CONCLUSION:
PEACE INITIATIVE ON KASHMIR IMBROGLIO AND INTERNATIONAL PRESSURE:

The current Kashmir imbroglio and violation of Human rights in this context are two mutually dependent phenomena. They are the reflection of other larger incidences of massive violence against humanity e.g. the 09-11-01 World Trade Center’s attack doomsday in New York. The present day situation in Kashmir and human rights violation is very sensitive matter. It has already been seen in this research work that it is not only the security forces but also the all violent acts by other western interests are also responsible.

Terrorism in Kashmir and massive terrorist violence along with state-terrorism are all such factors which owe their origin to a number of other factors such as United States role in West-Asia, and South-West-Asia and continued mutual suspicion between India and Pakistan. Moreover this India and Pakistan rivalry and lack of mutual faith area to have re-doubled since the inception of Bangladesh in 1971. Therefore the aftermath of India’s partition, Pakistan’s continued attraction towards Kashmir, United States role and disintegration of erstwhile East-Pakistan have all resulted in the existing terrorism in Kashmir along with global terrorist violence.

**Peace Initiatives:**
There have been numerous peaces initiatives between Inida and Pakistan such as Nehru-Liyakat-Ali Pact, Lal Bhadur Shastri’s Tashkent Initiative, Bhutto-Indira Gandhi (Shimla Agreement); Lahore agreement (Musharraf-
Atal Behari) and more recently the ongoing peace process with special reference to Kashmir between India and Pakistan.

The most interesting part of the latest peace process and initiative is the role of multi-track diplomacy where Indian government, former bureaucrats, non-governmental organizations, educational exchanges, cultural exchanges, people to people contact are all activated as proven tools of confidence building measures (CBMs). On governmental plan several packages to the people of Jammu & Kashmir have been extended from time to time such as the latest 24,000 crore grant to the Kashmir Government under the Chief Minister ship of Mufti Mohd Sayeed.

Another package for the people of Kashmir was to invite the terrorist and militants for voluntary surrender in view of their ultimate rehabilitation through creative employment opportunities in governmental sector to secure the prosperous future for them.

Apart from this there are several exgratia schemes for the welfare of the family members who suffered at the hands of terrorist and military forces during the course of diversified skirmishes and long drawn battles between military and terrorists.

There are also high level delegations that have been sent to Kashmir for peaceful talks with the Kashmir people in order to know their grievances and difficulties. Major such delegations were headed by N.N Vohra, Tushar Gandhi etc.

**Latest Peace Process:**

The latest peace process has gained a special momentum after the beginning of the Chief Minister ship of Mufti Mohd Sayeed during the regime of Prime Minister Atal Behari Vajpayee and PM Dr Man Mohan Singh. Major theme of this peace process are: mutual people to people contact; cultural societal
28. Lawrence, Waltr,- The Valley of Kashmir, London, Oxford University, 1895.
exchanges at different levels of governmental and non-governmental prospective. This is the first stage of peace process.

The second stage of peace process is more historic in nature and this stage both the governments of India and Pakistan have mutually agreed upon opening different entry points in the border areas for exchange of people to people moments and to extend mutual day to day facilities and also to extend mutual and efficacious help during each others natural calamities and excegencies.

Response of military and terrorist to peace process:

After the 09.11.01 W.T.C attack, Pakistan’s President Pervaz Musharraf had given a historic ultimatum to all terrorist groups to stop functioning in their human acts contrary to fundamentals of Islam and Jihad. This ultimatum however has not shown much impact on the terrorist activities neither on Kashmir nor on anywhere else. No doubt the terrorist are not able to function as freely at global level today as they were doing it during the Taliban regime in Afghanistan and Saddam Hussan’s rule in Iraq. Despite this various terrorist soups especially in Pakistan and Kashmir are still very active. They are increasing there activities not only in Kashmir but also outside Kashmir.

The present day peace process is now proving to be a Frankenstein for the Indian government for the peace initiative takers because the opening of the few border points between India and Pakistan along with the latest occurrence of earth quake have given terrorist ample opportunities for entry into the Indian Territory at their own free will. Therefore, a very peculiar situation is emerging on the one hand peace process is continuing and on the other terrorists activities is on increase. There is a long history of peace initiatives in Kashmir.
In February 1947, when it became clear that the Cabinet Mission Plan of May 1946 (the last effort to keep India united) was a non-starter, Britain announced that it would leave India by June 1948. Four months later, when matters begin to spin out of control, the departure was advanced by ten months. On 3rd June 1947 it was announced that power would be transferred by 15th August. The Indian Independence Act 1947 was passed on 17 July and a week later Mountbatten advised the rulers of all princely states to join either India or Pakistan. Almost all of them took that advice, but J&K and a few others decided to explore the possibility of independence. To gain time the Maharaja proposed on 14 August Standstill Agreements with both India and Pakistan. Pakistan accepted but India, appreciating that it held the upper hand, chose to temporis. On 15 August the British restored the Gilgit Agency to J&K and three days later the Radcliff Award, which gave India a road link with J&K through Gurdaspur in Punjab, was announced.

