musharraf, two assassination attempts within eleven days in December 2003 had led to a renewed vigour to fight terrorism of all kinds, along with the increasing radicalization of domestic politics. Vajpayee’s rising popularity, seen by the results of the Indian Assembly elections in November 2003, also boosted Islamabad’s view that it would be advisable to deal with Vajpayee himself. In addition, American pressure on Islamabad to end cross-border infiltration into Indian Administered Kashmir, and to a lesser extent on India to begin an official level dialogue with Pakistan - may also have played a part in the success of bilateral diplomacy on the sidelines of the multilateral summit. Even if the United States had facilitated such a dialogue, it would have been advisable to have maintained this in a low-key manner, for fear of undermining the fledgling peace process.

**Current American Engagement with India and Pakistan**

In the post-11 September security environment, American relations with Delhi and Islamabad have strengthened considerably, placing it in a unique position of trust by two traditionally antagonistic nuclear-armed states. But the content of the two sets of ‘dehypedated’ diplomatic relationships stressing the absence of any inter-relationship are quite different and complex. Current Indo-American ties are fairly broad-based and comprehensive, with the prospect of developing into a strategic relationship in the medium term. If the United States ‘tilted’ towards Islamabad in the 1971 India-Pakistan war, it clearly ‘tilted’ towards Delhi in the 1999 Kargil conflict. A relatively high level of joint military exercises, growing naval cooperation, and high-level political and related relations continue to take place between Delhi and Washington. This has not been adversely affected by Delhi’s refusal in mid-July 2003 to send troops to Iraq at the behest of the United States in the absence of UN mandate or UN forces command. In January 2004, a joint agreement on a ‘quartet’ of issues cooperation in high technology fields, civilian nuclear and space programmes, and discussions on missile defence provided the framework for significantly enhanced strategic relations. While this may appear related to an American requirement to counter China in the medium term, it is extremely unlikely that Delhi will acquiesce to such a role for some very good reasons the most important being that both countries share a long land border. In marked contrast, American relations with
Islamabad appear to be more focused on the war on terror and on countering nuclear proliferation within Pakistan's highly charged and volatile politics. There are legitimate concerns over Musharraf's personal safety exacerbated by the two assassination attempts. His reputation and influence is increasingly under question in the light of the proliferation activities of key scientists in the nuclear weapons establishment. They are expected to decline further when he retires as Army Chief at the end of the year, even though he continues as President until 2007.

However, the United States also sees Pakistan as a major source of Islamic radicalism. On several occasions, the United States has had to stress to Islamabad the need to counter terrorism in Afghanistan, and its related aspects in Indian Administered Kashmir and the activities of Islamists extremist groups operating in Pakistan. In November 2003, Musharraf re-banned several Islamist extremist groups. In one of his strongest statements against extremism, Musharraf in his first address to the joint sitting of parliament on 17 January 2004 appealed to the Pakistani nation to wage jihad against extremism. Nonetheless, Islamabad is clearly Washington's closest ally in the war on terror, through the provision of considerable intelligence and logistical support to its Afghanistan operations. In March 2004, Pakistani paramilitary and armed forces carried out their first major operation against Al-Qaeda linked militants in the tribal areas of Wana in South Waziristan, loosely controlled by Islamabad. In recognition of this support, the United States granted Pakistan the status of 'major non-NATO ally' in March 2004, subject to congressional approval. Although this appeared to be largely, though not wholly symbolic to provide additional support for Musharraf under trying conditions, Delhi expressed pique at not being informed earlier. This also increased Islamabad's prospects for acquiring American military equipment, ammunition and defence R & d cooperation all of which had been previously denied.

Obama's determination was to solve the Kashmir issue. President Barack Obama during his election campaign, while taking cognizance of the flashpoint between India and Pakistan, had promised to mediate between the erstwhile hostile neighbors to diffuse the tension. However, after assuming office, India lobbyists managed to make the US president renege on his promise. So much so that when he appointed Holbrooke as US special envoy to India, Pakistan and Afghanistan, the Indian leadership pressurized Washington to drop its name so that the US would not
attempt to use its good offices to resolve the Kashmir issue. Initially, Obama described both India and Pakistan, as “great friends” of the US, stating that although Washington wants to help in the process of normalizing relations between the two countries, yet it cannot dictate them how they should resolve their differences. He declared that there are opportunities, may be hot starting with Kashmir, but starting with other issues that Pakistan and India can be in a dialogue together and over time to try to reduce tensions and find areas of common interest. Obama said that Washington has not intervened to solve the Kashmir issue yet, because “India is a great friend of the US and Pakistan is a great friend of US, and it always grieves them to see friends fighting. And the US can not dictate to Pakistan or India how they should resolve their differences, but it knows that both countries would prosper if those differences are resolved”. However, he ridiculously also claimed that the US wants to be “helpful” in that process.11

However, US played an important role as friend between the two South Asian countries (India-Pakistan). Despite highly successful American facilitation between India and Pakistan in the recent past formally ending the Kargil conflict, easing tensions during the border confrontation, and helping an official level dialogue between the two countries. Delhi remains disinclined to accept an American mandated resolution of the Kashmir dispute. It continues to feel quite strongly that this remains a bilateral issue, as stated in the Shimla Declaration of 2 July 1972. This stated that both countries agreed to ‘settle their differences by peaceful means through bilateral negotiations or by any other peaceful means mutually agreed upon between them’. Emphasis on the implementation of the Shimla Agreement in letter and spirit was reiterated in the Lahore Declaration of 21 February 1999. The India-Pakistan joint press statement of 6 January 2004 also noted bilateral nature of the dialogue, which is required to resolve the disputes between the two countries, including Kashmir. In a wide-ranging interview with India Today in January 2004, Vajpayee clearly indicated this when he stated that the United States had been making genuine efforts to promote peace in the subcontinent- ‘as friend, not as a mediator’. In effect a resolution of the Kashmir dispute needs to emanate from the governments and people of India and Pakistan, if it is to lead a meaningful and lasting settlement. It can be said without any doubt, that United States can play a useful role in order to assist the fledging India-Pakistan peace process. US shared ideas on nuclear related issues. It
created good avenues for the diplomatic process between India and Pakistan. And by one way or other Kashmir issue was discussed several times by the US. It is here to note that US was not fully successful to sort out the Kashmir issue but it tried to resolve it by putting emphasis upon dialogue between India and Pakistan. United States urged both countries to reach a mutually acceptable settlement that takes into account the wishes of the Kashmiri people, and had declared its willingness to play a facilitating role in helping the parties to resolve the issue if both the Indians and Pakistanis wish it too. US mediation can be beneficial for the resolution Kashmir conflict. However, India does not like third party mediation.¹²

*Kashmir Conflict and the Role of UN*

Kashmir, along with the Israeli-Palestinian conflict and the war in Korean peninsula, was among the first crisis that the United Nations had to confront in the post-world war II period. More than sixty years have passed when the Kashmir conflict was first debated and discussed at the UN platform. However, it is irony that conflict is yet continues and it needs complete solution. The U.N. involvement in the Kashmir conflict largely lasted for 17 years (1948-65). After the Indo-Pak war of 1965, the engagement with Kashmir continued at a very nominal level till the third Pakistan-India war of 1971. It completely ended with the signing of the Shimla Agreement in 1972, an Indo-Pak peace agreement, which laid emphasis on adopting a bilateral framework to solve the Kashmir imbroglio and kept the UN out of the picture afterwards. During the course of its engagement with the Kashmir conflict, spanning 23 years (1948-1971). The UN passed a number of resolutions, which were aimed at mediation and the resolution of the conflict. Between 1948 and 1971, the UN Security Council passed 23 resolutions on Kashmir conflict. The UN resolutions regarding the Kashmir issue are not self enforceable. In other words, the resolutions are recommendatory in nature and can be enforced only if the parties to the dispute, viz. India and Pakistan, consent to their application. Indian refusal to implement the UN resolutions on Kashmir was to relegate them to the margins of the conflict.¹³ India lodged a complaint under Art.35 (Chapter VI) of the UN Charter in the UN Security Council on 1 January 1948, charging Pakistan with ‘aiding and abetting’ the Pakistani tribal invasion in Jammu and Kashmir. In the United Nations, India claimed that all the territories of the Princely State of Jammu and Kashmir legally belonged to her by
the virtue of the treaty of accession signed by the Hindu King of the Kingdom with
the Indian Union. Two weeks later, Pakistan responded to the Indian complaint with
counter charges. Pakistan denied having aided the raiders, accused India of annexing
Kashmir and of trying to throttle Pakistan in its infancy.

The first UN debate on Kashmir started under the rubric of “Kashmir Question”. However, the Pakistani delegation argued that the Kashmir Question had
to be seen in the context of India’s attempts to negate the existence of the newly born
State of Pakistan and that the conflict in Kashmir was threatening the very survival of
Pakistan. The Pakistani argument was to prevail and the debate in the UN shifted
form “Kashmir Question” to “India-Pakistan dispute”. The UN Military Observers
Group that was later established in divided territories of Kashmir with offices in both
Indian Occupied Kashmir and Pakistan Occupied Kashmir was to be known as “UN
Military Observer Group in India and Pakistan” (UNMOGIP) and not as “UN
Military Observer Group in Kashmir”. The job of the group was to monitor,
investigate and report complaints of ceasefire violations along the ‘ceasefire line’ in
Kashmir to the United Nations. After hearing Indian and Pakistani representatives, the
UN Security Council passed its first resolution (Resolution 38) on Kashmir conflict
on 17 January 1948, calling India and Pakistan to exercise restraint and ease tensions.
Three days later, on 20 January the Security Council passed another resolution
(Resolution 39), creating the United Nations Commission for Indian and Pakistan
(UNCIP) to investigate the dispute and mediate between the two countries led by
Britain and the United States, the UN Security Council passed another resolution
(Resolution 47) on 21 April 1948, which enlarged the membership of the UNGIP
from 3 to 5, called the cessation of hostilities between India and Pakistan, withdrawal
of all Pakistani troops and tribesmen and bulk of Indian troops (except for a minimal
number required for maintaining law order), allowing return of refugees, release of
political prisoners and holding of a UN supervised plebiscite in the Princely State of
Jammu and Kashmir to determine the aspirations of her people. The plebiscite was to
be held by a UN appointed plebiscite administrator. The UN Security Council passed
another resolution on 3 June 1948, which reaffirmed the previous resolutions and
asked the UNCIP to proceed to the “disputed areas” to carry out its mission as stated
under Resolution 47 of 21 April 1948.
The UNCIP reached the Indian sub-continent in July 1948 and after deliberations with Indian and Pakistani leadership, produced a proposal, which called for an immediate ceasefire and truce agreement between India and Pakistan, withdrawal of all Pakistani tribals and nationals and bulk of India’s troops. India rejected the proposals on the basis of the argument that the proposal did not opportune and blame on Pakistan which India considered as the aggressor in Kashmir whereas Pakistan rejected the plan as the interim administration of valley of Kashmir and the territories that had fallen under Indian control had been assigned to Sheikh Abdullah’s control. Sheikh Abdullah, who had become the Prime Minister of the autonomous Jammu and Kashmir State on 5 March 1948, was considered by Pakistan as India’s ally and by implication could influence the plebiscite in India’s favour. Pakistan also rejected the agreement on the ground that it was supposed to withdraw all its forces from the state whereas India allowed to retain some of its troops to maintain order, which could potentially lead to coercion or intimidation of voters by Indian forces to influence the outcome of the proposed plebiscite. On August 14, 1948, the UNCIP submitted proposals to the Indian and Pakistani government, which for the first time contained an acknowledgement from Pakistan about the presence of its troops in the State of Jammu and Kashmir. The proposal envisioned the withdrawal of Pakistani troops and nationals and bulk of Indian troops from the state, subsequent to their withdrawal the administration of the territory was to be run by the commission.

On 11 December 1948, the UNCIP laid out a new set of proposals that elaborated on the question of plebiscite in the State of Jammu and Kashmir. As per the proposals, “the question of accession to India or Pakistan was to be decided by a free and impartial plebiscite, which was contingent upon having a cease-fire. The two countries accepted the cease-fire plan and allowed the UN to observe the ceasefire from 1 January 1949. The ceasefire line “went through the western part of Jammu and the eastern part of Poonch, leaving the capital city of Poonch on the Indian side of the line, then crossed the Jhelum River at a point west of Uri and made a large sweep following the valley of the Kishinganga River. From there, it proceeded to Kargil, which also remained on the Indian side, and then north-west to the Chinese border. Hunza, Gilgit, Baltistan, Chilas, the great part of Poonch, and the smaller part of Jammu remained in control of Pakistan and Azad Kashmir”. On 5 January 1949, the United Nations came up with a new plan for a plebiscite. To address Pakistan’s fears
that the plebiscite outcome may be influenced in India’s favour by Sheikh Abdullah who was seen as close to Indian PM Nehru and had been appointed as the interim head of Jammu and Kashmir administration and the limited Indian troops which were meant to maintain law and order during the plebiscite. The UN proposed that the State of Jammu and Kashmir should be under the full control of the Plebiscite Administrator. The Plebiscite Administrator was to enjoy quasi-sovereign powers over the State of Jammu and Kashmir. The proposal was rejected by the Indian side, which maintained that the state had become a part of the Indian Union. In December 1949, UNSC President General A.G.L. McNaughton tried to mediate between Indian and Pakistan at the UN but failed to manage an agreement between the two sides. McNaughton submitted a series of proposals, suggesting demilitarization of Kashmir to ensure an impartial plebiscite in Kashmir. These proposals were rejected by India. After the failure of McNaughton proposals, the United Nations replaced the UNCIP by a single UN representative Owen Dixon in 1950. Owen Dixon after meeting the officials of India and Pakistan soon concluded that there was a little or no hope regarding an Indo-Pak agreement on demilitarization proposals. Dixon came up with a set of proposals, which envisioned holding a ‘regional plebiscite in the State of Jammu and Kashmir.

