KASHMIR DISPUTE AND THE PROSPECTS OF INDIA – PAKISTAN PEACE PROCESS

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Introduction.

In all eventualities, the road to peace in South Asia lies in the final settlement of the Kashmir dispute, the longest unresolved issue on the agenda of the United Nations Security Council. After years of unswerving persuasion by Pakistan, on the sidelines of 12th SAARC Summit, held in Islamabad in January 2004; the Bhartiya Janta Party (BJP) led Indian government agreed to move forward on Kashmir dispute through negotiations with Pakistan in a peaceful manner. This commitment was followed by a reiteration from the succeeding Congress dominated United Progressive Alliance (UPA) government. Upon growth of enough confidence between two nuclear rivals, Pakistan proposed a region based solution of Kashmir having self governance of the people of Kashmir with some sort of joint sovereignty of all three parties to the dispute. Unfortunately; except for initial and a few occasional affirmative statements, there have been no nifty move forward towards resolution of the dispute from Indian side in tangible terms as yet, which to some extent may be attributed to domestic instability of Pakistan, eversince the major developments were made on the issue.

Infact the derivation of volatility and antagonism in South Asia stems from the unsettled dispute of the Kashmir between India and Pakistan. The surrogate arose out of the issue has brought bilateral relations between the two states to its rock bottom and contributed directly to the nuclearisation of the region. Following the nuclear explosions by India and Pakistan in May 1998, the former US President Mr. Bill Clinton once called Kashmir as, “the most dangerous place on earth.”

1 The Kashmir dispute, came on the United Nations agenda in 1948, is being recognized to be one of the most intractable and dangerous political disputes facing the international community. A bellicose history, religious rivalry and a general sense of antipathy...
towards each other have put India and Pakistan at loggerheads for the past six decades. Since 1990, it has been transformed into a perilous war zone through an armed insurgency against Indian rule. It has further undermined the prospects for regional integration and raised fears of a “deadly Indo-Pakistan conflict” in any future scenario of nuclear exchange.

Geographically the former Princely State of Jammu and Kashmir, is delimited by three nuclear powers of the world; China, India and Pakistan. The disputed nature of Kashmir has a linkage with the unwarranted partition of the subcontinent in 1947. In a blatant violation of UNSC resolutions and repeated pledges of its own leadership, India is neither willing to hold plebiscite nor ready to bilaterally resolve the issue as per the wishes of its subjects, resultantly there has been three wars between India and Pakistan. Since their renewed struggle for the right of self determination in 1989, India sought to suppress their movement with massive use of force, killing more than 80,000 Kashmiris through massive deployment of its 700,000 troops in the state with absolute power of shoot to kill. Jawayria Malik in her article; ‘Kashmir: India’s Reign of Terror’, describes the Indian brutalities on Kashmiris as; “at present, the concentration of Indian army in Jammu and Kashmir is as massive as four soldiers stands for one Kashmiri, a ratio to be found nowhere in the world. From January 1989 to December 2007, nearly 100,000 Kashmiris have been killed by Indian troops in Kashmir and as many disappeared during Indian forces’ custody in various interrogation centers and torture cells. About 113,882 civilians have been arrested without any reason, 22,591 women widowed, 1756 gang-raped and the children orphaned estimate to 107,051, People rendered homeless are beyond calculation as vaguely 105,536 buildings/homes have been destroyed brutally. There is hardly any house in occupied Kashmir, which has not sacrificed one or two or more of its members for the cause of liberation.

