

**PAKISTAN'S DIPLOMATIC STRATEGIES
WITH REGARD TO KASHMIR
SINCE 1989**

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CERTIFICATE

Certified that the dissertation entitled 'PAKISTAN'S
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the award of degree of **MASTER OF PHILOSOPHY** of Jawaharlal
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to any other University for the award of the Degree.

We recommend that it should be placed before the
examiners for evaluation.

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TO
MY PARENTS

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CHAPTER 1

A HISTORICAL PERSPECTIVE OF KASHMIR PROBLEM

The contemporary situation in Kashmir has its roots in the division of the sub-continent. The princely state of Jammu and Kashmir was merged with the Indian Union in 1947. The circumstances and the manner in which this happened provide vital clues to our understanding of the vicissitudes of its present politics and its emotional, political and constitutional ties with the rest of the country.

The Hindu Maharaja who had the constitutional authority under the Indian Independence Act to decide its future affiliations, when the country was partitioned into two dominions, was reluctant to opt for India. It was not easy for the large Muslim partition to take such a decision especially as the position line was being drawn more or less along the communal lines. The Maharaja's reluctance to join the Indian Union was further encouraged by both Muslims and Hindus. The working committee of the All Jammu and Kashmir Rajya Hindu Sabha, formally adopted a resolution in May 1947 reiterating its faith in the Maharaja and extended its "Support to whatever he was doing or might do on the issue of accession".¹ Similarly, in a press statement issued in May 1947, the acting president of All Jammu and Kashmir

1. Teng Bhat Kaul, Kashmir: Constitutional history and document, New Delhi 1977. p.534.

Muslim Conference, Chowdhar Hawidullah Khan urged the Maharaja to "declare Kashmir independent and establish a separate constituent assembly to frame the Constitution of the State".² He assured Muslim co-operation and support to the Maharaja as the first constitutional ruler of an independent and democratic Kashmir. This statement was almost in line with the stand of Indian Muslim League whose supreme leader, Mohammed Ali Jinnah, declared on 17 June 1947: Constitutionally and legally the Indian states will be independent and sovereign on the termination of paramountcy and they will be free to decide for themselves to adopt any course they like. It is open for them to join the Hindustan Constituent Assembly or the Pakistan Constituent Assembly or decide to remain independent".³

The Maharaja's indecision to accede to either India and Pakistan, inspite of Lord Mountbatten's persuasions further complicated the situation. Quoting Mounbatten in his 'Mission with Mountbatten, Alan Campbell John states that, "the state's ministry, under Sardar Vallabhbhai Patel's direction, went out of its way to take no action which could

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2. Ibid. It is to be noted have that "J&K was one of those princely states which did not join the constituent assembly of India, set up under Cabinet Mission plan that has commenced functioning since' like.
 3. Pyarelal, Mahatma Gandhi; The Last Phase, vol II, Navjivan, Ahmedabad, 1977 p. 342.

be interpreted as forcing Kashmir's hand and to give assurance that accession to Pakistan would not be taken amiss by India."⁴ Envisaging no trouble if the Maharaja acceded either way, Mountbatten said that the "only trouble that could have been raised was by non-accession and this unfortunately the very course followed by Maharaja".⁵

After the declaration of independence on 15 August 1947, the Government of Pakistan accepted the offer of the Jammu and Kashmir state for a stand-still agreement. Under this agreement the Central departments of state functioning within the Lahore circle were to be under the jurisdiction of Pakistan. Accordingly, Pakistani flags fluttered over the offices of the Post and Telegraph department throughout the state. So far as government of India was concerned, the Prime Minister of Jammu and Kashmir in his telegram to Government of India stated "Jammu and Kashmir government would welcome standstill agreement with Union of India on all matters on which these exist at present moment with the outgoing British Indian Government. It is suggested that existing arrangements should continue pending settlement of

4. Alan Campbell Johnson, Muslim with Mountbatten; London 1951, p.120.

5. Balraj Puri, Kashmir Towards Insurgency; Orient Longman, Delhi - 1993.

details and formal executions of fresh agreement".⁶ But before the Prime Minister could come to discuss these matters Kashmir was invaded. Therefore, the standstill agreement which they were trying simultaneously to conclude with the two countries were interrupted not by the action of Government of Kashmir or by the Govt. of India but by the active aggression of Pakistan. Therefore, it was not possible for the stand still agreement contemplated to go on. In fact, the stand still agreement was an attempt used by Pakistan to occupy Kashmir by force. The Indian Prime Minister Jawaharlal Nehru prophetically apprehended after Pakistan signed standstill agreement with Govt. of Kashmir that "Pakistan's strategy is to infiltrate now and to take some action as soon as Kashmir is more or less isolated".⁷ In letter to Home Minister Sardar Patel, he expressed the view that the only course open to the Maharaja was to seek the co-operation of National Conference and accede to India. This would make difficult for Pakistan "to invade it officially or unofficially without coming into conflict with the

6. Mulk Raj Anand, V.K. Krishna Menon's Marathon speech on Kashmir at the U.N. Security Council, Wheeler Publishing 1992. p.14.

7. Mehar Chand Mahajan: Looking Back, 1963, p. 265.

Indian Union".⁸ If this advice had been heeded in time, there would have been no Kashmir problem today.

Meanwhile communal tensions continued to grow in Jammu. Serious trouble developed in the Muslim majority Poonch estate within the Jammu region. This began with some local demands like the rehabilitation of 60,000 demobilized soldiers of the British army belonging to the area. As issues got mixed up, the agitation finally turned communal. The state army refused to fire on agitators with whom they had religious and ethnic ties. They deserted the army and agitation took the form of an armed revolt. Pakistan taking the full advantage of the situation started actively supporting the agitators by supply ammunitions and other types of assistance. This was the beginning of Pakistani invasion in Kashmir. On 31st August 1947, the chief of staff of Jammu and Kashmir forces, Major - General Scott, a British officer submitted his first report to his government on border raids from Pakistan.⁹ On 18th September, hundreds of armed men with Service rifles and spears attacked a Kashmir state patrol near Chak Harka.¹⁰ On 3rd October, the Jammu

8. Major K. Brahma Singh, History of J&K Rifles, New Delhi 1990, p.52.

9. Mulk Raj Anand, no. 6, p.16.

10. Mulk Raj Anand, no.6, p.17.

and Kashmir Government protested to Pakistan against hundreds of armed people from Muree hills in Pakistan operating in Poonch, part of which was now occupied by Pakistan.¹¹ It also protested against the essential supplies, including petrol, rice, salt and cloth being withheld.¹² This was the second violation of standstill agreement. On 15th October, the Maharaja appealed to British Prime Minister about the economic blockade of the state by Pakistan and the beginning of the invasion from Pakistan in Poonch.¹³ The Kashmir government informed the British Prime Minister.

"People all along the border have been licensed and armed with modern weapons under the pretext of general policy, which does not appear to have been followed in the case of internal districts of west Punjab whereas military escorts are made available for several others purposes, none is provided for safe transit of petrol and other essentials of life. Protests merely elicit promises which are never implemented. As a result of obvious connivance of the Pakistan Government, the whole of the border from Gurdaspur

11. *ibid.*

12. Mulk Raj Anand, no.6, p.18.

13. *ibid.*

side up to Gilgit is threatened with invasion which has actually begun in Poonch."¹⁴

Meanwhile, Sheikh Abdullah, the hero of Kashmiri nationalism side-tracked India-Pakistan polarization that was developing all around Kashmir by declaring the issue of accession secondary. Abdullah disagreed with the stand of the Muslim League and the rulers of Pakistan on the two nation theory. He acknowledged his ideological affinity with Gandhi and Nehru. Abdullah's main slogan was 'freedom before accession'. Abdullah's affinity with Gandhi and Nehru and his unequivocal support to the Kashmiri urge for freedom baffled Pakistan. In a desperate bid to settle the issue, the Pakistani government launched a full-scale invasion under the disguise of 'tribal raiders'. The invasion roused the anger of a self-respecting Kashmiri community against the threat that Pakistan posed to its freedom, identity and honour. As the tribesmen reached the outskirts of Srinagar, the Maharaja sought aid of the Indian army. The Governor General advised that this could not be done unless the state acceded to India. Mehar Chand Mahajan, the Prime Minister of the state and Sheikh Abdullah rushed to Delhi to request early dispatch of Indian army to rescue

14. *ibid.*

rapidly worsening situation in Kashmir. Carrying Maharaj's brief to accept all the terms of Govt. of India, he told Nehru "Give army, take accession".¹⁵ Thus, the instrument of accession was of a standard form which all the rulers of the Indian States were required to sign.¹⁶ The Governor General Lord Mountbatten conveyed acceptance of the instrument of accession and in his covering letter he said:

"In consistence with their (Indian Government's) policy that in case of any state where the issue of accession has been the subject of dispute, the question of accession should be decided in accordance with the wishes of the people of the state, it is my Government's wish that as soon as law and order have been restored in Kashmir and her soil cleared of the invader the question of the state's accession should be settled by a reference to the people".¹⁷

The Indian army was rushed to clear the state of invaders. Kashmiris welcomed the army as the defenders of their honour, freedom and identity.

The accession of the state of Jammu and Kashmir to India, supported by the constitutional authority of the Maharaja and politically and emotionally by the people of

15. Sheikh Abdullah: 'Flames of Chinar', Penguin Books (India) 1993, p.151.

16. See appendix A.

17. Balraj Puri, 'J&K: Triumphal Tragedy of Indian Federation', Sterling, New Delhi, p.61.

Kashmir was the greatest triumph of Indian nationalism after independence. Though constitutionally and politically valid, it did not end the uncertainty over the final status of the state mainly for three reasons. First, the accession was subject to a reference to the people of the state. Second, the issue of the future of the state was internationalized as it was referred to the United National Security Council for a "peaceful settlement". Third, a war had to be waged to clear the state from invaders.

In the case of Kashmir, insistence on the need for a referendum demonstrated the Government of India's trust in the people of Kashmir which exposed Pakistan's distrust in them. India was also confident of winning the plebiscite, whereas Pakistani leaders who had recognised the sovereign rights of the princes were afraid of losing it. At a meeting of the Governor General of India and Pakistan on 1st Nov. 1947 at Lahore, Mountbatten offered to resolve the issue of Kashmir by setting a verdict from the people but Jinnah rejected the plebiscite as redundant and undesirable." Jinnah said, "with Indian troops present and Sheikh Abdullah in power, the people would be frightened to vote for Pakistan"¹⁸ Mountbatten's offer to hold a plebi-

18. H.V.Hodson; 'The Great Divide: Britain, India, Pakistan', London 1969, p.178.

scite under the auspices of the United Nations was also not acceptable to Jinnah who instead proposed, "He and Mountbatten should have plenary power to control and supervise the plebiscite".¹⁹ Since Mountbatten was temporary figure-head of India and could not represent the country, so the bilateral talks between India and Pakistan could not resolve the dispute. The failure of the bilateral talks and continuation of support by Government of Pakistan to the invaders forced India to take the matter to the UN Security Council. On 1st January 1948, India complained to the Security Council under Article 35 of the charter requesting that "the Government of Pakistan be asked to prevent tribal and Pakistan nationals from taking part in the fighting in the state of J & K and to deny the raiders access to and use of its territory in operations against Kashmir".²⁰

9. In its resolution of 13th August, 1948, the United Nations Commission for India and Pakistan (UNCIP) appointed by the Security Council proposed to determine the future status of Jammu and Kashmir in accordance with the will of the people. The UNCIP recommended the withdrawal of Pakistani troops, tribesmen and other Pakistani nationals from the

19. *ibid.*

20. Mulk Raj Anand, no.6, p.27.

state. It was decided by the Security Council that the territory thus evacuated would be administered by the local authorities under the surveillance of the commission. India was required to withdraw the bulk of its forces in stages, after a withdrawal by Pakistan. Pakistan evaded the acceptance of the UN resolutions of 13th August 1948 till December 1948. Pakistan's delay in accepting the commission's resolution gave much valuable time to India rid the valley of the raider. Leh, Kargil and parts of Ladakh were won back. In Jammu, the town of Poonch was freed and control was established over the areas between it and Rajouri. The success of the Indian military during this period perturbed Pakistan and it agreed to a UN crafted ceasefire line on 1st Jan. 1949. The ceasefire line divided the state with nearly all of Kashmir and much of Jammu and Ladakh going to India. Pakistan got parts of Jammu province and fringe areas of Kashmir up to Muzaffarabad. This area is now called "Azad Kashmir" or free Kashmir. In addition to this Pakistan also retrieved control over most of Baltistan in Western Ladakh and Northern areas including Gilgit, Hunza, Nagar and Yasin. As since the major thrust of Indian policy was to build up sentiments of Kashmiri patriotism as the most viable bulwark against the appeal of Pakistan, the ceasefire line would seem to serve its purpose. It consolidated and crystallized

Kashmiri identity while protecting it from the influence or the challenge of a community which had close ethnic and cultural affinities with prajatri Muslims and hence with Pakistan.²¹ The National Conference leadership was not greatly enthusiastic about getting back an area which had always been hostile to it in the past. In any case the loss of POK (Pakistan Occupied Kashmir) territory was the price India had to pay for the inordinate delay in settling the question of accession.

The Security Council after drawing the ceasefire line passed a resolution on 5th Jan. 1949. Through this resolution the UNCIP re-confirmed the legal status of the Government of Jammu and Kashmir. The UNCIP was also asked to finally appoint plebiscite administrator.

It is in this retrospect ironical that India took the lead in bringing the Kashmir issue to the UN. In fact, Nehru's purpose was to get the Security Council censure for Pakistan's role in participating or assisting the invasion.

UN nominated negotiators tried for a decade achieving little success. Finally, in 1957, Gunnar Jarring in his report to the Security Council pointed out that ground reality in disputed territory of J & K has changed so much

21. In the areas across the ceasefire line, the region is inhabited by 'Pathoari' community, a section of which had started revolt against the state authority.

that it was impossible to implement plebiscite. He recommended direct negotiations between India and Pakistan for the solution of the problem.

Discontent and Insurgency:

The contemporary situation in Kashmir manifested through terrorism is multi-dimensional. The alienation of Kashmiri from the mainstream India provided a spring-board for the Pakistani designs to encourage and perpetuate insurgency in the state.

As soon as Kashmir acceded to the Indian Union, the vital issue of its relations to the centre had to be determined. At a meeting of the representatives of the state governments and government of India held in May 1948, it was agreed that the Constituent Assembly of the state would decide upon the transfer of powers to the government of India. Accordingly, a "transitional and provisional", that the Article 370²² was incorporated into the Indian constitution with the idea to quote Ayyangar:

"When the Constituent Assembly of the state has met and taken its decision on the constitution of the state and the range of federal jurisdiction over the state, the president may, issue an order that Article 370 shall either cease to be operative or shall be operative only subject to such exceptions and

22. Balraj Puri, no.17, p.61.

modifications as may be specified by
him".²³

Article 370 limits the power of parliament to make laws for the state of Jammu and Kashmir in "those matters in the Union list and Concurrent list which are declared by the president to correspond to matters in the said list or, with the concurrence of the government of the state, the president may by order specify".²⁴

Since its incorporation into the Indian Constitution Article 370 has been the subject of major controversy. This highly emotional issue of Kashmir politics aroused passions for and against it. Seikh Abdullah in his bid to define centre-state relations suggested that the reference of the government of state in Article 370 should only mean the council of ministers appointed by the Maharaja for the first time (i.e. on 5th March, 1948). On the other hand, the government of India was in favour of including subsequent governments as well so that the new central legislation could continue to be applied to the state with the consultation and concurrence, as the case may be, will all the state governments to come. The Government of India continued to proceed towards the constitutional integration of the state

23. See Appendix 'B'.

24. *ibid.*

with the union as a result of which 'Delhi Agreement was signed between Abdullah and Nehru on centre-state constitutional relations in July 1952. It was decided that under the agreement the union flag will occupy the supreme and distinctive place in the state, which had its own flag also. The fundamental rights of Indian constitution would apply to the state, and the jurisdiction of the Supreme Court would be extended to the state in regard to the fundamental rights as well as in respect to disputes between states and between state and the centre.²⁵

The Government of India's attempt to establish constitutional integration of the state with the union was understood by Kashmiri's as an attack on their regional autonomy. This atmosphere of mutual distress precipitated a crisis which led to the dismissal from power and indefinite detention of Sheikh Abdullah on 9 August, 1953. This, in turn, alienated the people of Kashmir.

