

The Current History of Peace Politics

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“What, then, shall we do?

Stick, so far as possible, to the empirical facts—always remembering that these are modifiable by anyone who chooses to modify the perceiving mechanism”

Aldous Huxley, *Eyeless in Gaza*

Introduction

These essays were written over a period of last two years. Some of them were published in Indian and Pakistani newspapers. These are the product of interactions with different groups of politicians, pro-India, pro-Pakistan and pro Azadi (Independence) - some of the over ground supporters of militancy - Indian bureaucrats and common the people of the valley and Jammu.

Every one wants “peace”. But perception of peace differs. Every one wants “dialogue”. But there is no clarity on how this dialogue is to be constructed, who will be at the dialogue table and what will be discussed. Every party contests the other’s rights and credibility. One of the major problems of the peace process in Jammu and Kashmir is the fractured and divided consciousness of the victimised people. This is the success of the politics of state’s counter insurgency. It is not the ubiquitous presence of its soldiers, but the political agenda to divide the people of Jammu and Kashmir, isolate and discredit the political leadership of the people’s struggle that represents the major hurdle for peace in Jammu and Kashmir today.

In February 2002, the All Parties Hurriyat Conference (APHC) initiated the idea of the Independent Peoples Election Commission (IPEC). The idea was that the APHC and other political groups, associated with the “movement” will seek the mandate of the peoples of all sub-regions and communities of Jammu and Kashmir (both sides of LoC) to represent them in a political dialogue with India and Pakistan. Through this process of seeking the peoples’ mandate, the APHC and other groups could begin a new democratic process that would have gone a long way towards building a national consensus in Jammu and Kashmir. However, before the actual mandate seeking process could begin there were several issues that required to be addressed by the APHC and others:

- What will be the specific task of the IPEC?
- Is the IPEC mandated to enable the emergence of a national level platform of elected persons who will take forward the struggle for justice, peace and reconciliation in Jammu and Kashmir?

- What will be the manner in which the election is held?
- What will be the criterion for eligibility to contest in this election?
- What will be the specific task of this elected body?
- What will be the relationship between the elected body and organisations like APHC?

The process did not begin. The opposition of the Indian political class to IPEC demoralised the APHC and others. The process was also sacrificed to the false lure of a “dialogue”. Disunity of the struggle led the political leadership of the movement to enter the trap set by the government in the name of “dialogue”, which in reality was not a dialogue at all. Such “dialogue” held out no option but talking only on terms set by the government of India. Currently, the offer of “dialogue” has come with the precondition of participation in the elections to the state legislative assembly.

Historically, it has been proven that the politics of the dialogue favours the state. It is essentially an engagement between unequal parties. Inherent in the structure of this unequal dialogue with the state, is the steady attrition of initiative on the part of political groups that inevitably are disadvantaged in the waiting game that the state determines. The politics of dialogue is built on the protracted nature of the process where the leadership of the opposition forces present at the table is in danger of getting cut off from its mass support base.

The APHC and other political groups involved in the movement, perhaps, are faced with their most formidable challenge at this critical juncture where on one hand the US led international community hollows out politics from freedom struggles and dubs them terrorist, and on the other hand, the peace dialogue is fashioned in order to tire out the opponent. And, besides these, Pakistan’s policy options are narrowing down. Under pressure of the Americans, President Musharraf is clamping down on the militant organisations in Azad Kashmir. The Jihad Council, that until recently received substantial material and moral support from the official and unofficial agencies in Pakistan is unable to see its future. A volatile nuclear South Asia, the “global war against terrorism” and market considerations, have made the US’ support for a resolution acceptable. Apparently, all this is achievable through a demonstrably free and fair election for the forthcoming Jammu and Kashmir legislative assembly. Enormous pressure is being brought to bear on the APHC and other political groups to accede to the election process, first and talk later.

Travelling around the valley in the first week of July this year, I and some of my colleagues had an opportunity to interact with various political groups, lawyers, trade unionists, college and school teachers and students. We sounded them out on APHC's idea of people's election and pro-active non-violent resistance. We also tried to find out whether there was any organised attempt to expose the fraudulent processes already evident in the lead up to the forthcoming assembly elections. I record below a summary of our conclusions:

1. While there is an overall sense of fear and insecurity among the people from both the security forces and the militants, there were several instances of ordinary people, especially in the villages, coming out in mass protest against, for example, custodial killings, despite knowing that it could provoke further violence and blood letting.
2. Among the middle classes in particular there is an overall sense of helplessness, lack of direction and over-dependence on the international community to deliver a way out. There is a refusal to appreciate the changes in the international community's response to Jammu and Kashmir. However, it was significant that in the discussion perhaps for the first time some of the people emphasised that ordinary Indians too must be suffering as a result of the Indian state's Kashmir policy and cited news reports of a mother in Rajasthan mourning two dead sons killed in the valley. It reminded us of the potential for building people's solidarities.
3. There are some organised professional groups, for instance, government employees, health workers, judicial employees, school teachers, who demonstrated an understanding and readiness for collective non violence resistance even suggesting some creative strategies.
4. While there were numerous complaints about the security forces ranging from the indignities and harassment routinely suffered by civilians to arbitrary extra judicial killings, there was also significant emphasis on the fear of violence from the militants. Indeed, the capacity of militant violence as a factor in generating terror and intimidation does not appear to have abated despite the apparent weakening of the militancy in the valley. As one person remarked, "it takes just one gun in a non-violent mass protest to turn it into a massacre". The need to neutralise militants interfering and spoiling popular mass action was emphasised by many political workers associated with the APHC. In this context the role of the APHC especially, was held to be critical in supporting peoples' mobilisation for pro-active mass movement and non-violent resistance programme.

5. APHC's position in the movement remains critical. In the eyes of the people we met there is evidently a great deal of disappointment at the divisions in the APHC and the lack of direction shown by the leadership at times. Much of this has to do with the expectations people continue to have about the role the APHC. They continue to look to the APHC for direction and initiative and it is in this context that we found that the Independent Peoples' Election Commission (IPEC) idea, if explained, had the capacity to enthuse them.
6. The response to idea of holding an independent people's election was not only enthusiastic but several people came up with valuable suggestions on how to put it in operation, and offered immediate support as volunteers.
7. In our interaction with people on developing a pro-active non-violent resistance strategy vis-à-vis the assembly elections, it seemed that there was confusion in a section of the people about exposing the fraudulent practices of the Indian government as a part of peoples' struggle. Some were worried that it might be seen as a step towards participating in election.

How much is the struggle for justice, as reflected in these ideas and the preliminary observations linked to the question of peace? Evidently much. But how much of this can be transformed into peace politics? Going by the way peace politics is being conducted now in Jammu and Kashmir, the answer remains uncertain.

I

If it is not on the Telly, then it is not happening

I sat before the TV listening to well-dressed men and women talking in well turned phrases about a war - the global war on terrorism. The leader of the Global Alliance and his followers came on from time to time and said that it was not a war against the Afghans or Islam; the war was being waged to make the world safe for us and our children.

The TV was showing a dirty green sky over Kabul and Kandahar. Thanks to CNN's videophone, every now and then, we saw the green sky illuminated by a spray of bright white dots, streaking down from above and a few red flares coming up from below. The "white" bombs of the Global Alliance and "red" anti aircraft fire of the Taliban made no sound. There were no cries of the people on whom the bombs rained. The well-groomed people from inside the TV studios said the Global War on Terrorism was a precise war. State-of-the-art technology was being used to target only Osama Bin Laden, his terrorist cohorts and the nasty lot of the Talibans who were protecting him. The non-terrorist person need not be afraid. Thanks to technology, the bombs and the missiles knew whom to get. There would be minimum collateral damage.

What a neutral phrase, "collateral damage". Someone asked, "What did it mean? Could it be the death of human being, the burning of their home, hopes and aspirations?" The well-groomed people said, "Some of that might take place. But then a price has to be paid for making the world safe for you and me and our children." The war against Terrorism is a humane war. Along with the bombs, the planes also drop bright yellow packets of biscuits and dry rations. Someday an Afghan might be able to tell his grandchildren of a sky that rained "bombs and biscuits" and about an American President "who cared". At last, a recognition of people below the dirty green skies of videophone. Those who do not become "collateral damage" may eat the biscuits.

I had fallen was asleep before the TV and I was dreaming. I was in the outskirts of Kabul. The sky was dirty green with white dots dancing all over. All

round me were the ruins of homes of people and bodies that did not move. There was a little girl moving in slow motion as if she has just awakened from sleep. Suddenly she moved fast. There was bright yellow pack lying on the mud across the road. At the edge of the road she stopped, hesitating as if she was afraid to cross over, to put her foot on the ground on the other side. And then, she made a dash for the bright yellow pack. She tripped and fell. There was a bright flash as the landmine exploded. Her frail body was thrown up in bits, her blood splattering the bright yellow pack. My eyes burned. I was awake. There was no sound. The TV was still on showing the silent bombs from a dirty green sky on silent cities and villages. It could not tell who had placed the landmine - the Russians, the Talibans or the Northern Alliance.

It is not my argument that there is no nexus of "terrorists" who are hell bent on carrying on their attacks on the West. There is no doubt that the world has to respond to this threat. I feel that what happened on September 11 marks a significant shift in the actions of these forces. "Terrorism" is not a new thing. It has been around for centuries. But these terrorists operating in the days of globalisation and internet are far more capable than their predecessors. Earlier "terrorism" was linked to political movements. They had political objectives. They used "violence" for achieving those objectives. The terrorists of the past operated on a limited scale. This new breed of terrorists has shown that they have the capacity to plan and execute any kind of attack in any place of their choice. They have also shown that they can turn anything into a weapon. It is also clear that they have supporters or sympathizers in different places and they can also get people to execute their heinous deeds in any part of the world today. It is no doubt a very frightening scenario.

The question is how we should respond to this terrorism. Can we destroy it by killing Osama Bin Laden and changing the Taliban regime in Afghanistan? I feel we need to try and understand this phenomena a bit better before we jump into action. The criticism of the "leftists" and the so-called "bleeding heart liberals" apart, will it be correct to assume that there is no sympathy for these terrorists among large sections of the people in Asia, Africa, Latin America and even in the West? In the Hindu epic of Mahabharata there is this story of a demon, who was called "Raktabeej". Every time his head was chopped off, from his blood that spilled on the ground more Raktabeej like demons sprang forth.