Infact Indian state terrorism in Occupied Kashmir has become even more pronounced in the post 9/11 phase, once India used the global sentiment to paint the Kashmiri freedom struggle as terrorism and its own repression of that indigenous freedom struggle
as a mean to fight against terrorism. In an attempt to malign Pakistan, India has stepped up its propaganda of so-called cross border terrorism\(^7\). These allegations are designed to shift focus from the massive violation of human rights being perpetrated by the Indian security forces in the occupied state. While making such baseless allegations, India refused to allow a neutral mechanism to investigate these charges. Pakistan has all along emphasized the need to further strengthen and enhance the monitoring of the Line of Control (LoC) by the United Nations Military Observers (UNMO), but India has refused to accept this offer too. The composite dialogue process between India and Pakistan, resumed in 2004 has remained inconclusive so for, primarily on account of unyielding Indian approach.

**Aim**

The paper seeks to elucidate salient of Kashmir issue in its historical perspective, the dynamics of the limberness made on the issue by Pakistan vis-à-vis Indian stringency, progress made by both sides during protracted composite dialogue, eventual beneficiary of the peace process and evaluation of future prospects on the dispute.

**Evaluation of Options and Contemporary Models for Solution**

As per UN resolutions, Kashmiris were given two options; either to join India or accede to Pakistan. Being geographically contiguous to each other, Kashmir and Pakistan had historical linkages of interdependence, whereas no such connection existed between post partition India and Kashmir. All natural routes to Kashmir are through Pakistan. For India the only ground linkage was through Pathankot, a tehsil of Muslim majority district of Gurdaspur in united Punjab. It was an unnatural route given to India, by making changes in the original plan of partition, to provide her a technical contiguity with the state of Kashmir in the shape of a few miles of common border. Factually the access of Kashmir to the outside world has been through Pakistan both historically and geographically.
Principally there existed neither constitutional nor any moral grounds for accession of the state with India in October 1947. Even Maharaja Sir Hari Singh had no mandate for accession (if at all he did that; since historian and analysts refute presence of any formal accession till October 27, 1947), as the Treaty of Amritsar; Kashmir Sale Deed of March 1846 lapsed on August 15, 1947, under the provision of Indian Independence Act passed by British Parliament on July 17, 1947. Furthermore neither the will of the Kashmiri people nor the geographical contiguity of the state favoured the state’s accession with India. Besides UN resolutions, then Indian Prime Minister, Mr. Jawaharlal Nehru made a firm promise with the people of Kashmir and the international community that Kashmiris would be free to decide their future through a free and fair plebiscite under United Nations.

Unfortunately the United Nations could not implement its resolutions as these are under Chapter VI of its Charter, hence non-enforceable. The UN can only intervene if both parties agree for mediation. Over the period of time, non compliance of UNSC resolutions on Kashmir resulted into many more derivative options like: ‘the independence, United Nations Trusteeship, Status Quo’, and a number of other options primarily interconnected with the division of the State along various linguistic, ethnic or religious lines. Among these, ‘Chenab Formula’, envisaged division of the state along the line of the River Chenab, was negotiated most often since the beginning of 1960s, but because of Indian incongruity could not be agreed upon. ‘Condominium’ of India and Pakistan over the State of Jammu and Kashmir with maximum autonomy for the State was advanced in early 1960s, but could not win the popular sentiment on both sides of divide.

In their brief history of post independence, there have been a number of wars and conflicts between India and Pakistan. While war between the two is still possible at a lower level, the nuclear dimension has closed the window for a major conflict. Protracted unpleasant bilateral relations have neither allowed India to realize its potential at the optimal level nor could Pakistan address its vital issues, crucial to improve the living standard of its 160 million masses. In-spite Pakistan’s commitment to Kashmiris remain intact,
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its actual capacity to push the issue through a combination of diplomatic and military means has drastically decreased, owing to multiple factors that have precipitated post September 11, 2001. On the contrary, the unfortunate incident (9/11) has allowed India to negatively propagate the UN mandated struggle for the right of self determination in Indian Occupied Kashmir as terrorism and Pakistani moral and political support as of sponsoring the terrorism.