Abdullah's successor, Bakshi Gulam Mohammad did not formally deviate from the original political line of his leader. In fact he alleged that Sheikh Abdullah had deviated from the set policies of the National Conference by repudiating its past programme, denouncing Delhi agreement

25. Balraj Puri, no.5, p.27.

and advocating the alternative of creating an independent valley of Kashmir. Bakshi extended his political base by giving representation to regional, communal and caste interests in political institutions. For the first time Ladakh was represented in the Ministry. Jammu's representation in the ministry and the National Conference leadership was enlarged which was further distributed on the basis of relative importance of its districts, castes and communities.

The set-back to emotional integration was sought to be compensated by agreement on financial integration between the state and the Government of India under which generous central aid started flowing into the state. Indeed, the per capita statutory grant in aid to J & K of Rs.41.7 for the five year period from 1957-1958 to 1961-1962 was almost seven times the Rs.6 average of all states.²⁶ The highly subsidised economy was geared to aid the process of political regimentation. Permits, contracts, licenses, quotas and loans were sanctioned by arbitrary discretion and mood of the state Prime Minister. In the process, he encouraged uninhibited corruption in the civil administration. He ruthlessly crushed all the voices of opposition in order to polarize the state politics between the Plebiscite Front in

26. Balraj Puri, no.17, p.61.

Kashmir and Praja Parishad in Jammu. So, the decade long repressive measures of Bakshi till the release of Abdullah in 1964 aggravated the problem. But an important feature of this phase of alienation of Kashmir was that it retained its umbilical ideological link with the rest of the country. The Plebiscite Front led by Abdullah continued to swear by secularism and broad Gandhian values.

After the release of Abdullah in 1964, Nehru was keen to explore the possibility of a settlement of Kashmir problem with Pakistan. Abdullah went to Pakistan on Nehru's initiative but the death of Nehru on 27th May, 1964 dashed all the hopes raised. The successor government of Nehru moved towards further constitutional integration of the state. By December 1964, a series of constitutional amendments were introduced with the concurrence of a pliable state assembly, Articles 356 and 357 of the constitution were made applicable to the state by virtue of which the centre could assume the government of the state and exercise its legislative powers. The nomenclature of the heads of the state and government was changed to conform to the uniform pattern in the country. The head of the state was now to be nominated by the centre instead of being elected by the legislature. The measures of constitutional integration were followed by steps toward the political integration

There is the reference

of the state with the rest of India by converting the ruling National Conference into a branch of Indian National Congress.

The people of the valley reacted with unprecedented anger against what they perceived to be an assault on their identity and autonomy. Protest rallies were held in the valley as well as in the Pakistan held part of the state. Plebiscite Front president, Afzal Beg and Awami Action Committee Chief, Mirwaiz Maulvi Mohammad Farooq gave a joint call to observe a protest day in Kashmir on 15 January, 1965 against what they described as unconstitutional and undemocratic methods adopted by India.²⁷ The resentment of the people, unlike in 1953, was neither always non-violent and non-communal nor disciplined. Meanwhile Sheikh Abdullah and Plebiscite Front president were arrested on 8th May 1965.²⁸ A visible wave of anger swept the valley following the action taken by the Government of India against the Kashmiri leaders. Angry protests were suppressed with large scale arrests of the workers of the Plebiscite Front. It was particularly this sensitive situation that tempted Pakistan to send armed infiltrators in August, 1965 to liberate the

27. Balraj Puri, no.5, p.31.

28. *ibid.*

Kashmiris from India. Notwithstanding their resentment against India, the energetic Kashmiris were even less enthusiastic to accept the invaders and therefore withheld their co-operation. The opening of the second front in Punjab in 1965 war forced Pakistan to withdraw its forces from Kashmir and accept a ceasefire.

The attitude of people of Kashmir after the war improved India's international standing on the Kashmir issue. The then British High Commission pertinently observed that "India's case had been strengthened following the Pakistani infiltrations and behaviour of the Kashmiri people towards them".²⁹ The Western press, though generally less sympathetic to India's position on Kashmir did not buy Pakistan's line that infiltrators were freedom fighters of Kashmir. The 'Baltimore Sun' correspondent reported that even "political circles hostile to Indian Kashmir Government agreed that there is no uprising of local residents".³⁰ Chalmer M. Roberts of "Washington Post" corroborated the same view in his report that "the Muslim Pakistanis led by president Ayub Khan had expected the infiltrators to be able to produce a general uprising of predominantly Muslim Kashmiris. But

29. Balraj Puri, no.17, p.161.

30. *ibid.*

there was no uprising and this is Ayub's first disappointment".³¹

The Indo-Pak war of 1965 decisively established India's armed superiority over Pakistan and exposed Pakistan's utter incapability to liberate Kashmir from India. Pakistan's military and diplomatic reverses, reluctance of people of Kashmir to translate their anti-India sentiments into pro-Pakistan sentiments and their non-co-operation with Pakistani infiltrators and a firm Kashmir policy of India, without moral ambivalence struck a serious blow to the secessionists in the state. The case of autonomy of the state within India was also strengthened as leaders like Jayaprakash Narayan stepped up their campaign for the solution of Kashmir problem on this basis. Abdullah was again released from prison on 2nd January 1968. The defeat of Pakistan in 1971 war with India and the creation of Bangladesh resulted in a shift in the regional balance of power in India's favour. Pakistani leadership also acknowledged that war was no longer a viable means to liberate Kashmir. The signing of Shimla agreement (1972)³², the Pakistani President, Zulfikar Ali Bhutto acknowledged the principles of peaceful

31. *ibid.*

32. Shimla Agreement was signed in 1972 after the Indo-Pak war of 1971. For details see appendix C.

negotiation and Bilateralism as the basis of India - Pakistan relations.

The signing of Shimla agreement created a favourable objective situation for the settlement of the Kashmir issue. Taking cognizance of the new realities, Sheikh Abdullah in an interview to the correspondent of 'The Time' London on 10 March, 1972 said: "Once quarrel with the Government of India is not about accession but it is about the quantum of autonomy".³³ This found the basis for the final phase of his negotiations with the Government of India. After protracted talks extending up to almost three years, G. Parthasarathy and Mirza Afzal Beg, representatives of the Prime Minister and Sheikh Abdullah respectively signed a six point accord in 1974 popularly known as Delhi accord. Delhi accord bridged the gulf between popular leadership of Kashmir and national leadership. For almost a decade thereafter, communal and secessionist forces were marginalized. The revived National Conference won sweeping victories in the assembly elections in 1977 and 1983 and this further legitimized the accord. The Kashmir problem appeared resolved and for the first time, it was no longer on the international agenda of disputes. The Indira-Abdullah accord (Delhi Accord) was

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33. Balraj Puri, no.17, p.177.



evaluated not in terms of a decline of secessionist sentiment but by the degree of emotional integration of the state reflected in Congress - National Conference Cordiality.

The high-handed dismissal of Farooq Abdullah government on 2nd July 1984 and installation of G.M. Shah as Chief Minister of the State succeeded in rowing afresh the seeds of the problem. Interestingly Shah was dismissed as arbitrarily as he was appointed. G.M. Shah's government was corrupt to the core. It strengthened the base of fundamentalists in the state. The decision to dismiss a duly elected government and impose an unpopular government on the state was tantamount to expelling the state out of the boundaries of Indian democracy. After the landslide victory of Congress party in the country in the parliamentary elections of December 1984, Farooq Abdullah gave up his role as opposition leader and extended unconditional support to the then Prime Minister, Rajiv Gandhi. His failure to express the popular anger that had build up in Kashmir against his own dismissal earlier allowed this anger to be mobilized by fundamentalist forces. The Rajiv - Farooq accord of 1986 leading to the formulation of National Conference - Congress coalition government further alienated the Kashmir Muslims. The accord was defended by the two parties mainly on grounds

of insurance of larger inflow of central funds to the state. The argument implied that central aid was given on narrow political considerations and Farooq said more explicitly: "Any one who wants to form a government in Kashmir cannot do so without changing power with New Delhi."³⁴ The people of Kashmir, as a self-respecting lot, had reputedly rebuffed attempts of earlier governments to buy over their loyalty. The Rajiv-Farooq accord blocked secular outlets of protest against governments both at the centre and the state. The accord the raison d'etre of both the parties and forced all types of discontent to seek fundamentalist or secessionist outlets which consolidated in the form of the Muslim United Front. The next mile stone on the road to Kashmir's alienation was the assembly elections of March 1987 which were partly rigged. By 1988, the prestige of Farooq Abdullah and his government had suffered serious set backs. There was no alternate force which had any claim to legitimacy. Even the traditional fundamentalist leadership could not mobilize the popular discontent. Gradually, a new leadership from the new generation started taking charge of the situation. The simmering discontent in the valley found a clear anti-India expression through a series of events in August 1988. Pakistan's independence day was celebrated on

34. India Today, 10 Nov., 1988.

14th August, 1988, a bandh was organised and black flags were raised on India's independence day on 15th August, 1988 and a condolence demonstration was held on the death of Pakistan president Zia-Ul-Haq on 17th August, 1988. The following month, the terrorists made their presence felt through an abortive attempt on the life of the Deputy Inspector General of Police and incidents of blasts elsewhere. On 6th October, 1988, the Union Home Ministry revealed that over 100 armed infiltrators had come to the state to create disturbances.³⁵ The eruptions of anti-India sentiments in Kashmir, observed the Hindustan Times reached a new high on the Republic day of 1989 when the militants imposed a successful bandh throughout the valley". The lack of non-terrorist and non-secessionist outlets of popular discontent contributed a great deal to the terrorist secessionist tendencies in Kashmir.

An important element in the rise of militancy in the state is the high-handedness of Pakistan in Kashmir's internal politics. Pakistan has a small and fragile state structure, successive Pakistani governments have sought to develop external opportunities to project a forceful military and diplomatic stance so as to avoid a preoccupation

35. The Hindustan Times, 7th October, 1988.

with internal problems. These external opportunities usually involved a focus on foreign aid and Kashmir's liberation. The Pakistani elites having big ambitions and a narrow base of power and legitimacy in Pakistani politics and society inevitably tend to develop external opportunities in order to expand their own power position as well. The external power projection and internal aggrandizement are linked with the attitudes and behaviour of Pakistani elite. The basis of this argument is that Pakistan is too small for the ambitions of its military and bureaucratic elites, hence they have continually sought external opportunities for their legitimation and advancement in Pakistan's internal politics. The search for foreign opportunities explains their preoccupation with externally oriented military and diplomatic affair. The second important factor in Pakistan's history had been anti-majoritism. Throughout Pakistan's political history, its regional and ethnic groups have sought a better position for themselves on an anti-majority theme. The anti-majority theme is a British legacy which has dominated Pakistani elite thinking. It has its uses in Pakistan's external relations. This factor in Pakistan's internal politics is so strong that it helps mobilize Islam against India. So, in the 2nd half of 1980s, Gen. Zia-Ul-Haq used these traditions or conventions of

Pakistan's political affairs vis-a-vis Kashmir. In order to legitimize his dictatorship, Gen. Zia in connivance with the Pakistan (Inter Services Intelligence) ISI mooted out a plan called "operation Topaz". The objective of this plan was to create internal disturbance by aiding and abetting terrorism in Kashmir. The internal political developments in Kashmir towards the 2nd half of 80s helped succeed his plan in fomenting trouble. The death of Gen. Zia, ensued a transitional phase in Pakistan's internal political situation. In other words Pakistan was trying to adjust itself to the new democratic wave initiated by Ms. Benazir Bhutto after a long spell of Zia's dictatorship. The changed political order could not find itself comfortable to the burgeoning internal ethnic disturbances in Pakistan, being manifested in Karachi. The political legitimation of the new democratic dispensation in Pakistan called for an external support isdn the face of the internal crisis. Thus the governments of Nawaz Sharif and Benazir Bhutto also used the anti-India bogey to evoke pro-Islamic sentiments among the Kashmiries as well as the troubled poulace at home in order to contain if not atleast divert everyones attention from the internal disturbances of of Pakistan. It has been established now in the eyes of the world that Pakistan is hell bent to worsen the Kashmir situation by imparting

training to terrorists. Evidence supplied by the intelligence agencies, foreign correspondents and admissions by militants attests not only to the regular supply of arms and to the existence of training camps, but their precise locations and number within Pakistan's jurisdiction as well. The British Home Secretary, Kenneth Clark during his visit to Pakistan on 7th January, 1993 observed that a lot of "military equipment was going over the border from Pakistan into Kashmir".³⁶ In a move to prevent Pakistan from promoting terrorism in Kashmir the US ambassador in Pakistan in a letter to the then Pakistan Foreign Secretary, Shahryar Khan said that the "US has not taken the step on information and evidence provided by India and that it had used its own sources to gather information on the subject".³⁷

A report by United States Department of State titled "Pattern of Global Terrorism 1993" accepted that "there were authentic report in 1993 of official Pakistani support to Kashmiri militants who undertook terrorist attacks in Indian-controlled Kashmir, Some support came from private organisations such as Jamat-I-Islam".³⁸ The Government of India has also raised the issue of 'proxy War' started by

36. The Times of India, 9th January 1993.

37. *ibid.*

38. The Times London, 10th May, 1995.

Pakistan since 1980 in Kashmir. The contention of proxy war has been proved to the world by recent torching of the shrine at Charar-e-Sharif. In a dispatch to 'The Time of London, todays before the incident, Mr. Christopher Thomas, its correspondent said" "There is little doubt that the seizing the shrine, dedicated to a 14th century Sufi poet was approved by agencies in Pakistan which were determined to disrupt any attempt by India to hold elections in Kashmir. The occupation is one of the most brazen acts of interference in Indian Kashmir by Pakistan, which facilitates the supply of guns and money to the separatist-Group".³⁹ Reporting again from Kashmir, Mr. Christopher Thomas further said: "The presence of Pakistanis inside Indian Kashmir supports Delhi's claim of a proxy war from across the border". Since 1989, there are guns galore in the entire state. They are in the hands of both the security forces and the militants and the number of people wielding them points to the deteriorating situation in the sensitive border state. At present, there are more than a dozen various militant outfits operating in the state, having their own internal differences regarding the independence status or accession of the state with Pakistan.