The proposals submitted to the UN Security Council in 1950, suggested (a) holding a plebiscite in the whole State of Jammu and Kashmir, region by region (b) holding a plebiscite only in regions which were ‘doubtful’, the rest would constitute those regions that were expected to vote definitely either for an accession with either India and Pakistan. The doubtful region was meant to be the valley of Kashmir. However, India and Pakistan could not come to an agreement on the Dixon proposals. After the failure of Dixon, the UN appointed Frank Graham as a UN representative to mediate between Indian and Pakistan to get them to agree on holding a plebiscite in Kashmir. Graham worked from 1951-53 without meeting any success. Frank Graham was followed by Gunnar Jarring in 1957 who also failed to make any headway on Kashmir. In the wake of the termination of the mandate of UNCIP, the UN Security Council passed Resolution 91 on 30 March 1951, which established the United Nations Military Observer Group in India and Pakistan to monitor the ceasefire line (now called Line of Control, the border that divides Indian and Pakistani controlled
parts of Kashmir) in Kashmir. The UNMOGIP still maintain its presence in both Indian Administered Kashmir and Pakistan Administered Kashmir.

On 23 January 1957 India’s client regime in Jammu and Kashmir, led by Bakshi Ghulam Mohammad adopted a constitution for the state and a resolution ratifying the state’s accession with India. Pakistan raised the issue in the UN Security Council and a day after, the UNSC passed a resolution, which reiterated the earlier UN resolutions on Kashmir that called for a final settlement of the dispute “in accordance with the will of the people expressed through the democratic method of free and impartial plebiscite conducted under the auspices of the UN”. Thus, the 1957 UN resolution deemed any constitution change undertaken by India within Indian Administered Kashmir as irrelevant to the resolution of Kashmir conflict. The Dixon plan seemed to be the last serious endeavour on part of the UN to solve the Kashmir conundrum. Although Pakistan kept raising the Kashmir issue in the United Nations in the 60s. UN involvement in Kashmir was considerably reduced after Indo-Pak war of 1965. In 1962, the Kashmir question was again debated and discussed in the UN Security Council. However, the UNSC failed to pass a resolution on Kashmir in view of a Soviet veto, which discouraged the UNSC from pursuing the Kashmir question afterwards. The UN was virtually elbowed out of the Kashmir dispute by Russia after the Indo-Pak war of 1965 when Russian negotiated the Tashkent Peace Agreement between the two rival nations on January 1965. During the Indo-Pak 1965 war the UN passed a strongly worded resolution, calling on India and Pakistan to agree on a ceasefire. However, it was only after intense pressure applied by the two superpowers, US and the Soviet Union that India and Pakistan agreed to observe a UN sponsored ceasefire on 23 September 1965. The last UNSC resolution (307) that dealt with Kashmir was passed in the wake of the India-Pakistan war of 1971, where Kashmir was not at the centre of the conflict between the two countries. The resolution could be passed only after Indian had declared a unilateral ceasefire. UNSC attempts to pass resolutions during the 1971 war were blocked by a Soviet veto and with the signing of the Shimla peace accord between India and Pakistan in 1972, which laid stress on bilateral solutions to the Kashmir issue, the UN involvement in Kashmir was in reality dead.17

The failure of the UN in mediating a solution to the Kashmir dispute can be largely ascribed to Indian refusal to heed to the resolutions. India had taken the issue
to the UN with the hope that the international body would declare Pakistan as an aggressor in the 1947-48 war and would help her to gain control over Pakistan Administered Kashmir as India claimed the whole of Kashmir by virtue of the accession treaty signed by the Maharaja of Jammu and Kashmir with her. Contrary to India’s expectations, the UN called for a plebiscite in Kashmir. Consequently India was to shy away from implementation of UN resolutions. The fresh delineation “cease-fire line” which was originally established in 1949 after the Indo-Pakistan ceasefire in Jammu and Kashmir by India and Pakistan in 1972 converted the “ceasefire line” into Line of (LOC), which from an Indian perspective turned the temporary border in the disputed territory of Kashmir into a defacto ‘permanent border between’ India and Pakistan. Pakistan was forced to accept the change in the wake of its defeat in the 1971 war. India contended that with the formation of Line of Control, the mandate of the UNMOGIP had expired. However, Pakistan insisted that the “UN Military Observer Group in India and Pakistan” (UNMOGIP) continue monitoring the LOC as it was a disputed border and that the “LOC” was in fact the original ceasefire line. India wanted the UNMOGIP to leave as it didn’t want to accept any sort of international intervention in the Kashmir conflict. Since 1972 India has not reported to the UNMOGIP whereas Pakistan has continued to report Indian violations of the LOC to the observer group while the movement of the UNMOGIP is unrestricted in Pakistan Administered Kashmir, the Observer group is nowhere in sight beyond their office premises at Sonawari locality of Srinagar. With its limited mandate, the group has played virtually no role in the conflict after 1972. Even during the popular Kashmir uprising in 1989-90, when hundred and thousands of Kashmiris marched in pro-freedom processions in Kashmir valley and when thousands crossed the LOC to receive arms training, the UNMOGIP remained in Liberation in its Srinagar office. In October 2001, the UNMOGIP Chief, Major General Hermann Loidolt described Kashmir as a “tormented country” and blamed India and Pakistan for playing games with Kashmir.

The observer also described the LOC as a ceasefire-line and a disputed border, which fell under UNMOGIP mandate. The statement evinced a sharp reaction form India, which called the UN observer’s statement as ‘uncalled for’ and the Indian External Affairs Minister threatened to lodge a complaint in the UN against the Observer. Not surprisingly, Loidolt statement was welcomed by Kashmiri separatist
leaders. The most recent UN effort to engage with Kashmir came during the Indo-Pak border confrontation of 2002, when India mobilized half a million troops along its border with Pakistan to pressurize Pakistan to stop aiding insurgents in Kashmir. UN Secretary General Kofi Anan’s efforts to mediate during the crisis were snubbed by India. Kofi Annan was not allowed to visit India and to placate Indian fears; Annan stated that UN resolutions on Kashmir were not “enforceable in a mandatory sweep”.

UN and the Politics of Separatism in Kashmir

Though UN involvement in Kashmir has been reduced to a naught, the existence of UN resolutions on Kashmir has greatly shaped Kashmiri political identity vis-à-vis the Kashmir conflict. The disputed status of Kashmir as declared by the UN played on the psyche of Kashmiri people and strengthened their distinct political identity. The UN involvement in Kashmir has left a firm imprint on separatist party, plebiscite Front, alluded to and took its name from the UN’s notion of plebiscite. The party was established in 1955 in Indian administered Kashmir by Sheikh Abdullah’s close associate, Afzal Beig and defined the Kashmiri self-determination movement for around two decades. In Pakistan Kashmiri, nationalists formed administered Kashmir, a pro-independence party, also by the name of Plebiscite Front. Though not formally linked to the Kashmir valley centered, Plebiscite Front shared its political vision. Despite that the UN resolutions on Kashmir gave Kashmiris only two choices to determine their political fate, viz., accession to India or to Pakistan, the Plebiscite movement in both parts of Kashmir while calling for a UN referendum in Kashmir wanted the inclusion of an independent Kashmir as a political option in the plebiscite. From 1955 to 1974, the words, Plebiscite Front and Plebiscite known as Mahaz-e-Rai Shumari and Rai-Shumari, respectively, in Kashmir were to dominate the popular political discourse in Kashmir. ‘Hold the plebiscite now, holds it fast’, constituted the key slogans of the Plebiscite movement in Kashmir during the 1950s and 60s. When a popular uprising broke out against Indian rule in Indian administered Kashmir in 1990, one of most shouted slogans during pro-independence processions was to be, ‘until a plebiscite is held, our struggle will continue’. During the heady days of the 1990 uprising large pro-Independence processions of Kashmiris would often lead to the UNMOGIP headquarters in Srinagar to lodge protests and call on the UN to implement its resolutions on Kashmir. In one such procession, more than a million Kashmiris marched upto the UNMOGIP headquarters in Srinagar on 1 March, 1990,
Shouting pro-freedom slogans and calling for a UN supervised plebiscite. The crowd also submitted memorandum to UN Secretary General urging him to intervene and push India into granting Kashmiris their ‘right to self determination’. Even now it is a common practice among Kashmiri separatists to send memorandum to the UNMOGIP in Srinagar, demanding implementation of UN resolutions in Kashmir or the fulfillment of the right of self-determination of Kashmiris. In the ongoing wave a pro-independence mass protests in Kashmir, Kashmiris are again looking towards the UN with a faint hope. On August 18, 2008, responding to the call of separatist leaders who had called for a mass march up to UNMOGIP office, hundreds of thousands of people form the length and breadth of the valley converged near the Tourist Reception Centre, close to the UNMOGIP office in Sonawari locality of Srinagar to urge on the UN to intervene in Kashmir. The sea of people comprising students from schools, colleges and universities, doctors, teachers, paramedics, thousands of Kashmir government employees, professionals and peasant masses-carried placards which read, “stop Genocide of Kashmiris, intervene UNO”, “Banki-moon, come soon”, “we want plebiscite” etc.20

Representatives of the Kashmiri separatist leadership presented a memorandum (addressed to UN Secretary General, Banki-moon) to the UNMOGIP Observers, urging on the UN to intervene in Kashmir. The memorandum, which was also published in the local press in Kashmir valley stated, “we the people of Jammu and Kashmir have firm faith in the institution of United Nations, which has been working for the mitigation of the sufferings of the oppressed around the world, will actively engage/monitor and intervene in Jammu and Kashmir and; (A) call upon India to end its forcible occupation of Jammu and Kashmir and also desist from use of brute force against the people of Jammu and Kashmir. (B) By itself take all effective measures in giving the people of the state, the chance to exercise their right to self-determination for deciding their future as has been conceded to them by Pakistan and India and approved by the United nations Organizaiton”.21 Some of the protestors carried copies of the memorandum which had been circulated by the “Coordination Committee” of the separatist leadership. In Kashmir’s current media and popular discourses on Kashmir conflict, ‘UN Kashmir relationship’ has again come under focus. Kashmir valley’s largest selling English daily, Greater Kashmir, recently cited Zafar Shah, an eminent Kashmiri lawyer, as saying ‘when armed resistance broke out
in the valley in 1990, at least 600 memorandums were presented to the UN Observers stationed in Kashmir'. Shah, a Kashmiri nationalist, further said, "The UN resolutions passed in 1948 are the backbone of the Kashmir struggle and give legitimacy to it. Despite the UN's gross failure in Kashmir, the presence of UNMOGIP office in Kashmir continues to symbolically affirm the Kashmiri sentiment that their land is not yet another Indian state but an internationally recognized disputed territory and their cause is a historical and just one". The words of United Nations, Self-determination and plebiscite have become integral to the Kashmiri political lexicon. Though the UN has failed in bringing about a solution to the Kashmir conundrum, its past involvement in Kashmir conflict has undoubtedly provided legitimacy and strength to the separatist argument in Kashmir. Ironically, on the one hand Kashmiri separatism has drawn strength from the UN resolutions but on the other hand the framing of the Kashmir conflict as an India Pakistan (Inter-state) conflict in the UN has prevented international recognition of the Kashmiri nationalist movement as the defining characteristic of the present day Kashmir conflict.

**EU and Kashmir**

European Parliament having regard to all resolutions of the United Nations Security Council on Kashmir issue between 1948 to 1971. European Parliament also liked the role of the Human Rights Organizations who are working to highlight the issues of discrimination and suppressions over the Kashmiri people. It also appreciated the bilateral negotiations between the two countries on several issues including Kashmir issue. European Union really welcomed the four point formula of the President Pervez Musharraf of Pakistan these are to resolve the Kashmir conflict (no change of boundaries of Jammu and Kashmir, free movement of people across the Line of Control (LOC), staggered demilitarization, and self-governance with a joint supervision mechanism representing India and Pakistan and Kashmiris), and also to Prime Minister Singh's suggestion that there be a comprehensive treaty of peace, security and friendship. European Union also liked the confidence building measures, joint mechanism programmes, and conflict resolution mechanism, which both India and Pakistan had adopted for the solution of Kashmir problem. It also appreciated the view points of President Musharraf that Pakistani territory would not used for cross-border terrorism, and Indian Prime Minister Manmohan Singh's forward looking vision that borders cannot be redrawn but we can work towards making them
irrelevant. It was the policy of the European Union to resolve the Kashmir dispute by peaceful means, in accordance with international law, bilateral agreements and through the principles of the UN Charter. It is important to mention that whenever India and Pakistan were agreed upon on peace process that was always supported by European Union. Jammu and Kashmir continues to haunt the South Asia. Its non-resolution has not only eluded peace in the Indo-Pak subcontinent, but claimed nearly half a million Kashmiri lives during the last sixty years. Despite a flash point between two nuclear rivals – India and Pakistan, Kashmir remained alien to the EU policy makers. Since its establishment in October 2003, Kashmir centre. EU has not only worked to highlight the miseries of the people of Kashmir but also brought the dangers of its non-resolution to the force. The European involvement with the Kashmir started at the inaugural opening ceremony of the ICHR Kashmir centre. EU presenting the Kashmir case to an audience of MEPs, MPs, Embassy representatives from various countries, officials from European Commission and Council, NGOs, International scholars, other distinguished guests and the media, the Chairman of Jammu Kashmir Liberation Front (JKLF) Mr. Farooq Siddiqi pleaded with the European Union and the European parliament to send a fact finding delegation to Jammu and Kashmir and sought their cooperation and assistance so as to formulate a firm policy on Kashmir. The EU active involvement on Kashmir begun following the strenuous lobbying both by the Kashmir centre. EU (KC.EU) and the all party group for Kashmir in the European Parliament (APGK). The Committee on Foreign Affairs, Human Rights, Common Security and Defense Policy of the European Parliament (AFET) initiated the first major step, when it formed an adhoc delegation under the leadership of John Walls Cushnahan, a veteran Irish MEP. The mandate of the delegation was to prepare a fact finding report on the Jammu and Kashmir conflict and to come up with recommendations for way forward.