The victors of the cold war seem to ignore the fact that the neo-liberal world in its attempt to create a global market has universalised the anger and the anguish against this new world order. In the days of imperialism and colonialism,

the oppression was direct and localised. In the days of globalisation, the oppression has also become universal. Thanks to the globalization of the media, the news of what is happening in the Middle East, Palestine, Africa and Latin America is seen by people all over the world in their homes. They also see the protest in Seattle and other places against this "unjust" economic system. Their own experience of poverty and the loss of human dignity fuel their anger. But they can not identify the "face" of their tormentor. Globalisation has made the oppressor "faceless". Today most people do not know who is really behind the system - the World Bank? The IMF? The Multinational Corporations? The United States? The European powers? NATO? The Local Governments? When global prices crash ruining small farmers in poor countries forcing hundreds of peasants to commit suicide, when small-scale industries fold up because of adverse economic situation created by opening up of markets and policy of import tariff liberalisation, when public hospitals are closed down because of the dictates of the IMF, when local transport system and water supply systems are privatised putting these life saving resources beyond the reach of millions of people in the poor countries, we are in the process of creating the mythical demon of Raktabeej.

I am sure that there are saner people in this world who are capable of seeing things better than I do sitting in the midst of the new battle zone. It is possible that my vision is clouded by my fear of what is to come if and when the war begins. There are important persons in India who have identified Afghanistan and Pakistan as the "swamp that breeds terrorism". They believe that the Western Alliance will drain this "swamp". I wish them success. But the history of such "swamp draining" exercises conducted in Indonesia, Malaysia and Philippines in the early days of the cold war does not give me the confidence.

I must confess that that when I was watching the telly, I was thinking of the Kashmir war, and had intended most of these lines to write in a note to be written on the war in Kashmir.

II

Bilateralism or Unilateralism

Let us visit this duel at this hour of fighting "terrorism in Kashmir", now that fighting militancy in Kashmir is over. Do we need a solution through dialogue? No if it is not bilateralism. This is admittedly some rignarole.

"No third party intervention" has become our national mantra. The Kashmir problem and all other disputes between India and Pakistan must be resolved through "bilateral negotiations". What about the people of Jammu and Kashmir? It is their homeland, which has been divided between India and Pakistan for more than five decades. And, it is their fate that is going to be decided. Should the people of Jammu and Kashmir not be a party to the negotiations on the final settlement of this dispute? It seems through aggressive posturing and the politics of brinkmanship, India has achieved a substantial diplomatic victory on Pakistan. The USA, European nations, the UNO and the two states of India, Pakistan have all agreed that the people of Jammu and Kashmir shall have no say in the settlement of this dispute.

The September 11 terrorist attack on the World Trade Centre in New York and the response of the USA provided the Indian government a new opportunity to focus on the issue of cross border terrorism in Jammu and Kashmir. Indian authorities have all along been projecting the militancy in Jammu and Kashmir as Pakistan sponsored terrorism and as a "proxy war". Though Pakistan had never given up its claim on Jammu and Kashmir, since 1972 it had stopped meddling in the affairs of Indian controlled parts of Jammu and Kashmir. However, all this changed after the outbreak of an indigenous militant movement in India controlled Jammu and Kashmir in 1989-90. Pakistan decided to take over the indigenous armed struggle, which was basically nationalist and secular. As the objective of the indigenous movement was to establish an independent Jammu and Kashmir state consisting of all parts of Jammu and Kashmir under the control of India, Pakistan and China this movement was as much disliked by Pakistan as it was disliked by the Indian authorities. As Indian security forces went about killing the leaders and supporters of the

independence struggle in Indian controlled Jammu and Kashmir, Pakistan government also similarly targeted the pro-independence Kashmiri nationalists. By 1994, the indigenous nationalists of Jammu and Kashmir who had started the armed struggle in 1989 had been completely marginalized. The leadership of the militant movement in Indian controlled Kashmir had passed into the hands of those who accepted Pakistan's claim on the entire territory of Jammu and Kashmir.

India said that there was no dispute; the whole of Jammu and Kashmir belonged to India. But it also said that, that if there was a dispute, it had to be discussed bilaterally between India and Pakistan. There could not be any third party intervention. What is the meaning of this commitment to "no third party intervention", particularly when the Indian government has been practically knocking at every door in Washington and London requesting the USA and its ally to intervene in the present crisis? Of course, there is a difference between intervention and mediation. But do we think that after the USA and Britain put pressure on Pakistan to concede to our demands on stopping "cross border terrorism", they would not put pressure on us to reach a final settlement on Jammu and Kashmir? Particularly at a time when the USA and other western powers are so deeply engaged in the so-called "Global War" against terrorism? And, can they afford to let two third world countries armed with nuclear weapons continue to play their dangerous game of brinkmanship? Do we, as citizens of India ever ask these questions or do we unquestionably accept the official line?

I watched the Star satellite channel's popular TV serial "We the People" on June 2, 2002. The topic under discussion on that day was whether India should accept third party mediation to resolve the current crisis between India and Pakistan. The panelists consisted of a former foreign secretary of India, a retired chief of intelligence, an editor of a national daily and two academics.

The two former bureaucrats and the editor were against accepting any form of "third party mediation". The retired intelligence chief said that the Kashmir dispute was still continuing because India had taken the matter to the UNO in 1948. In response to the point that the Indian leaders had already called in a third party - the United States and other western powers - by requesting them to intervene in this situation on India's behalf, the former diplomat saw no contradiction between the stated position of "no third party intervention" and the involvement of the USA and other western powers at India's request. He thought that this was a good diplomatic move on India's part to take advantage of the USA's commitment against terrorism everywhere. When

one of the academics argued that the introduction of nuclear weapons in the subcontinent had globalized the India-Pakistan conflict and that the western powers were not going to ignore the threat of a nuclear war by design or by default, this was again dismissed on the ground that the USA and other western powers respected India as responsible democracy. In other words if the West was worried, it was not about India but Pakistan.

One of the academics tried to draw every body's attention to the fact that the war in Afghanistan was still not over and that the war against the Taliban and the Al Qaeda forces was no longer limited to the territory of Afghanistan, that about 4000 US forces were still stationed in Pakistan and Pakistan was actively assisting the USA in the search and capture of Taliban and Al Qaeda activists now hiding in Pakistan. He also drew attention to the fact that the USA did not want Pakistan to move its forces from its northern borders with Afghanistan to its western borders with India. He argued that the USA and other western states had a strategic interest in this region and that there was every possibility that they would intervene in this continuing crisis and try to mediate. It was also pointed out that having invited the USA to intervene in the present crisis India would find it very difficult to refuse mediation if and when that was offered.

No matter what the academic said, the worthy editor, the former diplomat and the retired intelligence man were not convinced. They said that both the US Secretary of States and the British Foreign Secretary have repeatedly said that they did not want to mediate a solution. They pointed out that the President of the USA, The British Prime Minister and other western leaders have called on Pakistan to end the export of terrorism to India. The editor felt the West appreciated India's restraint and respected India's commitment to find a solution through a process of bilateral negotiations.

It was obvious that the image of India as a powerful nation was firmly implanted in the minds of most of the participants of "We the People". That the Indian leaders were dancing to the tune of the White House did not seem to make any difference. On the contrary, several participants seemed to be proud of being close to the USA. The false pride has evidently pushed most Indians now to a situation where they can not afford to face the reality. It has also created a dangerous sense of righteousness among the Indians. This became apparent when one of the women participants in the same discussion said that the final solution to the India-Pakistan crisis lay in the destruction of Pakistan. Almost every participant of the "We the people" clapped in approval.

Our second national mantra is that all disputes must be resolved within the framework of the Simla Agreement of July 2, 1972. Clause (ii) of this agreement, which was signed by India and Pakistan after the 1971 war says, "... the two countries are resolved to settle their differences by peaceful means through *bilateral negotiations* or by any other peaceful means mutually agreed upon by them." (Italics mine) The Simla Agreement also dealt with the Kashmir dispute. It altered the UN crafted ceasefire line of 1948. A new line was drawn on the disputed territory of Jammu and Kashmir. It was called the "Line of Control" which resulted from the ceasefire of December 17, 1971. Sub-clause (ii) of Clause (vi) of the agreement said, "(the Line of Control) shall be respected by both sides without prejudice to the recognized position of either side".

Let us try to understand the meaning of "without prejudice to the recognized position of either side."

What is a "recognized position" of a state? Is it what a state claims to be its position on an issue or what is recognized by other states or both? What is the process of this recognition in international law, which is based on the principle of state sovereignty? To the best of my knowledge, the recognized position of a state is what a state chooses to make public. When a position taken by state A on any issue is not acceptable to state B or other states, then it becomes a contested position. If the position of state A adversely affects state B or other states then they are forced to engage with state A in bilateral and other multilateral forum. The United Nations was, and still is that multilateral forum where most of the states take their differences and try to resolve these differences peacefully. Of course, there is the age old practice of declaration of war. State B or a combination of states can invoke, "threat to their national security" and use military might to force state A to change its position. One of the weaknesses of international law is the supremacy of "state sovereignty", which grants the individual states absolute powers in matters of national security.

However, despite these limitations, the world community was slowly moving towards creating a body of laws and institutions for conflict resolution, arbitration, adjudication and mediation at the international level. It was also in the process of establishing state accountability on human rights, the abuse of which is the major cause of conflicts in the world today. As we all know, this global effort to reduce the risks of war and violent conflicts was constantly undermined by the United States of America. It refused to recognize the international institutions of adjudication and mediation. America's unilateral decision to wage war in different areas of the world in the nineties, and the current "global war" on terrorism is forcing the world back to the old imperialist

order where the powerful and mighty states ruled the world according their wishes.