39. The Times London, 12th May, 1995.

An objective assessment of the military in the valley suggests that pro-Pakistani militant groups are trying to give an Islamic color to the problems. It was because of pro-Pakistan militants, Hindus who had lived in the valley for generations and had close links with the local Muslims found it difficult to cope with the hostile atmosphere. Local Hindus had no options but to leave the valley many of them virtually fled, leaving everything behind. After driving away the Hindus, the militants paralyzed the local administration and soon nothing could move in the valley without their command. They virtually dominated every affair, thus making the life of even the local Muslim population miserable. Thus the worst fall-out of prolonged militancy has been the complete evacuation of the Hindus and collapse of the tourism driven economy. In fact, people living in the valley lead a life of distress and uncertainty as they are always under the threat from militants.

In spite of the successes achieved by militancy by turning the international spot light on Kashmir again, its limitation and internal contradictions have also emerged. The internal contradictions of militancy have raised a number of questions. For example: How would the difference between the pro-Pakistani and the pro-independence groups be resolved if they ever succeeded in their common objective of

liberation? How would, what is called "Azad Kashmir" be liberated from Pakistan and similar militant groups seeking Kashmir's merger with Pakistan are yet to clarify how its identity will be more secure than it has been within India. If the militants had been settling their differences with those who preferred the Indian framework for Kashmir by physically eliminating them, how can the same method be avoided in settling differences between those who are seeking Kashmir's destiny outside India? Will Pakistan allow the amendment of the constitution of "Azad Kashmir" to permit any view other than that of remaining part of Pakistan to be expressed?

CHAPTER 2

PAKISTANI DIPLOMACY AT THE UN WITH REGARD TO KASHMIR

Pakistan's attempt to raise the Kashmir issue at the United Nations have continued intermittently ever since 1947. According to Pakistan, the final disposition of the State of Jammu and Kashmir should have been made in accordance with the will of the people expressed through plebiscite, as provided for in the Security Council resolutions of 1948 and 1949. The Security Council passed similar resolutions again in November, 1951 and December, 1952. The council met again at the instance of Pakistan in 1957 and passed a resolution recommending plebiscite on 2nd December, 1957. Pakistan again took the issue to the Security Council in 1962. Talks were held between the Indian and Pakistani Governments in 1962-63 but failure to reach a conclusion took the Kashmir question back to the Security Council in February-May, 1964. In the wake of Pakistan's failure to grab Kashmir by force in 1965 war, the subsequent Tashkent Declaration of 1966 emphasised a step by step approach to resolve all issues between the two countries. This was followed by Shimla Agreement of 2nd July, 1972 by which the two countries agreed to resolve the problem within the bilateral framework. Despite that, Pakistan has not desisted from raising the question at the UN and other international forums from time to time. The rise of militancy in

the valley since December 1989 provided an opportunity to Pakistan to draw the international attention on Kashmir again. The worsening of the situation in the Kashmir valley due to the export of terrorism from across the border has multi-dimensional ramifications. In a bid to internationalise its dispute with India over Kashmir, Pakistan has tactically invoked the non-political ideology of human rights. Pakistan accuses Indian security forces of committing human right violations while dealing with the uprising in Kashmir. The Pakistani rhetoric of human rights violations in Kashmir has gathered an extra momentum. Human rights has acquired the top position on the list of diplomatic agenda of Pakistan since 1989. Pakistan has accused the Indian security forces of perpetrating genocide in the valley. The so called atrocities and excesses of the Indian security forces include killing innocent men and women in the name of cordon and search operations, firing on civilians, extra judicial killings, arbitrary arrests, torture, burning of houses, gangrape and custodial deaths. Pakistan complains that in the campaign of suppression by Indian troops since 1980, "the forces are above the law, free from any restraints and immune from any investigation

or punishment of their conduct".¹ Pakistani scholars recriminate India for the six monthly extension of President's rule in the State since July, 1990. They accuse India of using the imposition of President's rule as an instrument of furthering the oppression in the state. Since 1989, Pakistan has raised the issue of human rights and the demand for "self-determination" at various international forums at every conceivable opportunity.

On 4th October, 1980, Mrs. Nusrat Bhutto, head of the Pakistani delegation made a statement in the UN General Assembly seeking a settlement of the Kashmir problem "in accordance with the relevant UN resolutions which recognise the right of the people of the state to decide their future".² In March 1990, at the Human Rights Commission in Geneva, Pakistan raised the Kashmir issue claiming that the people of Jammu and Kashmir had been denied the right of self-determination".³ In February 1991, there was a clash between India and Pakistan on the questions of human rights violations and self-determination at the 47th Session of the

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1. Text of the "address by his Excellency Mr. Mohd. Nawaz Sharif, Prime Minister of Islamic Republic of Pakistan to the 49th Session of the Commission of Human Right, Geneva, "February 2, 1993, p.6.
 2. Asian Recorder November 19-25, 1994, P.23828
 3. ibid

United Nations Human Rights Commission) in Geneva. In May, 1991, during discussions in the Special Committee of Economic and Social Council, Pakistan accused Indian security forces of committing "barbaric and brutal" acts against Kashmiri people.⁴ On 6th September, 1991, during the NAM (Non-aligned Movement) foreign ministers meeting at Accra, the then Pakistani Foreign Secretary, Shahryar Khan raked up the issue of human rights and demanded the application of the principle of self-determination in Kashmir.⁵ Pakistan raised the Kashmir issue again in the UN General Assembly on 30th September, 1991. Pakistan Minister of State for Foreign Affairs, Mr. Muhammad Siddique Khan Kanju made allegations in the Assembly of "grave human rights violations by Indian forces" in what he claimed was occupied Jammu and Kashmir". He also referred to the Kashmiris "inalienable right to self-determination"⁶ Pakistan asked the United Nations on 27th November, 1991 to monitor and investigate the massive violations of human rights in Kashmir. Pakistani delegate, Muniza Baseer told the General Assembly's social committee that "the international communi-

4. IDSA News Review on South Asia, July 1991, P.490

5. Asian Recorder, November 4-10, 1992, D.22696.

6. *ibid*, P.21991

ty must not remain silent in the face of the reign of terror and repression unleashed by India".⁷

Pakistan and India on 20th February, 1992 traded charges and counter-charges of human rights violations in Kashmir at the 48th Session of the UN Commission on Human Rights in Geneva. On 22nd September, 1992, the two countries again clashed at the UN General Assembly after Pakistan's Minister of State for Foreign Affairs, Mr. Muhammad Kanju accused India of "repression in Kashmir and demanded self-determination for the people of the State."⁸ On 25th November, 1992, at the U.N. General Assembly Social Committee, Pakistan called upon the UN to condemn the "gross and systematic" human rights violations by Indian security forces in Kashmir so that India halts "its campaign of terror".⁹ On 2nd February, 1993 at the 49th Session of the UN Commission on human rights in Geneva, Pakistan again brought up the Kashmir issue. The then Prime Minister of Pakistan, Nawaz Sharif declared that "Jammu and Kashmir is an area where fundamental human rights including the right to self-determination are being denied to the people".¹⁰ On

7. Nation, November 29, 1991.

8. Asian Recorder, November 4-10, 1992, P.22696.

9. IDSA News Review on South Asia, December, 1992 p.757.

10. "Nawaz Voices concern at Human rights in Kashmir POT (Pakistan series), February 6th, 1993.

16th June, 1993 at the UN World Conferences on Human Rights at Vienna, Pakistan accused India of human rights abuses in the valley and brought up the question of self-determination in Kashmir. The same issues were again raked up by Pakistan during the UN General Assembly meeting in September, 1993 as well as at the UN Human Rights Conferences held at Geneva in February 1994. Not content to let matters rest Pakistan raised the Kashmir issue yet again at the NAM Conference of Foreign Ministers in Cairo on 1st June, 1994. Pakistan Foreign Minister Sardar Assef Ahmed Ali linked India with Israel and Serbia and urged NAM (Non-aligned Movement) to set up a mechanism to find a solution to the Kashmir problem.

Pakistan has also been trying to garner support from the Muslim world by highlighting its concern for the plight of Kashmiri Muslims. Pakistan dwells on human rights violations of Muslims including the right of self-determination. Attention has been drawn to the shattered Kashmiri economy which had led to large-scale migration of Kashmiri Muslims families. Pakistani scholars allege that the "search and raid" operations by the Indian army and para-military forces show a clear communal bias wherein vengeance and ruthlessness against the Kashmiri Muslim population is perpetuated. Pakistan has also involved the Organisation of Islamic

Conference in its game plan to internationalise the Kashmir issue. To this end, a communique was issued by the OIC (Organisation of Islamic Conference) in September 1992, after the annual co-ordination meeting of Foreign Ministers in New York. The communique condemned India for the massive and systematic violations of human rights of people in Kashmir including their right to self-determination. Urging the Indian Government to "respect human rights" the communique called for a speedy and peaceful settlement of the "Kashmir dispute" in accordance with the UN resolutions and in the spirit of Shimla agreement. The Islamic conferences of Foreign Ministers in its conference in Karachi in April, 1983 discussed the Kashmir question at the instance of Pakistan. The 39 page communique of the Conference endorsed the recommendations of the Secretary-General on Kashmir, calling upon member States to consider "Implementing trade sanctions against India".

Pakistan has been trying to exploit the international concern on human rights by bringing up the question repeatedly at the UN Human Rights Commission meetings. In 1994, Pakistan again took up the matter of Human Rights violations at the UNHRC (United Nations Human Rights Commission) meeting at Geneva in February 1994. Pakistan resorted to anti-India propaganda before the meeting by circulating the

draft text of the resolution to various countries. The text of the resolution expressed concern for the gross and consistent human rights violations of the people of Jammu and Kashmir. It called for a fact finding mission to Jammu and Kashmir to report on the situation there. Significantly, Pakistan failed even to get a co-sponsor for its resolution. Not only was the OIC's reluctance to back-Pakistan, but it showed the reluctance of countries to get involved in an essentially bilateral matter.

India restrained itself from introducing a "no-action motion" against the resolution wanting to expose the lack of support for Pakistan's resolution. India also aimed to convince the UN members that Pakistan was intent on internationalising a bilateral matter. In its determined bid to internationalise the Kashmir issue by highlighting human right violations, Pakistan once again tried to table a resolution in the main political committee of the UN General Assembly in October, 1994. Pakistan intended to bring up the resolution before the main committee of the General Assembly depending upon the informal soundings to generate adequate support for the resolution by the 52-member organisation of Islamic countries. The draft resolution as circulated to the members of the OIC took note of the Secretary-General, Mr. Boutros-Boutros Ghali's comment on annual report that the

level of tension in Jammu and Kashmir has increased considerably in recent years and urged India and Pakistan to continue bilateral dialogue for a "final settlement" of the question of Jammu and Kashmir and invited the Secretary-General to assist in the search for a lasting peace. Incidentally, the resolution could not be tabled in October 1994, due to lack of adequate support for it and this was a major reverse for the Pakistani diplomatic strategists. India rejected the draft resolution and commenting on the Pakistani draft resolution, the Minister of State for External Affairs, Mr. R.L.Bhatia said that "this resolution is not acceptable to us".¹¹ Later, Pakistan mounted a diplomatic damage-control exercise, following its failure to table the resolution in the First Committee of UN General Assembly by making a low-key statement on the subject. The Pakistani delegate Mr. Jan Ali Junejo presented an inflated figures of alleged human rights violations by India and said that "India's record had been criticised by international as well as India's own human rights organisation".¹² He said that "the international community must prevail upon India to desist from this misguided policy which has brought so much

11. The Hindu, 29, October 1994

12. *ibid.*

anguish and suffering to the peaceloving people of Kashmir".¹³ Pakistan has missed no opportunity in recent years to try and arraign India over the Kashmir issue during the annual sessions in Geneva. The Pakistani Foreign Minister, Mr. Assef Ali's speech at the UN as expected attacked the Indian policy on Kashmir at the UNHRC in February, 1995. The Pakistani Foreign Minister quoted the New York Times, Security Council resolutions and Amnesty international reports extensively in his speech. He said that "the world community should demand that India halt its grave violations of human rights in Kashmir".¹⁴ There was no indication of a shift in Pakistan's known positions in the Minister's speech. He said that "the crisis in Kashmir can only be resolved in accordance with the right of self-determination of the people of Jammu and Kashmir. The resolution of the Security Council provided the only agreed basis for a solution of the Kashmir dispute".¹⁵ The Indian Ambassador, Mr. Satish Chandra replied to the Foreign Minister's speech by expressing his regret that "the Foreign Minister of Pakistan has once again abused this forum to advance Pakistan"s political agenda of territorial

13. The Hindu, 24th, November 1994.

14. The Hindu, February 14th, 1995

15. *ibid*

aggrandisement against my country".¹⁶ He also said that "Pakistan's call for self-determination is nothing less than a call for secession. Indeed statements by Pakistani leaders make it clear that when they talk of self-determination, they really mean pre-determination or annexation of the Indian State of Jammu and Kashmir".¹⁷

The above discussion has adequately revealed Pakistan's inability to mobilize enough support to put through in a global forum a resolution meant to indict India on its handling of Kashmir. Though, Pakistan by highlighting the human rights violations time and again has turned the glare of international community on India's handling of Kashmir.

INTERNATIONAL CONCERN FOR HUMAN RIGHTS:-

The human rights issue has been an important item on the international agenda in the last decade and a half. The US government particularly under the Clinton administration has been trying to determine the economic and strategic relations with other countries on the basis of human rights records. The United States Government has traditionally taken an anti-India stand over Kashmir issue but this trend

16. The Hindu, February 15th, 1995

17. *ibid*

has become even more noticeable in the Clinton era. There is an increasing opinion in the US that a solution to the Kashmir problem should take into account the views of the Kashmir people. During his visit to India in May, 1983, John Mallot, the US Deputy Assistant Secretary of South Asia spoke of excesses of Indian Security Forces. The inherent anti-India bias came out loud and clear when President-Clinton chose to refer to Kashmir as a disputed territory at his UN General Assembly speech in September, 1993. India protested when in January, 1994, President-Clinton wrote letters to the Californian Representatives, Mr. Gary Conduit and the Kashmiri American Council Executive Director, Dr. Gulam Nabi for referring to alleged human rights violations in Kashmir and Punjab. The US stand was further underlined in February, 1994, when President-Clinton stated that "he shares Pakistan's concerns about human rights abuses in Kashmir".

The United States will not downgrade the importance of human rights issue as it multiple interests in the region are involved. The human rights issue is being used by the US as a leverage to get India to sign the NPT (Nuclear non-proliferation treaty). The US has been linking its aid and trade policy in accordance with India's response to NPT and record on human rights.

