

Session 3

Kashmir issue: Multiple Dynamics

2 Day International Conference on
Kashmir: Challenges and Prospects

Organized by
MUSLIM Institute

A two-day international conference on “Kashmir: Challenges and Prospects”, organized by the think tank MUSLIM Institute, was held at Islamabad Club, Islamabad on Wednesday & Thursday 26 & 27 March 2014. The conference was addressed by numerous Pakistani and international luminaries and experts on issues of global politics and international relations. The report of third session, among five different sessions of the conference, is given below.



Plight of Kashmir: Blight on the World Conscience

Dr. Marjan Lucas

Dutch Expert on Conflict Areas (Kashmir/Somalia/Bosnia)



Oppressed people all around the world felt encouraged by the Arab Spring and so did Kashmiris who had already been struggling for freedom for last 6 decades. Already many times the momentum was there for a Kashmiri Spring but despite massive street protests of Kashmiri youth and over one hundred tragic casualties in one month time, in the latest sequence of protests due to army or police bullets, it never came to its final phase. Can and does the Arab Spring encourage a Kashmiri Spring? Has time come? In Kashmir, civil society suffers under the weight of draconian politics and militarism and has become paralyzed.

In 1989, the end of Afghan war as well as the euphoria of Berlin Wall to fall, gave the Kashmiri youth a sense of freedom on the horizon. They, however, were convinced that freedom could not be achieved without international support. The cause of Kashmir had to be internationalized and needed international attention and solidarity and this, they reasoned, could only be triggered by violent uprising. Their protests and call for freedom was, however, brutally replied by Indian authorities with installation of over one million (1.000.000) military and paramilitary forces in order to suppress revolt and to discourage civilians to practically, or even morally, support the armed struggle. Ever since, omnipresence of Indian army and security forces all over Indian administered Kashmir and draconian 'anti-terrorism' laws e.g. ASPA / All Special Powers Act aim to keep Kashmiris under Indian thumb and prevent mass protests against the socio-political status quo, large scale and daily human rights violations and impunity for perpetrators of human rights violations paralyze civil society on the ground up till today.

Human rights defenders, families of the disappeared, students, intellectuals and other sections of Kashmiri civil society, nevertheless, persist in their public protests. Any incident (e.g. rape of civilians by Indian army personnel) or event (e.g. national celebration of Independence Day) still provokes massive street protests or strikes in Indian administered Jammu Kashmir. These protests boost people's individual human dignity as men and women who resist humiliation and injustice. But they also paralyze socio-economic life and fuel further distrust in local and national establishment, and are consequently followed by a hard response by army and security forces. It is an endless circle of action-reaction. Kashmiri civil society activists and human rights defenders concluded that violence is not the way out and call for nonviolence as means for conflict resolution. Thus, in last two decades, human rights defenders, peace-activists and former militants deliberately and successfully have focused on documenting human rights violations and on advocating the right to self-determination as their basic human right indeed.

Various efforts have been undertaken by American and European officials to mediate in regard of the Kashmir Dispute. However, such mediation endeavors so far proved fruitless and faced strong obstruction by vested interests discouraging the international community to be pro-active. Europe is fighting a desperate battle to prevent political implosion due to serious economic crises in its member-states, whereas the USA feels itself stuck in more global wars than ever before. Thus, Europe and USA tend to prefer to remove 'Kashmir' from their agenda for the time being. Many international diplomats and politicians hesitate to engage in direct talks on Kashmir and fear that talking to the Kashmiri themselves means to risk very promising trade relations with India.

Local and international civil society groups, think-tanks and diplomats advocate and reiterate that Kashmir has to be acknowledged as a most urgent issue on bilateral negotiating agenda between Pakistan and India. The people of Kashmir and their leaders should be acknowledged as stakeholder in the process of socio-political transition to sustainable peace. To get out of the deadlock, genuine civil society actors 'on the ground' are crucial to be acknowledged in their role in changing the status quo of ongoing human rights violations, impunity and injustice due to Black Laws and military occupation. Courage and persistence of the Kashmiris on the ground has happily and unhappily surprised regional as well as global powers, and has kept Kashmir on the radar of international human rights organizations and lobbyists in various diplomatic platforms.

In last two decades, Kashmir passed through various 'Springs' already. Regional and international powers are obliged to finally give 'Summer' a chance for Kashmiris: 'An Everlasting Summer' is what the people deserve after all sacrifices and persistence in opposing human rights violations and impunity. 'An Everlasting Summer in Kashmir' is the key for sustainable peace, justice and freedom in this very region of concern, in Kashmir, and, yes indeed, in the world at large.