Let us return to the Simla Agreement which was signed 30 years ago when American "unilateralism" was not the only determining force in international relations, the United Nations had not lost its legitimacy, and the Soviet Union was a recognized world power. The Simla agreement says, "In Jammu and Kashmir, the Line of Control resulting from the ceasefire of December 17, 1971 shall be respected by both states without prejudice to the recognized positions of either side. Neither side shall seek to alter it unilaterally, irrespective of mutual differences and legal interpretations." The meaning and the spirit of this sub-clause become clear when it is seen in the context of international relations in the seventies of the last century. It was bi-polar world. International relations were governed by a system of checks and balances. Even though, India was the victor of the 1971 war and it had the support of Soviet Union, the prevailing international order was not in favour of India imposing its position on Pakistan, the defeated party. While Pakistan was obliged to accept and new "Line of Control in Jammu and Kashmir", it was understood by both sides that the Line of Control was a temporary solution. Sub-clause (iii) of Clause (vi) of Simla Agreement, which is the last paragraph of the agreement, substantiates this understanding. It says, "...representatives of the two sides will meet to discuss further the modalities and arrangements for the establishment of durable peace and normalisation of relations, including the question of repatriation of prisoners of war, civilian internees, a *final settlement of Jammu and Kashmir* and the resumption of diplomatic relations." (Italics mine) Of the three things mentioned in the last paragraph of the Simla agreement as required for the "establishment of durable peace and normalization of relations" between India and Pakistan, two - return of prisoners of war and civilian internees and restoration of diplomatic relations were speedily accomplished. The "final settlement of Jammu and Kashmir" was never achieved.

It is often argued by Indian leaders, diplomats and columnists that the Simla Agreement of 1972 did not recognize any "dispute" over Jammu and Kashmir as it did not use the word "dispute" anywhere in the body of the text of this instrument. While this is correct, and many Indians have congratulated the drafters of the Simla Agreement for such a "brilliant accomplishment", the fallacy of this argument is established by the Simla Agreement itself. It is clear that the expression, "Line of Control ... shall be respected by both sides" in no manner amounted to waiver of either side's claim on Jammu and Kashmir. On the contrary it bound each of the parties to recognize and respect each other's position on Jammu and

Kashmir. This is further affirmed by the second sentence of Sub-Clause (ii) of Clause (vi) which says, "Neither party shall seek to alter it (Line of Control) unilaterally, irrespective of mutual differences and legal interpretations."

Sub-Clauses (ii) and (iii) of Clause (vi) of the Simla Agreement thus clearly recognize a dispute between India and Pakistan on the status of Jammu and Kashmir. They actually "freeze" the dispute. The relevant clause also extracts a commitment that neither side will violate the Line of Control and that they will continue to negotiate with each other till they arrive at a final settlement of this dispute. It may not be out of context here to point out that this "dispute is over the territory of Jammu and Kashmir", has been recognized by the world community and India and Pakistan since 1947. India's subsequent position that the territory of Jammu and Kashmir is not disputed because it is an integral part of Indian Union is a rather untenable position. This is a unilateral position. On the other hand, the Simla Agreement by seeking to resolve the differences through negotiations had upheld the spirit of "bilateralism".

The spirit of bilateralism was maintained to a large extent till about 1989. However, former Prime Minister P.V.Narasimha Rao, under attack from the Hindu Right, in his attempt to prove his patriotism had proclaimed from the ramparts of the Red Fort in Delhi that Jammu and Kashmir was an integral part of India and the only task that remained was to wrest back from Pakistan the areas of the state which was still under its control. Both houses of Indian Parliament also adopted a resolution in the similar vein. The spirit of bilateralism which was established by the Simla Agreement was thus replaced by unilateralism.

But even this unilateralism could not force Pakistan to give up its position on Jammu and Kashmir. The crisis in Kashmir that is now infecting the body polity of India and Pakistan is the creation of the unfair and unjust policies of the governments of India and Pakistan. If the basic issues of injustice, violation of human rights and political future of the people of Jammu and Kashmir are not addressed, elimination of one set of so-called terrorists will not solve the problem. The alliance against terrorism has to be more than a mere military pact. It should address the political, social and economic context in which terrorism is born. Injustice, poverty, rampant corruption, discrimination and the highhandedness of the authorities are some of the causes for political instability in this region. Elimination of these causes may not eliminate terrorism altogether, but it will certainly reduce the incidence of terrorism.

The search for peace in Jammu and Kashmir has remained trapped in the security paradigm. It is oriented towards drawing the two main armed parties, India and Pakistan into a negotiation process that would restore stability. This approach focuses singularly on "militancy" or "terrorism". It fails to recognise that legitimate grievances of the people are at the root of the current phase of the 'freedom struggle' in Indian held Jammu and Kashmir. India regards all militant and non-militant political opposition in Jammu and Kashmir as Pakistan sponsored terrorism. It is also unfortunate that Pakistan authorities in their support for 'Kashmir struggle' have not only used the 'Jehadi' aim, they have ignored or suppressed the democratic aspirations of the people in Pakistan held Kashmir. The peoples of Jammu and Kashmir have been kept isolated both by the governments of India and Pakistan as well as by the "Jehadi" militant forces. They need to be empowered to break the stranglehold of the militarist forces in Jammu and Kashmir. The recognition and empowerment of non-militant political formations of Jammu and Kashmiri people is necessary for the purpose of finding sustainable peace in the region.

Peace is a process. It is not achieved in a single move. The conflict in Jammu and Kashmir embodies a multiplicity of issues. The peace process in Jammu and Kashmir will have to address all these issues – the question of protection of minorities, autonomy of different regions, right to religion and culture, the rights of women and many such issues. There should be scope and opportunities for civil society actors to participate in this process of peace building. Involvement of different sections of people would make the peace process transparent and democratic. It would also build trust. This is the most effective way of countering terrorism. India and Pakistan need to cooperate with each other to develop a comprehensive approach for peace building. Instead of pursuing the military approach, which creates mistrust and divides people, they should allow the peoples of India, Pakistan and Jammu and Kashmir to meet and dialogue so that together the people are able to address the issues that divide them and find a way to resolve the conflicts. The steps can be summarized in the following ways:

- ▶▶ Governments of India and Pakistan should immediately stop all military operations in all parts of Jammu and Kashmir under their respective control and declare a complete cease-fire.
- ▶▶ Following the declaration of cease-fire, the two governments should work out a time bound plan for pulling back all forces deployed by each of them in the territory of Jammu and Kashmir to the barracks. The governments should take immediate steps to stop the activities of all non-state armed groups in the entire territory of Jammu and Kashmir.

- ▶▶ The two governments should set up a joint commission for supervising the cease-fire. Representatives of the civil society of Jammu and Kashmir from both sides of the LoC should be included in the joint commission in order to provide transparency to the peacekeeping operations.
- ▶▶ The two governments should agree on a time bound co-ordinated procedure to activate a genuine democratic process in the parts of Jammu and Kashmir under their respective control with a view to enable the natives of Jammu and Kashmir to take charge of their lives and to decide about their political future without outside pressure.
- ▶▶ The two governments should facilitate the process of easy movement of people and goods across the LoC in Jammu and Kashmir so that a multi-layered dialogue on all fronts between the natives of Jammu and Kashmir who have been kept divided for five decades may begin.
- ▶▶ The Government of India must agree to stop all propaganda about Jammu and Kashmir being an integral part of India. Government of Pakistan should similarly agree to stop all propaganda about Jammu and Kashmir being the jugular vein of Pakistan.
- ▶▶ The two governments, individually and jointly must provide an irrevocable guarantee to the natives of Jammu and Kashmir that their just and democratic demands shall be honoured and no decisions based on nationalist and territorial considerations of India and Pakistan will be forcibly imposed on them.

III

Of Pragmatism, Peace and the settlement of Kashmir Dispute

Since the Prime Minister of India announced his decision to invite General Parvez Musharraf to a Meeting in Delhi, it has become the number one story for the Indian media. Except a few die-hard believers in 'India's greater glory', almost all the old and new foreign affairs specialists, peace activists and Pakistan watchers have praised this foreign policy initiative of Mr. Vajpayee. The Pakistani General has also received a lot of kudos in the Indian media for his prompt and positive reciprocation.

It is open season for the old and new foreign policy experts, peace activists and Pakistan watchers. Indian intellectuals are competing with each other to give counsel and suggest strategies for peace making. The most noteworthy feature of this media-hype is the carnival like atmosphere that has been created. Irrespective of whatever the summit is able to achieve, it has already become a media event. Peace between India and Pakistan is the main focus. There seems to be an agreement among the policy advisors, that President General Musharraf being the Chief of Pakistan army and Mr. Vajpayee being the leader of a Hindu nationalist party are best suited to make peace. And as these two leaders have been chosen as the peace makers, some commentators have expressed the hope that the bureaucrats should leave them on their own to develop the 'correct chemistry' required for making peace.

It is too early to see what impact the media's celebration of the coming summit and the goodwill of the western states would have on the two governments, however it is apparent that the media is trying its best to influence a large section of Indian people on the imperative of peace. The media is playing the role of the pragmatist who believes that 'politics is the art of the possible'. I would like to point out that the 'peace' that is achievable within 'the possible' is not based on the values and principles of democracy and justice. This approach argues that since the ground realities in Jammu and Kashmir could not be changed over the past five decades and as the two states can no longer afford to go to war, they should 'accept' what exists on the ground as the permanent solution and move ahead. In other words, convert the LoC in

Jammu and Kashmir in the international border and let us move ahead to do business together. This is why the Kashmiris who are raising the uncomfortable issues of democratic rights of people of Jammu and Kashmir and justice for the victims are being asked to keep quiet and join the mainstream.

The pragmatic approach is devoid of real and deep reflection and analysis, which could address long-term considerations that are not immediately tied to advancing dominant policies and interests in the realm of the possible. It is this internalisation of the norms of power that is evident in suggestion being put forward by several intellectuals that at the initial stages Mr. Vajpayee and General Musharraf should avoid the 'hard issue' of Jammu and Kashmir and take up some of the less controversial 'softer issues' like easing of restrictions on trans-border travel, border trade and exchange of newspapers, journals, books and cultural materials. Some have also suggested finalisation of the Iran-India gas pipeline. Public uneasiness about the derailment of the summit by the Kashmir dispute has been strengthened by the recent statements emanating from Indian and Pakistani official circles which have reiterated their respective hard-line positions.

It is true that the dispute over Jammu and Kashmir cannot be resolved readily and that taking up less controversial and somewhat 'softer' issues might smooth the process of the official dialogue. However, I would like to point out that any attempt to avoid the issue of Jammu and Kashmir will send negative signals to the victimised peoples of Jammu and Kashmir. Being far less powerful than India and Pakistan, the natives of Jammu and Kashmir might end up playing according to the agenda of India and Pakistan for a while, however, as the happenings in Palestine show us, this peace too will not last long.