Contemporary Models for Solution. The beginning of Indo – Pak peace process paved the way for intellectuals, scholars, politicians and other nongovernmental organizations to give their inputs on the modalities to proceed ahead on the core issue of Kashmir. A number of conferences, seminars and dialogues organized to highlight the necessity of peaceful resolution of the issue at various furas; regionally as well as globally. These debates achieved the objective of getting Kashmiri leaders of various shades together on one platform to engage with each other on the dynamics of the Kashmir dispute; while discussing various modalities and models of its resolution, taking ground realities in consideration. In the contemporary world, there exist a number of disputes, having similitude with the Kashmir issue and during the turbulent 20th century, quite a number of those were resolved as well.

Resolution of these contemporary issues proffer models to follow the suit for the solution of intricate Kashmir issue. Prominent being the Northern Ireland and Andorra models. There exists homogeneity between these two and Kashmir dispute, having divided societies and regions with two claimants. The issue of Northern Ireland was however, resolved on the basis of concessions given by both claimants (United Kingdom and Republic of Ireland), who agreed not to interfere; should the people of Northern Ireland, make any decision for their future. A similar set of arrangements could be worked out for the Kashmir dispute, if India and Pakistan show their willingness. Andorra model on the other hand offer a proviso of joint sovereignty for a gradual move towards greater sovereignty having representation in the United Nations as a member state. Such a solution will address the Kashmiri’s aspirations without a loss of face to any of the claimant, a sort of win-win situation for all parties to dispute. A number of other
models like; Trieste, Aland etc could also be considered as precedence, provided India shows some plasticity.

**Pakistani Limberness towards Dispute Resolution.** Under a transformed resolve, Kashmiri’s armed struggle ultimately forced India to engage into a dialogue process with Pakistan. Inspite of nuclear explosions by both countries in 1998, and an exchange of sturdy statements thereafter, the hostile neighbours at last agreed on negotiations. Indian Prime Minister visited Pakistan in February 1999 (a good will visit, part of bus diplomacy) and concluded agreements to be followed as a future course of action in the dialogue process. Unfortunately, the diplomatic and political initiative demonstrated by the leadership of both countries in the form of Lahore Declaration - 1999, was seriously blocked because of Kargil conflict-1999, subsequent to which, there remained an atmosphere of mistrust and repulsive relations till 2001.

In July 2001, as a result of hectic back channel diplomacy and international pressure, negotiations were held between top leadership of both sides to refurbish peace and confidence of each other over Kashmir during the Agra Summit in India. Having been the hub of power, President Musharaff, showed a lot of elasticity and promised that Pakistan would accept any solution of the issue which is acceptable to the people of Kashmir. In all probability, Prime Minister Atal Behari Vajpayee and President Pervaz Musharaff were very close to an understanding in the form of a draft joint statement, once Indian hawks prevailed to sabotage the Agra Summit. Lamentably, thereafter, India restarted her old rhetoric and even raised the issue of cross border terrorism more vivaciously. Failure of the Agra Summit was overshadowed by the ill-fated incident of 9/11, which drastically changed the international security scenario.

**Reproachful Effects of 9/11 on Peace Process.** Following the incident of 9/11, both the complexion of Pakistani support to the Kashmiri’s right of self determination and politics within Kashmir have undergone a significant change. Under the changed international security scenario, unequivocally named as global war on terror, India declared freedom struggle of Kashmiris as terrorism
and Pakistan’s moral, political and diplomatic support as sponsoring the peril. Post-9/11, Kashmiris considerably reduced armed struggle and enhanced political vow to attain their right of self determination. In the process, local pro-Indian political actors sought to connect back to the Kashmiri masses as sympathizers. Considering it as an appropriate opportunity to demonstrate its military might against Pakistan, Indian government blamed Pakistani intelligence agencies for a terrorist attack on its Parliament on December 13, 2001. India mobilized its forces all along the international border and there remained war like situation, which lasted for almost one year. Because of its nuclear dimension, international community, especially United States kept a constant pressure on India and Pakistan for disengagement from military confrontation and to restart dialogue process for a permanent solution of the core issue of Kashmir.