Geostrategic Imperatives of Kashmir for Pakistan

Lt. Gen. Agha Umar Farooq

Former President National Defence University (NDU) Islamabad



There are many dimensions which prove that nothing has changed about Kashmir issue. Nothing has changed in legal framework, and at social platform. At political level something wavering but there is one voice which did not waver that is Kashmiris' resolve. Diplomatically bilateralism has died its own death because bilateral progress was continuously defied by Kashmiris. Without involvement of Kashmiris any formula for resolution of Kashmir will not workout. There are four major parties for the resolution of Kashmir issue, Pakistan, India, Kashmiris and UN. Demographically there is no change, Kashmir and Kashmiris remain aligned to Pakistan. Kashmiris in Azad Jammu & Kashmir have merged themselves with Pakistan,

culturally, socially, ideologically, spiritually and merged with Pakistan's concept. Social dimension has proved the Kashmiris are connected to Pakistan. They have proved it on different forums whether it is the occasion of India-Pakistan cricket match or any other occasion.

There are great indicators that pleasant change is in the Indians mind, whether they are saying it openly or not, it is taking place. In the Indian think tanks and some of the intellectuals and those practitioners who are dealing with it firsthand are accepting that this is not controllable, digestible, and containable and it has to be dealt with upfront and Kashmiris cannot be set aside. The present army chief showed similar feelings of having lost it but cannot admit. Lesson for us is that resolve must stay on if we feel that geostrategic imperatives of Kashmir lie with Pakistan. If resolve in this dimension is wavering, political compromises, other diplomatic compulsions will affect Pakistan's moral, legal and justified situation in the heart of Kashmiris.

The international opinion on Kashmir is shaping up. Diplomatically there are other dimensions that are attracting international attention to this part of world but international community understands that without Pakistan, addressing voice of Kashmiris and India making a compromise, there will never be a peace. My conclusion says geostrategic imperatives of Kashmir are linked to peace. Changing dynamics are bringing new hopes and new relevance and more relevance to the geostrategic imperatives to Pakistan.



Implications of Different New Options Floated from Time to Time on the Kashmir Issue

Shamshad Ahmad Khan

Former Secretary. for Foreign Affairs, Pakistan



Indeed nothing has changed about Kashmir issue. Hindus and Muslims lived together for centuries but could not develop common attitude of socio political life and even today both communities have different world view altogether. This reality cannot be denied otherwise there would have not been creation of two separate states in the subcontinent. Kashmir, as unresolved issue, represents unfinished agenda of June 03 1947 partition plan according to which Muslim majority parts were to become part of Pakistan. India staged the accession fraud in collusion with the Hindu ruler of the state to militarily occupy the state of Kashmir.

The issue was taken to UN in January 1948 by India and it remained active in UNSC till late 1950s. UNSC adopted several resolutions calling for the accession of state of Jammu & Kashmir to be decided by free and impartial plebiscite to be conducted under UN. In the 1950s as a follow up to the UNSC resolutions, UN special representative Sir Owen Dixon tried to negotiate a settlement. Afterwards this dispute and UN involvement in its solution got embroiled in the cold war politics and the Russian vetoes killed any further prospects of useful consideration by UNSC.

Kashmir issue is not basically territorial dispute but a question of fundamental right of self-determination of Kashmiris pledged by International community unanimously. India-Pakistan wars, Siachen issue, Kargil crisis, water issue and frequent tensions across LOC are all directly related to Kashmir issue. Our Kashmir policy, since the beginning of dispute, has gone through different phases. However our total commitment to the cardinal principle of self-determination has not changed. In fact there is no change in Pakistan's policy but change in attitude of our wavering rulers. Unfortunately our rulers for self-serving reasons have been making policies which were not consistent with our national interest but in line with their personal interests. No government has deviated from the principal stand on the right of self-determination. First time in the history, General Pervez Musharraf unilaterally offered India a four point out of the box settlement beyond UN resolutions. It was deceitful legitimization of the status quo in clear departure from Pakistan's principal position on Kashmir. India now regrets not accepting it and wants to pick up the thread from where Musharraf left it. After 9/11 India took advantage of Pakistani rulers' weaknesses to redefine the Pakistan India issues by obfuscating them into the issue of terrorism. It is pressurizing Pakistan to surrender on Kashmir issue. Surrender comes when one side accepts military or political defeat and gives up willfully or under pressure, and surely this is not the case with us. There may be small lobby in Pakistan sponsored and encouraged from outside asking for compromise but people of Pakistan will never accept any kind of defeatism. We should not give up on our principled position on Kashmir and surrender is no option for us.

We find our rulers desperate for dialogue with India but India has shown no readiness and instead it continuously tries to isolate us. It is time for strategic pause and we should take a break by keeping doors open for dialogue but not begging for it. We should ensure that our legal position on Kashmir does not lapse or weaken with passage of time. There are no quick fixes and time is no consideration in people's freedom struggles. We struggled almost for a century for freedom of Pakistan. We must continue to extend our moral, political and diplomatic support to the Kashmiris. When Kashmiris continue freedom struggle, it is moral and national duty not to let them down. Publically upholding our legitimate position on

Kashmir is not a declaration of war against India as portrayed by some people. Our upholding to the principle stand is a reminder to the world that durable peace in South Asia will not come without addressing the Kashmir issue. World should know there is just one legal and moral solution to Kashmir which was promised to them by UNSC in several resolutions. War is a no option in a nuclear region but Kashmir is nuclear flashpoint. Kashmiris are voice of oppressed people challenging India and world's conscience. Domestic consolidation, security and self-reliance should be our most immediate priority.