Over the past fifty years, both India and Pakistan have treated the natives of Jammu and Kashmir essentially as a subjugated people while playing out their territorial ambitions. Despite every attempt to term the 12-year long struggle for right to self-determination in Jammu and Kashmir as a totally Pakistan sponsored proxy war, government of India is aware of the fact that an overwhelming majority of the natives of Jammu and Kashmir have become deeply alienated from India. Similarly, Pakistan government is aware that the majority of the natives of Jammu and Kashmir no longer accept Pakistan's claims on them on grounds of religion. The virtual split in the All Parties Hurriyat Conference (APHC) on the role of religion and the Islamic Jihadi groups is a powerful indication of the emergence of an indigenous Kashmiri political perspective, which is democratic and secular. Rejecting the position taken by the Janat-I-Islami and the Jihadi groups in Kashmir, the majority of the constituents of the APHC have clearly said that their struggle for right to

self-determination is a political struggle and it has nothing to do with religion. Mr. A. G. Lone, a senior leader of the APHC during his visit to Pakistan early this year had told a gathering of Kashmiris in Muzaffarabad that slavery was slavery, and it did not matter whether the masters were Muslims or Hindus.

The failure of the Vajpayee government to take cognisance of the emerging political trends in Jammu and Kashmir is apparent. General Musharraf's soft approach towards the Pakistan based Jihadi forces and the suppression of the popular struggles for political reforms in Gilgit and Baltistan as well as Pakistan's rejection of the 'independence option' exposed the hollowness of Pakistan's commitment to the right of self-determination of the Kashmiris. The failure of both the governments to recognise the emerging political trends in Jammu and Kashmir and their refusal to begin any meaningful dialogue with the natives of the area reduces the legitimacy of their claims in the eyes of the natives of Jammu and Kashmir.

The growing involvement of the forces of globalisation in the affairs of the subcontinent is evident from the willingness of the regimes and the ruling elite of India and Pakistan to accept the *diktats* of the western powers. US Government which has appointed itself as the global police force and is currently 'waging peace' in different parts of world is known to be exerting enormous pressure on the governments of India and Pakistan to 'settle' the Kashmir dispute soon so that the region becomes safe for global business interests. It has been learnt that the US State Department has been pushing different versions of a partition-based solution. The BJP's willingness to settle the Kashmir dispute on the basis of the LoC after suitable realignment to protect vital 'national security installations' is a known fact.

The failure of all the partition based peace agreements concluded in the recent past, for example Bosnia, Croatia, Kosovo and Palestine stares us in the face. These peace agreements have generated greater violence and bloodshed. The much-hyped Camp David agreement has been shred to bits on the Gaza Strip and the West Bank. The signals coming out from both sides of Jammu and Kashmir are that the natives will not accept any partition of their homeland. Under these circumstances any attempt by the two governments to settle the future political status of Jammu and Kashmir without consulting the natives of Jammu and Kashmir will achieve no purpose. It will be rejected by vast sections of the natives of the territory as well as by various political sections of the peoples of India and Pakistan who have been brought up on the false notion that without the territory of Jammu and Kashmir, their country's borders will remain incomplete and insecure.

States are powerful and the dominant wisdom dictates the acceptance of the division of Jammu and Kashmir as irreversible. The military, religious and the right wing parties in India and Pakistan will have no problems with that. But, that should not be reason to accept injustice and these are not the only people of India and Pakistan. Many in India and Pakistan are dissatisfied with the increasing hold of the religious groups and right wing parties on their lives. They are frustrated with the failures of the official peace process. Several Indians and Pakistanis, in the recent past have demonstrated their dissatisfaction with their government's policies by demonstrating against the nuclear weapons policies, the Kargil war and abuse of human rights of the natives of Jammu and Kashmir.

Civil rights activists are for peace – peace that would promote the values of coexistence, respect the right to self-determination of all peoples based on principles of equality between all nationalities and the peoples of India and Pakistan. Violence, hatred and intolerance are bred out of injustice, poverty and a failed sense of political fulfilment. In my opinion, without the liberation of the natives of Jammu and Kashmir from the subjugation of India and Pakistan, there can be no durable peace on the subcontinent. The first step therefore is to recognise that such a process of perpetuation of injustice will destroy the very democratic foundation of our polity. But in order to achieve that there has to be real mobilisation and preparation. Instead of relying on Mr. Vajpayee and General Musharraf we should begin a three way dialogue between the peoples of India and the natives of Jammu and Kashmir under Indian control, between the natives of Azad Kashmir and Northern Areas with the peoples of Pakistan and between all sections of the natives of Jammu and Kashmir across the Line of Control.

There are reports that various sections of Indian NGOs and peace groups including retired politicians and old soldiers are getting organised to hold seminars, meetings and rallies in Delhi and other parts of the country to highlight their concerns. They will put forward demands of the peace loving peoples to the two leaders. I have already mentioned some of these demands in my preceding note.

IV

From a Statement to the Pakistan-India Peoples' Forum for Peace and Democracy

It is nearly five months that the BJP led National Democratic Alliance government closed all contacts between the peoples of India and Pakistan. Since the beginning of this year, Indian forces have been standing at 'ready to strike' position on Pakistan's borders. As if this was not enough, India is now planning a military exercise on Indo-Pakistan border in Rajasthan.

It is not clear what these extreme measures – the recall of India Ambassador to Pakistan, the closure of air and surface transportation between the two countries and the massing of troops on the borders – have achieved. If the stated objective was to pressurize Pakistan to stop the "export of terrorism", we seem to have achieved rather little as the BJP ministers and their RSS-VHP-Bajrang Dal colleagues continue to find the involvement of 'Pakistan sponsored terrorists' in almost everything that goes wrong in the country. The heinous attack on the Sabarmati Express on February 27 was described as a pre-planned massacre and attempts were made to link a group of "Pakistan sponsored" terrorists with this criminal act. Emulating India, Pakistan has also started "seeing" Indian hand behind every act of violence and disruption in Pakistan. General Musharraf has blamed the recent suicide bomb attack on a Pakistan Navy bus in Karachi on Indian saboteurs.

India-Pakistan relations seem to have reverted to the black days of the early nineties when both sides had stopped talking to each other, and had been spewing venom on each other and threatening to go to war. It was at this critical juncture that Pakistan-India Peoples' Forum for Peace and Democracy was formed by a handful of people from India and Pakistan. Going against the dominant current of nationalism and conformism, they worked hard to build peace movement in the subcontinent with the participation of the ordinary peoples of the two countries. During 1994 and 1999 the Forum held public meetings and rallies in different parts of the two countries where official notions of national security and national interest were discussed and contested. The Forum emphasised that the dispute over the territory of Jammu and Kashmir must be resolved according to the wishes of the peoples of the divided territory

of Jammu and Kashmir. Defying the ban on exchange of journals and literature, the Forum brought out publications of the writings of Indian and Pakistani authors, sponsored exchange of scholars, students and journalists between India and Pakistan and held five joint conventions of its members in the two countries. These were attended by hundreds of peoples from India and Pakistan.

These activities of the Forum lent strength to the voices of the ordinary peoples on both sides of the borders for greater people to people contacts. The growing popular demands finally had pressurized the two governments to ease the visa regime and other travel regulations. Interactions between ordinary citizens of India and Pakistan gave birth to several cross border peace initiatives. More and more people on both sides of the border were saying, "Let us stop this hostility. Let us be friends and live in peace." It seems that the rulers did not like this growing longing for peace among the ordinary people of India and Pakistan. As in the past, the contacts between the peoples of these two countries became the first casualty of the current round of India Pakistan war mongering.

In both India and Pakistan, the ordinary people have been at the receiving end of abuse, hardship and denial at the hands of the agencies of the state. Can the people of India and Pakistan be blamed for thinking that the state is the embodiment of violence and its agencies are its dispensers? In both countries the governments allow its forces to kidnap, torture, rape and murder ordinary citizens. Confessions extracted through torture have become admissible as evidence in courts under various anti terrorist laws. Our law enforcement agencies seem to have forgotten the simple procedures of criminal investigation. They build their cases against suspects on the basis of "confessions" extracted in police custody. All these practices have compromised our system of criminal justice. Can we really expect the ordinary citizen to believe the claims of the government that it has a case against any person, particularly when these claims are based on 'confessions' given in police custody?

It is not my case that the Indian government should have remained silent after attack on the Indian parliament on December 13, 2001. But before emulating the response of the Bush administration to the September 11 attack on the WTC and the Pentagon, we should have examined whether the threat of terrorist the attacks anywhere and everywhere in India could be eliminated without engaging with Pakistan in a constructive dialogue.

I feel that before getting involved in a humiliating competition with Pakistan to prostrate ourselves before the US and the Western alliance waging the so-called Global War against Terrorism, we should have had made efforts to create a regional response to terrorist activities and cross border support to

such activities in our midst. Almost every country of South Asia has been trying to grapple with the problem of armed insurgencies for the past five decades. This is region where religion, cultures and ethnicity are shared across borders. The racial policies of our common colonial master have left their marks on nationalist movements in the region. Even after five decades of independence, no post-colonial state of South Asia is free from the pressures of the ethno-religious forces. In fact all the states are guilty of taking advantage of the trans-border ethnic, cultural and religious links. Under these circumstances, believing that the United States and its Western allies would help us solve the problem of trans-border support to insurgencies (whether governmental or non-governmental) shows a colonial mindset.

The post September 11 situation provided a unique window of opportunity for India and Pakistan to rise above narrow partisan approach, give up their mental shackles of colonialism and move towards constructive engagement to solve this problem. Instead, this opportunity was given up and we have surrendered ourselves to the machinations of the world's only imperialist force the US which has declared a war against Muslims and Islamic civilisation.

The subcontinent is the home of world's largest Muslim population. Unlike in the West, in the subcontinent Islam and other religions had mingled with each other freely. The Bhakti movement and the Sufi movement had reformed here the orthodox varieties of Hinduism and the Islam. The exponents of these religious reform movements created unique religious texts and practices, where they freely took from each other, building in the process a distinctive culture of coexistence and harmony. Islam was no longer the religion of the subjugator. The Sufi Islam, which preached the message of love and devotion and provided equal space to all was embraced by millions of oppressed people of the subcontinent who wanted to escape from the repressive order of Brahmanism. In Bengal and in south India, millions of poor people had become the followers of exponents of Bhakti movement and Shivaism. Similarly millions of the poor peasants of Punjab had embraced the new religion of Sikhism created by Guru Nanak.