Though, some of the positive steps taken by India in the last few years have impressed the policy planners in US. The setting up of National Human Rights Commission and a separate human rights panel for Jammu and Kashmir is being viewed as concrete moves towards a transparent human rights policy. The most important move in this direction by Government of India has been to hold elections in the State and the release of several Kashmiri leaders. In March 1995, India also allowed the Red Cross team to visit J&K. A Memorandum of Understanding has been signed with the International Committee of Red Cross which would help remove ad hocism by giving the International Red Cross regular access in Kashmir. The Memorandum of Understanding signed with the ICRC dovetails with the western demand for greater transparency in Kashmir. All these developments were noted by Ms Robin Raphel, Assistant Secretary of State for South Asian Affairs in the Clinton Administration. She characterized the new situation as an "end of denial" of human rights in Kashmir in particular and across the nation in general. The transparency in India's human rights policy has uncovered the Pakistani plan to internationalise the Kashmir question by raising the human rights issue. Pakistani diplomatic gameplan was further exposed when a democratic Congressman, Sherod Brown moved a resolution in

US Congress in April, 1995 asking Pakistan to stop the flow of arms to terrorists in Kashmir and cooperate with India in holding a free and fair election to see Jammu and Kashmir assembly. The resolution wanted the Bhutto Government to "give up its opposition to the electoral process and adopt a constructive and joint approach to resolve the Kashmir problem".¹⁸ It listed five tangible steps that India had taken to revive the democratic political process in Jammu and Kashmir. These included release of several prominent militant leaders, simplification of electoral registration process, adoption of judicious restraint by India's security forces in coping with the Hazratbal crisis and providing access to International Red Cross to visit the valley. The resolution put on record the US Congress support for India's efforts to restore democratic process in the trouble torn Kashmir and said that the elections in Kashmir is an "imperative to end the cycle of violence that has plagued the Kashmir valley for more than five years".¹⁹

Britain since the end of 1990 has also increasingly supported the Indian stand on the Kashmir issue. Britain in September, 1992, assured cooperation in fighting terrorism. The British Prime Minister, John Major condemned terrorist

18. The Hindu, April 10th, 1995.

19. *ibid*

activities in Kashmir. Ms. Lyuda Chalker, Minister of Overseas aid in Foreign Office speaking for the Government in the House of Lords in March, 1994, reiterated that it encouraged bilateral solution of the Kashmir problem. Ms Chalker also expressed satisfaction at India's stand on allowing independent groups into Kashmir on the human rights front. During Prime Minister P.V.Narasimha Rao's visit to U.K. in March, 1994, Britain supported India's stand on Kashmir issue and advocated that New Delhi and Islamabad should adopt confidence building measures. The Labour Party's shadow Foreign Secretary, Dr. Jack Cunningham after his visit to Punjab and Kashmir asserted in April, 1994 that "the armed support to militants in Kashmir being given from across the border must stop".

Pakistan aggressive diplomacy on the human rights issue at the UN and other international forums has attracted world's attention on Kashmir but the greater transparency by India on the issue has falsified its claim. In fact, its propaganda offensive against India's human rights records wears thin in the fall of facts. India acceded to International human rights conventions such as Universal Declaration of Human Rights, the International covenant on Economic Social and Cultural Rights and other instruments. The Indian Constitution in Chapter VII provides certain

fundamental rights to its citizens to be upheld by the State. Kashmir has been open for investigation by the teams of Indian Civil liberties groups, the representatives of press and electronic media (Indian or Foreign) and even the diplomatic community. They include People's Union for Civil Liberties, People's union for democratic rights, the South Asia Human Rights documentation Centre and numerous regional organisations. The Indian Government make efforts to check and examine every complaint against the security forces and para-military forces. Many allegations are found to be baseless, but investigations are conducted and comprehensive action has been taken. However, the process gets slowed down because of breakdown of criminal justice system in the Valley for fear of repression or because of intimidation by the militants. So the human rights situation in the Valley is directly connected to the low intensity or proxy war being waged by Pakistan.

Therefore, it can be conveniently argued that Pakistan's concern for human rights in Kashmir is very superfluous. And that has been revealed to the people of Jammu and Kashmir after the gutting of Chare-e-Sharif and others disruptive activities by the ISI trained pro-Pakistani militant outfits.

CHAPTER 3

PAKISTAN'S DIPLOMATIC STRATEGY WITH REGARD TO KASHMIR AT OIC

Pakistan has projected the Kashmir problem among the Muslim countries as a phenomenon of Islamic resurgence. The incessant expressions of sympathy for the Muslim segments of the population in Jammu and Kashmir with a definite motive of creating communal polarization is an attempt to obliterate the geo-cultural identity broadly subserved under the term 'Kashmiriyat'. Pakistan points out to the Muslim world that the reason of alienation of Kashmiris is caused by political, social, cultural and other excesses committed by Hindu forces. But the facts say a different story. It is Pakistan which has waged a low intensity war in Kashmir. In fact, Pakistan's game plan on Kashmir by involving OIC (Organisation of Islamic Conference) is the internationalization of the issue, via Islamization.

The Organisation of Islamic Conference has 52 member states spread over Asia and Africa and now includes Albania and Bosnia in Europe.¹ It was established in 1969 with one of the declared aims of its Charter to promote Islamic solidarity among its members states and it makes the membership open to every Muslim states expressing its desire and preparedness to adopt its Charter. Ever since, its

1. The Europa World Year Book, 1994, vol.1, pp.195, Europa Publications Limited, London, 1994.

inception in 1969, Pakistan has been very actively involved in its activities.²

The OIC (Organisation of Islamic Conference) was formed on the assumption that the 'Ummah', i.e. the universal community of Muslims in an organised form can be a viable and coherent instrument for transferring the international system which was structurally disadvantageous to the Muslim of the world. The disadvantages were perceived in terms of the lack of safety for the Muslim holy places and the denial of rights of Palestinians in the aftermath of the creation of Israel. The immediate stimulus for the formation of OIC was provided by the burning of Al-Aqsa mosque in 1969.³

Pakistani elites since 1974 have neither been able to stabilize Pakistani politics or address internal political problems nor have been they able to stabilize Indo-Pakistan relations by diplomatic means or weaken Indian power and political will by military and subversive means. The successive government's in Pakistan has drawn its sustenance from a negative anti-Indian nationalism. The believe has been that Hindu India is meaning Islamic Pakistan and hence Pakistan should maintain special relationship with the

2. Ibid.

3. Satish Kumar, "OIC and Pakistan", The Hindustan Times, 4th Jan.1995.

Islamic world. It is indicative of Pakistani foreign affairs and its domestic power structure.

It is on this pretext that Pakistan has involved OIC in its attempt to internationalise the issue of Kashmir - an Indian state having substantial Muslim population and bordering Pakistan.

The Pan-Islamic diplomacy of Pakistan against India on Kashmir issue started in August 1990 at the 19th meeting of Foreign Ministers in Cairo.⁴ Since then, at every coordination bureau's meeting in New York, and at every summit, the Kashmir question was brought up, and anti-Indian resolutions passed. The issue was again taken up at the sixth Islamic summit in Senegal on 4th December 1991.⁵ The summit fully supported the viewpoint of Pakistan on the Kashmir issue, and asked India to end its brutalities. Pakistani Prime Minister, Mohammed Nawaz Sharif told the summit leaders that Kashmir posed as a single vulnerable threat to the peace in the region. It was for the first time at the Senegal summit, the OIC expressed its concern at the sorry plight of Jammu and Kashmir fighting for their unborn right to self-determination, which had been committed

4. Satish Kumar, no.3.

5. Pakistan and Gulf Economists (Karachi) 21-27, December, 1991.

to them through specific UN resolutions.⁶ It also called for holding free and fair plebiscite to resolve the Kashmir issue by peaceful mean. It also condemned India for violation of human rights of the Kashmiri people. At the insistence of Pakistan, the summit called upon India to allow International human rights groups and humanitarian organisations to visit Jammu and Kashmir. Finally, the Senegal summit decided to again consider the J & K dispute at the 21st Islamic conference of Foreign Ministers at the Islamic summit to be held in Casablanca.⁷

It is interesting to note that until 1993 the resolutions and declarations of the OIC called for a settlement of the Kashmir question in accordance with relevant UN resolutions and Simla agreement. Similarly, these resolutions advocated a sustained dialogue to address the "core of the problems" and "to remove the basic causes of tension between India and Pakistan".⁸ This conference also asked its members to consider imposing restrictions on scientific, cultural, manpower and other exchanges with India, and extended full political, diplomatic, moral and

6. Ibid.

7. Ibid.

8. Satish Kumar, no.3.

material support to the Muslim people of Kashmir. And yet, at this conference, many of the Foreign Ministers of countries like Iran, Malaysia, and Tunisia make only a passing reference to Kashmir. Some of the Islamic countries like Yemen urged India and Pakistan to solve the vexed Kashmir problem within the framework of Simla agreement. Mr. Ahmed Dhaifullah Alezaib who represented Yemen during the OIC Foreign Ministers in Karachi in April 1993 admitted that the resolution adopted on Kashmir by OIC was a set-back to India but he said that India continues to be valued friend of Arab world.⁹ However, these resolutions condemned India for violations of human rights in Kashmir, asked for respect of the right of self-determination, offered to send a good offices mission, requested the OIC Secretary-General to send a fact finding mission, and called upon international human rights groups and humanitarian organisations to visit Jammu and Kashmir.

The tone and substance of April, 1993 Foreign Ministers conference of OIC held at Karachi gave a definite anti-India form of the Pan-Islamic diplomacy of Pakistan. The Foreign Ministers conference of OIC recommended to its members of

9. Cited in, Attar Chand, Islamic Nations and Kashmir Problem, Raj Publications, Delhi.

imposing trade and economic sanctions against India until "the reversal of its repressive policies in Kashmir".¹⁰

It was at the OIC Foreign Ministers conference in Islamabad in September 1994 when Pakistan used its Islamic diplomacy to embarrass India internationally over the Kashmir issue. Pakistan's Prime Minister, Ms. Benazir Bhutto in her inaugural speech claimed that the Muslims of the Kashmir wish to be with Pakistan.¹¹ She also stressed upon the implementation of UN resolutions on Kashmir and said, "If the UN resolutions on the Middle East on Kuwait and on South Africa are valid and provide the framework for peace, why not make equally and legally binding UN resolutions on Jammu and Kashmir?"

Apart from its traditional Islamic rhetoric and its stand of self-determination for Kashmiris, the OIC foreign ministers agreed to co-ordinate their actions and policies over Kashmir. For this purpose, the OIC foreign ministers decided to form a 'contact group' modeled on the one that existed in relation to Bosnia. The three member 'contact group' consisting of Saudi Arabia, Turkey and Niger was formed with an avowed end to raise the Kashmir issue at the

10. Ibid.

11. The Times of India, "UN Chief Stays away from the Islamic Conference" September 7th, 1994.

ensuing UN General Assembly meeting in October 1994. To its dismay, Pakistan abandoned its plan to table a resolution in the main political committee calling upon India and Pakistan to hold bilateral talks on Kashmir under the aegis of the Secretary General. The 'contact group' on Jammu and Kashmir set up by OIC under pressure from Pakistan encountered difficulty in finding co-sponsors. Despite intense persuasive efforts by Pakistan, no major Islamic nation other than members of the group care forward to lend its name to the resolution. Secondly, despite Pakistan's best efforts, the 'contact group' found that not more than 25 Islamic nations would support the resolution if it was brought before the political committee and put to vote.¹²

Important OIC members such as Indonesia and Malaysia did not mince words in opposing Pakistan's move. Iran, too, disapproved of it.

Having failed to table an anti-India on resolution on Kashmir at the UN General Assembly meeting in New York in October 1994, Pakistan set forth for the seventh Islamic meeting to be held in Casablanca in Morocco in December 1994. The seventh Islamic summit of OIC for the extended an invitation to All Party Hurriyat Conference of Kashmir. The

12. R. Chakrapani, 'Pak Abandons Plan to Raise J & K Issue at UN', The Hindu, November 11, 1995.

All Party Hurriyat Conference was represented by a two member delegation. The three day summit which ended on 16th December, 1994 called for an end to the violence against the Kashmiri people so that conditions were created for a sustained and meaningful dialogue between India and Pakistan for a political solution of the problem.¹³ The special declaration sponsored by Azerbaizan and Albania expressed the summit's deep concern over the situation in the state, "especially the suffering of the Kashmiri people and the consequent tension in the region".¹⁴ It noted that the summit had earlier approved a resolution on the issue which reflected the consumes on the gathered leaders. The final communique issued by the summit was on the same lines as the document adopted earlier by the OIC Foreign Ministers meeting in Islamabad in September, 1994. It condemned the "continuing massive violations of human rights of Kashmiri people. It called upon the OIC member states to take all necessary steps to end such alleged violations and to enable the Kashmiri people to exercise their right of self-determination".¹⁵

13. Darshan Singh, 'India and OIC', India Quarterly, vol.no.4, Oct.-Dec.1994, pp.28.

14. Ibid.

15. Ibid.

Later, commenting on the summit, the Pakistani Prime Minister, Ms. Bhutto remarked that references to the Kashmir issue by OIC constitute "the achievement of a world cup for Pakistani diplomacy". She made this claim while hosting a dinner for the Pakistani Hockey team which had won the world cup. But the occasion could not really account for her myopic vision of the relevant realities regarding Kashmir.

Ms. Bhutto's comments on her OIC odyssey, made on her return home from Casablanca, were laced with an even less sense of realism. While gloating over what the OIC had handed over to her as no more than a consolation prize for her indefatigable anti-India utterances on Kashmir for over one year, Ms. Bhutto had, on that occasion, noted that the Kashmir question had now been firmly placed on the agenda of the Muslim States (as distinct from the wider international community).

Her act of confusing the Islamic world with the entire international community is indicative of a warping of even that little sense of realism. In all, her joy at having managed to show some Kashmir-related resolution in a restrictive arena as a reward after her repeated failure to secure even a less vibrant resolution on the same subject in any of the larger international fora. Ms. Bhutto appears to have completely closed her eyes to the reality that the OIC

itself had refused to play proxy for Pakistan in the United Nations General Assembly in New York. Pakistan may discover that another aspect of the Kashmir-related drama, which took place at and outside the OIC's latest summit, in Casablanca cannot be easily overlooked. The leader of the All-Party Hurriyat Conference, Mirwaiz Omer Farooq, holding an Indian passport, briefed the OIC's Kashmir contact group on the situation in the Valley. Pakistan may regard the fact of this presentation as a feather in its diplomatic cap, is only because Islamabad had consistently demanded that India should allow Mr. Farooq to brief the OIC. All the same, Mr. Farooq's utterances at Casablanca do not on the whole seem to have pleased Pakistan. Mr. Farooq reportedly said that India and Pakistan should, in the first place, hold talks on the Kashmir issue and that the Kashmiris should be asked by these two countries to join them at a later stage for further parleys. Secondly, and more importantly, the APHC leader insisted that the principality of Jammu and Kashmir, as it existed on the eve of the partition of the Indian subcontinent in 1947 is indivisible insofar as its political future is concerned. This is anathema to Pakistan which administers the so-called "Northern Areas" as an entity detachable from the rest of Jammu and Kashmir on either side of the line of control.

While, on the one hand, the APHC leader's views tend to put pressure on Islamabad to resume parleys with New Delhi, Ms. Bhutto could, on the other hand, find it difficult to do so at a time when it is fashionable in Pakistan to blame India, without batting an eyelid, for the violence in Karachi. Ms. Bhutto may use the allegations of Indian involvement in Karachi as a pretext for delaying the resumption of parleys with India.

Limits of Pan-Islamic Diplomacy of Pakistan

In the above context, the developments at the United Nations in November and at various OIC meetings since 1990 needs certain introspection. There is no doubt that ever since Iran, China and about twelve other nations persuaded Pakistan to withdraw the Kashmir resolution from UNHRC in Geneva, in October 1994, some rethinking seems to have begun among Islamic countries too on the futility of raising the Kashmir question at international fora, time and again. An international fatigue of sorts has set in on Kashmir and Pakistan has at best succeeded in accentuating it by raising this question in season out of season.