Pakistan knew that the political cards were stacked against it. At the popular level, Abdullah’s NC—dominant political force in the state—was aligned with the Congress. At the governmental level, the Dogra Maharaja was bound to go with India if his first preference for independence was, as it was certain to be, thwarted. Pakistan’s counter advantage lay in Geography. There were two good all-weather roads (from Rawalpindi and Abbot bad) to Domel—the gateway to the valley. In the South, towards Jammu, there was another good road as well as a rail line from Sailkot. India’s only link with the state was the Pathankot—Samba—Jammu road with several fording. Further on, from Jammu to the valley, the road through the Banihal Pass was snowbound half the year.

Pakistan, therefore, decided on the military option. In August 1947 there was a Muslim revolt against the Maharaja in Poonch. The military muscle
was provided by some 60,000 World War II demobilized Muslim soldiers from Jammu, Poonch and Mirpur. The same month, the Gilgit Agency-military controlled by British-led Gilgit Scouts went over to Pakistan. During September there were several incursions into the state from Pakistan all along the border south of Domel. Pakistan had been preparing for an invasion from August. On 22 October it was pushed 7,000 armed Pashtun tribesmen in 300 trucks through Domel-Mahura-Baramula-Srinagar road. Two days later a provisional ‘Azad Kashmir’ government was announced in Pulandri.

This forced the Maharaja’s hand and he signed the Instrument of Accession with India on 26 October. Mountbatten, who then wore the new hat of post partition India’s Governor General, accepted it the next day, making the accession legally complete. In the letter accompanying the accepted Instrument of Accession Mountbatten wrote that ‘after the invader was cleared and law and order restored, the question of states accession should be settled by a reference to the people’. On the same day, 27 October, Indian Army units landed in Srinagar and the first India-Pakistan war began. Circumstances forced it to be a limited war. Pakistan could not commit its regular troops in the initial months because of the pretence that it was not involved in the attack and also because the British had threatened to withdraw their officers if it did."

While Pakistan did enjoy access advantage to the valley, its population led by Abdullah was solidly against the Pashtun marauders it had sent. More important the overall military balance was decisively in India’s favor. If India had launched a counter attack against Pakistan outside J&K, Pakistan would have been in deep trouble. The Pakistan Army was less than half the size of India’s and the ratio of holdings of equipment and stores much
worse. It was also in greater post-partition organizational disarray. India had other potent levers too. It could, and did, withhold 550 million rupees in cash balance, in addition to a part of the sterling balance due to Pakistan on the reasonable ground that the money would be used to sustain military aggression against India. This logic applied even more to holdings back the military equipment and stores those were to be transferred to Pakistan. India also could (and it did for a few days in May 1948 when Pakistan committed its regular troops to the fray) partially impede the flow of water into Pakistan.

After about six months of fighting, India’s military superiority began to tell. This led Pakistan to commit three brigades of regular troops in April 1948. Pakistan was able to occupy the areas they call AJK partly because it had excellent logistical access from north Punjab and NWFP, and partly because the people there — mostly Punjabi-dialect speakers- were more under the influence of the Muslim Conference than Abdullah’s NC. Similarly, Pakistan could occupy the Northern Areas (Gilgit Agency and most of Baltisim) because the area had few roads and they could be accessed better from the Pakistani side. But what Pakistan wanted most — the Kashmir Valley — eluded it India’s superior military power and Sheikh Abdullah’s grip on the population proved too much.

Peace efforts paralleled the fighting. India-Pakistan meetings were held in Delhi and Lahore from 30 October to 8, December 1947 under the auspices of the Joint Defense Council of two dominions, but no agreement could not be reached. On 1st January 1948, India lodged a formal complaint with the UN under Article 35 of the UN Charter. The UN, then in third year of its life, was firmly under the control of the US and the UK. Of the other
Security Council permanent members, Kuomintang China and pre-de Gaulle France were closely allied with them and the Soviet Union had yet to become a major International player. After an initial resolution seeking restraint by both sides, the United Nations Security Council (UNSC) passed a substantive resolution three days later, on 20 January 1948, setting up a three-member United Nations Commission for India and Pakistan (UNCIP). Both sides accepted these resolutions.