Upon return of quietude on borders, in September 2002, through a step forward, Pakistan suggested a Four-Phased Approach to resolve the issue. Phase one envisaged, ‘Recognition of Kashmir as a Dispute’. Lamentably in the Post-9/11 environment, there came a stage, where less the for the portion under Pakistani administration; India almost declined to accept Kashmir as a dispute. To begin with, Pakistan pushed India to accept Kashmir as an issue. In a rational approach, until and unless a matter is not taken as an issue worth resolution, no forward movement would be possible. It was through unexhaustive Kashmiri struggle, frantic Pakistani diplomacy and brawny international pressure, which ultimately forced India to accept the existence of Kashmir as an issue worth resolving.

Phase two included, ‘Initiation of a Dialogue Process’. After accepting the existence of Kashmir as an issue, the next logical phase, Pakistan proposed was the initiation of a dialogue process. It was but natural to know each other’s view point on the issue through a dialogue. It took Pakistan almost one and half year to convince India using all available channels for the resumption of dialogue process on the core issue. Phase three, ‘Shedding off Unacceptable Solutions’ was sought to knock out all those options unacceptable to all three parties to dispute. After purging of unacceptable options,
all parties would be left with only those options which are worth negotiating and will ultimately be debated to reach at a final solution agreed upon by all parties. As in the past, even now no option is acceptable to India, less Kashmir becoming its part or utmost the status quo. The fourth and final phase as suggested by Pakistan was, ‘Securing a win - win Situation’. Following the dialogue through previous three phases, all parties to dispute were to reach a final solution acceptable to each one of them. This was to be a win - win situation for each one of them. Formally Pakistan has been perusing India for some mutually acceptable option to reach a logical conclusion for the resolution of issue, but Indian response remained as rigid and measured as before, against any likely flexibility.

The Recommencement of Composite Dialogue Process.
After a long period of heightened tension and stalled dialogue, then Prime Minister of India, Mr. Atal Behari Vajpayee visited Islamabad from 3 – 6 January 2004 to attend the 12th SAARC Summit. Leaving behind the well-beaten tracks of bellicose posturing, President of Pakistan and Prime Minister of India signed a historic declaration on January 6, 2004, on the sidelines of the SAARC Summit. In the joint statement, the President of Pakistan and the Prime Minister of India agreed to commence the process of the composite dialogue, with a commitment from both sides to find a permanent solution of the core issue, acceptable to all parties. Earlier, Pakistan had set the stage for the resumption of the dialogue process by announcing vital Confidence Building Measures (CBM) in the shape of declaration of a unilateral cease-fire across the LoC in November 2003. During these dialogues, the two sides agreed on a number of Kashmir-related CBMs, tangible being the intra-Kashmir bus service, opening of crossing points on the Line of Control, meeting points for divided Kashmiri families and greater interaction among Kashmiri leadership on both sides of the divide. The present peace process is rooted in that declaration, and has since led to a series of talks between Islamabad - New Delhi, Islamabad-Kashmiris and New Delhi – Kashmiris. The ensuing Congress led government of Dr. Manmohan Singh vowed to continue the peace process. In a statement about the future of Kashmir dispute, on May 20, 2004, he said, that, “short of secession, short of redrawing
boundaries, the Indian Establishment can live with anything. Meanwhile, we need soft borders, the borders are not so important\textsuperscript{19}. According to Dr Verghese Koithara, a former Vice Admiral of Indian Navy, this statement was a major shift in Indian official stance on its Kashmir policy, especially by Congress led UPA government\textsuperscript{20}.