We can not deny this tradition and history. We can do so only at our own risk and peril. In fact the post-colonial states of India and Pakistan over the past five-plus decades have been engaged in the task of building modern nation states by denying this historical reality. In fact in their attempts to emulate the western nation state system, the nationalist elite of India and Pakistan have pushed us deeper into the control of the very colonial masters from whom we got independence five decades ago. How can such nationalist elite be expected to forge policies of peace and reconciliation with aggrieved peoples of the region, for that matter in Kashmir?

V

The War against Terrorism and its Impact on Jammu and Kashmir

Kashmir represents one of the world's longest-standing disputes. This dispute over Kashmir region lies at the core of rivalry between India and Pakistan. The two states are so much obsessed with the "Kashmir dispute" that while responding to the U.S. war on terrorism, each of these two countries are trying to implicate the Kashmir issue into this war. Indians claim that separatist fighters in Kashmir are a part of the Osama bin Laden's terror network, which the United States wants to destroy. Pakistani officials argue that the militants in Kashmir are "freedom fighters" who are struggling against India's colonial control over Kashmir and the massive abuse of human rights of the Muslims of Kashmir by Indian forces. They ask for a more sympathetic U.S. perspective on Kashmir. Indian's are afraid that US might favour Pakistan in exchange for assistance in the American campaign against Islamic extremism.

As the US geared up its attack against Afghanistan, militants also increased their violent activities in Indian controlled Jammu and Kashmir. In early October, 2001 a bomb was set off by a suicide squad of militants in front of the Legislative Assembly in India controlled Kashmir. About thirty-eight people were killed in the explosion and the ensuing gun battle between the militants and Indian security forces. On October 15, Indian artillery pounded Pakistani armed positions along the line that divides Kashmir. The next day Indian and Pakistani troops fired on each other across that same dividing line. This happened at a time when the U.S. Secretary of State Colin Powell was visiting the two countries seeking support for US war on terrorism. He had to expand his mission to urge India and Pakistan to find a peaceful remedy to their conflicting claims on Kashmir.

Despite attempts by the USA and the Western countries to separate religion from the present "War against Terrorism", the military action against Afghanistan have been viewed by the majority of Muslims as a war against Islam. While the liberal and democratic sections of Pakistanis are continuing to support General Musharraf's decision to side with the US, large sections

of Pakistanis, including moderate Muslims and radical Islamists, view this as an act of betrayal. Pakistan's Jehadi forces have condemned the Musharraf government as a puppet of USA. During late October, hundreds of pro-Taliban Pakistanis forced their way into the territory of Afghanistan to join the ranks of Taliban fighters against the forces of the USA. The Musharraf regime was unable to prevent these Pakistanis from going into Afghanistan. The Jehadis have also increased militant activities in Jammu and Kashmir. It is evident that the Musharraf regime's influence over the Jehadi organisations of Pakistan has been substantially reduced.

This new friendship between Pakistan and USA has made New Delhi rather uneasy. India had offered unconditional support to the USA in this War against Terrorism. It was willing to make all its facilities available. It had hoped that in this case the USA would shun Pakistan, which was the main benefactor of the Taliban and a known supporter of Jehadis in Kashmir. The decision of the USA to overlook India's offer has been viewed by many Indian policy makers as the success of Pakistani diplomacy and India's failure. Indian rulers are anxious that as a reward to Pakistan's decision to give up the Taliban and support the West, the US might favour Pakistan, which, in the Indian view would destabilize the balance of power in the subcontinent.

India's rulers are also apprehensive about the outcome of the war in Afghanistan. They feel that the USA might allow Pakistan to have a greater control over the post-Taliban government of Afghanistan than the Northern Alliance whom the Indians have been supporting for the past several years. India has been backing the Northern Alliance to build a position of influence in post-Taliban Afghanistan. The apparent willingness of the USA to give Pakistan a key role in the post-Taliban government making in Afghanistan is being viewed by India as yet another set back to its position in the subcontinent.

Afghanistan is also important as sits at the very center of the proposed oil pipeline, which the US, British and French oil companies want to build to bring the Caspian Sea oil to the Asian market. The Caspian region contains tremendous untapped hydrocarbon reserves. According to major oil companies, proven natural gas reserves within Azerbaijan, Uzbekistan, Turkmenistan and Kazakhstan equal more than 236 trillion cubic feet. The region's total oil reserves may reach more than 60 billion barrels of oil – enough to service Europe's oil needs for 11 years. The Asia/Pacific region has a rapidly increasing demand for oil and an expected significant increase in population over the next decade. It is anticipated that this region's demand for oil would almost

double by 2010. A World Bank study in 1998 expressed the fear that if alternative arrangements were not made to satisfy Asia's rapidly increasing energy needs the resulting pressure on world oil markets could drive prices upwards everywhere. Mr. John Maresca, Vice President, International Relations, of Unocal Corporation, while deposing before the US Congress Committee on International Relations Sub-committee on Asia and the Pacific on February 12, 1998, confirmed that western oil companies favoured building an oil pipeline from Turkmenistan to an export terminal on Pakistan's coast on the Arabian Sea.

He said that about 440 miles of this proposed pipeline would go through Afghanistan. The southward pipeline through Afghanistan according to Mr. Maresca was the best option with the fewest technical obstacles. It would be the shortest route to the sea and had relatively favorable terrain for a pipeline. The route through Afghanistan would also be the cheapest in terms of transporting the oil. If this proposed oil pipeline and the export terminal were built, both Afghanistan and Pakistan would not only earn enormous revenue in terms of transport tariffs it would also enhance their geo-strategic and geo-political profiles. Mr. Maresca did not ask for US intervention in Afghanistan directly, however he pointed out that the southern oil pipeline through Afghanistan would remain a pipe dream unless a stable government was installed in Afghanistan.

India's energy needs are growing by the day. It has been searching for a cheaper way of bringing Iranian and Central Asian oil and gas to India. For more than a decade, India has been negotiating for the construction of a pipeline that would bring the Iranian gas to India's west coast. It could not be constructed till date as Pakistan has refused to let this pipeline go through its territory.

India's attempts to raise Pakistan's complicity in terrorism in Kashmir needs to be seen in this context. In order to counter any US or western tilt towards Pakistan in the context of Kashmir, Indians have already started blaming General Musharraf's government for all the violent actions of the militants in Jammu and Kashmir. India's top leaders, the Prime Minister, the Home Minister and the Defence Minister have blamed Pakistan government for a recent attack on an Indian air force station near Avantipora in Jammu and Kashmir. Indians also claim that General Musharraf has pushed all the Jehadi forces into the territory of Pakistan controlled Kashmir and with a plan to smuggle them across the Line of Control into Indian controlled Jammu and Kashmir to carry out large scale attacks against Indian forces and civilians.

Consider now the worst case scenario.

Firing and shelling across the Line of Control in Jammu and Kashmir has already started. Indian leaders have indicated that if Pakistan government did not stop these terrorists they would order their forces to cross the Line of Control and conduct military operations against these terrorists and destroy their training camps. In the current situation, cross border military action by Indian forces in Pakistan controlled Jammu and Kashmir carries the serious threat of releasing massive violence in the subcontinent.

Pakistan is a Muslim country. Because of its support to the USA, Pakistan's military regime is currently facing serious challenges from its former allies within – the fundamentalist Islamists and Jehadi organisations some of whom are heavily armed. The problem is further compounded by the fact that until recently, some of these Jehadi groups were allies of Pakistan's military. Though sections of liberal democratic people of Pakistan are supporting the Musharraf regime, their ability to withstand the power and influence of the radical Islamist forces is negligible. It also should be noted that majority of the liberal people of Pakistan are opposed to military dictatorship. So the present alliance between them and General Musharraf's regime is at best a tactical one.

If Indian forces cross the Line of Control, General Musharraf will have no option but to retaliate. A war between India and Pakistan at this stage has the potential of escalating beyond the borders of Jammu and Kashmir. It will disturb the critical balance of power inside Pakistan. This may encourage the radical Islamist groups, the tribes of NWFP and Baluchistan who share kinship and affinity with the Pushtuns of Afghanistan and sections of the Afghan refugees to launch armed struggles inside Pakistan. The violence may further spread to Sindh involving the MQM and Sindhi nationalists. In the worst case scenario, under the twin pressure of external aggression and internal violence, the Pakistan army may split leading to a collapse of the central authority of Pakistan.

India is a Hindu majority country with a large Muslim population. In fact it is said that there are more Muslims in India than in Pakistan. India's growing Hindu fundamentalism has put its Muslim population at jeopardy. Apart from the militancy in Jammu and Kashmir, India is also facing serious challenges from other ethnic and non-Hindu communities. Recent violent attacks on India's Christian minority and the attempts by a section of supporters of the ruling right wing Hindu nationalist party to re-capture the sensitive Babri Mosque despite assurances that such unilateral actions by Hindus would not be allowed, has further vitiated the political atmosphere. It will be no exaggeration to say that if civil war breaks out in Pakistan, it will have serious repercussions in India.

Since the partition of the South Asian subcontinent in 1947 into the two states of India and Pakistan, Kashmir has existed as a divided region. On the Indian side are the well-known Valley of Kashmir, the territory of Jammu, and the remote high plateau area of Ladakh. On the Pakistan side is the border region of Azad ("free") Kashmir, the isolated tribal region called "the Northern Areas" (Gilgit-Baltistan).

Religion is central to the Kashmir dispute. The Valley is majority Muslim (Sunni with heavy Sufi influence), Jammu majority Hindu with Muslim and Sikh minorities, Ladakh majority Buddhist (Tibetan variety), Azad Kashmir majority Muslim (Sunni), and Gilgit-Baltistan Muslim (Sunni and Israeli) with significant tribal pockets. A variety of languages are spoken by the people of Kashmir region – Kashmiri, Ladakhi, Punjabi, Hindi, Urdu, and tribal dialects. There are two major scripts in common usage (Arabic and Devnagari). The ethnic variation from one end of Kashmir to the other is as extreme as that found in Europe.

Despite this diversity, most Kashmiris even today, subscribe to the concept of Kashmiriyat, a composite cultural identity shaped by fairly continuous history that extends back to the ancient Buddhist roots of the culture of the region through the British colonial period and the period of Sikh domination, to Mughal rule, to Kashmir's own Muslim rulers and the Hindu period. Kashmir's cultural ethos was also influenced by its geographical position. It lies at the Central Asian crossroads of the Chinese, Indian, and Persian civilizations, having been enriched by all three in a syncretic fashion. It was viewed historically as an abode of snow and mountains but also as a fantastic garden, where water flowed and fruit hung from trees. The Mughal Emperor Jahangir is credited to have said, "If there is a heaven on earth, it is this, it is this, it is this."