To India’s chagrin the trend of the opinion in the UN, beginning early February, began to veer towards Pakistan’s side. The geo-political interests of the US and the UK in the West Asia as well as the framing of the issue in Hindu-Muslim terms played their part in this. The UNSC passed its first resolution on the settlement of the Kashmir problem on 21 April. The resolution called for the withdrawal of all Pakistani forces, a minimum presence by India, the appointment of a plebiscite administrator, and finally, plebiscite. Both sides rejected the resolution. On 13 August 1948 the UNCIP adopted its first resolution. Besides calling for a ceasefire, it asked Pakistan to withdraw all its troops and nationals from J&K and India to withdraw the bulk of its forces. It asked both countries to reaffirm their agreement to decide the disposition of the state in accordance with the will of people. India accepted this resolution in broad terms while Pakistan, in effect rejected it. Pakistan logically acknowledge the fact that the Abdullah’s strong hold over the majority of the state Muslims and the presence of Indian troops in the state, a plebiscite verdict would go against it. In December, both sides agreed to accept the ceasefire part of the UNCIP resolution, and an agreement was signed on 1 January 1949. On 27 July 1949, military representatives of India and Pakistan signed the Karachi agreement.
demarcating the ceasefire line up to Point NJ9842 near the Siachen glacier. Troop withdrawals behind the ceasefire line were completed by 31 October. The efforts of the UN to move beyond the ceasefire and arrive at a settlement did not progress. On 14 March 1950, the UNSC passed a resolution winding up the UNCIP and appointing a United Nations Representatives in India and Pakistan (UNRIP). It appointed Owen Dixon, an Australian jurist as UNRIP and Fleet Admiral Chester Nimitz of the US as Plebiscite Administrator. Prime Ministers Nehru and Liqayat Ali Khan met in Delhi (2-8 April) and again in Karachi (26-27 April). On 23 December 1952, the UNSC passed another resolution that urged Pakistan to reduce its troops to 3,000 to 6,000 and India to 12,000 to 18,000. Pakistan recognizing that its position was steadily weakening, accepted this. The last serious UNRIP effort to find a resolution was Graham’s proposals of 14 February of 14 Feb 1953 which was rejected by both sides. Under international pressure a bilateral track was now tried. Prime Minister Nehru and Mohd Ali Bogra met in Karachi from 25 to 27 July 1953. Before they met again in Delhi over 16 to 20 August Sheikh Abdullah was arrested, creating a popularity problem for India. An exchange of visits in 1955 by Nehru and Soviet leaders Khrushchev and Bulganin swung Soviet support behind India. In December 1955 Khrushchev declared in Srinagar, ‘the question of Kashmir as one of the Indian Union states has already been decided by the people of Kashmir’. The last report to the UNSC on Kashmir by a UN representative (Frank Graham) was on 28 March 1958. Nehru and Pakistani Prime Minister Feroz Khan Noon met in Delhi (9-11 September 1958) but failed to make any progress.

The 1960 Indus Water Treaty gave Pakistan the confidence that India could not now use water as a lever. The post-1960 canals to bring the Chenab...
waters to the riverbeds of the Ravi and Sutlej now also served as formidable military obstacles protecting Pakistani Punjab. Pakistan also misjudged India’s response if it were to attack Kashmir. It had long been India’s intention to strike across the Punjab boundary if Pakistan did that, inexplicably, Pakistan discounted this danger.

A ceasefire was agreed upon on 1 July 1965 under British auspices. Pakistan considered the Kutch operation a military success and felt emboldened by India’s restrained response. It now decided to move in Kashmir. Beginning 5 August 1965, Pakistan sent about 3,000 infiltrators into the valley hoping to provoke an uprising. The valley stayed quiet and India captured some crucial infiltration routes in the Uri-Poonch bulge and Tithwal. The war ended on 23 September in response to UNSC resolutions. The 1965 war had a huge impact on Indian thinking. It was a deliberately planned and unprovoked war by Pakistan, exploiting a difficult phase that India was passing through. Also, there was a great deal of offensive rhetoric such as “Crush India’ and boasting of the alleged martial superiority of the Muslims, ‘the descendants of Mogul conquerors’*.