**Approaching the Issue from Regional Perspective.**

Owing to the lack of conformity of parties to dispute, none of the option as mentioned above could be agreed upon as final solution to the issue. If an option was acceptable to one party, the other would tend to differ. Fundamental reason for the incongruity is that except status quo, all other options entail surrendering of territory to one party which is unacceptable to other. This has been an unending phenomenon since its start. In reality every option; less accession with India or status quo, demands India to lose its vehemently occupied territory, therefore; it could not be of the same mind as Pakistan. Actually this is the crux of the issue; as India knows that Kashmiri are struggling to get rid of its occupation. Indian failure to none compliance of UN mandated options or options arose thereafter in last six decades obligated Pakistan to propose a set of new options in order to avoid de-railing the composite dialogue process and development on the issue meeting a previous upshot. This new set of options from Pakistan was the ‘identification of regions’ on both side of LoC, with geography rather religion as its basis.

Following the initiation of a composite dialogue, President Musharraf emphasized the need for an out of the box thinking, with sincerity, flexibility and courage to address this dispute. On October 25, 2004, he floated a new suggestion to resolve the issue. He proposed that “India and Pakistan should consider identifying regions of Kashmir on both sides of the Line of Control, demilitarizing them and granting them the status of independence, joint control or some kind of UN control”.\textsuperscript{21} Currently Kashmir comprises five geographical regions having variations on the basis of religion or ethnicity. Presently two of these regions are under Pakistani control and three under Indian occupation\textsuperscript{22}. These regions are: Azad Jammu and Kashmir, Northern Areas, (Gilgit -Baltistan),
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the Vale of Kashmir, Jammu (having three Hindu and three Muslim majority districts) and the Ladakh with Dras-Kargil as Muslim and Leh as Buddhist majority area.

Practicability of Region Based Approach. During the course of prolonged erratic negotiations, all three parties to the dispute could not agree on any single option discussed above. Plebiscite, a basic option as granted by UN is unacceptable to India, whereas, Kashmiri and Pakistan would not accept LoC as a permanent border. Furthermore, religion based partition was not acceptable to India, leaving geographical basis of solution as the only left over option, which was presented by Pakistan in October 2004 as another move forward. This proposed solution shuns the secular protestation of India. Geographical identification of regions would be followed by demilitarization one by one, thus giving way to CBMs like; normalization of relations, building of enough trust between the two countries, opening of all entry points for the divided families, clans, and tribes and revival of traditional trade routes. This can be done in the framework of Indo-Pak military amity and understanding on wider issues of security concern of both countries. While initiating the idea, the president of Pakistan said, “We are at a stage where options acceptable to Pakistan, India and the Kashmiri are ought to be considered”\(^{23}\). Although India did not respond officially to this solution, yet Indian writers and intelligentsia view the region based formula even having religious orientation, which perhaps they failed to comprehend that no one can undo the geography. United States of Kashmir (USK), an extension of region based formula, is yet another options discussed between Kashmiri leadership of both sides. However it is comparatively a new option. As per this option all regions of the state are to be united under one federation, named as United States of Kashmir (USK). However no worthwhile progress on the option has been made as yet.

Four Points Formula – An Elaboration of Region Based Approach. Sequel to region based strategy for finding a lasting solution to Kashmir issue, on December 5, 2006, President of Pakistan explained modalities for its implementation and practicability through a "four-point formula", encompassing\(^{24}\):
Identification of the regions in Kashmir taking into account nuances and strategic implications; Phased demilitarization of all regions; Self-governance within each region of Kashmir and Joint supervisory mechanism (joint management/sovereignty) with representatives from India, Pakistan and all parts of Kashmir, to oversee the plan's implementation. In the series of Pakistani flexibility, the four-point formula, in fact is an extension of its earlier proposal of a region based solution, put forward in October 2004. The First step would involve the identification of the regions in Kashmir on geographical basis.