For fifty years, the colonial legacy of the *unsettled* territorial dispute over Jammu and Kashmir has driven India and Pakistan into three full scale wars, local wars, proxy wars, low intensity war and artillery duels on the Line of Control. For the international community, the Jammu and Kashmir conflict is a possible nuclear flashpoint. For the 1.2 billion people of the subcontinent, the 1999 war in the Kargil sector of Kashmir exposed how real the threat of a nuclear war could be as a consequence of the *unsettled* Kashmir dispute. But for the 13 million people of undivided Jammu and Kashmir, what does it mean to live in a homeland whose destiny remains *unsettled*?

Let us look at the roots of the conflict.

It is often said that the Kashmir conflict is part of the unfinished business of decolonization. The events surrounding the Partition of the British Indian Empire in 1947 gave rise to this conflict about the legal status of the former princely state of Jammu and Kashmir.

In the British Indian Empire there were more than five hundred autonomous and semi-autonomous "princely states". At the time of the departure of the British, the rulers of these princely states were technically free to join either of the two dominions or become independent. While most of the rulers acceded to either India or Pakistan, the ruling maharaja of Kashmir tried to gain full independence. Within a few months of the departure of the British, his kingdom was invaded by Pushtun (Pathan) *mohajirs* from Pakistan's North West Frontier Province. They had come to "liberate" their Muslim brothers from the oppressive rule of a Hindu maharaja. Under pressure of the invasion, the maharaja decided to accede to India at the last moment, making Kashmir the only Muslim majority state in the Indian Union.

Kashmir's legal accession to India forms the core of India's claim on Kashmir. Until recently, it was commonly accepted that the maharaja of Jammu and Kashmir signed the Instrument of Accession before India sent troops and arms to Kashmir. But recent accounts published by western scholars based on newly released documents seem to challenge that view. According to Alistair Lamb, a leading figure in Kashmir studies, first, Indian troops and arms were sent to Kashmir, and subsequently, Maharaja Hari Singh, the ruler of Jammu and Kashmir signed the Instrument of Accession to India. It further appears that documents had been specifically created to appear as if the opposite chronology was the valid one. Since "free choice" of the ruler was critical to the validity of the accession, this has raised a serious question about the validity of Kashmir's accession to India in international law. Academics are divided. While some western scholars now suggest that the accession to India was not legitimate, others continue to support the Indian view of the accession, while some others say that the historical record is not clear enough on this point to make a judgment either way.

There is also the question whether the newly born Pakistan government had sent the Pushtun (Pathan) tribal fighters into Kashmir, forcing the maharaja to seek India's military aid. The fighters who invaded Kashmir were not regular Pakistani troops but Pushtun (Pathan) tribals who believed they were going to liberate their Muslim brethren in Kashmir from Hindu rule. Allegations persist regarding a secret plan on the part of Pakistan to take Kashmir by force. The accounts of the first Kashmir war written by Major General Akbar Khan, formerly of Pakistan Army support such claims.

There is no consensus on the Partition events in Kashmir. It is possible that both India and Pakistan may have connived at acquiring Kashmir. It is obvious that the entire narrative of Kashmir's colonial and postcolonial past is contested, and versions of it have been made to serve both Indian and

Pakistani ideologies. It is also not clear at all what the people of Kashmir might have actually wanted at that time.

However, it is quite clear that current phase of the 'freedom struggle' in Indian held Jammu and Kashmir is essentially a reaction to the failure of the democratic process, which was initiated by the 'Beg-Parthasarathy Agreement' of 1975. After this agreement with the Indian government, the expelled leader of Jammu and Kashmir's freedom movement of the thirties, Mr. Sheikh Abdullah returned to the valley. The Sheikh was the "Lion of Kashmir". In the valley he was respected for his courage and refusal to sell out to India. On his return Sheikh told the Kashmiris that India's victory in the 1971 Bangladesh war had convinced him that independence was no longer an achievable goal. He said that he had got India's commitment for restoration of "maximum" autonomy. Unfortunately, this promise like the earlier ones was also broken.

In 1984, the elected government of Indian held Jammu and Kashmir headed by Dr Farooq Abdullah, the son of the Sheikh, was forced out of power under the orders of New Delhi for so-called "anti-Indian" activities. Farooq went to Delhi to parley with the powers in New Delhi and finally returned to the valley as Chief Minister after a year. But he paid a price. He had to agree to share power in Jammu and Kashmir with the Congress Party, which was also in power in New Delhi. Majority of Kashmiris saw this as a sell out. A nationalist spirit re-emerged among the Kashmiri people. Since 1989 this has found expression in the form of a strong insurgency directed against India, in support of self-determination for Kashmir.

In response, the Indian government launched a massive counter offensive in Kashmir. In its counterinsurgency, India has lost moral ground because of rampant abuses of human rights. Indian human rights organisations, Amnesty International, Human Rights Watch and other such organizations have all issued highly critical reports on India's conduct in Kashmir. These organisations have noted that torture, custodial rape, extra-judicial executions, "disappearances," and desecration of holy sites are ubiquitous in Indian Kashmir.

It is important to note a few points about the insurgency in Indian held Kashmir. Although India frequently accuses Pakistan of waging proxy war through the Kashmiri insurgency, the insurgency in its early days was essentially of Kashmiri origin. India's has refused to acknowledge that it was the grievances of the Indian Kashmiris against the Indian State that led them to take up arms in 1989. And this refusal to recognize the fact has seriously flawed Indian assessment and its responses to this movement. The fact that

the guerrilla movement in Kashmir flourished despite the massive security apparatus quickly set up in Kashmir indicates some measure of popular support. A survey conducted by New Delhi based *Outlook* magazine in 1997 showed the majority of the Valley's population (77%) favoured a solution outside framework of the Indian constitution. It also showed that the majority of Kashmiri Muslims were alarmed by the growing Islamization of the Kashmiri independence movement.

However, as the insurgency progressed there was increasing aid to the Kashmiri militants from Pakistan. There is evidence that since 1992 Pakistan has contributed money, weapons and training for the militants. The support to the Kashmiri militants has come from even further afield in the Islamic world. As a result, the original core insurgent organization, the Jammu and Kashmir Liberation Front (JKLF), which sought the "Third Option" of a fully independent Kashmir, was later eclipsed by organizations such as Hizbul Mujahideen and then Harkat-ul-Ansar, which sought total accession to Pakistan. Today, to fight in Kashmir is considered a form of Islamic jihad for youngsters from Afghanistan, Sudan, Algeria, Saudi Arabia, and other countries not primarily implicated in the Kashmir problem.

This Islamization of the movement, the attacks on the minority Hindu community of the valley and their eviction from Kashmir by militants created a negative impact on the general population of India. A majority of Indians today view Kashmiri insurgency as part of the global wave of Islamic fundamentalism. India is also trying to gain the general sympathy of the West, which now explicitly views Islam as a threat. Indian lobbyists present the Kashmir problem as one in which a democratic and secular India, working with the democratic and secular West, is up against a tide of fundamentalism and obscurantism. Pakistan through its continued support and encouragement to the Jihadis despite proclamations to the contrary has heightened these fears. Its Islamic parties and its secret service have without doubt been heavily involved in Indian Kashmir. Kashmiri separatists' links with Afghanistan's varied militant organizations - via Pakistan or independently - are now a highly critical factor.

Pakistan also has been accused of violating human rights of Kashmiris under its control. Members of the Jammu and Kashmir Liberation Front, which continues to speak for "the Third Option" of independence, have been arrested; tortured and jailed without trial in Pakistan controlled Kashmir. Political activists in Pakistan held Northern Areas and the Azad Kashmir who do not support the demand for Kashmir's merger with Pakistan have been similarly ill treated by Pakistan authorities. It is feared that even if the Kashmiri

people choose the option for independence, neither India nor Pakistan would actually release their portions of Kashmir. (China, which claims a small bit of Kashmir for itself, is also an unpredictable factor here.) Although "the independence option" seems to be favoured by majority of Kashmiris, it is opposed by the majority of Indians and Pakistanis, who feel that independence of Kashmir would lead to dismemberment of their respective countries.

In this enveloping psychosis of security, peace has been the victim. The human suffering of the people of Jammu and Kashmir has been obscured by the nationalist and jingoistic rhetoric of the governments and the militant groups. The fifty-year old dispute has displaced more than half a million civilians, nearly fifty thousand deaths and about fifteen thousand forced disappearances. The economic, social and psychological trauma of this protracted conflict has severely affected more than fifty thousand people in India controlled Jammu and Kashmir. Unfortunately, the governments and international bodies till date have largely ignored the social, psychological and cultural impact of this conflict on the local populace. It is obvious that if the situation does not improve soon the Kashmiri society would suffer irreparable damage.

While Pakistan continues to support Jehadi forces in the name of freedom struggle, it has never allowed any real democracy to the people of Azad (free) Jammu and Kashmir under its control. India also seems more comfortable to deal with the Jehadi forces, as justified by its military approach to the Kashmir issue. India's unilateral ceasefire was a welcome development. However its willingness to talk to only the militant groups and its refusal to talk to non-militant organisations raise serious concern about the nature of the solution that the Indian state seems to favour. The other area of concern is India's consistent refusal to allow the necessary democratic space where multiple voices could articulate their concerns, views and demands.

In fact both India and Pakistan seem to follow similar undemocratic policies towards the people of Jammu and Kashmir under their respective control. In the garb of democracy, they have imposed "governments" composed of select groups of persons through highly controlled and manipulated elections. These imposed administrations have always supported the respective positions of the states of India and Pakistan on Jammu and Kashmir.

Civil society groups in both sides of Jammu and Kashmir have been voicing concern about this systematic stifling of democracy in Jammu by the two governments. They have become victims of not only the draconian policies of the two governments but also that of the militant forces. In the Agra talks

in July 2001, both governments sidetracked the non-militant political groups in Jammu and Kashmir. The All Parties Hurriyat Conference, an umbrella organisation of 23 political groups of Jammu and Kashmir and the Jammu and Kashmir Liberation Movement, a secular nationalist organisation which declared unilateral ceasefire in 1994, were ignored. The demand for the inclusion of broad representation of the peoples of Jammu and Kashmir in the peace process apparently became the cause of the failure of the Agra peace talks.