It is in this context, the collapse of the Pakistani move on Kashmir at the UN General Assembly in Nov.1994 could be seen as endorsement by the world community of the

bilateral approach for the resolution of problem between the two countries. Equally important to India was the maturity shown by the members of the OIC in not letting the grouping to be used by Pakistan to settle its scores with India. So, OIC as an effective instrument of Pakistani diplomacy has very limited purpose. Such limits are imposed first, by the bilateral ties of member states with India and Pakistan. For instance, the Turkish President, Mr. Suleyman Demirel during his visit in February 1995, spoke with great passion of the need for giving a substantive content to India's ties with his country.¹⁶ Incidentally, Turkey is the member of the contact group an Pakistan. Iran perceives itself as a regional partner with India in the world order of tomorrow. The recent visit of Iranian President, Mr. Ali Akbar Hashemi Rafsanjani has generated a heart warming hope that both New Delhi and Tehran have welcomed. During his visit, he emphasised the need to settle the Jammu and Kashmir issue by bilateral dialogue between India and Pakistan.¹⁷

But the question still remain whether the OIC, which is based merely on the affinity of religion, can continue to

16. Katyal, K.K., 'India and Turkey: A New Phase', The Hindu, February 6th, 1995.

17. Singh, Bhim, 'Rafsanjani's Pilgrimage', The Hindu, January 7th, 1995.

serve as an effective instrument of Pakistan's diplomacy against India. It seems there are limits to which the OIC can play this role. Such limits are imposed first, by the bilateral ties of member states with India and Pakistan. For instance, the Gulf countries have strong economic and social ties with India. Iran perceives itself as a regional partner with India in the world order of tomorrow. Malaysia and Indonesia have a much broader outlook on world politics than Pakistan and see eye to eye with India on many global issues. Many North African countries have been victims of Pakistan originated terrorism.

Secondly, such limits are imposed by attitudes of great powers like the United States which would not like India to be destabilized for economic and strategic reasons. Most members of OIC cannot afford to be insensitive to the views of these powers which have subtle ways of influencing their behaviour. And thirdly, most OIC members cannot be indifferent to the size of the Indian Muslim community which gets affected by undue or unbearable pressures exerted on India.

The Kashmir Question is a glaring example of misplaced faith in the sense of justice and fairplay in the UN Security Council. The manipulation by the great powers and their military allies deliberately converted a clear case of aggression by Pakistan into a 'dispute' because of their vested interests and Cold War considerations.

Today it is India, tomorrow it may be China and then this perversion and distortion of the doctrine of 'self-determination' could boomerang against these Great Powers themselves, who have many skeletons hidden in their own cupboards (Ulster, Puerto Rico, Quebec, Sinkiang and Tibet to mention only a few).

US and Kashmir Issue

The cultivation of the US interest in Kashmir is not of recent origin. It became evident when the Anglo-American sympathy for Pakistan was first expressed through their support to Pakistan's case on Kashmir in the UN Security Council debate in January 1948. And thereafter statements made by US officials in the following years led Nehru to demand the exclusion of American personnel from the UN Commission on Kashmir and raised serious questions in India

about US intentions with respect to the Himalayan region.¹ On August 15, 1949, Prime Minister Nehru complained to the then American Ambassador, Loy Handerson that he was "tired of receiving moral advice from the United States so far as Kashmir was concerned and he would not give an inch. He would hold his ground even if Kashmir, India and the whole world went to pieces.":²

The succeeding decades too witnessed a visible tilt in American policy towards Pakistan with reference to Kashmir. Firstly, this was partly because of American perception of Pakistan, as strategic ally in South Asia against the Soviet influence and partly due to India's opposition to 'Pax-Americana'. Secondly, the increased development of a pro-Pakistani orientation in American foreign policy paved the way for the establishment of formal military supply arrangement and a defence relationship. The development of a pro-Pakistani orientation in American foreign policy

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1. The American design for partition of Kashmir could be seen as early as 1948 much before the ceasefire agreement. The Anglo-American bloc in the UN pressed for the appointment of Sir Owen Dixon as a mediator who in his plan suggested for the partition of Kashmir in India and Pakistan with strategically important Northern areas including Gilgit to be placed under the Control of UNO. Also see Surjit Mansingh, 'India's Search For Power' (Sage, New Delhi, 1984) p. 75.
 2. Dennis Kux, 'Estranged Democracies: India and the United States, 1941-1991' Sage Publications, New Delhi 1993. p 51.

thinking converged with the pro-US orientation of Pakistani political elites from Jinnah onwards. These two strands of development in Pakistani and American elite thinking encouraged the US tilt towards Pakistan and also acquired an anti-India orientation.

However, since the mid 1980s, the US Administration has been consistent in promoting Indo-Pak dialogue to reduce tension in the region. Keeping in view this policy, the US diplomacy had exerted behind-the-scene pressure on New Delhi and Islamabad to discuss their dispute bilaterally. Initially, the agenda was the Siachin Glacier, later misunderstanding over India's military exercise, "Brasstacks" and finally, to find a permanent solution of the Kashmir problem.

However, In the 1990s, there has been a visible change in the US attitude towards India, and the media in both the countries perceived it as an "upward swing" in Indo-US relations. At the same time, the year 1989-90 also saw the border tension between India and Pakistan leading to "eyeball" confrontation between the two Armies. The US diplomatic channels in Islamabad and New Delhi were actively involved in averting a possible conflict. Officials in the State Department and scholars on India-Pakistan in the US speculated on the possibility of nuclear weapons being used

in such a conflict.³ These perceptions were also based on simulation exercises organised in and outside the government departments. One US expert on South Asia commented that India and Pakistan have moved to military doctrines of "offensive defence" which means strategy of pre-emption.⁴ The situation in Kashmir had reached its peak and the alarm was heard in Washington. In May 1990, President Bush in an obvious attempt to defuse the tension sent Robert Gates' Deputy National Security Advisor, to New Delhi and Islamabad to mediate. Robert Gates' mission was seen by most political observers as a US attempt to avert a possible nuclear war in the region. According to many, US intelligence had gathered sufficient information and proof about Pakistan's direct involvement in training and arming the Kashmiri militants. Robert Gates' mission was to tell Islamabad in clear terms to put an end to this encouragement. Another version of Robert Gates' visit was that the US utilised the opportunity to demonstrate its friendship with India and Pakistan in order to take advantage of its influence in the wake of Soviet withdrawal

3. For detailed strategic scenario see Seymour M. Hersch, "On the nuclear age, *The New Yorker*, March 29, 1993, pp. 56-59.

4. Stephen Cohen quoted in an interview titled, "Defence: Are we prepared," *India Today*, June 30, 1990, p. 31.

from the region. One prominent interpretation of Gates' mission was that he was sent here following the Soviet-American understanding to avert war in the subcontinent.⁵

At about the same time, in a decision that was seen as an even handed policy towards India and Pakistan the Bush administration had declared in 1990 at the peak of the crisis in Kashmir that Shimla agreement has superseded the U.N. resolution calling for a plebiscite in Kashmir. It was the Bush administration's emphasis on Indo-Pakistani bilateralism, embodied in the Shimla agreement, that opened the door for rapid political rapprochement between Washington and New Delhi. This was widely expressed at every international fora by the leaders and officials and was also reflected in the media all over.

However, this stand was modified later in 1993. The pattern of interactions between India and the US have been fluctuating and the shifts in the quality of their relations and misperceptions have been consistent elements. Therefore, after President Clinton entered the White House, speculations of better Indo-US relations started fading

5. Congressman Stephen Solarz, who visited India-Pakistan in February 1990, and again in May 1990, had made an appeal for joint efforts by the USA and Soviet Union. Also because Mikhail Gorbachev was visiting Washington for the second summit meeting with President Bush in the last week of May 1990.

slowly. The furor generated by the Clinton Administration's India bashing was sufficient to create suspicions in Indian minds about the genuine American intentions in Kashmir. Once again, Kashmir was brought into sharp focus by Clinton and his cardinals in the State Department.

The first salvo was fired by President Clinton himself when he made a mention of Kashmir in his speech at the UN General Assembly in September 1993; his concern over Kashmir created ripples in Indian diplomatic circles. Later, on October 29, 1993, Robin Raphel, Assistant Secretary of State for South Asia, brought the Kashmir controversy into the news, about the question of the legal validity of Kashmir's accession to India. She claimed, "We do not recognise Kashmir's accession of India. The people of Kashmir have got to be consulted in any kind of final settlement of the Kashmir dispute". This provoked a hysterical outburst in this country. Non-recognition of the Instrument of Accession of Kashmir to India in 1947 by Ms Raphel, clearly demonstrates the diplomatic intervention to internationalise the issue. Ms Raphel's *faux pas* was also seen as a breach of diplomatic protocol. the Indian reaction to this mischievous and hostile statement was that American meddling in Kashmir would not be tolerated. This was reflected by and large in the sensitive Indian media and also in the

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response from South Block. Ms Raphel's statement was well-timed as it was flashed during the Hazratbal crisis and also on the eve of her departure to Islamabad and Dhaka in an obvious desire to please her hosts there. It appeared to be a speculative kite-flying exercise to seek the reactions and accordingly to formulate or adjust policy. Such a practice is not new to American diplomacy.

Robin Raphel's senior, Peter Tarnoff, Under-Secretary of State, tried to smoothen India's ruffled feathers but failed to convince. He stated that "since the entire geographical area of former princely state of Jammu and Kashmir was disputed it meant that the Instrument of Accession and other related documents were disputed too". The statement made by Peter Tarnoff signifies nothing more than a tactical reformulation of the US stand to defuse the angry Indian outburst.

Earlier, in May 1993, a diplomatic offensive was launched by John Mallot, the principal Deputy Secretary of State for South Asian Affairs when he visited New Delhi. John Mallot maintained that the US has not taken a policy decision on the concept of independence of Kashmir. At the same time, he also stressed the need of taking the views of the Kashmiri people on both sides of that line of actual control, and for the dispute to be settled by India and

Pakistan. John Mallot also indicated that the US concern goes beyond Kashmir. Finally, it was again President Clinton who sprayed salt on the injury by writing a letter to Ghulam Nabi Fai, Washington-based head of a Pakistani-sponsored separatist-terrorist Kashmiri-American Council. Bill Clinton's extraordinary communication merits attention as it came from the head of state of a mighty super power which is opposed to terrorism, and has anti-terrorism on the top of its foreign policy agenda. This is a clear indication that a letter from President Clinton to Dear Dr. Fai was an expression of guarded support to Kashmiri militants with Fai, to help bring peace in Kashmir. This was shocking to all those who champion the cause of anti-terrorism. Similar remarks were made in a letter by Robert Oakley, the then US Ambassador in Islamabad to the Chairman of the Kashmiri-American Council in 1991.

Equally surprising now were the strong doubts over the efficacy of the Shimla Agreement as an instrument for resolving the Kashmir dispute. Four years earlier the US swore by the Shimla Agreement which it was stated had superseded the UN Resolutions of 1949 and 1950.⁶ Now suddenly, the US began to refer to the need for taking into account

6. Testimony given by John Kelley, Assistant Secretary before the House Foreign Affairs Committee on March 6, 1990.

the wishes of the Kashmiri people. This means that on Kashmir the Clinton Administration has made a significant departure from the line followed in the Bush era. This also focuses the US attitude from the bilateralism of the Shimla Agreement to what may be perceived as trilateralism if all the parties to the dispute want it. All this is to be seen as a part of a build-up for coercive diplomacy the precise shape of which is not very clear as of now.

Mallot, Raphel, Clinton and their pronouncements provide enough clarity on Washington's latest attitude toward New Delhi. It is clear to even an naive political observer that the US is hell-bent on pushing India and to beat it with whatever stick is available and most prominently it is human rights.

Taking a swipe at Ms. Raphel's remark, seven Congressmen appealed to President Clinton that it is not in the best interest of regional stability or US interest to question the territorial integrity of any of the parties to the Kashmir issue. These members also said that the Kashmir issue should be resolved within the framework of the Shimla Agreement.⁷

7. The Pioneer, November 26, 1993, p. 7.

At the same time, several suggestions were floated in Washington aimed at forcing India to retrace its steps in Kashmir. These suggestions when expressed by recognised scholars whose views carry weight in the State Department, do upset Indian thinking. Prominent among them is James Clad, senior associate, Carnegie Endowment for International Peace, who made a statement before the US Congress Panel, for partition of Jammu and Kashmir with adjustment in the present Line of Control (LOC). According to James Clad, the US should work for the eventual partition of Jammu and Kashmir as the solution most likely to yield a form of autonomy to Kashmiris and a reduction of the violence. The statement made a strong case for a Kashmir settlement⁸ However, in his a comprehensive plan, James Clad also cautioned his government to be mindful of its limitations.

Richard P. Cronin, a specialist in Asian affairs, foresees tripartite negotiations on some kind of an autonomous Kashmir as better than an intermediate conflict or the loss of Kashmir to Pakistan. He is also optimistic about Pakistan's aspiration that might achieve its objective of

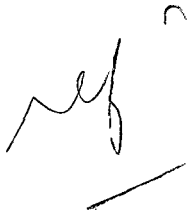
8. K.K. Katyal "US expert moots partition of J&K", The Hindu, 7 May, 1993.

getting the whole loaf in case New Delhi's current distress continues.⁹

Other American scholars who gave their prescription on Kashmir include Rudolph, who enunciated his limited or shared sovereignty" concept and Selig Harrison, who spoke of a Greater Muslim Independent Kashmir. In October 1993 at the Brussels Round Table discussion on Kashmir, Timothy Sisk outlined a "two-track diplomatic initiative" which he claimed had succeeded in the case of Palestine question.¹⁰ The major object of the Brussels Round Table Conference and two other conferences organised by the US Institute for International Peace on Kashmir seems to revolve around the US attitude towards Kashmir and the regional security concern.

In 1993, the Carnegie study group on Indo-US relations expressed its concern on protracted military repression in Kashmir and made the following recommendations as a possible solution.¹¹

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9. Richard P. Cronin, and Barbara Leitch Lepoes "South Asia: Interests and policy Issues, "Congress Research Service Report dated February, 1993, p. 52.
 10. K.N. Pandit "The American hand," The Pioneer, November 27, 1993.
 11. Selig S. Harrison, and Geoffrey Kemp, "India and America after the Cold War," (Report of the Carnegie Endowment Study Group on US-Indian Relations in a Changing International Environment Washington, 1993).

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- (a) Greater degree of autonomy of Kashmir.
 - (b) To involve the participation of Kashmiri leaders from both Indian and Pakistan held Kashmir.
 - (c) Unilateral withdrawal from the contested Siachin Glacier area as part of Confidence Building Measures (CBMs).

The Pentagon did not lag behind and a serving American General also joined Clinton and his associates in their anti-India utterances. Gen. Joseph P. Hoar, the present commander-in-chief of US Central Command wrote "The most important relationship in the sub-region is between Pakistan and India. It has been the catalyst for two wars since India annexed most of their territory in 1947".¹² This only reflects the General's bias against India.

Logically, In the 1990s, Pakistan should have lost its relevance to the US politico-Strategic concerns in South Asia, when it ceased to be a frontline state at the end of Cold War after de-Sovietisation of Afghanistan but it has once again become important to American policy-makers. There could be three reasons for the change in the US

12. Joseph P. Hoar, "Eyes on the world's likeliest flash point." published in Defence 1993 (Issue 3/4) a year end review, cited in Indian Express February 17 and 18, 1994.

attitudes in South Asia, first, to check the growing influence of India, second Pakistan's geo-political proximity to the Central Asian republics and the Middle East, and third, the US needs to garner support of a 'Moderate' Muslim Country in view of its antagonistic relations with fundamentalist Iran.