This would allow free movement of the people of the state in various identified regions of the State primarily for consensus building among Kashmiri masses/leadership. As identified by the author of formula, the geographical regions have “political, geographical and strategic homogeneity” keeping in view the aspirations of the people of these regions. Unjust and inhuman division of Kashmiri over the last 60 years has kept them away from each other to make a unanimous decision for their future status. With their free movement in various regions of state, people will more frequently interact with each other to exchange views and make decision for their future. To obtain this, existing artificial borders would have to be made irrelevant for the inhabitants of the state, which mean that Kashmiri’s aspirations would reign supreme.

Identification of the regions in Kashmir would be followed by demilitarization both by India and Pakistan. As perceived, initially troops will be pulled out from villages and other populated areas to major garrisons outside the cities and subsequently out of the identified regions of the state to achieve complete demilitarization. Flexibility will be kept for the phase-wise demilitarization of the identified areas which can be negotiated between Pakistan and India after taking Kashmir’s genuine leadership into confidence. Once both India and Pakistan demilitarize the regions under their respective control, Kashmiri will freely interact with each other and unite while protecting their future interests including the interests of various ethnic and religious groups of Kashmir and settling of affairs of their land by those who belong to that region, living side by side, with diminishing influence.
of India and Pakistan. Demilitarization would be biggest psychological relief for the people of the State.

Following the demilitarization, self-governance in the identified regions would form third step. As intended, self-governance would mean; the rule of the people of that region as per the aspirations of its masses. Clarity remained hallmark here; as autonomy or maximum autonomy is given to a periphery or a province under the constitution of a centre or federation, whereas self rule for Kashmiri meant; a Kashmiri rule outside the framework of the Indian Union. The aspect of self-governance has been kept open for debate as far as its limits are concerned. But in no case the concept of self-governance can be mistaken or mixed up with the Indian offer of the autonomy or maximum autonomy. In order to negotiate on the options, there would be a requirement to allow greater movement between the people of the divided state on Kashmiri identity papers. After all, in the fifties the Muzzafarabad - Srinagar bus service operated without passport requirements. Self rule on the politico geographical regions of Kashmir would not undermine Pakistan’s principled stand provided India is ready to show proportionate flexibility.

**Dynamics of Joint Sovereignty.**  The fourth stage; joint-management or Joint supervisory mechanism, now more frequently embodied as a ‘joint sovereignty’, will aim to supervise the implementation of the self rule once established. As compared to other three points, relatively it is a new concept. It appears to be the complicated mechanism as it involves three parties; Pakistan, India and Kashmiris. There would be variations on the modus operandi for the implementation process among all three parties which may become a base line for emergence of region based self governing units. The mechanism would require a high level of coordination among three parties and is likely to prove the most convoluted. This step is the centre of the entire formula as it leads in clear terms to a win-win situation to all the three parties to the dispute. Once attained, this formula will be put through trial for a period of 5-10 years, after which all parties would get together to see its practicability or otherwise and then reviewing it for making with
requisite changes to make it more doable. After all the four point formula is one of the options, like many others.  

Joint sovereignty would mean that both India and Pakistan would have equal jurisdiction over the territory, with residents having Kashmiri passports under the jurisdiction of both countries. Currencies of both Indian and Pakistani would be in circulation. The state would have its own legislature, with as much governance as possible decentralized to the local cities and villages. This is not entirely a new concept. There have been several areas historically that had joint sovereignty, including Andorra in Europe as mentioned above, the New Hebrides islands in the Pacific, West Berlin before German unification, and the Sudan under the United Kingdom and Egypt. It would not be a simple matter to implement, but if it can prevent a future conflict, the price is likely to be less. There is a need to put the concept of joint sovereignty on the table. It needs to be widely discussed and debated. World body (UNO) and sole super power (USA) need to help out in resolution of the issue seriously. From Pakistani perspective this is the “maximum, just and reasonable compromise that can solve this dispute, so that the people of subcontinent can finally live as neighbors in peace”.