The alarming rise in militant activities in Jammu and Kashmir, during the last one month and particularly after the launching of the Global War against Terrorism, underlines the imperative of continuing with the work of strengthening the civil society, particularly the peace constituencies in Jammu and Kashmir. The increasing rhetoric of jingoism by all parties concerned and the enactment of draconian laws by the Indian state have put enormous pressure on the civil society of Jammu and Kashmir. In Pakistan also, the secular peace lobby is under attack from both sides. The Kashmir dispute has ramifications that extend throughout the South Asia region. After the Global War against Terrorism, it has got even more enmeshed with radical Islam and particularly with the post-Taliban scenario in Afghanistan. Because the Kashmir dilemma is of such long standing, we have become accustomed to thinking of it as one of those situations that need to be simply "managed" rather than one being capable of resolution. But, one has to remember that, this War against Terrorism and the escalation of tensions in the Muslim countries have substantially changed the politics of the region.

The search for peace has to be expanded beyond the security paradigm. There are moderate and democratic people in both sides of Kashmir. These people need to be brought into the peace process so that the plurality of views and multiple concerns find space in the peace dialogue. Kashmir's ethnic, linguistic and religious diversity needs to be taken into consideration. The historic and cultural concept of "Kashmiriyat", which provided the foundations for the social and cultural harmony in the multiethnic polity, needs to be strengthened. A partition of Kashmir may lead to further ethnic strife and violence as has happened in Bosnia and Kosovo. The international community has a responsibility to pressurise the India and Pakistani governments to introduce radical democratic reforms in their parts of Kashmir as a first step towards opening up the space for a inter community and inter sectarian dialogue for peace.

VI

Strategy for a Peoples' Movement for Justice and Peace in Jammu and Kashmir

Historically speaking the majority of peace talks or agreements between India and Pakistan paid lip services to peace rather than demonstrate an actual commitment to reach a resolution. Neither side is able or willing to make any concessions because of deep-seated distrust between the establishments of India and Pakistan. It would appear that Pakistan and India are more comfortable in an adversarial relationship. The "peace demarches" enumerated below are more apparent than real.

- ▶▶ The November 2000 unilateral cease-fire offer of the Indian government toward Kashmiri groups that was withdrawn in early 2001.
- ▶▶ India's acceptance to hold peace talks in the framework of *insaniyat* (humanity) rather than within strict constitutional limits.
- ▶▶ Pakistan's acceptance of the cease-fire and partial troop withdrawals from the Line of Control in December 2000.
- ▶▶ Pakistan dropped its insistence to be included in initial peace negotiations in Indian held Kashmir.
- ▶▶ India's willingness to pick up peace talks that were ruined due to the Kargil incident where Pakistan supported the invasion by Islamic militants into Indian-held Kashmir.
- ▶▶ The fact that almost all peace initiatives have met with a positive response from within the civil society of both countries.

The failure of the Agra summit signaled a return to the familiar path of confrontation. After the September 11 attack on the World Trade Center in New York, India made use of the opportunity to link Kashmir with international terrorism and vigorously campaigned to get Pakistan declared a "sponsor of terrorism". It justified India's military approach to the Kashmir issue. The country effortlessly slipped into "war diplomacy" from the path of deliberation.

In the current round of "war diplomacy" the Indian state seems to have emerged victorious. The Americans and the British are now supporting New Delhi's claim that the movement in Kashmir valley is totally Pakistan sponsored. The British Foreign Secretary during his recent visit to Pakistan characterised the struggle in Jammu and Kashmir as "terrorism dressed as freedom struggle". The American and the British hostile reaction to President Musharraf's recent attempt to qualify his "commitment" to ending cross border terrorism as not a "permanent one", is an indication of the hardening of the attitude of the western states. It seems that President Musharraf made these comments to assure the Pakistani people that he was not about to abandon the five-decade-old commitment of Pakistan State to the Muslim brothers and sisters in Jammu and Kashmir. Kashmir as we know is deeply imbedded in the national ideology of Pakistan. Almost all Pakistanis, including those who oppose the policies of the religious fundamentalists and the military establishment, believe that with the end of militancy the twelve year old struggle for self-determination in Indian administered parts of Jammu and Kashmir will be completely crushed by the Indian state. This popular pressure is among the reasons forcing President Musharraf to seek an international guarantee for intervention or mediation in Kashmir.

This is the era of "free market democracy". The protagonists of this new world order in the making have already launched "Global War against Terrorism". In these times the offer of stopping support to a militant movement, which has already been dubbed as "terrorism", can no longer be used as a bargaining chip for humanitarian intervention. If President Musharraf's objective is to create a Kosovo type American humanitarian intervention in Jammu and Kashmir, he has to find another way to do so. And, if he is taking on the role of the defender of human rights of the people of India controlled Jammu and Kashmir, he has to explain a lot to the world and to his own people to whom he has denied those very rights as a military dictator. The truth is that neither President Musharraf nor Mr. Vajpayee wants to empower the ordinary peoples of Jammu and Kashmir under their respective control. Moral arguments are used to advance "national interests". In this deadly game of chess, both sides use the people of Jammu and Kashmir as pawns to be sacrificed. In this round Pakistan has lost. Its immoral acts - support to terrorists stand exposed. India has gained the high moral ground. For the present, it has convinced the world that it was the victim of state sponsored terrorism. Emboldened by this victory, the Indian government is in no mood to resume dialogue with the Musharraf regime in Pakistan. It is obvious that they will try to extract every advantage that they can from this situation.

Having successfully shifted the focus of the discussion on the Kashmir dispute from the "internal causes" to "external interference" the Indian government is not willing to give any space to the militants or any other group, including the APHC, which has sympathy for the militants. The message that the Indian government is sending to all supporters of the movement for self-determination in Jammu and Kashmir is clear, "The accession of Jammu and Kashmir to India is a settled issue. Those who question it are doing so only at the behest of Pakistan. These people are anti-nationals and criminals".

Clearly the Indian government does not want to talk to the APHC and others, as it feels that talking to these people would amount to according some form of legitimacy to these political and militant organisations. However, the Indian government has indicated that it will be magnanimous to those who are willing to give up their support to Pakistan sponsored terrorism. Should these people decide to join the officially sponsored politics in the Indian administered Jammu and Kashmir and participate in the coming elections to the legislature of Jammu and Kashmir, they will be pardoned.

The Americans and other western states, the defenders of "free market democracy" have also told the APHC and other groups that they must participate in the coming election to the legislative assembly of Jammu and Kashmir in order to prove their legitimacy. It is becoming increasingly clear that the western governments will marginalise those who will boycott the elections to the Jammu and Kashmir legislative assembly.

The present "struggle" in Jammu and Kashmir began essentially as a spontaneous mass upsurge during the late eighties. Various militant organisations, which claim the responsibility for this "struggle" and claim its leadership today, had joined the "struggle" at different stages on later dates. It will not be incorrect to say that the mass upsurge had preceded the militancy. In fact as militants took over the leadership of the struggle, the masses slowly returned their homes. The divide between the masses and the militants became even more pronounced with the unleashing of mass terror by the Indian forces, and the entry of Pakistan initially as a supporter and later, as the controller of some of the militant organisations. As the agenda of the Pakistan government and its agencies unfolded, it created division between the ranks of the militants on ideological and religious lines. The masses too were divided. The militarisation of the civil spaces by the Indian state as well as the militants put an end to open debates or discussions on the "national objective" (of Jammu and Kashmir), which is essential for the development of a national consensus. The civil society was marginalised and put into shackles by the

forces of the Indian state, the militants and the agencies of Pakistan. The killing of a few moderate Kashmiri intellectuals broke the civil society's morale. Except voicing their protest against the excesses of the Indian forces and pledging their support for the movement for self-determination, the middle classes of Jammu and Kashmir did little else. They remained silent even when they realized that path being followed by some of the militants was wrong, that the attacks on the minorities was immoral and counter productive, that the armed groups of religious fundamentalists who had taken over the leadership of the movement were subverting the secular character and tolerant values of the Kashmiri society. The burden of this guilt of silence and the simultaneous imperative to compromise daily with the agencies of the Indian State for their daily needs often turned them against each other. They began to see conspiracy and hidden hands behind every attempt to re-build the institutions of the civil society. They shunned all attempts to build a national consensus for peace and reconciliation as "opportunistic".

Also, it is a fact that the APHC and other political groups have not tried to build a broad consensus on the "national objective". Nor have these groups tried to generate a public debate on the nature and the scope of the national objective. Every polity functions on the basis of a consensus. The constitution is the embodiment of this consensus. Under normal circumstances, it is not necessary for a group of persons to seek prior approval of the people for forming a political party. However, the situation in Jammu and Kashmir is not normal. The APHC and other "groups" are not ordinary political parties trying to obtain peoples' mandate for forming a government under an accepted constitution. These "groups", whether it is the APHC or those outside the APHC, are trying to seek a fundamental change in the political status of the territory of Jammu and Kashmir and the fortunes of its people. They are also challenging the authority of two recognised nation states - India and Pakistan in the name of the "people" of Jammu and Kashmir.

In this background, we should be aware that international law is the playground of states. The "people" do not have a "legal" status in international law or international relations. Broadly speaking, in international law the "people" are defined as a "nation" without a state. When a "people" get their "territory" and establish a "state" of their own, and when this "state" is recognised by other established states, then and only then does the "nationhood" of a "people" get the due recognition in international law. This is how a "people" enter the community of nation states. East Timor, as we all know, became a new member of this select community of nation-states not by struggle and sacrifices alone. This does not mean belittling the sacrifices of the people of East Timor. But the reality is that till the West decided to support the East

Timorese people, they remained in wilderness. The peoples of Tibet, Chechnya, Afkazia, Ingushthia, Kurdistan and the many other equally deserving "peoples" are yet to achieve the right to self-determination. No one, including President George Bush, denies the Palestinian peoples' right to have their own state. Yet we see how the powerful members of the community of states are kicking around this legitimate demand as a football.

In case of Jammu and Kashmir, the West seems to have accepted the Indian claim that the struggle for self-determination of the people of Jammu and Kashmir is "Pakistan sponsored terrorism". Attempts are being made to link the Al-Qaeda with the ongoing struggle in Jammu and Kashmir. The past fifty years should be an object lesson for us that no state has been punished for denying democratic rights to its people, except when economic and geo-political interests dictated such action by world powers. The trial of Milosevic is not the rule. In fact the protection of the butcher of Chile, General Pinochet, is the norm.