**Adhoc Delegation Report**

commonly known as “Beautiful Prison of the World”. The report was explicit that, “For decades, India-Pakistan relations, in particular regarding the Kashmir issue, have dominated South Asia’s political and economic development, with wars and tensions between the two countries, alternating with short periods of détente and thaws, preventing both countries and the entire region from developing their full potential. Thousands of lives have been lost in the ensuing violence in Kashmir, many others ruined by continuing divide”. It recognized that Kashmir is a regional issue with international implications. The European Parliament Adhoc Delegation to Kashmir endorses the European Union position that “The EU can offer its own unique experience as an example of building peace and forging partnerships that will stand the test of time because they are rooted in established structures for cooperation”. The delegation made six concrete recommendations. An important objective of the delegation’s visit was to meet and directly talks with Kashmiris and to assess the situation on the ground. In doing so, the delegation noticed the deep frustration of Kashmiris about the international community having not shown any enduring commitment in resolving the Kashmir conflict. The adhoc delegation therefore, explicitly recommended to the Parliament to remain engaged and further missions and hearings to be arranged as appropriate. The report was adopted by AFET on 30 November 2004 with a provision that AFET to prepare its “own initiative report” at an appropriate time.

Complimenting the EU Efforts

The KC.EU complimented the efforts of the EU from the very beginning making sure that through its programmes, the understanding of the EU lawmakers is enhanced about Kashmir and its problems. The KC.EU launched a series of programmes to impart awareness and disseminate information about the Kashmir problem and its complex dynamics. Such programmes include ‘Global Discourses’ and ‘Kashmir EU weeks’ as well as other meeting sessions.

Global Discourses

While the European Parliament was deliberating on the adhoc delegation report, the first “discourse on Kashmir” was being organized in the European Parliament in April 2004. As a first such event in the European Parliament, the first ‘Discourse’ networked with the European audience of policy makers and politicians,
in addition to bringing together all the sides involved in the conflict – Kashmiris, Indians and Pakistanis. The second “Global Discourse on Kashmir 2005” had a wide array of intellectuals, academics, civil society members, diplomats and politicians from Kashmir, India and Pakistan. While complimenting the “peace process” between Pakistan and India, the discourse examined ways and offered ideas as to how Kashmiris could be involved in the process and in the ultimate resolution of the conflict on the basis of “right to self-determination”. The third “Global Discourse on Kashmir” in September 2006 assumed significance as it was attended by the President of Pakistan General Pervez Musharraf. Lauding the efforts of the KC.EU, he extended his full support to its efforts of finding a peaceful resolution of the Kashmir problem. His address created a new hope for peace in the region, and was complimented by the participants from all sides as well as the EU. The message that emanated from Global Discourse culminated in the resumption of “peace process” between India and Pakistan as President Musharraf met with Prime Minister Manmohan Singh in Havana, within the two days of the Discourse. All discourses were organized in the European Parliament and under the sponsorship of the APGK.

Kashmir EU Weeks

In continuation of its campaign of awareness and keeping EU engaged, the APGK and KC.EU have held three “Kashmir EU Weeks” inside European Parliament buildings. The Kashmir EU weeks 2005 dedicated to the victims of human rights abuses in the India occupied Kashmir. Through a photo-exhibition, it revealed endless human tragedies to an international audience of MEPs, political strategists, officials of EU-commission and Council, NGOs, international human rights organizations and others through the works of three Europeans Gabriele Torsello (an Italian Photographer journalist), Anna-Maria Romanalli (a French Photographer journalist) and Michael Fischer (a German radio journalist). The third Kashmir EU Week 2007 – ‘Building Peace in Kashmir’ highlighted the need for a tangible movement beyond ‘Peace gestures’ and stressed the need for a peaceful resolution of the Kashmir problem. The highlight of the ‘Kashmir EU Week 2007’ was the model of Chakoti Bridge that was opened between two sides of Jammu and Kashmir after staying closed for more than a half a century.
Another First: At Peace Place – Den Haag

The legal and diplomatic campaign of the people of Jammu and Kashmir was taken by the KC.EU to yet another significant venue in Europe. History was made at the extraordinary successful seminar on “Kashmir: Afterquake – What Next?” held for the first time at the peace place in the Hague. Judge Sir Kenneth Keith of International Court of Justice opened the seminar. In his opening remarks, Judge Keith emphasized, “This is the very place where issues like Kashmir should be discussed”.

Dance of death: Kashmiris Human Rights

The Human Rights situation in the Indian Occupied Kashmir was largely ignored within European Union and the European parliament. It was on this premises that the Kashmir EU Week 2005 was themed “Human Rights in Kashmir” to bring to limelight the gross human rights violations perpetrated by Indian military and paramilitary forces in Jammu and Kashmir. The tyranny unleashed by the government of India on Kashmiris in terms of extra judicial killings, disappearances, rapes, torture and arbitrary detentions were highlighted. This was reflected in the subsequent reports of the European parliament, as the sufferings of Kashmiris began to be noticed within the EU corridors. “The overall human rights situation and violence in Jammu and Kashmir remained a matter of concern to the European union”.


Recommends that discussions in the region also tackle the issue of human rights in Kashmir. In addition, the EU officials have raised human rights issues with particular reference to Jammu and Kashmir with the Indian authorities both at New Delhi and at Brussels and at the EU/India Summits. This is despite the fact that India enjoys strategic partnerships with European Union and Indian government has tried every trick and method to hoodwink the world bodies on its human rights record in Jammu and Kashmir.
K.C.EU continued with its work and tandem with the APGK, it persisted to see that AFET undertakes to have its “Own Initiative Report” on Kashmir. However the obstructions and hindrances were put forth to stall this process from the very onset. Despite all these hurdles, a parliamentary report on Kashmir was becoming inevitable by every passing day. It is India’s ingrained policy to ensure that the Kashmir conflict remains confined between India and Pakistan and not internationalized. As such EP Report on Kashmir was not a certainly welcomes news. Understandably, the Indian Embassy through their friends of India group in the European parliament seriously lobbied to sabotage this move and relentlessly opposed to the parliament of a rapporteur. Nevertheless, AFET resolved to have its “own initiative Report on Kashmir” lending a serious setback to Indian diplomacy. The next step for the AFET was to appoint a rapporteur to author the report. Rapporteurs are elected by fellow MEPs when one of the parliament committees is assigned to draft up a report on this case AFET. The election of a rapporteur is usually done by sophisticated points system. The Seven political groups in parliament (PPE-DE; PSE; ALDE; GUE/NEL; IND/DEM; and ITS), which receive a number of points according to their size, bid for a report analogical to an auction. It is also possible to arrange an agreement with other groups on a particular report or future reports. The upcoming Kashmir Report was discussed at the political parties groups coordinators meeting. The two major groups PPE-EP and PSE did not show any interest to compile the report. ALDE (Lib-Dem) being the third largest group initially declined. It was only Greens who expressed interest in the report. Following the meeting sources, suggest that the Indian Embassy was uncomfortable to have a Green rapporteur. The same sources indicate that pro Indian MEPs pulled strings and influenced ALDE (Lib-Dem) to take on the Kashmir Report provided Baroness Emma Nicholson is given the job. The Indians played this card on the strength that she is elected from South East Region of England which has predominantly Indian constituents and that she was one of the founding members and vice-Presidents of “Friends of India” which was launched by Dr. Charles Tannock in May 2003. It is clear that those who were interested to appoint her as a rapporteur intended to see that the Kashmir conflict is undermined and that Pakistan gets stick. Having followed the above parliamentary procedure Baroness Nicholson, was appointed as a rapporteur to the report on Kashmir. The rapporteurs key task is to
analyse the project assigned to him or her with open mind, consult with specialists in
the particular field and essentially with those who could be affected or about whom or
whose territory the project relates across the board impartiality, fairly and objectively.
It is also advisable to discuss with those members of the committee or other MEPs
who have special interest in the project. All of these considerations should flow into
the draft report eventually submitted to the committee. Regrettably, but
understandably, the rapporteurs intentions in this matter were not noble right form the
start. She obviously rejected to be objective and refused to consult with those who are
directly affected by the report. She blatantly declined to be impartial, fair and
reasonable. Although, she visited both parts of Jammu and Kashmir i.e. Azad Jammu
and Kashmir and the Indian occupied Kashmir, but her visits made the rapporteur
more controversial thereby making her position more and untenable. It is universally
accepted that the Kashmir conflict has three parties that have a legitimate interest in
finding a solution, namely Indian government, the Pakistan government and the
principle stakeholder the people of Jammu and Kashmir. The rapporteur refused to
have any contact with the people of Jammu and Kashmir who are struggling for their
right to self-determination promised to them by the international community through
the United Nations Security Council Resolutions. During her visit to Srinagar, she
deprecated to meet the leadership of All Parties of Hurriyat Conference (APHC). She
also refused to meet Kashmir Bar Association or any Civil Society Organization.

**Draft Report**

The draft report was built on five axes the objective of which was to
dismantle the Kashmir issue like a sand castle so that it can never stand again. One
needs to look at these five distinct axes to understand the depth of the “draft” and
which are described below. Axis 1 – Recognizing the present status quo of the entire
state of Jammu and Kashmir including Azad Jammu and Kashmir. This means
fundamentally accepting the Indian position i.e. Jammu and Kashmir being an integral
part of India, hence her recommendation for Pakistan to grant representation to AJK
and Gilgit and Baltistan in the Pakistani National Assembly. Axis 2 – Attempting to
dislocate the Kashmiris right to plebiscite calling it “out of step”. This was a serious
stroke by the rapporteur to vainly discredit UN Security council resolutions on
Kashmir including the UN Charter and the UN International Covenant on Civil and
Political Rights relating to peoples right to self-determination. Axes 3 – Ignoring
deliberately and willfully gross human rights violations, perpetrated by Indian Army forces, in Indian occupied Kashmir. A feeble attempt to salvage the tarnished images of India. Axis 4 – Attacking Pakistan and its internal politics shamelessly by taking advantage of international campaign on war on terror and Pakistan’s current political situation. Axis 5 – Presenting India a country which has common values with the west without any reference to India’s internal political and social turmoil in terms of caste system (untouchable Hinduse are massively abused), minorities (Muslim, Christians and Sikhs are burnt alive even in 21st century), abject poverty (in rural areas farmers commit suicides on regular basis and people are forced to sell their children for one time meal). These five axes had one convergence Kashmir is no real issue; undermining Pakistan; and uplifting India.

Observations and Comments

The EP Report on Kashmir is clear indication by the EU that the Kashmir is a problem with global implications as such it intends to remain engaged. The comments, noted below, by some of the leading personalities of the EU demonstrate its deep interest in Kashmir. Benita Ferrero-Waldner, Commissioner for External Relations and Neighborhood Policy said: “The focus on Kashmir is timely. On the political front, there have been many positive developments, which, for the first time in many years, give some hope that this long-standing issue is getting closer to a solution”.

Jo Leinen (MEP), on behalf of PSE Group said, “We fought for months to get balance in the report. I believe that this report is now of assistance for all humans in the region and also assistance to the peace process between India and Pakistan. Cem Ozdemir (MEP), on behalf of verts/ALE Group said, “This report is not about Pakistan, it concerns Kashmir. This region does not need military. Let this parliament send today a clear signal to India and Pakistan for peace and prosperity for Kashmir and for the region”.

Erik Meijer (MEP), on behalf of GUE/NGL Group, said, “The Indian democracy is seriously damaged because Kashmir is controlled by army and police force. Kashmiris need to decide their future through referendum. Bastiaan Belder (MEP), on behalf of IND/DEM Group, said, “The value of international intervention aid and conciliation needs to be recognized in this report”. Philip Claeys (MEP), on behalf of Its Group, said, “It speaks for itself that the European Union should make a meaningful contribution by providing support to the peace process in Kashmir”.

Dr. Charles Tannock (MEP), on behalf of PPE-DE Group, said, “After
considerable rebalancing during the committee stage, both in tone and in terms of its approach, the report primarily recognizes that current ongoing bilateral confidence building talks between the Indian and Pakistani Governments remain the best strategy to achieve a just and enduring peace between these two nuclear armed states. My British colleague, Mr. Bushill Mathews, who alone voted against it in the committee on foreign Affairs, informs me that he will now be supporting the report, which indicates how it has progressed during its various stages”.