The fact was also insisted upon in the recent visit of Pakistani Prime Minister, Ms. Benazir Bhutto to the US. In her visit to US in April, 1995 Ms. Bhutto said that "Pakistan remained a frontline state against religious extremism and a critical factor in Western effort to shape and define the Islamic World."¹³ Ms. Bhutto's projection of herself as a moderate Islamic leader and her nation as progressive and modern Islamic state has come in the wake of growing American concerns about world wide Islamic militancy.

Introducing a new strategic content to US-Pakistan relations in the changed world is central from the point of view of Ms. Bhutto to halt the slide in US-Pakistan relations since the end of the Cold War. She sought to achieve this by playing the Islamic card. Mr. Clinton in the joint press conference with Ms. Bhutto praised Pakistan for pursu-

13. C.Raja Mohan, "A Bagful of Promises", The Hindu, 16 April, 1995.

ing the goals of 'combining the practice of Islam' with 'democratic ideas'.¹⁴

In the joint statement issued at the end of Ms. Bhutto's official working visit to the US, the two leaders declared that "Pakistan has a key role to play in promoting moderation, peace and stability in South and Central Asia and in the Islamic world."¹⁵

In practical terms, the eagerness of Pakistan to support the US in its battle against Islamic radicalism, could be seen in Teheran as an effort to buttress the on-going American containment of Iran. This could further strain the difficult and uneasy relations between Pakistan and Iran.

Ms. Bhutto's another major objective has been to press the United States to effectively intervene in the Indian Subcontinent in Pakistan's favour. There has been growing concern in Islamabad at the upswing in Indo-US relations since the visit of Prime Minister, Mr. P.V. Narasimha Rao to the United States in 1994. Pakistan has been apprehensive that the expanding U.S. dollar diplomacy in India may have begun to undermine the desire in Washington to press India to move in the direction of resolving the Kashmir issue.

14. Ibid.

15. Ibid.

During her recent visit Ms. Bhutto also lobbied hard with Mr. Clinton to revive an activist diplomatic posture in Kashmir and pressed him to undertake at once a mediatory role in Kashmir. The Clinton Administration has said for months that it is willing to play such a role if both India and Pakistan are willing to accept it. Mr. Clinton insisted that American mediation will come only with the consent of both parties, but his comments on the political process that India wants to start in Kashmir and his questions on whether the proposed elections can be a "free referendum on the people's will¹⁶" in J & K should cause some concern to New Delhi.

The American acceptance of the Pakistani position that the Kashmir dispute is at the root of all problems bedeviling Indo-Pakistan relations is also a matter of concern for India. In their joint press conference Ms. Bhutto and Mr. Clinton said, "Recognising that the disputed territory of Jammu and Kashmir remains the primary source of tension in the region, the two leaders agreed on the need for India and Pakistan to engage in a substantive dialogue to resolve the Kashmir issue taking into account the wishes of the people of Jammu and Kashmir".

16. *ibid*

So, from the above discussion it is clear that there is a greater transparency of American intentions during the Clinton period. The US game plan perhaps, is designed to achieve two-fold objectives.

(a) To push India and Pakistan to settle the Kashmir issue in accordance with the wishes of the Kashmiri people. This means leading the possible settlement toward the third option i.e., a separate Kashmir.

(b) To firmly link the Kashmir issue with the non-proliferation question, thereby suggesting that the road to the Kashmir settlement goes via non-proliferation.

The current US position on Jammu and Kashmir locates Washington only a step removed from asserting the right of Kashmiri people to self-determination. This interventionist policy in Kashmir by the Clinton administration is not favourable to the Pakistan diplomacy. On the contrary, Islamabad had lost valuable opportunities in last so many years to stabilize its relationship with India. Besides, in a diplomatic war of attrition with India, Pakistan has degraded its individual diplomatic standing with the United States.

The hype and hoopla surrounding Indo-US relations during the last couple of years resulted in a major misperception in India about prospects for a strategic and political partnership between Washington and New Delhi in the post cold war world.

But the lack of strategic perspective and the consequent reluctance at the top level of administration to give political attention to South Asia have meant that the current American rhetoric on democracy, human rights, terrorism, non-proliferation, and preventive diplomacy-the "globaloney" compose the Clinton agenda. The pursuit of this globalist agenda in South Asia is relatively cost-free, given the absence of countervailing interests. Where there are economic, political and strategic costs to the pursuit of such an agenda - as in West-Asia, Mexico, China and other places-the globalist rhetoric has taken the back seat.

Russia and the Kashmir Issue

Indo-Soviet bilateral ties were not only of significance to both of them but also had worldwide implications. The long-term understanding between India and the erstwhile Soviet Union was based on the common appreciation of each other's major concerns. The Soviet side, always extended its unequivocal support for India's stand on Kashmir at the important forums both in and outside the United Nations.

Now the Soviet Union has been replaced by the Commonwealth of Independent States (CIS) and Russia has become the heir-successor state along with veto power in the UN. But Russia is functioning in a completely changed context and time, of both domestic and external milieus. Its commitment and priorities have also undergone transformation with the end of the ideological monolith called the Soviet Union. Hence, it is pertinent to analyse whether there is continuity or change in Russia's policy outlook in the post-Soviet era. Also, how these changes, if any, are going to affect their overall relations in the foreseeable future.

The decade of the 1970s was the period of convergence of the security interests of India and the Soviet Union, which resulted in each other's total support on all issues affecting them. However, in the beginning of the 1980s, differences between India and the Soviet Union started emerging.¹⁷ With the Coming of Gorbachev to power occurred a doctrinal change in Soviet policies towards the Third

17. For details, see Devendra Kaushik, "Perestroika and Indo-Soviet relations in the 1990s: Some reflections," in R.S. Yadav, ed., *India's Foreign Policy Towards 2000 A.D.* (New Delhi, 1993), pp. 44-49.

World,¹⁸ the repercussions of which were visible in their dealing with India as well. However, despite these unfavourable developments, the Soviet Union did not make any pronouncement on Kashmir which created a problem for India. Thus, Moscow's consistent support to India on the Kashmir issue remained till the disintegration of the USSR in December 1991.¹⁹

The disintegration of the USSR and the preceding developments in Eastern Europe have significantly transformed the existing world structure. The so-called new world order is "neither benign nor one in which conflict is inevitable."²⁰ This emerging world order is full of complexities, uncertainties alongwith asymmetrical power configurations. The form in which these will transform the present conditions is very difficult to predict. The geo-strategic considerations have now been replaced by geo-economic

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18. Francis Fukuyama, *Moscow's Post-Brezhnev Reassessment of the Third World* (Santa Monica, 1986), and his "Patternss of Soviet Third World policy," *Problems of Communism* 36(5), September-October 1987, pp. 1-13 and also see Devendra Kaushik, "Gorbachev's new thinking; Implications for the Third World", *Strategic Studies Journal*, 2(1) 1989, pp. 31-41.
 19. R.S. Yadav, "Implications of Soviet coup for Indo-Soviet relations," *Strategic Analysis* 14(11), February 1992, pp. 1257-65.
 20. D. Banerjee, "A new world order: Trends for the future," *Strategic Analysis*, 17 (2), May 1994, p. 158. And also see Tom A. Travis, "The emerging world system: Grounds for optimism," *Strategic Analysis*, 17(4), July 1994, p. 461.

thinking: "cooperation-competition" in the economic sphere is likely to be the hallmark of the present times. Global warfare has also been replaced by rising regional and local conflicts, ethnic strifes, and trans-border terrorism.

At this juncture, it depends on Russia and India as to how both adapt themselves to the changing international milieu. Their new position and role will determine the intensity of their future relationship. The overall global trends and the implications thereof will ordain the commonality and divergences between the two states. These inevitably will affect Russia's policy towards India and as a result of it, the former's position on Kashmir.

The other serious consequence of the Soviet demise has been the emergence of independent states of the Central Asian Republics (CARs). The geo-strategic location of Central Asian states surrounded by Russia in the north and the west; China in the east; Turkey, Iran, Afghanistan, Pakistan and India in the south has made this a region of crucial importance. The wave of ethno-religious, nationalistic resurgence, and possession of ICBMs by Kazakhstan have made it a politically volatile and socially fragile area. Islamic resurgence, due to multiplicity of indigenous and exogenous factors, has increased its importance for both

Russia and India and these developments is antithetical to both of them.²¹

In the contemporary CIS, the process of settlement of borders has not reached finality. Problems are still arising in deciphering the boundaries. Russia is the core state having common borders with the maximum number of states of the former USSR. It perceives that borders "may be changed, in accordance with international law, by peaceful means and by agreement."²² This approach has significant implications for both Russia and India in the sense that they share a common outlook on this sensitive issue. Hence any deviation by Russia from the earlier Soviet stand, i.e., resolution of the Kashmir issue under the Shimla Agreement, is ruled out at the moment.

The above mentioned factors--both domestic and global--have been the major determinants in Russia's relations with India, in general and Kashmir policy, in particular, in the changed context. Indo-Russia relations started on a pessimistic note due to the latter's extension of support to Pakistan and sudden shift in its attitude towards

21. R.S. Yadav, "Indo-CIS relations: Problems and prospects", Strategic Analysis, 16(7), October 1993, p.930.

22. "Foreign policy concept of Russian Federation," FBIS-USSR-93-037, March 25, 1993, p.4.

the Kashmir problem.²³ In his visit to Pakistan in early 1992, Russian Vice-President Alexander Rutskoi not only assured Pakistan of supplies of arms on request, but also offered the conclusion of a treaty of friendship and cooperation with it.²⁴ But this mistake was rectified by Russia soon and it made favourable gestures towards India. Later the visit of Russian State Secretary Gennady Burbulis (May 1992) and of President Boris Yelstin (January 1993) further strengthened the bilateral ties between India and Russia. Further, the recently adopted Foreign Policy Concept of the Russian Federation has stated that Russia's South Asia policy will be "pragmatically revived, based on the real capabilities of the parties, and rest on economic stimuli."²⁵ And these "economic and geopolitical considerations demand, close ties with India."²⁶ Thus, the recent Russian policy towards Kashmir that initiated on a note of uncertainty, has gradually adopted a positive posture towards its policy on Kashmir and its relations with

23. This shift in Russian attitude was manifest during Vice-President Alexander Rutskoi's first visit to Pakistan after Russia attained independence in December 1991. For details, see Asian Recorder, 38(6), February 5-11, 1992, p.22140.

24. Ibid.

25. n.21, p.15.

26. Ibid.

India.

In the likely future, Russia's positive trends towards India and its unequivocal support on Kashmir will continue. It will not be because of emotional legacies or broad ideological understanding of the Soviet era but because changes of both domestic and global nature will compel Russia to continue its support to India on the Kashmir issue.

China and the Kashmir Issue

China, unlike the United States and some other countries, has kept a low profile for quite some time in its policy towards the Kashmir issue. As the Kashmir issue has always been a touchstone to test any country's relationships with India and Pakistan, China's policy expression and diplomatic behaviour in this regard can also be observed as a sensitive indicator of Chinese strategic thinking on the subcontinent. Since the signing of the agreement between India and China on the maintenance of peace and tranquility on the Line of Actual Control in the border areas in September 1993, both China and India have been actively adjusting their policies towards each other and the relationship between the two countries has improved at a pace faster than many expected. Therefore, an analysis of China's perception of the Kashmir issue in this new context would be conducive

to a proper understanding of the role China would like to play in the subcontinent and the framework China would like to adopt for its relationship with India and Pakistan in the post-Cold War period.

The three extra-regional great powers, which have exercised influence on the Kashmir issue, namely the United States, the former Soviet Union (present Russia) and China, only China is an immediate neighbour of both India and Pakistan. More significantly, China shares borders with the two parts of Jammu and Kashmir on both sides of the Line of control in Jammu and Kashmir. This geographical factor determines that China inevitably has direct interest in the final settlement of the Kashmir issue. ✓

A close examination of China's Kashmir policy in the past four decades reveals the various determinants of China's changing attitudes and basic interests in the issue. There are four clear-cut phases of the evolution of China's Kashmir policy. Beginning from the mid 1950s, China took an attitude of non-involvement in the India-Pakistan dispute and considered the issue in the light of Afro-Asian solidarity. The settlement of the border question with Pakistan, from 1959 to 1963, led China had to get involved in the Kashmir issue but still tried on its part to avoid taking sides in the dispute over Kashmir between India and Paki- | 9

stan. In 1964-65, China changed its stance and politically and morally supported Pakistan's position on the Kashmir issue. In 1980, China began to resume a neutral policy which has been kept unchanged till today.

The early 1960s was a critical period of the Chinese politics when the Chinese leadership accelerated the formation of an ultra-Left ideology, which inevitably led to the Cultural Revolution, and nationwide turmoil of ten years between 1966 and 1976. The ultra-Left ideology stressed on, internally, the continuation of class struggle against the remnant bourgeoisie even within the Communist Party of China itself and, externally, the international class struggle against American imperialism and Soviet revisionism. And the national movements in Asia, Africa and Latin America were regarded, as part of a worldwide proletarian revolution in China's strategic. Given this background, the Indian authorities were seen as reactionary rulers, the Kashmir issue was seen as a question of people's struggle against reactionary rule, hence, the policy of supporting Kashmiri people's struggle for self determination was ideologically justified, though the initial motive of the policy was not aimed at Kashmir itself but at developing a strategic relationship with Pakistan.

In the early 1960s, Pakistan gave China invaluable political support on the following matters:²⁷

- (a) Pakistan accepted China's assertion that the border between China and Jammu and Kashmir had never been formally delimited and demarcated in history strongly backed China's position in its dispute with India over Aksai Chin.
- (b) The signing of the China-Pakistan Boundary Agreement was projected to the world by China as its willingness to settle border questions with its neighbouring countries by peaceful means.
- (c) Pakistan took a position in favour of China on the China-India border war in 1962.
- (d) Pakistan actively cooperated with China in preparing for the Second Afro-Asian Conference which was once the focus of China's anti-imperialist diplomatic actions. Then, in return, before the India-Pakistan War of 1965, China gave Pakistan what it most needed--moral support to its position on the Kashmir issue.

It was in 1980 that China changed its Kashmir policy. In an interview, Wang Binghan, a seasoned Chinese diplomat, on June 19, 1980, when asked why China did not accept Kash-

27. Gurman Singh, *Sino-Pakistan Relations: The Ayub Era*, (Guru Nanak Dev University Press, Amritsar 1987), p. 12.

mir's accession to India, said: "Kashmir is a question between India and Pakistan. We will not interfere in this question."²⁸ Two, day later, on June 21, Deng Xiaoping in an interview clearly declared: that "We think that the Kashmir issue is a question only between India and Pakistan. This should not come in the way of our relations".²⁹ He also said that "this is a problem between India and Pakistan and should be settled amicably." These two interviews took place at the time when Indian Foreign Secretary Eric Gonsalves secretary of Indian foreign office was visiting Beijing.³⁰

The change could also be seen, on the occasion of the Pakistani President, Zia-ul-Haq's China visit one month earlier, in May 1980. According to Shankar Bajpai, then the Indian Ambassador-designate to China, India had noted that the Chinese leaders had not responded to the Pakistani President Zia-ul-Haq's reference to Kashmir during his China visit.³¹ Further, the Chinese Premier, Zhao Ziyang's in a joint communique with the Pakistani President, Zia-ul-Haq,

28. R.K. Jain ed., *China-South Asian Relations: Documents, 1947-1980*, (Radiant Publishers, New Delhi, 1981), p. 184.

29. Ibid.

30. Ibid.

31. Ibid.

on the occasion of Zhao's visit to Pakistan in 1982, did not make any reference to the Kashmir issue, although Zia-ul-Haq had raised the issue in his banquet speech.³²

The change of China's Kashmir policy in 1980 was in effect a result of the initiatives of normalising Sino-Indian relations. This new factor finally led the power equations in this region to enter a new stage.