In Jammu and Kashmir we are also dealing with a situation where the population of the territory is not only physically divided, it is also divided in its loyalty to the existing states. This division is also acutely reflected in the people's interpretation of the "national objective" or objectives - Azadi (freedom), Accession to Pakistan and Accession to India. There are many unresolved questions, for example, the protection of the rights of linguistic, ethnic and religious minorities, forms of sharing of political power between the different regions of Jammu and Kashmir and the type of future relationship with India and Pakistan. The task of building a national consensus is not going to be an easy one. It has to address all these issues before a set of "national objectives" can be defined and a consensus built around these.

It will not be out of context to look at the developments in Northern Ireland, Sri Lanka and Nagaland. The decades long struggle of the Irish Catholics in northern Ireland, which received moral, political and financial support from the powerful Irish immigrants lobby in the USA, was seen as one of the most powerful struggles for self-determination in the post Second World War period. The Irish Republican movement, like the movement in Jammu and Kashmir, had followed a similar curve of internal disagreements, sectarian struggles and internecine wars. The Republicans have killed several of their compatriots on suspicion of betrayal of the cause. Yet this struggle finally had to come to terms with the need to "core" give up some of their objectives in order to achieve a negotiated peace that would protect some of their basic rights. It needs to be understood that De Velera in the past, or now Gerry Adams and others who supported the Good Friday Agreement did not betray the Irish

Republican cause. It is will be correct to point out that these agreements and the settlement could not have come about if these were not backed by a national consensus of the Irish Republicans.

In South Asia, the once invincible LTTE is now negotiating with the Sri Lankan government for peace and an acceptable political settlement for the Sri Lankan Tamils within the framework of the Sri Lankan State. In India's Northeast the Naga nationalists who have been fighting against the combined strength of Indian army and a whole horde of paramilitary forces for about five decades, have now entered into political negotiation with the Indian government for a peaceful solution to the Indo-Naga problem. During the past five years of cease-fire, the leaders of the Naga nationalist movement have been engaged in a dialogue with the leaders of Naga civil society on the kind of peace and political settlement that the Naga people would like to achieve at this stage through negotiations. This process of internal dialogue has already produced significant dividends for the Naga civil society in the form of reconciliation of inter-community conflicts. It has enhanced their ability to address the government of India and other communities in the northeast in a united manner and discuss peace in the framework of justice and reconciliation. It has also prevented the collapse of the cease-fire, despite provocations by both sides.

Mahatma Gandhi adopted a similar strategy in the early days of Indian national movement. He changed the character of the Indian National Congress from that of an organisation of elite to a mass organisation. He took the Congress to the people. He opened up its membership to all sections of the society irrespective of their economic status, religion, caste and political ideology. He introduced direct elections to the District Committees of the Congress. All those who paid their "four anna" membership were eligible to contest and vote. Women got their right to vote in the direct elections to the District Committees of the Congress even before the British women got their right to vote. Gandhi ji built the Indian National Congress as a coalition of all sections of Indian people. The Communists and the socialists apart, the organisations of landlords, trade unions, organizations of the peasants, the Muslim League and even those groups who subscribed to armed struggle were collectively or individually members of the Congress at different times. They participated in the elections to the District Committees, Provincial Committees, the All Indian Congress Committee and even the highest body of the Congress, the Working Committee. As we know, senior members of the Communist party of India and the Muslim League were elected to the Working Committee of the Congress. The Congress thus emerged as broad coalition of divergent interests that was committed to overthrowing the yoke of British imperialism. It is true

that the character of the Indian National Congress changed subsequently as it developed a more partisan outlook. But that is a different story. It is important to recognise the initial work of Gandhi ji and others in building a national consensus for independence.

When the APHC announced the plan to form an independent Peoples' Election Commission to seek the mandate of all peoples of Jammu and Kashmir for representing them in a political dialogue with India and Pakistan, I and some of my colleagues felt encouraged. We felt that through the process of seeking the peoples' mandate the APHC and other groups would begin a new democratic process that would go a long way towards building a national consensus. My colleagues and I agreed to serve on this Commission as we felt that this work will build a bridge between the different regions of Jammu and Kashmir as well as between the peoples of India and Pakistan. Helping the APHC and other groups to gain "legitimacy" in the eyes of the governments of India, Pakistan and the West was not our primary objective. We were keen to be a part of a process, to the possibility of a truly representative leadership to emerge in Jammu and Kashmir.

As the Peoples' Commission we wanted to put forward the idea of creation of a "National Peoples' Council for Freedom, Peace and Reconciliation" in Jammu and Kashmir. This people's democratic forum would have given a new life to the moribund political process in Jammu and Kashmir. This National Council comprising directly elected representatives, could be given the mandate to define the "national objective" through a process of consultations and engagement with different sections of the people all over the territory of Jammu and Kashmir. It could also be given the mandate to decide on priorities and strategies for achieving the agreed national goal or goals. The delegates to the National Council could be elected by the people of Jammu and Kashmir directly at the district level through elections conducted by the Independent Peoples' Election Commission. This process would have given the "people" of Jammu and Kashmir an opportunity to create their own national institution through a democratic process. This would have also demonstrated to the world the falsehood of Indian attempt to discredit the struggle and sacrifices of the people of Jammu and Kashmir as Pakistan sponsored terrorism.

Predictably, the Indian government rejected this proposal at the initial stage. Understandably, the Pakistan government also showed no willingness to allow the Independent Peoples' Election Commission to function in the areas of Jammu and Kashmir under its control. The large-scale arrest of the members of APHC's executive on all kinds of real and false charges, the killing of Mr. Abdul Gani Lone who was calling on all parties, the Indian government and

the militants to declare voluntary cease-fire and allow the beginning of a political dialogue further jeopardised this important initiative. APHC and most of the other pro-Azadi and self-determination groups are in confusion. Having followed a policy of trying to engage primarily with the governments of India and Pakistan they seem to have lost the capacity to be pro-active.

APHC should call for an all round cease-fire, release of all political prisoners, return of the soldiers to the barracks and similarly return of the militants to their homes. It should ask all concerned parties to allow the Independent Peoples' Election Commission to do its work so that a national consensus could be built through a democratic process, which has been denied to the peoples of Jammu and Kashmir by all parties, India, Pakistan and the militants.

The tragic reality of Jammu and Kashmir today is that the leadership of the movement remains cut-off from the masses. Most of these disparate groups are unable to trust each other and as a result are unable to come to a consensus on political issues or strategies of struggle. Under pressure of the Americans, President Musharraf is clamping down on the militant organisation in Azad Kashmir. The Jihad Council, which until recently received substantial material and moral support from the official and unofficial agencies in Pakistan is unable to see its future. Some of them may be worried about their immediate future. The manner in which, the Taliban and Pakistani supporters of the Taliban were sacrificed by Pakistan government at the altar of the global war on terrorism cannot evoke any confidence in the hearts of the militants sitting in Azad Kashmir today. The Indian policy of squeezing Pakistan with the help of America and the west has the potential of pushing the militants to desperation. We are already witnessing an increase in the militant activities in Indian held Jammu and Kashmir. President Musharraf has also indicated that he cannot control all the Jihadi groups effectively.

The militants, as expected, have already given a call for boycotting the elections to the legislative assembly of Indian administered parts of Jammu and Kashmir. They have even threatened to kill the participants. Under these circumstances, the APHC will be forced to repeat the call for boycott. This will help the Indian government's game plan. The boycott call will create confusion among the ordinary people of the valley. Many will refrain from participating in the elections out of fear. This will give the Indian government an opportunity to carry out a sham of an election with an un-revised voter's list. As we all know, the voter's list of Jammu and Kashmir has remained virtually un-revised since 1983. Only a partial or a cosmetic revision was done before the 1987 elections. The 1996 elections did not require any such revision as this election was basically held by the armed forces. Since then very little work has been done to update the voters list.

As people will remain away from the electoral process no one will challenge the authenticity of the voters list. Very few objections will be filed. If the boycott call remains in force, the majority of the voters in the valley will also not go to get their voter's identity cards. If elections are held under these circumstances there will be little chance to effectively challenge the fairness of the election.

There are many ways to express dissent and register protest. Boycott is a form of passive resistance that involves essentially a "negative" action. There are many other ways that a people can express their resentment against a repressive regime through assertive political action. The coming election to the legislative assembly provides the opportunity to organise mass movement on so-called "legitimate" political issues.

For example a mass campaign may be organised to examine the voter's list. The people should be asked to identify incorrect entries and deletion of names of bona-fide voters. Objections against such irregularities in the voters list should be filed in an organised manner in order to compel the concerned authorities to properly revise and update the votes list before holding the election. These are forms of legitimate political action. Demanding transparency at all stages of the electoral process will be another way of advancing the process of peoples' resistance in Jammu and Kashmir. Similarly, people should besiege the outlets set up for preparing the voter's identity cards. These identity cards will be a valuable resource in exposing electoral fraud. The organisers of this non-violent struggle in Jammu and Kashmir should call on the civil liberties organisations of India to assist them in this struggle for making the process of election free and fair. They should also call for the presence of observers from the neighbouring countries of South Asia to see how the Indian state is responding to these legitimate demands of the people of Jammu and Kashmir. This could also become the first step towards building a coalition of civil society organisations for the defence of democracy and fundamental freedoms of the people of Jammu and Kashmir. The Chief Election Commissioner of India has said that the people have the democratic right not to participate in any election. However, if the people of Jammu and Kashmir do not want to participate in this election, instead of just boycotting the polls they could organise a mass campaign for casting "invalid votes". The voters can en-mass invalidate their ballot papers as a mark of protest. This will prove the hollowness of the Indian claim that the struggle of the people is totally Pakistan sponsored.

As the history of the nation-states shows us, there is nothing sacrosanct about the existing boundaries of states. These boundaries have been formed

and reformed several times. Many powerful nation states have disintegrated. It is not just the territorial boundaries, but the people who constitute the nation. And, as Bertrand Russell had said, "the people are only permanent force in history". The indomitable urge for freedom in the people is the motive force for change. However, it is also important to recognise the need to temper this urge for freedom with principles of justice and reconciliation. Without which there can be no true freedom and sustainable peace.

¹ According to the 1981 census, the population of undivided Jammu and Kashmir is 13 million, i.e. state of J&K in India -8.3m, "Azad" Kashmir 2.2m, Pakistan administered Northern Territories -1.0m, refugees from Kashmir in Pakistan 1.5m and expatriates in the UK-0.5m

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