The Final Report

Bearing in mind that it was APGK’s initiative supported by the KC.EU to have the EP Report on Kashmir, it was therefore, crucial to ensure that the European Parliament debates and decides on the conflict of Jammu and Kashmir. Having started with a controversial “draft”, it was vital to dismantle five axes of the “draft” and convert them into five bridges. What the European Parliament finally adopted stands on the following bridges: (a)-Recognizing Jammu and Kashmir as a dispute which “continues to represent a serious risk of conflict in the region and the wider world, and calls for a consistent commitment, within the framework of the common foreign and security policy, to work with both India and Pakistan in seeking continuing stabilization of the situation, normalization of relations between India and Pakistan and a long-term resolution of the conflict”. (b)-Reaffirming the Kashmiris right to self-determination (under the UN International Covenant on Civil and Political Rights) and the UN resolutions on Kashmir – “Emphasis that the crisis and conflicts of recent years have enhanced, not diminished, the relevance of the UN and that the UN remains an important forum for dialogue and diplomacy; recalls the large number of UN Security Council (UNSC) resolutions on Kashmir, from 1948 to 1971, which have sought to encourage both the Government of India and the Government of Pakistan to take all measures within their power calculated to improve the situation, and which have expressed the conviction that a peaceful settlement of the dispute will best promote the interests of the people of Jammu and Kashmir, of India and of Pakistan; draws the conclusion, in the light of all the above and of subsequent violations of points set out in the various UNSC resolutions, that the preconditions for using the plebiscite have not been met at present; “Reaffirms that, under Article 1.1 of the UN International Covenant on Civil and Political Rights, all peoples have the
inalienable right of self-determination, by virtue of which they may freely determine their political status and freely pursue their economic, social and cultural development; reaffirms that, under Art. 1.3, all parties to the covenant must promote the realization of the right, in conformity with the provisions of the Charter of the United Nations; notes, however, that all UN resolutions on the Kashmir dispute explicitly and only acknowledge the right for the Former Princely State of Jammu and Kashmir to become part of India or Pakistan; welcomes, within the context of bringing the Kashmir conflict to a permanent solution, which would bring enormous benefits to the entire region”.34 (c)-Calling on the government of India – “To put an end to all practices of extrajudicial killings, “disappearances” torture and arbitrary detentions in Jammu and Kashmir; “To repeal all legal provisions providing effective immunity to members of the armed forces and to establish an independent and impartial commission of inquiry into serious violations of international human rights and humanitarian law by the Indian Security Forces since the beginning of the conflict”.$5 Accepting the Pakistan is an important EU partner. Having accepted bridges 1, 2 and 3, the common values theory has, to the large extent, got dented. These five bridges have one convergence that Kashmir is the real issue; Pakistan and India must address the Kashmir conflict together with the people of Jammu and Kashmir; and if required with the help of UK.

Salient Features of EP Final Report on Kashmir

Following years of work to have an EP Report on Kashmir and months of intense lobbying to correct the controversial “draft” both at the AFET stage as well as at the plenary, the important question that needs to be answered; was it worthwhile to have this report? Bearing in mind the above five axes followed by five bridges the answer to the above question can perhaps, be found in the following five salient features of the report: (a)-Post sixty years UN resolutions on Kashmir, the European Parliament, having 785 members and representing 27 member states of the European Union, is the only credible institution where the Kashmir conflict was thoroughly discussed, debated and a comprehensive report adopted since 1948. This report is first of its kind in the 21st century. (b)-In Europe the Kashmir conflict with reference to India and Pakistan was seen as a British legacy and therefore, it was always dumped at the door step of the British government. This report (and previously the adhoc
delegation report) has completely changed this perception. It is now seen not only all political parties problem but also all the European Union member states. The Kashmir conflict is truly “Europeanized”. The report urges the EU and its institutions not to let the plight of Jammu and Kashmir disappear from the radar screen and to ensure that aid and other programmes are designed and implemented with long term recovery and institution building and it further encourages the EU business to recognize the investment and tourism potential of all of Kashmir suggesting that European businesses might enter into joint ventures with local companies and that investment insurance schemes be created to boost investor confidence. (d)-It upholds the UN resolutions on Jammu and Kashmir and the Kashmiris right to self determination and deplores gross human rights violations in Jammu and Kashmir. (e)-It supports President General Pervez Musharraf’s four point formula on resolving the Kashmir conflict through peaceful negotiations. At the same time, the report emphasis the inclusion of Kashmiris in the peace process and urges the authorities to let the Kashmiris travel freely to and for the entire State of Jammu and Kashmir. It was Richard Howitt (MEP) of the Labour party for the East of England (UK) while addressing the European parliament on 24 May 2007 who said eloquently: The European Union’s positive role in dealing with any conflict in the world and our role in relation to Kashmir should be to support peace processes and to uphold international law. Our own labour amendments to this report concentrated on advancing the withdrawal of troops on both sides, extending development aid, encouraging the practical involvement of the Kashmiri people themselves, balanced, constructive diplomatic in our approach.

Role of OIC in Kashmir Conflict

When the British quit the South Asia sub-continent in August 1947, after 88 years of direct colonial rule, two sovereign states, India and Pakistan, emerged. Under the agreed partition formula, all Muslim majority provinces were to go to Pakistan while the non-Muslim majority ones to India. This formula was universally applied to all provinces of undivided sub-continent, except for the State of the Jammu and Kashmir, where India maintained that even the Muslim population wanted to accede to India. The two countries agreed to maintain status quo pending a plebiscite to ascertain the wishes of the Kashmiri people. However, mutual mistrust soon resulted in the outbreak of hostilities in which India captured a substantial part of Kashmir. As
the first Pakistan and India war of 1948 raged on, Pakistani forces recaptured several districts of the disputed region before the UN Security Council brokered a cease-fire. Its two famous resolutions of 13 August 1948 and 5 January 1949 provided for an immediate cease-fire, demilitarization of the Kashmir state and a UN-sponsored plebiscite in the region to ascertain the wishes of the Kashmiri Muslims about acceding to India or Pakistan. The UN appointed several plebiscite commissioners but India and Pakistan kept bickering on the details. In 1963, India annexed the part of Kashmir under its occupation on an untenable ground. While reneging from its pledge about holding the plebiscite, to the UN, to Pakistan and to Kashmiri Muslims, India based its claim on the instrument of accession of a former Hindu prince of Kashmir who had been ousted in the Muslim insurgency in 1947. Pakistan responded sharply to the annexation and the indecisive war of 1965 erupted. Again Shimla agreement of 1972, both countries agreed to resolve the Kashmir dispute amicably. Both countries continue to be locked in a bitter war of attrition over Kashmir for the last half century. Pakistan has almost always referred to the Kashmir problem in all the OIC conferences. At the second Islamic Summit held in Lahore in 1974. Pakistan was not confident to muster enough support to get a resolution on Kashmir adopted. Pakistani leader Z.A. Bhutto made only veiled references to the problem. The President of Azad (liberated) Jammu and Kashmir (formed on the portion of the state ‘liberated’ by Pakistani forces in 1948 war that has its own government purporting to represent the whole Jammu and Kashmir State) was invited to the Lahore Summit, who in his meetings with several Muslim leaders explained the genesis of the problem. The Islamic Conference did not take up the Kashmir issue until India provided an opportunity.\(^{38}\) In January 1989, a mass uprising broke out in the Indian held Kashmir, which soon took alarming proportions. Indian troops inhuman excesses in suppressing the mass agitations eventually brought in the OIC. India claimed that Kashmir was now an integral part of India and that it would not accept third party mediation nor agrees to recourse to the International Court Justice. It dubbed the insurgency as ‘Pakistani-inspired terrorism’.

As the Indian forces’ brutalities to suppress the movement started making headlines, and the Muslim countries became increasingly concerned, Pakistan felt that it was the time to bring in the OIC. Pakistani Prime Minister Benazir Bhutto flew into a whirlwind tour of 16 Muslim states to personally request the Muslim heads of state
to support Pakistan on Kashmir at the OIC. In August of 1990 was one of the finest hours in Pakistan’s diplomatic history when the 20th ICFM adopted a resolution calling upon India and Pakistan to resolve the Kashmir problem in accordance with the relevant UN resolutions. It expressed concern over human rights violations of the Kashmiri Muslims and offered to send a good offices mission to South Asia. The Prime Minister of Azad (liberated) Kashmir, Mumtaz Rathore, welcomed the OIC’s interest in the Kashmir dispute, whereas India turned down the OIC mediation offer saying Kashmir was a settled issue.

On 22 May 1991, Pakistan wrote to the OIC Secretary General drawing his attention to the escalation of Indian forces’ repressive activities. Consequently, the 20th ICFM reiterated the previous OIC resolutions while calling upon the Secretary General to send a fact-finding mission to Kashmir and report the findings to the next ICFM. India refused to visas to the members of the OIC fact-finding mission on the grounds that OIC had no locus standi on Kashmir. The mission, however, visited the pro-Pakistan state of Azad Kashmir in February 1993. It interviewed a large number of displaced persons and victims of Indian atrocities, now living in makeshift refugee camps in Pakistani-controlled territories. Mostly, it had to rely on secondary sources including dispatches from foreign journalists and Amnesty International reports. The Mission’s 13 page report was presented at the 21st ICFM at Karachi in 1993, which cited strong evidence to the effect that state terror, including custodial killings, unprovoked firing on unarmed protestors, molesting of Muslim girls before their male relatives and inhuman torture and body mutilation, was rampant in the Indian held parts of Kashmir and was being used as a consistent policy instrument. The Secretary General’s report at the ICFM recommended that Muslim states should review trade ties with India, impose a ban on Indian labour force working in the Gulf Muslim states, support the Kashmiris’ rights on all international fora and use their influence over India to stop her from committing genocide.

The Indian Ambassador to Saudi Arabia, Ishrat Aziz, a Muslim, met the OIC Secretary General on 11 February to convince him of his country’s justification for not allowing the OIC Mission to the occupied Kashmir, and reiterated that India had great respect for the OIC and that India cherished her relations with the Muslim states. The OIC then started toying with the idea of sending a mission to India, comprising ‘friendly Muslim states’ to prevail upon her to change her mind. A few months later,
the OIC Secretary General, while welcoming the scheduled India and Pakistan talks, reiterated that the OIC would continue to explore all possible avenues to support the Kashmiris.  

In the OIC annual coordination meeting at New York in October 1993, it decided to table a resolution on Kashmir at the 48th session of the UN General Assembly but later dropped the idea for want of requisite support. During the same year, a UN Human Rights Conference was held at Geneva. In her address there, the then Pakistani Prime Minister Benazir Bhutto accused India of murdering 60,000 innocent Kashmiri civilians in the previous four years and of destroying the economy of the state. She proposed a UN fact-finding mission to go to Kashmir to ascertain these allegations and sought the OIC support to table such a resolution. India requested OIC not to press for a UN Mission to the occupied Kashmir. As a quid pro quo, it suggested that the OIC ambassadors in New Delhi were welcome to visit Indian Occupied Kashmir (India had earlier been rejecting permission to OIC fact-finding mission to visit Kashmir) to ascertain the facts about the Kashmir situation. The compromise was accepted and announced that the OIC Secretariat at Jeddah to work out details. Pakistan announced that the OIC, and not India, was to decide the composition of the mission. India started having second thoughts and in April 1994, Assistant Secretary Ibrahim Bakr publicly asked India not to renege from her promise.  

As the controversy had not died down, the OIC for the first time invited Kashmiri leaders from both sides of the cease-fire line to the 22nd ICFM at Casablanca in 1994. Before it could be held, Pakistan convened on extraordinary session of the ICFM at Islamabad in September 1994 to consider, inter alia, the deteriorating situation in the occupied Kashmir. The conference unanimously demanded a halt to massacres and state repression and constituted an OIC contact group on Kashmir. The Secretary General, several Muslim countries and the leaders of Pakistani Kashmir and that Indian Held Kashmir lambasted India in their addresses to the meeting. The seventh EICFM was held in Islamabad in 1994 during this it was decided to constitute an OIC contact group on Jammu and Kashmir in order to remain seized of the crisis. The following month Pakistan again tried to table, from the OIC platform, a resolution on Kashmir in the first committee of the UN General Assembly. India took a 'calculated risk' by summoning 26 OIC ambassadors at the Foreign Ministry in New Delhi to warn them against supporting the Pakistani move. Pakistan wanted 20
co-sponsors but soon the idea had to be abandoned, as Pakistan was not sure of getting the requisite support. Meanwhile in India, there were apprehensions that the All Parties Hurriyyat Conference, commonly known as the APHC, might form a government-in-exile, and on receiving a green signal from Pakistan may apply for full membership in the OIC.

To pre-empt it, India has banned the participation of APHC delegations since early 1995. In retaliation, the 23rd ICFM termed occupied Kashmir as a land under occupation. Since 1990, all the four Islamic summits and all the ICFMs have reiterated full support for Kashmiris, rights of self-determination. Asked India to desist from human rights violations and to withdraw its troops from Kashmir and called for a solution in accordance with the UN resolutions, the very reference to which is an anathema to India. The OIC and even its subsidiary cultural institutions, especially the *Islamic Commission for Economic, Cultural and Social Affairs* (ICECS), have made it a point not to miss an opportunity to castigate India for a particular incident in Kashmir; like the burning of a Muslim shrine at Charar Sharif in 1995, murder of human rights activist Jalil Andrabi in 1996, reported incidents of gang rape in June 1997, and so on. The OIC contact group has so far held over dozen meetings, which have helped in internationalizing the issue. The typical response of India on each of the plethora of OIC resolutions is that the OIC views are ‘highly objectionable’, ‘aimed at prolonging Pakistani-sponsored terrorism’, ‘interference in domestic affairs’ and ‘touching an already settled issue’. India always been regretting the ‘vulnerability of the OIC to be misled by the vicious Pakistani propaganda and falsehood’.

The Islamabad and Tehran Islamic summits in March and December 1997, reiterated all the previous OIC resolutions on the Kashmir question. The latter conference asked India to accept the OIC good offices for the resolution of the problem, and urged the member states to influence India into allowing an OIC fact-finding mission to the held Kashmir. The 25th ICFM held in Doha. 1998 also condemned India for the human rights violations of the Kashmir Muslims and asked her to stop this ‘state terrorism’. In the spring of 1999, the Mujahideen, as Pakistan calls the pro-independence fighters of the occupied Kashmir belonging to various guerrilla outfits including the much dreamed *Lashkar-e-Tayyabah* (literally the holy army), captured several strategic heights in the North of the held Kashmir, in the
vicinity of a town called Kargil. India made it a prestige point to recover the peaks from where well entrenched and well positioned; all the Indian attempts to retake the peaks were resulting in heavy causalities for them.\(^42\) Those were the election times in India and the opposition parties made full advantage out of the fighting by embarrassing the ruling Hindu nationalists by accusing them of ineptitude and cowardice. The New Delhi Government decided to employ full might of their military and the Air Force to ‘redeem the national honour’ in the wake of the heavy reserves suffered by the regular army brigades at the hands of few hundred irregulars. However, India maintained that the occupiers of the Kargil heights were regular Pakistani troopers, rather than Pakistani-backed Muslim fighters, a charge that Pakistan vehemently denied. As the pressure on the Kargil front increased for the Mujahideen to the breaking point, Pakistan felt obliged to give artillery support to the fighters from well within its side of the cease-fire line. Thus, both countries inadvertently found themselves in the fourth war in the past 52 years. The war remained essentially a limited war as both the sides made attempts at de-escalation at every juncture. The 11-week fruitless conflict on 6 May and 18-July 1999 ended when Pakistan agreed to ‘use its influence’ over the Mujahideen to vacate the Kargil heights in the interest of avoiding a full-fledged war between the two nuclear powers, which could have been catastrophic.