The 1966-88 Period

The settlement of the 1965 war was achieved at the Tashkent Conference (3-10 January 1966) where the two sides agreed to restore the pre-war international border and the ceasefire line. The exchange of prisoners of war and troop’s withdrawals were completed in February. Indian and Pakistani foreign minister met in March but could make no headway. Despite this there was no serious tension till a military crackdown began in East Pakistan on 25 March 1971 to nullify the huge electoral victory of Mujibur Rahman’s Awami League three months earlier. The war ended with the surrender of Pakistani’s forces in East Pakistan on 16 December and India’s unilateral
ceasefire the next day. The new state of Bangladesh was born and India captured 93,000 Pakistani prisoners of war and civilian internees. The war was the result of Pakistan’s effort to retain control of Bangladesh, but now it has to pay a price in Kashmir as well. By 30 December 1972 withdrawal of troops behind the international border and the new LOC was completed. Repatriation of prisoners began in September 1973 but was completed only in April 1974, after Pakistan had recognized Bangladesh in February. India and Pakistan foreign secretaries met in May 1976 for normalization of talks, and ambassador level relations were restored. But no effort was made during this period or level, to build better relations based on Shimla Agreement.

India -Pakistan relations were often tense during Zia period (1977-88), but both sides were careful to keep matter restraint. In November 1982 Zia and Indira Gandhi met briefly (the first time in ten years that the heads of the governments had talked since simla) and agreed to set up an India and Pakistan Joint Commission. This extended the line of physical control to the glacial north where the line is not legally demarcated. India gained control of some 2,500 square kilometers of icy land that Pakistan claims is on its side of a ‘correctly’ extended Loc.

The first serious crisis in India –Pakistan relations after the 1971 war began in late 1986. The trigger was the well known Brasstacks exercise –the biggest peace time military exercise India had conducted till then. A definite objective of the exercise is to build a pressure on Pakistan to discontinue its support to militants and terrorists. Mutual positioning of offensive forces brought the situation to a flashpoint in January 1987, which was however defused the following month. Tensions gradually subsided, and the Siachen talks that had gone into limbo in June 1986 resumed in May 1988. When
Benzair Bhutto became the Prime Minister following the death of Zia there was a short lived improvement in relations. Rajeev Gandhi and Benzair Bhutto Met in Islamabad during the SAARC summit of 29-31 December 1988 when the agreement about not attacking each other’s nuclear installations, announced three years earlier, was signed.

The Post-1988 Period

The year 1989 began on a deceptively hopeful note. Pakistan was free of military rule after 11 years and Rajeev Gandhi and Benazir Bhutto were popularly seen as young leaders unburdened by the bitterness of the partition. Following his December 1988 visit for the SARRC summit, Rajeev Gandhi visited Pakistan again in July 1989- the first regular bilateral visit in 29 years by an Indian Prime Minister. In March 1990, following large-scale demonstrations in Srinagar, Benazir Bhutto spoke in PoK of Pakistan’s May, and tensions rose and there were serious fears of a conventional war, with the scope of escalating into a nuclear one, breaking out.1

The violent agitation that began in the valley in 1989 had largely local roots, the proximate cause being the exceptionally flawed state elections of 1987. The year the Jammu and Kashmir Liberation Front (JKLF) which spearheaded the movement had begun to receive substantial training and logistical on Pakistan.. However, the JKLF and the scores of tiny organizations allied with it had more zeal than skill and the Indian Security forces soon began to get their measures. This and the fact that the JKLF political objective was an independent Kashmir Mujahideen (HM) , the military wing of the fundamentalists Jamaat-e- Islami Jammu and Kashmir (JIJK) whose aim was to get the state to join Pakistan. The HM worked closely with Pakistan’s Inter Service Intelligence (ISI) . Its ‘Kashmir’
fighters included a large number of ethnic Punjabis from PoK. By 1993 it had become obvious, not just to Indians but even to outsiders, that militancy in Kashmir had become primarily a Pakistan-run operation. Soon it also began to take the form of terrorism with civilian getting targeted. In January 1994, the India-Pakistan talks that had been going on at foreign secretary level since December 1990 were called off after seven rounds.

By 1994 Indian’s counter insurgency effort had matured. The JKLF renounced armed struggle and the other groups including the HM found themselves hard-pressed. A systematic effort to vitiate communal relations began with the massacre of non-Muslim civilian. Indian security forces found themselves seriously stretched once again. A provoked India passed a parliamentary resolution in 1994 insisting that PoK must be recovered. It was only in March 1997 that foreign secretary levels talks, broken off in January 1994, could be resumed.

The Lahore peace effort proved abortive because even before it had taken place, Pakistan had begun a major operation in the Kargil area. During the winter of 1998-99 a Pakistani force of some 1500 occupied about 130 points along a length of 160 kilometers on the Indian side of the Loc coming in as deep as 15 kilometers at places. This led to the Kargil War from mid-May to late July 1999. Restrained but effective Indian military action, supplemented by strong US pressure in the later stages, forced Pakistan to pull back.