Options should not be confused with various spoken academic models. Kashmir issue is sometimes referred to other models like Andorra, Trieste and Irish model but Kashmir is a unique situation and no model is applicable here. Basically there are four options available now. Status quo, which in any form is no solution. Secondly plebiscite which is only viable approach to which both India and Pakistan have committed themselves in terms of UNSC resolutions. Third is independence of Kashmir, both Pakistan and India are averse to this option and therefore not working. Fourth option is partial partition and plebiscite and this was tried by Sir Owen Dixon in the 50s. Possibility with some adjustments across LOC has been discussed at many occasions in past.

Solution for the Kashmir dispute has to be pursued in a manner that is acceptable to both India and Pakistan and at the same time to the people of Kashmir also. I will quote Kashmiri intellectual Muhammad Yusuf Buch who said that any roadmap that deviates from the principle laid down in the primary agreement concerning Kashmir is bound to be arbitrary in conception and a failure in effect. Any prospect of dialogue with India on Kashmir will depend on how steadfast we remain in our principle commitment to the right of self-determination of the Kashmiri people. The moment we waver, our rulers try to compromise in their personal private negotiations or conversations with Indian leaders, we would be weakening our position.

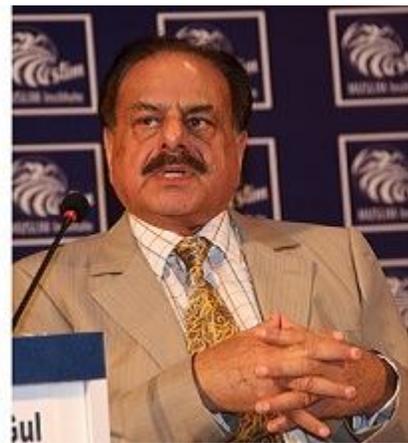


Interactive Session

After the presentation of research papers the interactive session commenced. The participants asked questions to the panel about the points raised by speakers. The panel gave elaborate answers to the questions asked. Shamshad Ahmad Khan answering a question about the third option, independent state of Kashmir, said that any solution must have agreement of all three parties India,



Pakistan and Kashmiris. Lt. Gen. Agha Umar Farooq said that philosophy of Kashmir dispute revolves around people of Kashmir and territory is just one dimension of this dispute. Ghulam Muhammad Safi (Convener Tehreek-e-Hurriyat Jammu & Kashmir) making comments said that in Indian Occupied Kashmir various parties involved in freedom movement had different thinking and in 1993 we came up with All Parties Hurriyat Conference with one single goal 'right of self-determination'. And when time of plebiscite comes, people will decide what they want but the incidents like those on cricket matches show the clear symbol that Kashmiris are aligned with Pakistan wholeheartedly. Shamshad Ahmad Khan answering another question said that back channel diplomacy does serve some purpose between two countries but on Kashmir there is no question of back channel diplomacy. India finds it as another opportunity to isolate Pakistan and put it in a box. It is a battle of nerves and we should behave like an independent sovereign state. During the discussion about nature of Kashmir dispute, Lt. Gen.(R) Hamid Gul said that Kashmir dispute is not basically about territory but a question of basic right of self-determination of Kashmiris which is universally accepted. India's democracy is fragile which has been tested in Kashmir and largest democracy in the world is not coming true to its credentials.



Concluding Remarks by Chair

Lt. Gen. (R) Hamid Gul

Renowned Defence Analyst



India has no logic to justify occupation of Kashmir and it is not ready to accept any solution put in front of it because appeasement is not something that India would ever understand. What stands between the just and fair and democratic settlement of Kashmir is the attitude of Washington and subservient attitude of Islamabad. Pakistani leadership has not yet decided how important Kashmir is for Pakistan. Washington used to stand with us in early days of dispute when they were encircling both China and Soviet Union. It voted with Pakistan on point of Kashmir and Soviets used to veto. But then Washington changed its attitude. Washington is playing its

own game but luckily now current of history is flowing in our favor and settlement of Kashmir dispute as US and NATO forces are going back from Afghanistan. Historically whenever a conflict in Afghanistan has settled down, whole region is affected by it. Another development of recent time is Vladimir Putin's attitude which is giving rise to mini cold war. In this entire scenario, Pakistan's importance is increasing and we should put our first demand as Kashmir. We should not make hurry and seek solution by granting concession to India. Pakistan should stand to its position of right of self-determination for the people of Kashmir.

It is our moral obligation, commitment to the people of Kashmir and vision of Quaid-i-Azam that Pakistan cannot exist without Kashmir and Kashmir cannot exist without Pakistan. Many available options for the Kashmir issue have been discussed but the option of Jihad is not discussed here. Kashmir issue can trigger war at any time and we should be ready for that. Our people and particularly leadership need to have nerves of steel to deal with this issue.



At the end of the session conference memorabilia were presented to honorable speakers. Among representatives of all sections of society, the conference was attended by renowned analysts, professors and students of various universities, parliamentarians from the Provincial and National Assemblies, foreign diplomats, members of various research organizations and a large number of journalists and academics.