The war ended in a status quo with both the sides claiming victory, but not before thousands of soldiers and hundreds of civilians had died in the conflagration. The 26\(^{th}\) ICFM, which was held in July 1999, took place while the war was ranging with full furry. The host President, Blaise Compaore of the Burkina Faso, expressed sympathy with Pakistan as its Foreign Minister told him that Pakistan was a victim of Indian aggression. Most of the delegates who took the floor supported Pakistan’s initiative in seeking a negotiated settlement of the Kashmir dispute. The ICFM was the only international forum which supported the Pakistani position, expressed concern over the escalation caused by the heavy Indian shelling and air strikes, lauded Pakistan’s initiative for defusing tension, urged India to respect the UN resolutions on Kashmir since Kargil hostilities had to be seen in the broader Kashmir conflict, and finally affirmed ‘complete solidarity with Pakistan in its efforts to safeguard its sovereignty, political independence and territorial integrity’ in the war. The OIC also asked the Secretary General to appoint a Special OIC Representative on Kashmir.
Lastly, the OIC call for the Nuclear Weapon Free Zones excluded reference to South Asia as Pakistan warned that it may consider using all options for its security, were war with India to escalate. Various other organs also expressed sympathy with Pakistan over the loss of lives. It is important to note that unlike the case of the Philippines, the OIC does not recognize India’s 1963 annexation of Kashmir and wants both countries to withdraw their troops from the state and agree to a UN-sponsored plebiscite so that the people of Kashmir, and not guns and bayonets, would decide the fate of Kashmir. The OIC also terms the inhuman treatment of Kashmiri Muslims by the Indian army as simply unacceptable. It also appreciates Pakistan’s willingness to go for any kind of mediation, good offices, arbitration, adjudication or fact-finding, by UN, OIC or the ICJ, and to abide by the decision. The OIC deplores the Indian spurious intransigence at refusing every overture on the grounds that, for India, Kashmir was a settled issue and it would not even abide by the UN resolutions on Kashmir which it had earlier accepted. The OIC is also critical of the fact that India is bent upon holding to a region whose predominantly Muslim population is hostile to the Indian rule, and that India is defying the UN resolutions since a plebiscite may, in all the likelihood, give the whole of Kashmir to Pakistan.

The Organization of Islamic Conference has played a good role for the establishment of peace in Kashmir valley. It always emphasized that Kashmir dispute should be resolved through peaceful means. OIC always listened the grievances of the wounded masses of Kashmir and advised to both India and Pakistan to sort out the Kashmir problem through cooperation and dialogue. In the thirty-fourth session of the Islamic Conference of Foreign Ministers at Islamabad. It was reaffirmed by OIC to support the people of Jammu and Kashmir for their inalienable right to self-determination in accordance with the relevant UN Security Council resolutions and the aspirations of the Kashmiri people. We call for respect of the human rights of the Kashmiri people, and agree to provide all possible political and diplomatic support to the true representatives of the Kashmiri people in their struggle against foreign occupation. It was also said that we hope that the ongoing composite dialogue between Pakistan and India will lead to a resolution of the Kashmir dispute and usher in lasting peace in South Asia. The Organization of Islamic Conference has asked India and Pakistan to resolve the Kashmir issue, as a peaceful settlement of the dispute would serve not only the people of the two countries but also the overall interests of the region. OIC Secretary General Ekmeledd Inanoglu said that he had
urged India to seek a peaceful and negotiated settlement of the Kashmir issue. “A peaceful settlement of the dispute would serve not only the people of India and Pakistan but also the overall interests of the region.” He told the contact group on Jammu and Kashmir on the sidelines of the Annual Coordination Meeting. Ihsanoglu said he was concerned over the situations in the Kashmir and had expressed his disappointment at the use of force and violence against the people. “We earnestly hope that the peace process between India and Pakistan becomes result oriented in addressing all outstanding issues, including the issue of Jammu and Kashmir”. The Turkish origin Secretary General, Pakistan’s Foreign Minister Shah Mahmood Qureshi, Foreign Minister of Ahmet Davutoglu and other senior representatives from Saudi Arabia have attended the meeting. The OIC concerned about Kashmir killings. It was declared and debated at Kashmir American Council in New York on 24 September 2010. “The phenomenon of unstoppable and unpunished barbarities is being witnessed in Kashmir. The irony is that the impunity that is thus being granted to the violator of human rights is not in the context of new dispute”. It is being allowed to arise and to persist in a territory which under international law, is not part of any member state of the United Nations” said Dr. Ghulam Nabi Fai, Executive Director, Kashmiri American Council/Kashmir Centre while speaking during the “Annual Meeting of Foreign Ministers (CFM)” of the Organization of Islamic Conference which was held on 24 September 2010 at the United Nations headquarters. Dr. Hamrokhon Zariff, Foreign Minister of Tajikistan, chaired the meeting. The OIC Secretary General and the Under Secretary General of the United Nations attended the meeting.

The Kashmiri delegation included, Sardar Attique Ahmad Khan, the Prime Minister Azad Kashmir; Dr. Ghulam Nabi Fai, Mr. Masood-ur Rehman, and Mr. Abdul Hameed Shaheen. The CFM reiterated the need for a peaceful and negotiated settlement of all conflicts in the Islamic World and reaffirmed its principled support to the people of Jammu and Kashmir for the realization of their legitimate right to self-determination in accordance with the relevant United Nations resolutions and aspirations of the Kashmiri people. The CFM expressed concern at the recent and ongoing indiscriminate use of force and gross violations of human rights committed in Indian Occupied Kashmir by Indian Security forces, which have resulted in killing of scores of innocent and unarmed civilians as well as injuries to thousands of others
including women, children and elderly. The OIC emphasized the need for the respect of human rights as well as importance of taking all requisite steps to provide relief and comfort to the Kashmiris. It further called upon India to allow international human rights groups and humanitarian organizations to visit Jammu and Kashmir. Earlier OIC contact group on Kashmir condemned the continual arrests and detentions of the Kashmiri leadership and called upon the Government of India to release all political prisoners, including Kashmiri leaders immediately. It urged India to put an end to the suffering of the people of Jammu and Kashmir by repealing all laws that violate the basic freedoms and human rights of the people of Jammu and Kashmir. Dr. Fai warned that far from seeking to rectify its atrocious human rights record, India has legalized its state sponsored terrorism in Kashmir. It has given its occupation forces powers to shoot, to kill and the license to abuse the people of Kashmir in whatever ways they like in order to suppress the popular movement for self-determination. These tactics Fai said have no military purpose whatsoever. Their only imaginable purpose is to terrorize people into submission. Fai emphasized that as long as the international community allows India to hide its atrocities in Kashmir, there would be no end to the ever-increasing gross and consistent violations of human rights in that unfortunate land. As long as India is successful in isolating Kashmir from the rest of the world, they will not only continue to trample the Kashmiris, basic rights and freedoms but will also block all peaceful processes for the restoration of these rights and freedoms. Fai told the Council of Foreign Ministers that the solution of Kashmir is both urgent and vital. It has a far more populous and strategic area than other trouble spots in the world. The pain felt by the people of Kashmir is no less devastating than that felt by the people of Haiti. The Nuclear tinderbox in South Asia is no less threatening than in Korea. The mass rapes by the Indian forces are no less humiliating in Kashmir than Bosnia. The torture and imprisonment in Indian occupied Kashmir is no less intense as it is in Myanmar. In fact the pain, suffering and humiliation in Kashmir intensified because the people of Kashmir have been under alien occupation for over 63 years. Fai urged the OIC to persuade Government of India to initiate the Kashmir centric CBM’s including (i) demilitarizing Kashmir (ii) allowing the people of Kashmir to freely express their political views (iii) releasing all political prisoners, (iv) allowing Kashmiri political leaders to travel abroad.
The Organization of the Islamic Conference has suggested that the Kashmir issue will have to be resolved in accordance with the "relevant UN resolutions and the wishes of the Kashmiri people". This was stated in the final communique adopted by the OIC summit, which concluded at Dakar in Senegal on Friday night. The meeting extended the Islamic world's support for the right to self-determination to the people of Jammu and Kashmir, said a statement issued by Pakistan’s Foreign office. Caretaker Foreign Minister Inam-ul Haque, who represented Pakistan at the meet, informed the OIC’s contact group on Kashmir about his country’s latest efforts for a "meaningful, constructive and result oriented dialogue with India" for resolving the Kashmir issue. Mr. Haque emphasized that a final settlement of Kashmir issue must be acceptable to all parties - Pakistan, India and the Kashmiri people. He said a durable peace in South Asia "could only be achieved by amicably resolving the core dispute of Jammu and Kashmir in accordance with the UN Security Council resolutions and the aspirations of the Kashmiri people". OIC calls for prompt resolution of Kashmir dispute. A ministerial level panel of the Organization of the Islamic Conference (OIC) on Monday, 16 March 2008 adopted a declaration expressing regret that India had put a "pause" on the dialogue with Pakistan and called for the prompt resolution of the Kashmir dispute.

The OIC contact group, which met on the sidelines of the 64th session of UN General Assembly on Monday, welcomed the July meeting between Prime Ministers of India and Pakistan in Sharm el-Sheikh, saying that dialogue between the two neighbors was the only way forward. In this regard, the declaration took note of India’s statement after Sharm el-Sheikh meeting that it was ready to discuss all issues with Pakistan, including Jammu and Kashmir. The declaration, which was unanimously adopted, called for a peaceful settlement of the Kashmir dispute "in accordance with the UN resolutions and as agreed upon in the 1972 Shimla Agreement". The contact group met under the leadership of OIC Secretary General Ekmeleddin Ishanoglu for an annual review of the development relating to the decades old dispute Kashmir dispute. Opening the meeting, the OIC Secretary General expressed the organization’s solidarity with the Kashmiri people and hoped that the peace process between India and Pakistan would resume soon and become result oriented. During the meeting, it was said by Foreign Minister Shah Mahmood Qureshi of Pakistan, who underscored the imperative of a meaningful and result-
oriented dialogue to amicably resolve the Kashmir dispute. “We believe that a settlement of this long festering dispute can help to establish a durable peace in the region”, he said in a speech before the adoption of the declaration. “It can also open numerous vistas of mutually beneficial cooperation between Pakistan and India”. Recalling previous OIC and UN resolutions, the contact group urged India and Pakistan to “expeditiously resolve all outstanding issues, including the core issue of Jammu and Kashmir”. The declaration referred to the murder in May of two Kashmiri women in Shopian and condemned all human rights violations being committed against the people of Kashmir. It called on India to put an end to the suffering of Kashmiri people by repealing the “draconian laws” imposed in Kashmir. The declaration also urged the international community and to take “effective steps” for safeguarding the rights of Kashmiri people, including the right to self-determination. It asked India to allow an OIC fact-finding mission in Indian Occupied Kashmir, and to cooperate with Pakistan, the UN and international community and to accept the strengthening of UNMOGIP, the UN observer force monitoring the Line of Control in the disputed state. In his opening remarks, OIC Secretary General Ihsanoglu reiterated OICs continued support to the Kashmiri people in their struggle to achieve their right to self-determination. Addressing contact group, the Pakistani Foreign Minister said even after the passage of sixty years, the Kashmiri people continue to demand their basic right to self-determination promised to them by the international community. “For years, Pakistan, OIC, and international community, have expressed concern on the consistent violation of human rights of the Kashmiri people”, Qureshi said. “Unfortunately, the Indian security forces have shown little regard for these expressions of concern”.

The violations which are a direct result of massive presence of Indian security forces in Indian Occupied Kashmir continue”. Last year’s indigenous uprising ignited by the Amarnath Shrine Land issue had added another sad chapter to the sufferings of the Kashmiri people, the Pakistani Foreign Minister said. “The Kashmiris were subjected to prolonged economic blockade. Their lives and properties were attacked. Many Kashmiris were martyred including Sheikh Abdul Aziz, a prominent Hurriyat leader. “These events are a reflection of the indigenous struggle of the Kashmiri people for “Azadi”. The Government and the people of Pakistan, he said, have stood by their Kashmiri brethren. “As in the past, we condemn the use of
Davutoglu, the Turkish Foreign Minister, reaffirmed his country’s support for the Kashmiri people’s struggle and expressed solidarity with them. He urged the international community to help bring about a lasting settlement of the Kashmir dispute. The minister also called for improvement in the human rights conditions of the Kashmiri people and an end to their sufferings. Ambassadors of Saudi Arabia and Niger also voiced solidarity with the Kashmiri people and called for steps to bring about a durable settlement of the Kashmir dispute. Mirwaiz Farooq gave an extensive background to the Kashmir dispute and enumerated in detail the atrocities committed by Indian Security Forces, saying more than 100,000 innocents have been killed in the past 20 years. In resolving the Kashmir issue, he said time was of essence and would require a continuation of Kashmiri representation in a more desirable tripartite format. “Kashmiri involvement in the talks can and will be the key to finding a lasting solution of the dispute”. The APHC chairman called for the demilitarization of the state as the first step towards reducing Indian and Pakistani forces; allowing Kashmiris to freely express their views; release of all political prisoners; repealing of draconian laws; withdrawal of troops from urban areas and city centers; dismantling bunkers and allowing Kashmiri political leaders to travel abroad. “Our endeavour to resolve the Kashmiri issue is not just a quest for peace for the people, we cannot overlook that South Asia is a region that is expanding, growing and becoming more and more a major player and competitor in international markets” Farooq said. “While we are not opposed to India’s unprecedented growth, we want to India to allow Kashmir to grow and prosper as well”. Azad Kashmir Prime Minister Sardar Mohammad Yaqoob Khan also made a strong case for the Kashmiri people’s right to self-determination.