On 11 Oct 1999, General Pervaz Musharraf, widely considered the man responsible for the Kargil War, ousted Nawaz Shariff and became the ‘Chief Executive’ of the country. Though Pakistan’s international standing plummeted on account of kargil-reckless behavior for a nuclear power- and the military coup, Pakistan chose to escalate terrorism. Groups like Lashkar-
e-Toiba and Jaish-e-Mohammed, both almost entirely non-kashmiri and later to be branded as terrorists organizations by the US, began suicide missions in 1998. Tensions remained high through 2000 and 2001. Then suddenly in May 2001, largely to assuage international concern at the long face-off by two nuclear adversaries, India invited General Musharraf for talks. No one was surprised when the ill prepared talks, held in Agra from 14 to 16 July, ended not only in failure but in acrimony.

India took tough diplomatic measures within days-unprecedented since 1971. They included withdrawal of ambassadors, sharp reductions of embassy staff on both sides, stoppage of transport on both sides and the banning of over-flight by Pakistani aircraft. India did not serve an ultimatum in the classical sense—there was neither a deadline nor spelt out action in the case of failure to comply—but the threat of war was unmistakable.

Although many commented otherwise, in actual fact India did not want war. Its hope was that the confrontation, with its attendant’s nuclear war risk, would make the US lean on Pakistan. Operation Parakram (code name for confrontation) lasted ten months. India eased the confrontation when the US issued a travel adversary against India and Pakistan on account of war risk on May 30 but the threat of war did not seriously recede till India called off the operation on 15 October.

Military rule was meanwhile getting consolidated in Pakistan in March 2000 the Supreme Court validated the military take over of October 1999. In April 2002 Musharraf conducted a tainted referendum that made him the President for five years from October 2002. In Oct 2002 he issued a Legal Framework Order (LFO) that substantially amended the 1973 constitution making the military role in the country stronger than ever. But through engineered
defections and qualified support from the Muttahida Majilis e-Amal (MMA), and some small parties, the Kings Party PML (Q).

Terrorist violence in J&K began to show a declining trend in second half of 2003. India responded positively and a ceasefire covering three LoC and the Siachen control line came into force three days later. The much postponed SAARC summit in Islamabad, 4-6 January 2004, was not only a success, but at meetings on the margin the two countries agreed to revive the long-shelved composite dialogue.

Peace Efforts

The initial peace effort in Kashmir was centered on the UNSC and its representatives dealing with the conflict — UNCIP followed by UNRIP. The path broadly agreed to by India and Pakistan during 1948-53, was to ascertain the choice of the people of J&K about the country they wanted to join and abide by it. This route through the medium of plebiscite however proved difficult. The relevant UN resolutions required Pakistan to withdraw its forces from the parts of the state it had captured before the proposed plebiscite could not be conducted- under UN — supervision and with an Indian controlled administration in position. The situation changed in 1953 when Abdullah was arrested. In 1955 the UNSC lost its impact on the dispute when the Soviet Union started exercising its veto power in India’s favor.51

Despite the unraveling of the plebiscite plan, the substantial US military aid to Pakistan from 1954, and the coming to power of the military in Pakistan in 1958, relations between the countries stayed on a fairly even keel till 1965.
By the time the international community had recognized that the prospect of the whole state going to one of the two countries via a plebiscite was unreal and that the only plausible solution was a partition of the state. This was reflected in the ‘Elements of a Settlement’ presented by the US and the UK in April 1963 while the India-Pakistan talks were going on.

After the Tashkent Agreement India decided not to talk Kashmir with Pakistan or anyone else. Both countries effectively turned their back on each other after Simla. It took four years after Simla for ambassador-level diplomatic relations to resume and more than ten years for the two heads of the governments to meet.

Motivation to talk rose again when the battle field situation continued to stay stalemated. A rare co-incidence off non-hawkish government in both countries also helped. In March 1997, the two foreign secretaries met and two months later Prime Ministers of both the countries (Gujral and Sheriff) met at the SAARC summit in Male. This lead to a breakthrough and when the foreign secretaries met again the following month in June 1997 it was decided to set up eight working groups for discussions including on the key subjects of ‘Kashmir’ and ‘Peace and Security’. This was helped by the fact that the two countries had carried out nuclear tests four months earlier and both had been subjected to heavy international sanctions.

It was only in April 2003 that India gave indications that it was to consider a resumption of dialogue. On the margin of the SAARC summit in Islamabad in January 2004, the two sides agreed to resume the composite dialogue, the only round of which was held in October-November 1998. A serious of conciliatory gestures by the violence in Kashmir had made this possible.

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