In the 1990s, the signing of the agreement on maintaining peace and tranquility in the India-China border areas along with Line of Control, during the Indian Prime Minister Narasimha Rao's visit to China in September 1993, was a landmark in Sino-Indian relations. This significant development implies, in a sense, that the normalisation of Sino-Indian relations has at last been achieved.³³

At the same time, however, antagonism between India and Pakistan has not diminished. The inherent Kashmir dispute between India and Pakistan, on the contrary, has been intensifying in the recent years. Under the circumstances, a further exploration of China's present foreign policy and diplomatic behaviour relating to the Kashmir issue would be

32. Hasan Askari Rizvi, "China and the Kashmir problem", in *Regional Studies*, Institute of Regional Studies, Islamabad, Summer 1994, p. 94.

33. Mao Siwei, "China and the Kashmir Issue", *Strategic Analysis*/March 1995.

enlightening for a proper understanding of China's role in the subcontinent for the time being and in the year to come.

On February 27, 1994, the Chinese Foreign Minister, Qian Qichen, addressed a news conference during his visit to Bangladesh clearly stated China's stance on the Kashmir issue. He reportedly said that "We feel the Kashmir problem is a leftover from history. The United Nations has discussed it and India and Pakistan signed the Shimla Agreement. But all the UN resolutions and the agreement have remained unimplemented. This question should be resolved between India and Pakistan according to the spirit of the UN resolutions and the spirit of the relevant agreement."³⁴

The Chinese Foreign Minister also ruled out Beijing acting as a mediator in resolving the Kashmir problem between India and Pakistan. Qian also said that "China's relations with India would not be at the cost of our relations with other countries in the region. In fact, we hope our growing relations with India will be beneficial for the entire region."³⁵

While all of what the Chinese Foreign Minister Qian said about Kashmir was China's consistent policy since 1980,

34. The Hindustan Times, February 27, 1994.

35. Ibid.

the timing of his statement is important. It came just two days after Pakistan was supposed to table its draft resolution on the situation of Human Rights in Jammu and Kashmir at the 50th session of the UN Human Rights Commission at Geneva. On 9th March, a diplomatic drama was staged at Geneva. Just before the voting on Pakistan's resolution was scheduled to begin, the delegate of Iran supported by China appealed to Pakistan to withdraw its resolution. Later, the Pakistani Foreign Minister, Sardar Aseff Ahmed Ali, revealed that China and Iran had requested his country at the highest level to withdraw the resolution. He said: We cannot doubt their good faith for us.³⁶

All these development tend to give an impression that China deliberately adopted a pro-India position at Geneva and it reflected a strategic change in China's South Asia policy as a whole. There is no doubt that what China did at Geneva helped India a lot, but its motive might have been determined not so much by its consideration of South Asia politics as by the consideration of the problems it was facing itself. There are mainly two reasons to support this argument.

36. Sujit Dutta, "China and Pakistan: End of a 'special relationship'", in China Report (Sage Publishers India Pvt Ltd, New Delhi), April-June, p. 143. And also see The Hindustan Times New Delhi, March 10, 1994.

Firstly, China had been pressurised for its human rights situation for the last few years and it had categorically opposed any foreign interference in this field. Consequently, no one could expect China would support any politically motivated moves on human rights violations at international fora.

Secondly, internationalisation of the human rights problem in Kashmir Valley would very likely, with the same logic, lead to the question of a plebiscite under international supervision, but plebiscite is the last word that the Chinese leadership would like to hear now. The rising trend of nationalism since the end of the Cold War has attracted Chinese vigilance in this regard.

After all, to resolve the Kashmir problem peacefully and bilaterally between India and Pakistan is one of the basic units of China's Kashmir policy, but that China, at the crucial moment in Geneva, came out to stress it in such a big way and even at the risk of an adverse effect on its ties with Pakistan, was mainly because China itself had a stake in it.

Britain and Kashmir Issue

The UK first enunciated its three-point formulation to settle the Kashmir issue in 1991. The off-mentioned three points are : genuine political dialogue between India and

Pakistan under the Shimla agreements, a political process and respect for human rights in Kashmir, and cessation of external support of militants there. Its leaders including the Prime Minister, Major repeated it many times, in India, in Pakistan and through the statements of European Union. As far back as November 4, 1992 the British foreign minister Mr. Doughlous Hurd spelt out these points at a press conference at Islamabad, without mincing words on the importance his government attached to cessation of external help to the militants. He said " I have urged Pakistan, as we have in the past, not to allow material support for Kashmiri militants from within Pakistan"³⁷. The visit of the British Prime Minister, Mr. John Major to India in Jan 1993 provided an occasion to reiterate British stand. He said "we believe the best way forward is through a genuine political dialogue under the Shimla agreement, a political process and respect for human rights in Kashmir and cessation of external support for the militants there".³⁸ Similar sentiments were echoed during Mr. Rao's visit to the U.K. last year.

But a restatement of these points by Mr. Hurd on the eve of his arrival in Islamabad last year provoked Pakistan

37. The Hindu, 11th Nov. 1994.

38. The Times of India, Jan 29, 1993.

into denying him due protocol courtesies and the press to come out with sharply critical comments. they seriously objected to his stress on bilateral talks and the irrelevance of the old resolutions of the U.N. security council.

This display of indignation over the British stand has an explanation. It reflects Pakistan's frustration even the response to its stand on Kashmir by the world community. In the some way, frustration has led Pakistan to talk of third war over Kashmir.

There is more at stake in Kashmir than merely a piece of territory. Kashmir is the symbol and touchstone of India's secular structure. The dismemberment of Kashmir would start the dismemberment of India as a whole and produce migrations and conflicts of a character and magnitude -- much worse and larger than the aftermath of Partition. The leaders of Pakistan as well as leaders of other countries, especially the Great Powers should be aware of this danger and not encourage the Pakistani leaders to start or continue something that will spell disaster for the whole region.

CHAPTER 5

CONCLUSION

Kashmir issue, is like an enormous tract of wilds, on fire till the last point of vision, mocking at the relatively far punier resource of Indian Government to extinguish it. Broaching it does not mean substantially more than groping speculations of the almost helpless witness. Where from comes the fuel to this diabolical conflagration? What brings most Indian efforts to nought? What are pledged forces that are openly on rampage prolonging the grim destiny of the scape-goat Kashmiris? Perhaps, the answer to these questions lies in Pakistan's unholy attitude towards Kashmir.

Ever since 1947, all political experiments in Pakistan have just been a string of failures. It is due to narrow power base because of an unbalanced representation of people in the Government. Consequently, internal political stability and peace have always eluded Pakistan. Fiasco at home Pakistan always sought to develop external opportunities to project a forceful military diplomatic stance so as to avoid a preoccupation with internal problems and the pretext reasonability of Kashmir issue in the context has been proved by time.

A keen and smarting awareness of its powerlessness on legal grounds has propelled the darker side of Pakistan Psyche into unbridled operation, violating all norms and

sanctity of protocols. It logically follows that an inadequate Pakistan must be obtaining the remaining adequacy from other bodies having some other, if not the same, vested interests. I have tried to take a close look at Pakistan that towers menacingly and also the generous props that keep it so. That brings us to the aspects of the problem like violations of human rights in the State, on which high-falution convictions and complains flow from the very keeper of ideal, the United States of America. In this study I have tried to put forth a coherent and cogent position on the role of Pakistan diplomacy towards India especially in view of the Kashmir problem, Since 1989.

The fear of a sub-continental war, employing the dread of modern warfare has stalked all concerned nations. Earlier it had been often, a handy issue to bypass other major problems for the Superpowers, in South Asia but in the recent years, has worsened into a clear and present threat and has made Washington, Moscow and Beijing put shrewd diplomatic genius into dissuading Pakistan from provoking a war in the subcontinent. The major powers have very well understood the Pakistani design to involve them into a matter of essentially a bilateral concern.

Pakistan's tireless voicing of its concern about the violations of the human rights in Kashmir, a plain attempt

to internationalise the issue for support from other big powers has, if not helped substantially, at least succeeded in placing Kashmir issue on the agenda of international politics.

It has been largely due to Pakistan's ceaseless efforts in fomenting trouble across the border and indefatigably working to internationalise the issue of gross human rights violations by Indian security forces. But on the international fora success eluded Pakistan as in the 49th Session of the UN Human Rights Commission in Geneva in February, 1993 and the UN General Assembly in November, 1994, evincing the preference of the international bodies for a bilateral settlement of the issue. Nevertheless, Pakistan has lost no opportunity to Islamize the issue by seeking support from the OIC, acting the guardian angel of the Muslim population so called besieged by the Hindu forces on rampage.

OIC foreign ministers's agreement upon forming a 'contact group' and its invitation to the APHC leader at OIC Conference proved but meager triumph as the results did not measure upto expectations. Very soon, the OIC's fervour turned tepid as they reviewed Pak's roles in view of their own domestic situations, esp. Turkey and Iran.

Thus bilateral talks remains the only option for the vexed neighbour as most of its trusted ploys have miscarried.

The anti-India sabre-ratling over Kashmir has been the cornerstone of Pakistan's foreign policy in the past four decades and this it has never allowed the two neighbours to sort out the problem bilaterally. In the last five years an extra emphasis on Kashmir in order to internationalise the Kashmir issue, Pakistan has also diluted the diplomacy of 'bilateralism'. But the 'internationalisation' strategy has failed to pay the dividends desired by Pakistan. In fact; the Pakistani diplomacy has lost its credibility in the eyes of the international community over the Kashmir question.

For India, the Kashmir has become a test case whether the Indian state can pursue an agenda of its choice in Jammu and Kashmir. The agenda is simply to find a way out of the civil strife in the state and preferably put in place a kind of democratic arrangement, but at the same time to put down the secessionist elements. There is a recognition of large scale irregularities in various elections. These aberrations have combined to create conditions conducive to growth of fundamentalism, nationalism and secessionism, often violently expressed while it is often argued that

these violent expressions are liberally aided and abetted by the forces from outside.

Then, the foremost strategic requirement is to send a judicious mix of three signals : firstly, that India is willing and even eager to restore democratic institutions in Jammu and Kashmir as less out of deference to international pressure as much to a national collective commitment to civil rights and accountable governance; Secondly, that India cannot allow Islamabad to calibrate the evolution of the process of Political autonomy in the state and therefore remains prepared to use security forces as long as necessary to cut off supply lines to the various militant outfits and thirdly, that India recognises and respects the Kashmiri people's quest for self-expression and such self-expressions can be accommodated within the framework of a democratic and secular Indian nation state. In fact, the announcements regarding holding elections is a test of the capacity of the Indian political system in the state. Much would of course depend upon the perceptions abroad about the strength and weaknesses of Government of India.

The international Community has been maintaining consistent pressure on New Delhi to engage "the people of Kashmir" in a dialogue. The Americans have been particularly persistent. Notwithstanding the fact that the American

concern may be in part motivated by a genuine desire to push a human rights agenda, serious and thoughtful policy-makers can hardly overlook the fact that Washington has had its geo-strategic interest Kashmir, an interest that precedes by decades the American belated discovery of human rights.

The Indian political system has to find the will to ensure that the people of Kashmir enjoy the same amount of political freedom and civil liberties as do the Citizens in other parts of the Country, at the same time, the system has also to demonstrate to itself, to the secessionists and to the international community that it has the perseverance and internal resolve to frustrate external geo-political designs on Jammu and Kashmir.

For the last few years the Indian foreign policy seemed to have proceeded on a presumption that once the foreign investors particularly the Americans were convinced to Government's Commitment to a regime to economic liberalisation, there would be greater appreciation and understanding of India's strategic concerns. This presumption is based on the fractured nature of decision making in Washington. But given the fact central Asia is once again being talked about as the arena of great game, it would be naive for New Delhi to assume that Washington's interest is confined to political autonomy and civil rights.

Another imperative for the government of India would be to ensure that any political party in Pakistan is not able to use Kashmir's 'Azadi' to distract attention from a deepening crisis of governability in Pakistan. At the same time, New Delhi must signal that while international mediation is out political magnanimity is definitely in.

Irrendentism and the associated fear of internal disintegration are very much at the top of the regional agenda and are powerful forces shaping the wider international politics in South Asian States. Hence, Pakistani plan to involve the Muslim countries in resolution of the Kashmir problem will bear no fruit because many of the Islamic countries themselves are facing serious internal disturbances like Turkey, Afghanistan and Bosnia. Apart from it, many of them are seeking greater co-operation with New Delhi after realizing Pakistani game plan over Kashmir.

The great difficulty in Indo-Pakistan's relation is that Pakistan's perceptions of Indian foreign policy is unnecessarily mirrored in Pakistani view of the geographical size of India, a size within which Pakistan has at best a secondary, decorative role or at worst-no role at all.

After the Radcliff Boundary commission of 1947 created a 'moth eaten Pakistan' Jinnah was determined to maintain

parity with India, and turned to British, Americans, and Chinese one after another.

But, the handling of the Kashmir issue by the international community goes a long way in explaining India's antipathy to the role of 'external' mediation in regional affairs. This aversion would, over time, become directed not just against third power mediation but also against most forms of multilateral negotiations within the region itself. Following the United Nations fiasco, India was determined to solve the Kashmir crisis on the basis of bilateral relations with Pakistan.

Therefore, India's strategy has been the diplomacy of bilateralism in her relations with her South Asian neighbours. This was openly projected as a preferred model for building relations with neighbouring Countries.

For India, such a strategy has considerable advantage. The first is that the bilateral approach can take into account the unique features of each relationship. The needs for countries like Bhutan Nepal and Maldives are for example very different from those of other countries in the region. They can be met more easily than more defiant and belligerent neighbours like Pakistan

The second is that through the process of bilateralism, India can avoid the internationalization of contentious

issues in which she may have to reckon with many actors. Almost all post-Nehru governments have made this into a major objective of India's diplomatic strategy. One of the principal explanation of this pattern of behaviour is the bitter experience India had on the Kashmir issue when New Delhi internationalized it by referring is the matter in 1948. The UN refusal to take a position on the merits of the Case generated a general opposition to the reference of any contentions bilateral issue again to international fora.

The third perceived advantage of bilateralism is that it provides India the possibility of avoiding any situation where all the other countries could unite against her. However, such an eventuality can not be excluded. India, therefore has always avoided such a situation. Even at the time of establishing the South Asian Association For Regional Co-operation (SAARC) India insisted on separating bilateral from any multilateral co-operation.

The Fourth is the appropriate leverage that bilateralism gives to India of being generous to some nations and harsh to others. To risk a generalization, it could be argued that while with most states, Indian diplomacy was a combination of generous behaviour giving aid, seeking common ground, and pressing them to fall in line on issues where India's national interest were at stake, relations with

Pakistan, on the other hand have been consistently at stake and have been consistently antagonistic.