The International Community, particularly OIC countries, must impress on India to immediately repeal its repressive laws and put an end to the gross human rights violations against the innocent Kashmiri”. “We have shown the required to resolve and steadfastness in the course of our struggle. It is our belief that the sufferings and enormous sacrifices made by the Kashmiri people will be ultimately rewarded”. It is very important to mention here that OIC since its establishment on 20 September 1969 till now, it has provided a full support to Kashmiri cause of freedom. It severely and vehemently condemned the gross violation of human rights committed
by Indian army personnel’s in Kashmir. The OIC has strengthened the Kashmir movement of freedom. However, it is great mistake of India, which never appreciates the involvement of international community in Kashmir issue. India rejected the OIC solidarity to Kashmiri people. It was always in the mindset of great leaders of the Muslim world to ready themselves in order to resolve the Kashmir issue. They believes that Kashmir imbroglio could be solved only when the UN resolution’s will be taken into account and the aspirations of the Kashmiri masses will be genuinely accepted. But India failed to accept any one of these demands and playing a role of dictator within premises of Kashmir. India never accepted the voice of third party mediation because India did not want to show the reality behind the Kashmir issue, that is reason that the majority of the Kashmiri people want to be free from the Indian clutches of barbarism. In the struggle of Kashmir movement of freedom, OIC as a second largest regional organization has shown its full-fledged concern for the people of Kashmir. In the history of Kashmir struggle for freedom the OIC name will be written in the brightest pages of Kashmir history.

**SAARC and Kashmir Conflict**

It is clear that the *South Asian Association of Regional Cooperation* (SAARC) bloc will need to play a crucial role in providing the framework through which the Kashmir conflict can be solved. SAARC is a potentially powerful political and trading bloc that is capable of greatly reducing nationalistic passions and encouraging cooperation between its member states. SAARC, whose member states are India, Pakistan, Sri Lanka, Nepal, Bhutan and Maldives, Afghanistan, was formed in 1985 with the following purpose: To promote the well-being of the populations of (sub-continent) South Asia and improve their standard of living; to speed up economic growth, social progress and cultural development; to reinforce links between the countries of this area; and lastly, to promote mutual collaboration and assistance in the economic, social, cultural, technical and scientific fields. The framework of SAARC provides its member states with a regional space for policymaking and implementation at the South Asian level. Globalization has unleashed both opportunities and challenges. It has been proceeding at such a pace that unless South Asian states act together, there is every possibility that they will be left behind. As yet, South Asia has been unable to act together, even in terms of articulating common ills like poverty, while dealing with global leaders setting the
tunes of future trade, environmental protection, and poverty reduction strategies throughout the world. There have been some positive developments in the South Asian region which have the potential to improve the efficacy of the SAARC forum. Since 2003, India-Pakistan relations have shown at least a temporary trend towards stabilization. Direct government-to-government talks have addressed various types of confidence building measures; a modest step has been taken to open up communications and human contact across the defacto boundary in Kashmir.

The demands of humanitarian relief work after the major earthquake of October 2005, which hit Kashmir particularly hard, brought some further positive energy to the relationship after a cautious start. Efforts have also been made in the field of terrorism. A Joint Anti-Terror Mechanism between India and Pakistan is now operational, since its first meeting, on 6 March 2007 in Islamabad. At the meeting, the Pakistani side presented evidence of involvement of Indian intelligence agencies in the Balochistan insurgency. However, officials from the Indian side denied these allegations. On the other hand, the Indian officials failed to present specific information on the Samjhauta Express blasts and just provided a sketch of a Pakistani who allegedly disappeared in India after the blasts. Information however was shared after the Mumbai blasts of July 2006. At the inter-governmental levels, the ongoing composite dialogue between India and Pakistan provides not only optimism but opportunities to addressing issues that characterize one of the most severe and conflictual interstate relationships in South Asia.52

Soon after its inception, the SAARC had taken into consideration the most important issues of terrorism. Moreover, most recently, the Prime Minister of India, Dr. Manmohan Singh has emphasized the need for a zero tolerance towards terrorism. The practice of SAARC has minimized the conflicts between India and Pakistan. A landmark was the January 2004 Islamabad SAARC summit meeting where for the first time since the 1999 Lahore Declaration, the two countries leaders - India’s PM Atal Bihari Vajpayee and Pakistan’s President Pervez Musharraf adopted a positive posture towards each other. They also issued a joint statement in which they pledged to resume state level talks on Kashmir.53 Since its inception, SAARC is working to create stability, cooperation and balance and above all peace in the South Asian region. It is well accepted that SAARC has a created good avenues for all the countries of South Asian region. The peacekeeping, peace-building and peacemaking
measures had been adopted by the SAARC to maintain mutual trust between India and Pakistan and remove suspension. The role of SAARC as a great regional organization is vital in resolving the Kashmir dispute. It adopted all the policies and strategies between India and Pakistan, such as mutual trade, transport, joint terrorism mechanism, people-to-people contact, diplomatic relations, and delegation visits, are to be considered as a great means to maintain peace between two countries, etc. SAARC played a role of balancer between the two countries. And it was always reaffirmed and reiterated in the meetings of SAARC that Kashmir issue have to be solved through dialogue, and through confidence building measures. Both the countries have accepted the importance of conflict resolution mechanism in order to minimize and mitigate conflictual situations and paved a way to peace and stability in the South Asian region. There is no doubt in saying this that SAARC provided boost and momentum to the peace-building process between India and Pakistan. Really SAARC made a paradigm shift from the militancy Kashmir to peaceful Kashmir. It is well known that whenever there is any dispute between the conflicted parties that needs a platform and for India and Pakistan SAARC is the best platform to discuss the Kashmir issue and pave a way to stalemate. Peace can only be build when consensus will be there. At last, not at least, the main aim of the SAARC is to maintain regional balance and stability in South Asian region. SAARC has always emphasized to build cooperation and bargaining in South Asia and to free South Asia from the conflicts and make it peaceful and stable. The international community needs a peaceful South Asia; it is therefore in their interests to make some productive efforts in resolving conflicts and for ensuring cooperation in South Asia. The SAARC needs some reform too, so to efficiently deal with any issue of regional or global concern. SAARC security discourses must be expanded to include political, social and environmental perspectives in order to achieve sustainability. SAARC can play an important role, if it will work properly keeping in view its rational principles.\textsuperscript{54}

\textit{All Parties Hurriyat Conference (APHC)}

With alliance of 26 political, social and religious organizations, the \textit{All Party Hurriyat Conference} (APHC) was formed on 10 March 1993 as a political front to work for the cause of Kashmiri freedom. It was formed in order to achieve the right of self-determination for the people of Kashmir. Hurriyat means liberty. When the cycle of violence begun in Jammu and Kashmir in 1989. India strengthened its
centralization in Kashmir. India did not accept any demand of Kashmiri people. The autonomy position was abrogated gradually and slowly. India provided all kinds of dictatorial powers to its armed forces and police. Kashmiris were killed, humiliated and tortured without any reason. Elections were held in Kashmir on the basis of power and might whereas Kashmiris did not want to cast votes. They were forced to come out from their homes and to cast votes to make Indian rule acceptable in Kashmir. Since the cry for Azadi was started in 1989, it was fully supported by Pakistan and other Muslim world. When the special autonomy of Jammu and Kashmir was abrogated and amended gradually and India adopted a role like a dictator in Kashmir. The rights and liberties of people have been violated. It paves a way to cycle of violence in Kashmir. In reaction to this, a strong liberation movement was started by an organization that was (APHC). All parties Hurriyat Conference is not a terrorist organization rather, it is an organization founded on certain basic principles. It is an organization of bargaining from the side of people of Kashmir. The people of Kashmir have wholeheartedly supported this organization since its inception. The main slogan of (APHC) is the demand of freedom and self-determination for the people of Kashmir. It did not accept the monopoly and hegemony of India over the Kashmiri people. It is the notion of (APHC) that India had captured Kashmir by force. The leaders of (APHC) are demanding plebiscite or referendum in Kashmir. As UN has accepted it, that let the Kashmiris decide whether they want to remain with India or Pakistan or in a separate state. India has never taken into account the aspirations of the Kashmiri people. It is very important to note here that (APHC) is the voice of Kashmiri people. All Parties Hurriyat conference is demanding the safety of the rights of Kashmiris; they are working for the pious cause that is freedom for the people of Kashmir. Now one has no right to say that APHC is a terrorist organization. It was always the aim of the APHC to highlight the demands of the Kashmiri people.55 Kashmir officially called ‘Jammu and Kashmir’ state as it existed before or on 15 August 1947 is passing through a nightmare.

This paradise on earth has turned into hell for its own inhabitants. They are being hunted, hounded and humiliated in their own land by the Indian Occupied forces. Indiscriminate killing, torture, rape, molestation, plunder, arson, custodial killings, besides illegal and unlawful arrests, have become the order of day ever since January 1990, when the people of Kashmir started an open revolt against India to
press their demand for the achievement of the right of self-determination pledged by India, Pakistan and United Nations and recognized by the Indian Constitution. Guided by the collective feelings for a collective approach, Mirwaiz Moulvi Mohammad Umar Farooq, Chairman, Jammu and Kashmir Action Committee, on 27 December 1992 called a meeting of the representatives of various religious, social and political organizations at menace of oppression and suppression by the Indian security forces. Mirwaiz presided over the meeting. The suggestions made in the meeting were referred for examination and report to a screening committee consisting of (i) Janab M.M. Mubaraki, Convener, (2) Janab Syed Ali Shah Geelani, (3) Janab Moulvi Abbas Ansari, Member (4) Janab Yusuf-ul-Umar, Member, (5) Janab Shabir Ahmad Siddiqi, (6) Janab S. Hamid, (7) Janab Ghulam Mohammad Bhut, Member, (8) Janab Peer Hafizullah, Mukhdoomi, Member. After considering the report of the Screening Committee, the Assembly of Representatives on 8 March 1993, decided to have a common platform under the name and style of All Party Hurriyat Conference.

Objectives

The main objective’s of all parties of Hurriyat Conference has been formed shall be as follows: Firstly, to make peaceful struggle for the people of the state of Jammu and Kashmir in the exercise of the right of self-determination shall also include the right of independence. Secondly, to make endeavours for an alternative negotiated settlement of the Kashmir dispute amongst all the three parties of the dispute, viz., (a) India, (b) Pakistan, (c) People of the Jammu and Kashmir, under the auspices of U.N. or any other friendly countries provided that such settlement reflects the will and aspirations of the people of the state. Thirdly, to project ongoing struggle, in the state before the nations and governments of the world in its proper perspective as being a struggle directed against the forcible and fraudulent occupation of the state by India and for the achievement of self-determination of its people. Fourthly, to make endeavours, in keeping with the Muslim majority character of the state, for promoting the building of a society based on Islamic values; while safeguarding the rights and interests of the Non-Muslims. Fifthly, to make endeavours for the achievement of any objectives that may be ancillary or incidental to the objectives specified above. The APHC does not recognize Indian Constitution and has stayed away from all elections held in the state of Kashmir so far. It blames the lack of
sincerity of India for the failure of the repeated attempts at the resolution of the Kashmir issue. It has consistently criticized and accused the Indian troops present in Kashmir and human rights violations committed by them. The APHC is divided into two factions. One, led by Mirwaiz Omar Farooq, favours independence, the second, the Tahreek-i-Hurriyat, led by Syed Ali Shah Geelani one of the famous leader Hurriyyat is in favour of accession with Pakistan or separate state for the people of Kashmir. From 2004, the Umar faction has held three rounds of talks with the Government of India. The Umar Farooq Faction is known as moderate faction of Hurriyat Conference and second faction is faction of Syed Ali Shah Ali Geelani is known hardliner faction of Hurriyat Conference.\(^5\)

**Q & A: Syed Ali Shah Geelani, Hardliner leader of the Hurriyat Conference with Saubhadra Chatterji.**

**Q.** Prime Minister Manmohan Singh has convened an All-Party Meeting on Jammu and Kashmir on Tuesday. How do you see this initiative of the Indian Government to bring peace in the valley?

**Ans.** I do not give any importance to these meetings. What is the Prime Minister going to offer the parties? There will be no result as far as the people of Jammu and Kashmir are concerned. These meetings are held in New Delhi under conviction that Jammu and Kashmir is an integral part of India. The government is not even ready to recognize the political problem of Kashmir, the aspirations of independence of the people of Jammu and Kashmir, forget about recognizing and reconciling to the fact that it is not part of India. The Indian Government wants to see the current situation as a pure law and order problem. And there lies the basic problem. If it wants to dilute the seriousness of the issue and reduce it to a mere law and order problem, it can never find the correct approach to solve the problem. This faculty approach will not make talks fruitful.

**Q.** According to you, what should be the Government of India's approach?

**Ans.** The Manmohan Singh Government should keep in mind the historical perspective of the Kashmir struggle. The struggle of the Kashmiri people has been going on for more than 60 years. Don’t see it as a sudden manifestation in form of these recent stone-pelting incidents. As long as India denies the people of Jammu and Kashmir their rights, their power and independence, the struggle will continue. India
will have to recognize the independence of Kashmir and allow the people of Jammu and Kashmir to determine their own fate. Any other form of government, imposed form New Delhi is not acceptable to our people. First, India must agree to withdraw all security forces from the state. Pakistan will also be asked to take back its troops from Azad Kashmir. India and Pakistan must accept this demand.

**Q. What according to you, has resulted in recent violence in the Kashmir valley?**

**Ans.** It is the security forces, who are responsible for the bloodshed and loss of lives of Kashmiri youths. The bullets were fired by the forces. You must have seen that the civilians didn’t carry any arms. They threw stones when they were challenged by the forces. The central forces and the police resorted to firing to suppress the civilians. The people of Kashmir have been resisting the violence of the armed forces. They will continue to do so. Tell me, has a single security personnel been killed by the mob? Why it is that only innocent and unarmed civilians were killed? I wish Jammu and Kashmir police personnel behave in a more reasonable way. After all, they are not outsiders but part of Kashmir’s social system. Recent incident are part of the political struggle of the people of Jammu and Kashmir against the forces of India. We want India to leave Kashmir. That’s why it is imperative for India to see the recent mob fury in the right historical perspective. Near about 107 people have been killed so far. What has the Centre done to stop these killings?

**Q. You recently gave a call for peaceful demonstrations. Were you afraid that you are losing grip over your supporters and thus want to embrace peaceful means?**

**Ans.** This is not the first time I have called for peace. I have been saying this for years. I am not an advocate of violence and killings. I want to carry on this political struggle through peaceful means. I have warned the youth of Kashmir not to fall into the trap of the security forces. Stone pelting gave the paramilitary forces an excuse to kill people. So, I have asked them to avoid these means and not give any chance to the brutal forces to kill people. Life has become very difficult for the common Kashmiris because of the presence of security forces and curfews. If there are partial hartals, people can manage, go to shops and buy essential goods. But if one defies curfew, one faces bullets. How long will the people suffer this torture?
Q. The Home Minister has said he is ready to sit with the separatists. If the Government is willing to talk with the Hurriyat leadership, why not you are coming forward?

Ans. Look, these so-called talks have been going on since 23 March 1952. There have been at least 130 rounds so far between the Government and the people of Kashmir. What has been the result? A big zero. These talks are a futile exercise. They call us and want to fool the people of Jammu and Kashmir. The Government of India tries its tricks to deviate us from our struggle. You might also say that the Hurriyat leadership is divided on various issues. Yes it is true that we have our differences. But our objectives are the same. All factions of Hurriyat want freedom from the Indian security forces and a referendum for the future of Jammu and Kashmir.

Q. You were recently locked up in jail as the Government found you instigating the mob. How were your days in jail?

Ans. I was kept in Chashm-e-Shahi. They deployed doctors to look after me around the clock. The doctors took good care of me. I don’t have any complaints about being in jail. This is part of our struggle.

Q. Many observers of Kashmir affairs feel the Omar Abdullah Government has failed to handle the situation in Jammu and Kashmir and that the administration has failed to deliver results. Do you share the view?

Ans. I don’t even want to enter into this futile argument. For me, there is no difference between Omar Abdullah and any other government. These governments are just puppets. The real master is New Delhi. New Delhi decides and selects who should rule in Jammu and Kashmir as its proxy. I don’t want to blame Omar Abdullah. He is not the real authority. He is just acting under the instructions of the Central Government. It is the failure of New Delhi and it should take the blame.57

In the All Party Meeting in New Delhi chaired by Prime Minister Manmohan Singh on Kashmir on 15 September 2010 in which the Syed Ali Shah Geelani Chairman of Hurriyat (G) said that India denied the right to self-determination for the people of Kashmir. He put his five pint formula for the resolution of Kashmir dispute. He said India should accept that Jammu and Kashmir is a disputed territory, India should withdraw its Armed forces from Kashmir, India should withdraw Armed Forces Special Powers Act, India should free prisoner’s of Kashmir, and India should
give the stringent punishment to those armed forces who were involved in killings and violating the rights of Kashmiri innocent masses.

Moreover, India should stop further violations in Kashmir. Geelani said more than 107 people were killed, hundreds are missing and hundreds have been injured in recent cycle of violence in Kashmir. Geelani said the outcome of meeting was disappointing and negative for Kashmiris. The pro-India parties stuck to their traditional stand on Kashmir. I have no doubt to say that these meetings have proven to be futile rather time gaining exercise. He said since 1947, India has been resorting to dilly-dallying tactics to deny Kashmiris their rights. “India even failed to fulfill the promise of its first Prime Minister Jawaharlal Nehru to let the Kashmiris decide their future. It took the dispute to UN and has been delaying implementation of its resolutions which empowers Kashmiris to choose their destiny”. He said that it is high time for India and its allies in Kashmir to adopt a realistic approach to resolve the dispute. He said the ongoing movement would be continue until India will accept the five point formula. He said we don’t believe in violence. World knows Kashmiris have been peacefully fighting for their rights but India is crushing them through its military might. The Chairman of Jammu and Kashmir Liberation Front Mohammad Yasin Malik termed, All Parties Meeting a futile exercise. Malik said in the past 63 years the Kashmir dispute has consumed three generations. In 1990s, guns were the reference points and it internationally highlighted the Kashmir dispute. After guns, there was a transition of the Kashmiris’ movement into peaceful stage.

However, New Delhi has kept the movement lingering at the cost of Kashmiris. Malik said, castigating the BJP for opposing, revocation of the Armed Forces Special Powers Act (AFSPA), he said when the party was in power, it engaged even the militant leadership for resolving the Kashmir dispute. “This shows the BJP’s hypocrisy. It is playing a politics on the blood of Kashmiris. Malik warned that if India delays the resolution of the dispute, Kashmiris will be forced to take violent recourse. “Instead of these futile meetings, India should on priority resolve the dispute taking the aspirations of Kashmiris into consideration. Delaying the vexed issue will have dangerous consequences. The Chairman of Hurriyyat (M), Mirwaiz Umar Farooq termed the All Parties Meeting as a façade to hoodwink the international community and Kashmiris. “The meeting had no clarity of purpose. Infact the participants seemed to be confused and lost and we only trying their best to term the
endeavour of success. I want to maintain that Kashmiris are clear in their demands and they won't relent on their partial fulfillment. He said Kashmiris are not sacrificing their lives for jobs or economic packages but right to self-determination. Mirwaiz said the need of the hour is to reign in the troopers and cops, stop killings in the valley, repeal the AFSPA, withdraw troops from civilian areas, and release the political prisoners and youth. Mirwaiz said that killings and peace process could not go together.

In summary up, it can be said that the role of Hurriyat Conference is vital in the movement of Kashmiri freedom even it can be said that the entire freedom and liberation movement of Kashmir cannot be understood without understanding the All Parties Hurriyat Conference. It would be not wrong to mention here that APHC is the backbone of the Kashmiri movement. It is the voice of all Kashmiris. It has the main agenda that is, India should accept that Kashmir is a disputed territory, and implement UN relevant resolutions for Kashmir. APHC wants to achieve the right to self-determination for the entire Jammu and Kashmir. It believes in the policy that let the Kashmiris decide their destiny of freedom.

Role of Civil Society

Kashmiris have always been under submission. History has it that they have been loyal to their leaders. In many regimes, Kashmiris have suffered at the hands of their masters. Now today in democratic and scientific age it is very unfortunate that Kashmiris are not being treated like human beings. Much has changed for the world outside, but the fate of a common Kashmiri remains same. They are not being heard, they cry for justice. It is an admitted fact that Kashmir is now a conflict zone, for the last sixty years the problem of Kashmir is unsolved between two countries India and Pakistan as well as between Kashmiris. Both the countries admit this dispute and promise to get it solved but on the ground, there seems to be no progress. India has treated the Kashmir an internal problem and they have taken it as law and order problem always. They never realized the magnitude of the matter. The role of Delhi has always remained negative, they tried to divide the Kashmiris and rule. Unfortunately, Kashmiris were always misled and they got divided for small personal ends by ignoring the national interests. India is always talking of democracy and tried to present before world that in Jammu And Kashmir State the people are electing their
representatives. All the Kashmiris know how India has managed the elections in Kashmir. When Delhi is interested to have Sheikh Mohammad Abdullah as Prime Minister or Chief Minister they do so and when they wanted to install Bakshi Ghulam Mohammad or Sadiq Sahib they did. In the year 1987 Delhi decided to have Farooq Abdullah as Chief Minister, they extended the support of Congress for coalition and rigged the election defeating MUF candidates who were having the mass support of people and result is before us.

Kashmiri people especially youth lost their faith in Indian democracy and they disbelieve Indian leadership. It was always with Indian leadership that they tried to demoralize the local leadership in Kashmir and they never respected the aspirations and sentiments of people, the Kashmiris were made politically poor viz-a-viz on economic front the cogent and solid steps have been initiated by Indian leadership. India used and utilized the water resources, forest resources and other potential resources of Kashmir for their own ends but never tried to give in return the dividends to the Kashmiris people, this way the people of state lost the trust and confidence, they fed alienation with the deeds of political leadership and defective system. Over the last twenty years, Kashmir has suffered the worst. With a tremendous loss of life and property where does Kashmir stand? Many dialogues and roundtables conferences were organized but what is the outcome? Nil, the common Kashmiri is not feeling any relaxation, he is feeling as if he is in cave or in a prison, he is not in a position to think and regain his shattered economy. To resolve this conflict there should be firm will and ways are open then “where there is will there is a way” to resolve Kashmir problem it needs political intervention and some bold political decisions are to be taken by the Indian political leaders. The Indian leaders have some problem in order to have dialogue with Kashmiri leadership who represent the sentiments of Kashmiris. Simultaneously the Kashmiri leadership have certain problems for having open dialogue with India, the Pakistan India dialogue is long term process and it has consumed years together and will take more years to yield results. It is reality that common Kashmiri are suffering. The future of youth is at stake, he is uncertain, for how long the instability will exist. To bring peace and have conflict transformation into prosperity everyone is concerned but no one is serious, everyone has a role to play but no one is playing it with zeal and dedication. In such circumstances the civil society has a role to play in Kashmir. First and foremost we
have to understand the real connotation of civil society. It is generally agreed that civil society refers to a voluntary and non-profit set of institutions, organizations, and behaviours situated between the state, the market, and the family. Civil Society include Civil Society Organization's (CSO), Community Based Organizations (CBOs), Non-Governmental Organizations (NGOs), Informal and Non-institutionalized associations and communities etc.

Sometimes the actors of Indian Civil Society raise their voices against Kashmiri repression and injustices but that is for the time being. Civil Society can play a vital role for resolving the Kashmir conflict. Kashmir Civil Society is not emerging as strong due to turmoil situations in Kashmir. It is the Civil Society which has the power to speak truth and make the Government accountable and transparent regarding abuses and violations. The civil society actors have no political agenda. Civil society could have established its pressure groups which can make state government accountable and transparent. There is no denying fact that civil society has a crucial role to play in Kashmir conflict or any other conflict because, they have no vested interests. The role of civil society in conflict resolution is even meaningful in all democracies be it India or any other democracy of the world. The compelling force behind the conflict in Kashmir comes from the incompatible ideologies driving Indian and Pakistani nationalism and their incompatibility with the separatist's aspirations of some people in Jammu and Kashmir. After nearly twelve years of deadly conflict, most protagonists in the conflict wish an end to the violence, as also the people of Jammu and Kashmir. Post-conflict situations call for physical reconstruction. But a well-developed civil society, along with an independent media and judiciary, are equally essential for sustainable growth and stability.

The importance efforts to rebuild civil society by the establishment of the rule of law, stimulation of political dialogue and public participation must not be underestimated, as they provide both formal and informal institutions for reconstruction in post conflict situations. Therefore, efforts to strengthen civil society is a necessity that can be facilitated by NGOs, both local and otherwise, in a number of ways – by assisting local communities and individuals in the design of programmes, providing capacity building services, access to financing, and establishment of legal entities like cooperatives. During a recent visit to Kashmir, an International Centre for Peace Initiatives team observed signs of developmental work undertaken in the last few
years and an upswing in the local economy, despite a stagnant tourism industry. Real state prices in Srinagar, for instance, have increased dramatically, whereas they are depressed in cities like Bangalore and Mumbai. These changes in urban life are occurring alongside a deteriorating rural economy and the flight of capital outside Kashmir. Most businessmen have migrated to other parts of India, and there is an absence of capital infusion into villages. As a result, there is rampant unemployment, which is affected by the security environment that discourages private investment. The absence of a vibrant civil society, the bedrock of any state system, owing to the many years of conflict is apparent from the lack of social institutions and the failure of the political leadership to harness the energy of the people in a constructive direction. There are a handful of youth groups, blood banks, and orphanages, but no development NGOs or trade associations. NGOs can work at different levels in Kashmir and deal with the short and long term consequences of violence by enabling locals to remove the structural, behavioral and attitudinal conditions leading to violence. Focusing on reconciliation and healing is another area where NGOs could play a role to help people who have suffered and to forgive those who have perpetrated harm on them, and to begin contemplating the next steps beyond civil war and insurgency. One such attempt to set up a NGO in Kashmir is by Development Studies Centre at the University of Birmingham, UK for an integrated research, training and dissemination programme to revive civil society organization in Jammu and Kashmir for conflict resolution, peace-building and development. They propose to work with other NGOs as partners towards restoring the cohesion of civil society through a process of facilitating and developing interaction among Kashmirs in the trading, commercial, cultural and religious communities across both sides of the Line of Control.