The bilateral strategy became evident after the 1971 Bangladesh war, when all the negotiations with Pakistan were carried out bilaterally and when the Shimla agreement of July 1972 between Indira Gandhi and Z.A. Bhutto clearly incorporated India's preference for bilateralism over multilateralism. It was agreed that all the differences were to be settled through bilateral negotiations. In the line with the Indian thinking, the Shimla agreement clearly stipulated that Indians and Pakistanis alone were responsible for the maintenance of peace along the border. Though such a strategy has not been completely successful since Pakistan had often tried to renege upon this agreement. But no other form of negotiations except bilateralism can resolve the current Indo-Pakistan imbroglio.

SELCECT BIBLIOGRAPHY

BOOKS

- Abdullah, Sheikh Mohammad, 'Flames of the Chinar' An Auto-biography Translated by Khuswan Singh, Penguin Books India (P) Ltd. 1993.
- Akbar, M.J., 'Kashmir Behind The Vale', Viking, 1991.
- Anand, A.S., 'Developments of the Constitution of Jammu and Kashmir', Light and Life Publishers, Delhi, 1980.
- Anand, Mulk Raj, 'V.K. Krishna Menon's Marathon Speech on Kashmir At the UN Security Council' Wheeler Publishing, Allahabad, 1992.
- Bamzai, Prithvi Nath Kaul, 'History of Kashmir', Delhi Metropolitan Book Company, 1962.
- Bhat, Sonallah, 'Kashmir', 1947-77, J.K. Offset, Delhi.
- Bradnock, R.W, 'India's Foreign Policy' London, 1990.
- Chanana, Charanjit (ed.), 'South Asia, The Changing Environment' MERB Book shelf Delhi - 1979.
- Chand, ATTAR, 'Islamic Nations and Kashmir Problem' Raj Publishers Delhi - 1994.
- Chopra, Surendra, 'Post-Shimla, Indo-Pak Relations: Confrontation to de-escalation' New Delhi - 1988.
- Clutter Buck, 'International Crisis and Conflict' St. Martin's Press Inc., New York, 1993.
- Das, Durga (ed.), 'Sardar Patel's Correspondence Vol. 1', Navjivan, Ahmedabad, 1971.
- Firdousi, Ahmed Zubaid, 'Eagle Over Pakistan' Mustafa Waheed Book Traders' Lahore, 1988.

- Giasuddin Peer, 'Understanding Kashmir Insurgency', Light and Life Publishers, Delhi, 1992.
- Haksar, P.N. 'India's Foreign Policy and its Problems', New Delhi - 1989.
- Hari Om, 'Special Status in Indian Federalism', Seema Publications, New Delhi.
- Hasan, K. Sarwar (ed.), 'Documents on the Foreign Policy of Pakistan : The Kashmir Question', Karachi, 1966.
- Hassuain, F.M. (ed.), 'Heritage of Kashmir' Srinagar, 1980.
- Hewitt, Marston Vernon, 'The International Politics of South Asia' Manchester University Press, 1992.
- Hussain, I, 'The Strategic Dimension of Pakistan's Foreign Policy' Lahore, 1989.
- Jagmohan, 'My Frozen Turbulence', Allied Publishers, New Delhi, 1991.
- Johnson, Alan Campbell, 'Mission with MountBatten', London 1951.
- Kapur, Ashok, 'Pakistan in Crisis' Routeledge London and New York, 1991.
- Khan, Ghulam Hasan, 'Freedom Movement in Kashmir' Light and Life Publishers New Delhi - 1980.
- Kux, Dennis : 'Estranged Democracies : India and United States, 1941-1991', Sage Publication - New Delhi, 1993.
- Lamb, Alistair, 'Kashmir : A Disputed legacy, 1846-1990', Roxford Books, MERTFORDSHIRE, 1991.
- Lakhanpal, P.L. 'Essential Documents on Kashmir Dispute' International Publication, Delhi 1958.

- Madhok, Balraj, 'Jammu, Kashmir and Ladakh : Problem and Solution', New Delhi, 1987.
- Mahajan, Mehar Chand, 'Looking Back', Asia, 1963.
- Menon, V.P. 'The Transfer Power in India', London, 1957.
- Mullick, B.N., 'My Years with Nehru', Allied Publishers, New Delhi, 1971.
- Myers I. David (ed), 'Regional Hegemons : Threat Perception and Strategic Response', Westview Press, Boulder, 1988.
- Phandis, Urmila, 'Towards Integration of Indian States', Asia, 1968.
- Puri, Balraj, Kashmir : Triumph and Tragedy of Indian Federalisation, Sterling Publishing Pvt. Ltd. New Delhi - 1981.
- , 'Simmering Volcano, Jammu's Relations with Kashmir', Sterling Publishing Pvt. Ltd. New Delhi - 1983.
- , Kashmir : Towards Insurgency, Orient Longman, New Delhi, 1993.
- Pyarelal, 'Mahatma Gandhi, The Last Phase, Vol. II', Navgi-
van, Ahmedabad, 1958.
- Razvi, Mujtaba, 'The Frontiers of Pakistan', A Study of Frontiers Problem in Pakistan's Foreign Policy, National Publishing House Ltd. Karachi, 1971.
- Singh, Karan, An Autobiography, (1931-67), OUP, Delhi, 1981.
- Teng, M.K., Kashmir, Constitutional History and Documents, New Delhi - 1978.

ARTICLES FROM JOURNALS

Ahmad, Eqbal; "Kashmir and its Challenges" Pakistan Horizon, 43 (3); July, 19, 1990.

Akhtar, Jamna Das; "Involvement in Jammu and Kashmir" Strategic Analysis; 16 (8); Nov. 1993.

Ali, Mehrunnisa; "Jinnah's Perception of Pakistan's Foreign Policy and the Kashmir Issue" Pakistan Horizon, 43(2), April, 1990.

Askari, M.H., "Kashmir Issue Before the Nation" Pakistan and Gulf Economist 9(6); Feb, 10-16.

Gani, H.A.; "Kashmir and Indo-Pakistan Relation" Radical Humanist, 58(7); Oct, 1994.

Haq, Mozammel., "Muslim Kashmir Facing Genocide", Pakistan Horizon, 44(3); July, 1991.

Haq, Mahmoodul; "US Role in the Kashmir Dispute"; Regional Studies, 10(4); Autumn. 1992.

Hussain, Mushadid; "Kashmir Issue: The international Dimension" Bliss Journal, 12(3); July, 1991.

-----"Iran and Kashmir Issue" Strategic Analysis, 17(18); Nov. 1994.

-----"Kashmir: Pakistan Propaganda Analloyed", World Affairs, 2(1); June 1993.

-----"Kashmir Documents"; Pakistan Horizon, 43(2), April, 1990.

Khan, Fatehyab Ali; "Kashmir: Last Colony in the Sub-Continent", Pakistan Horizon , 43(2); Apr, 1990.

Khan, Hafeez, R; "Kashmir Intifada", Pakistan Horizon, 43(2); April, 1990.

Kaur, Amar Jasbir; "More on Kashmir Dispute"; Economic & Political Weekly, 27(3); 18 Jan, 1992.

Naulakha Gautam; "Bharat's Kashmir War", Economic and Political Weekly, 26(51); 21 Dec, 1991.

Parasuram, T.V.; "United States Neutral On Kashmir", P.T.I. Feature, 10(34); 24 March, 1990.

Pupli, M.; "Countering Pakistan's Kashmir Game Plan"; Link, 33(2), 19 Aug, 1990.

"Roots of Kashmir Problem ", Manthan, 12-13 (10-12)(1-3); Oct, 1991-March 1992.

Sherwani, Latif Ahmed; "Kashmir's Accession to India Re-Examined", Pakistan Horizon , 43(2); April, 1990.

Singh, Jasjit; "Sabre-Rattling, There May be no win, but more riots", Week, 8(16), 4, February, 1990.

Sumita Kumar; "Human Right's Issue in Pakistan Kashmir Strategy", Strategic Analysis, 17(7); Oct, 1994.

Taylor, David; "Kashmir Crisis", Asian Affairs, 22(3); Oct, 1991.

Tnk, Pseud; "Kashmir What is at Stake There?", World Affairs, 1(2); Dec. 1992.

Varshney, Ashutosh; "India, Pakistan and Kashmir: Antinomies of Nationalism". Asian Survey; 31(11); Nov. 1991.

Vidwans (K.G); "Kashmir Problem and a Solution", Radical Humanist, 55(9); Dec.91.

Wizarat, Talat; "Pakistan-India Relations: Kashmir is the key World-Implementation of UN Resolutions can become a Victory for both", Pakistan & Gulf Economist.

NEWSPAPERS

The Times of India(India)

The Hindu (India)

The Indian Express (India)

The Hindustan Times (India)

The Times (UK)

The Washington Post (USA)

APPENDIX-A

Instrument of Accession of Jammu and Kashmir
State dated 26 October, 1947

Whereas, the Indian Independence Act, 1947, provides that as from the fifteenth day of August 1947, there shall be set up an independent Dominion known as INDIA, and that the Government of India Act, 1935, shall with such omissions, additions, adaptations and modifications as the Governor-General may by order specify, be applicable to the Dominion of India;

And whereas the Government of India Act, 1935, as so adopted by the Governor-General provides that an Indian State may accede to the Dominion of India by an Instrument of Accession executed by the Ruler thereof;

Now, therefore, I, Shriman Indar Mahindar Rajrajeshwar Maharajadhiraj Shri Hari Singhji, Jammu Kashmir Naresh Tatha Tibbet adi Deshadhipathi, Ruler of Jammu and Kashmir State, in the exercise of my sovereignty in and over my said State do hereby execute this my Instrument of Accession and;

1. I hereby declare that I accede to the Dominion of India with the intent that the Governor-General of India, the Dominion Legislature, the Federal Court and any other Dominion authority established for the purposes of the

Dominion shall, by virtue of this my Instrument of Accession but subject always to the terms thereof, and for the purposes only of the Dominion, exercise in relation to the State of Jammu and Kashmir (hereinafter referred to as "this State") such functions as may be vested in them by or under the Government of India Act, 1935, as in force in the Dominion of India, on the 15th day of August 1947 (which Act as so in force is hereafter referred to as "the Act").

2. I hereby assume the obligation of ensuring that due effect is given in the provisions of the Act, within this State so far as they are applicable therein by virtue of this my Instrument of Accession.

3. I accept the matters specified in the Schedule hereto as the matters with respect to which the Dominion Legislature may make laws for this State.

APPENDIX-B

Article 370 of the Constitution of India

Temporary Provisions with respect of the State of Jammu and Kashmir.

(1) Now withstanding anything in this Constitution;

(a) the provisions of Article 238 shall not apply in relation to the State of Jammu and Kashmir.

(b) the power of Parliament to make laws for the said State shall be limited to

(i) those matters in the Union List and the Concurrent List which in consultation with the Government of the State, are declared by the President to correspond to matters specified in the Instrument of Accession governing the accession of the State to the Dominion of India as the matters with respect to which the Dominion Legislature may make laws for that State; and

(ii) Such other matters in the said Lists as, with the concurrence of the Government of the State, the President may by order specify.

1. Explanation : For the purposes of this Article, the Government of the State means the person for the time being recognised by the President as the Maharaja of Jammu and Kashmir acting on the advice of the Council of Ministers

for the time being in office under the Maharaja's Proclamation dated the fifth day of March, 1948.

(c) the provisions of Article (1) and of this Article shall apply in relation to this State;

(d) Such of the other provisions of this Constitution shall apply in relation to that State subject to such exceptions and modifications as the President may by order specify;

Provided that no such order which related to the matters specified in the Instrument of Accession of the State referred to in Paragraph (i) of sub-clause (b) shall be issued except in consultation with the Government of the State;

Provided further that no such order which relates to matters other than those referred to in the last preceding proviso shall be issued except with the concurrence of the Government.

(2) If the concurrence of the Government of the State referred to in paragraph (ii) of sub-clause (b) of clause (1) or in the second proviso to sub-clause (d) of that clause be given before the Constituent Assembly for the purpose of framing the Constitution of the State is convened, it shall be placed before such Assembly of such decision as it may take thereon.

(3) Notwithstanding anything in the foregoing provisions of the Article, the President may, by public notification, declare that this Article shall cease to be operative or shall be operative only with such exceptions and modifications and from such date as he may notify.

Provided that the recommendation of the Constituent Assembly of the state referred to in clause (2) shall be necessary before the President issues such a notification.

APPENDIX-C

Shimla Agreement

Shimla Agreement on Bilateral Relations Between India and Pakistan are resolved by Prime Minister of India, Mrs. Indira Gandhi, and President of Pakistan, Mr. Z.A. Bhutto, in Shimla on July 3, 1972.

The Government of India and the Government of Pakistan are resolved that the two countries put an end to the conflict and confrontation that have hitherto marred their relations and work for the promotion of a friendly and harmonious relationship and the establishment of durable peace in the subcontinent, so that both countries may henceforth devote their resources and energies to the pressing task of advancing the welfare of their people.

In order to achieve this objective, the Government of India and the Government of Pakistan have agreed as follows:

(i) That the principles and purposes of the Charter of the United Nations shall govern the relations between the two countries.

(ii) That the two countries are resolved to settle their differences by peaceful means through bilateral negotiations or by any other peaceful means mutually agreed upon between them. Pending the final settlement of any of the

problems between the two countries, neither side shall unilaterally alter the situation and both shall prevent the organisation, assistance or encouragement of any acts detrimental to the maintenance of peaceful and harmonious relations.

(iii) That the prerequisite for reconciliation, good neighbourliness and durable peace between them is a commitment by both the countries to peaceful co-existence, respect for each other's territorial integrity and sovereignty and non-interference in each other's internal affairs, on the basis of equality and mutual benefit.

(iv) That the basic issues and causes of conflict which have bedevilled the relations between the two countries for the last 25 years shall be resolved by peaceful means;

(v) That they shall always respect each other's national unity, territorial integrity, political independence and sovereign equality;

(vi) That in accordance with the Charter of the United Nations, they will refrain from the threat or use of force against the territorial integrity or political independence of each other.

Both Governments will take all steps within their power to prevent hostile propaganda directed against each other. Both countries will encourage the dissemination of such

informations as would promote the development of friendly relations between them.

In order to progressively restore and normalise relations between the two countries step by step, it was agreed that :

(i) Steps shall be taken to resume communications, postal, telegraphic, sea, land including border, posts and air links including over-flights.

(ii) Appropriate steps shall be taken to promote travel facilities for the nationals as far as possible.

(iii) Trade and cooperation in economic and other agreed fields will be resumed as far as possible.

(iv) Exchange in the fields of science and other agreed fields will be promoted.

In this connection delegations from the two countries will meet from time to time to work out the necessary details.

In order to initiate the process of the establishments of durable peace, both the Governments agree that;

(i) Indian and Pakistani forces shall be withdrawn to their side of the international border.

(ii) In Jammu and Kashmir the line of control resulting from the cease-fire of December 17, 1971, shall be respected by both sides without prejudice to the recognised position

of either side. Neither side shall seek to alter it unilaterally, irrespective of mutual differences and legal interpretations. Both sides further undertake to refrain from the threat or the use of force in violation of this line.

(iii) The withdrawals shall commence upon entry into force of this agreement and shall be completed within a period of 30 days thereof.

This agreement will be subject to ratification by both countries in accordance with their respective constitutional procedures, and will come into force with effect from the date on which the instruments of ratification are exchanged.

Both Governments agree that their respective heads will meet again at a mutually convenient time in the future and that in the meanwhile the 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 questions of repatriation of prisoners of war and civilian internees, a final settlement of Jammu and Kashmir and the resumption of diplomatic relations.