Efforts at reconciliation by NGOs could entail; (a) facilitating the creation of a porous border for an intra-Kashmir dialogue, (b) rehabilitation of the Kashmiri pandits who had fled the valley due to various reasons, (c) action against human rights violations, (d) encourage visits by prominent political leaders, (e) creation of a memorial for people who have disappeared and help assuage the feelings of the people, (f) encouraging religious, social, civic and youth leaders to promote communal harmony, (g) reintegrating former militants in the society, and (h) encouraging contact between Kashmiri people and those from other parts of India as a
confidence building measure. While reconciliation measures help in the short-term, it is necessary to prepare the ground for long-term efforts.

NGOs need to examine possible measures for reconstruction, which are as follows; (a) improvement in the daily living conditions; (b) promotion of tourism by dispelling the perception of an insecure environment; (c) training of youth for employment and self-employment; (d) empowering women in Kashmir and rebuilding the lines of those affected by violence; (e) rehabilitation of orphans and widows without discrimination; (f) improvement of education in terms of course content and employment opportunities reforming education keeping in mind the damage caused to the minds of children due to years of unending violence; (g) promotion of horticulture, food processing, agro-processing industries and creating cold-storage facilities by encouraging public and private investment; (h) harnessing the hydro-electric potential of the state; (i) an environmental action plan-centered on curbing timber-aforestation, and urban water management going beyond just the cleaning the Dal lake. There is no single path to peace and magic solution to any of the challenges facing Kashmir; hence it is necessary to acknowledge the contributions NGOs can make to post-conflict peace building. Civil society protests on Kashmir killings on 10 July 2010 in New Delhi at Jantar Mantar. Representatives from various civil society groups expressed their solidarity for the people of Kashmir. The two-hour Dharnaa was organized by a non-governmental organization ANHAD. Addressing sit in, the speakers called for immediate action to prevent further loss of life and property, putting an immediate end to the violence perpetrated by the security forces, appointing an independent and impartial time bound commission of enquiry to look into the killing of peaceful civilians and human rights violations initiating an inquiry into instances of attacks on ambulances services, ensuring security of the journalists both of local and national media, ensuring freedom of expression and press and starting a political dialogue immediately with various stake-holders in the state.

The speakers observed; “It is matter of great concern and anguish that no sensitive measures have been taken by the Central Government in response to the ongoing deaths, injuries and killings in cold-blood of civilians in Jammu and Kashmir, including young girls and boys, most of them innocent, peaceful protestors, or even just bystanders”. “The reality is that democracy is under severe strain and is almost absent in many parts in this state, despite an elected government backed by the
centre holding the reigns of power at Srinagar”, the speakers said. “ANHAD and many other concerned civil society groups in India want the government in the state and centre to come out clean urgently and immediately and explain if this is indeed a democratic and constitutional method of handling a manifold and multiplying crisis in a highly sensitive region”, the speakers said. The speakers said the government is only pushing for an escalation in the number of deployment of security forces. “This clearly indicates the callous attitude of the governments in Delhi and Srinagar. Such acts of brutality are in complete violation of the law of the land and constitutional rights of the people that have resulted in mass outrage and alienation of large sections of the civilian population in Kashmir” the speakers said. They said that unarmed, non-violent citizens are being treated with such blatant and indiscriminate use of military force. “Despite repeated assurances by the Central and State Governments of zero-tolerance towards human rights violations, the fact remains that little has been done to punish those responsible for such heinous and gross violations. The speakers said, “This organized insensitivity and vacillation to act firmly against such elements is bound to put a question mark on the credibility of the state and its track record in terms of human and democratic rights of the people, as enshrined in the Indian Constitution. Mere rhetoric and institution of official enquiries is not enough to restore the shattered and shaken confidence of the people. It is imperative that the Central and State authorities to take firm and visible action against those responsible for unleashing this brutish violence on innocent people. Any delay will only compound the alienation and anger of the people resulting in irrefutable damage to peace process in the valley and elsewhere in the state”, the speakers said. The speakers at Dhama included, Shabnam Hashmi (ANHAD), Harsh Kapoor (South Asia Citizens Web), Navaid Hamid (Member, NIC), Prof. Kamal Mitra Chenoy (JNU), Prof. Anuradha Chenoy (JNU), Tanveer Hussain Khan (ANHAD), Indu Prakash (IGSSS), Madhu Chandra (North Eastern Helpline), Divya (YWCA), Sanjay Kumar (AAA), Amitabh Pandey (Free Lancer), Ravi Himadri (the other Media), Prof. Rizwan Kaiser (Jamia Millia Islamia), Swami Agnivesh, Mansi Sharma (ANHAD), Seema Duhan (ANHAD), besides it different media, social activists, journalists, peace activists, human rights activists, lawyers, editors, historians, columnists, and writers joined this Dhama. This is not a first time that Dhama was organized at Jantar Mantar, by the Civil Society. But civil society associations always organized dharnas at different place of India and across the globe against the gross violations of human
rights in Kashmir. Prominent members of India’s civil society were always against violence, injustice, and killings. They have laid thrust upon that India should have a dialogue with Kashmiri leadership and Pakistani leadership to settle the Kashmir dispute. Members of India’s civil society in a joint statement expressed concern over the fast deteriorating situation in the occupied territory, which had recently witnessed the senseless killing of over one hundred innocent youth by Indian troops. They said that the army had now been directly deployed in many areas of the territory in a shameful attempt to cover up the utter political failure of the Governments of India and its authorities in occupied Kashmir. They urged India to send the army back to the barracks and out of all inhabited areas in the territory, release all illegally detained political leaders, and activists repeal the draconian laws such as, AFPSA, and Public Safety Act. In addition, urgently start meaningful and result oriented talks with Pakistan and Kashmiris for the settlement of the Kashmir dispute.

The signatories to the statement include, Dr. J.K. Jain, Chairman of the Jain TV, Syed Shahabuddin, President, All India Majlis-e-Mushawarat, Prem Shankar Jha, Columnist, Prof. Ram Puniyani, All India Secular Forum, N.D. Pancholi, People’s Union of Civil Liberties, Manisha Sethim, Jamia Teacher’s Solidarity Association, Yugal Kishor Saran Shastri, Ayodhya, Prof. Nirmalangshu Mukherji, Delhi University, Dr. Shamsul Islam, DU, Neelima Sharma, Theatre Person, Zafar Mahmood, President Interfaith Coalition, Kamal Faruqui, Ex-Chairman, Minorities Commission Delhi, Navaid Hamid, Member National Integration Council, Dr. M.H. Jawahirullah, President, Tamilnadu Muslim Munetra Kazhagam, Lateef Mohammad Khan, Civil Liberties Monitoring Committee and Dr. Zafrul Islam Khan, Editor, The Milli Gazette.

On 8 August 2010, at Jantar Mantar S.A.R. Geelani – lecturer of Delhi University addressing the gathering said civil society must join in the protests over the killings in Kashmir over the past two months. He said, “Kashmiris living outside the state share the pain of those in the valley. They share their grief when innocent persons are killed, they share their pain when tear gas shells are lobbed at them and feel their suffocation when they are bound in curfew”. He reiterated civil society should not be silent on Kashmir killings; they should come out and peacefully do protest. If they are not feeling the grief of innocent Kashmiris and they are silent, this silence will be considered criminal silence. Protest is our democratic right. Sanjay
Kak a filmmaker said, “The Government has to stop the militarization in Kashmir. There can be no democracy if it is attained at gunpoint. Indian army has to be withdrawn because it is not meant to fight India’s own people”. Later it was said by Kalpana Mehta of the ‘Women Against Sexual Violence and State Repression’ a network that runs in 13 states, has expressed his viewpoints that the behavior of the Central Bureau of Investigation in the Shopian rape case has been shameful.

It can be said, that civil society can play a crucial role in building peace in Kashmir. It can be also a check over violence, injustices, brutalities, killings and above all over the gross violations of human rights. Civil society is also one of the main players in the conflict resolution process. It can play a greater role in prevention of violence not only in Kashmir, but also across the globe. Civil society can highlight the demands of the people, issues of gross violation of human rights. It can pressurize the government to take better steps for the people. It can participate in over all humanitarian activities. Therefore, it would be not wrong to quote that civil society is really working for the betterment of entire humanity. Many NGOs are unwilling to go into a society that is deeply mixed in violence and where the last remnants of civil society have long disappeared. This is an uphill task for any NGO that begins to think about working in Kashmir. This might be one of the reasons for the lack of many NGOs in Kashmir, but it cannot be the only one. On the national and international level, there is no dearth of NGOs working in different fields. In view of the improving good governance position in Kashmir, the socio-political situation is conducive for more NGOs to enter Kashmir society. It is high time some of the more established NGOs come forward with plans and programs to work in Kashmir, giving special priority to the areas and objectives outlined above. However, Kashmir has a unique culture, altogether different customs, traditions, and a distinct faith. It is therefore recommended that national and international NGOs tie up with local NGOs to work more effectively for the welfare of the people of Kashmir. While local NGOs might not be able to provide infrastructure support, they can definitely provide invaluable guidance and deeper understanding of the local needs. At the same time, the local NGOs would benefit from the broader learning experience they could gain by working with national and international NGOs. In recent years, national and international NGOs have started working towards peace and reconciliation. However, they also need to give top priority to working towards relief and rehabilitation of the
traumatized victims of the last 20 years of military violence. Once a culture of peace and normal life prevails in Kashmiri society, the work of NGOs can be effective. Financial transparency and working independently of political agenda is essential. Most importantly, the people of Kashmir have to take the lead in the revival of civil society by working towards the larger good of society, and not depend on outsiders to come and help them. Thus, local initiative, commitment and resolve combined with the organizational and institutional guidance of national and international organizations is the way ahead for what is currently a dismal situation as far as NGOs and civil society in Kashmir is concerned.

In viewing and reviewing the international concern and non-governmental concern for the resolution of Kashmir dispute, it can be said that the role of International players like, have not a direct stake in the resolution of Kashmir conflict. Although they have been involved from time to time and their main objective has been to avert the risk of a nuclear war over Kashmir and to encourage bi-lateral India-Pakistan negotiations. American and British officials also exercised quiet diplomacy in persuading both New Delhi and Islamabad to give up their respective conditions on starting the Srinagar-Muzzaffarabad bus service. India and Pakistan were pressurized several times by the big powers of the world to sort out the Kashmir issue through peaceful means. A confidence building measures/approaches were highlighted by these supreme powers in order to end all differences between India and Pakistan. It was always in the mindset of US, Britain, Islamic World, SAARC countries, and Civil Society Organizations that to free South Asian region from the problem of terrorism. There is no doubt in saying this that to some extent they are successful in their mission. It was always demand of All Parties Hurriyat Conference that Kashmir issue should be resolved keeping in view the relevant resolutions of U.N., and taking into account the aspirations of the people of Kashmir. Their main agenda was to fight for the cause of self-determination for the people of Kashmir.

The role of the civil society and NGOs and NGOs become very important and crucial when the matter of Kashmir issue is being discussed and debated. It is holistic approach and to say it hallmark of Civil Society Organization which highlight the problems of Kashmiri fraternity. They highlight the issues of gross violation of human rights, such as, killings, custodial killings, encounter, imprisonment of innocent people of Kashmir; they criticize the draconian laws prevalent within premises of
Kashmir state, such as Armed Forces Special Powers Act (AFSPA), Public Safety Act, POTA, etc. It was the very guideline of U.N. when Kashmir conflict was put in UN General Assembly in 1948 by the architect of Indian Foreign Policy Pt. Nehru then it was declared by the U.N. that Kashmiri’s are free to decide their destiny whether they want to live with India or Pakistan or they wanted to remain in a separate state. But this proposal of United Nations was never implemented by India. It was the one of the drawback of Indian Foreign Policy that it never like third party involvement or mediation in Kashmir issue. The role of the Organization of the Islamic Conference is also favorable step as far as Kashmir issue is concerned. OIC always criticized the gross violations of human rights in Kashmir. Islamic world put a pressure over India through negotiations at U.N. platform and outside it and had shown a great concern and solidarity for the people of Kashmir. The role of SAARC in Kashmir conflict is also tremendous. It is only through SAARC platform India and Pakistan became able to discuss important issues including the Kashmir issue.

The Kashmir conflict cannot be minimized or solved until and unless India and Pakistan including Kashmiris have, become flexible in their policies and programmes. Division is not a good solution for the Kashmir conflict. India has to understand the feelings of Kashmiris, and have to adopt responsive, flexible, accountable and humane policies for the people of Kashmir. For this purpose good governance is needed in Kashmir. India should respect the dignity of the Kashmiri people and treat them humanly. India should revoke draconian laws from the Kashmir and minimize the quantity of forces, or put forces in their barracks. Only then, Kashmiri’s can be safeguarded. The other thing, which is very important to be noted here, that Pakistan should be pressurized by International Community that not to support militancy in Kashmir. At last not at least, it is important for the political parties of Kashmir, and separatist groups to have flexible policies in Kashmir state, and do not make it hell but remain it paradise as it was in past. Conflict resolution mechanism is the best option for both India and Pakistan including Kashmiris to adopt it immediately, resolve the long-standing Kashmir conflict, and build a peaceful Kashmir, which is the dream of every one in Kashmir.
References


2. Ibid., pp. 94-96.


5. Ibid., pp. 398-99.


11. Ibid., pp. 34-36.

12. Ibid., pp. 36-38.


17. Ibid., p. 51.


21. Ibid., p. 163.


25. Ibid., p. 65.

26. Ibid., pp. 70-77.


29. Ibid., pp. 56-80.


34. Ibid., p. 83.


36. Ibid., p. 359.


38. The Daily Rising Kashmir, (2010), Thursday, 07 October,


41. Ibid., p. 73.


43. Ibid., pp. 359-60.

44. Ibid., p. 360.

45. Ibid., pp. 361-62.


49. Ibid., pp. 9-12.

51. Ibid., pp. 21-23.


53. Ibid., pp. 330-331.


60. *Greater Kashmir*, (2010), Sunday 11 July


64. *The Hindu*, (2010), July 9, New Delhi

65. Ibid., p.1.