Envisioning the Proposal through Indian Prism. In his first response to the four point’s formula, Indian Prime Minister said, “new ideas and thoughts expressed from Pakistan can help resolve all pending issues, which must be approached with an open and friendly mind”. Immediate response of the Indian Prime Minister signaled a positive change in the attitude of Indian top leadership for an ultimate resolution of the issue. Unfortunately after a few days, Indian unyielding attitude prevailed once again, in incongruity with his Prime Minister’s buoyant vow; Indian Minister of State for External Affairs Mr Anand Sharma said that, “it did not fit in the Indian parameters for a solution”. Mr L.K. Advani, former deputy prime minister and now leader of opposition and head of Bhartiya Janata Party, the former ruling alliance and the initiator of ongoing peace process, has strongly opposed the formula by saying that "It is a peace offensive with an ideological thrust on undermining India's sovereignty ... and pave a way for another Partition”. Although sanguine analysts like C. Rajamohan has
welcomed the Pakistani proposals calling them very reasonable and closest to India’s negotiated position on Kashmir. But overall on the intellectual front, most of Indian scholars view the Pakistani proposal in the form of four-point formula as having, “old wine in a new bottle”\(^{31}\). They see serious contradiction in this proposal, where independence is denied for Kashmiri people and self-governance along with joint management is being asked for, which further complicates the issue. Being skeptical about the timings of proposals Indian Government and intelligentsia felt that, Pakistan perhaps preempted the likely visit of Indian Prime Minister to Islamabad and scheduled forthcoming talks between the Hurriyat Conference leaders and Dr. Singh’s points’ man on Kashmir, Mr N. N. Vohra\(^{32}\).

In the post 9/11 scenario, there has been a pressure of international community on India and Pakistan for the resolution of Kashmir issue. In India the general impression has been that owing to the enhanced level of troop’s deployment in its disturbed tribal areas in NWFP and Balochistan; Pakistan needs more troops. So the demilitarization from IHK would provide Pakistan enough flexibility to reduce its troop’s level from the LoC in Kashmir and redeploy them along Pak – Afghan border / FATA area under US heavy pressure, which is possible only once India trim down its troops from IHK. There was yet another view that former Pakistani government needed some agenda to gain popularity and whose implementation required them to be re-elected for another term. In a way, domestic and global approval of former government was sought, keeping the formula as precursor.

Indian scholars and politicians have been prejudiced in their analysis that; these proposals are designed to benefit Pakistan rather having any single concession for India. They view the phased demilitarization (if implemented) by India as amounted to a gaping security hole, whereas it meant nothing for Pakistan, because its troops are not battling any insurgency in Kashmir. About the ‘local self governance’, outside the Indian constitution virtually means independence at least for India. Divergently, India also supports self-governance at three level; the village, district and then at the regional level, but all under the ambit of Indian constitution.
In order to ensure free movement of Kashmiri among various regions of the state, borders would have to be made irrelevant rather than redrawing them. Indian perceives that this point cannot warranty a peace in a future scenario, for it does not explain the strategy to control illegitimate movement across of arms, drugs and foreign nationals. Regarding the core of the formula; the Joint Sovereignty, there are serious reservations of Indian government, think tanks and intelligentsia. Questions are being posed as if the affairs of Kashmir would be managed like a corporation with a joint board of directors keeping watch. Indian views this point as a non-starter for it defies the very logic of self governance. What role does joint management have in self governance? In summary, India views this flexibility a long term gain for Pakistan as a whole. Indian officials have yet another objection that post 9/11; Pakistan has communicated all options through media, which in any case is not an appropriate forum for dialogue to resolve obdurate issues like Kashmir.

It is pertinent to mention that, in 1963/64, Sheikh Abdullah in connivance with Mr. Jawaharlal Nehru, then Indian Prime Minister floated the idea of joint sovereignty, naming it as the condominium of India and Pakistan over Kashmir. The idea could not make headway because of three reasons: firstly, it was considered an Indian move to undermine Pakistani stand on Kashmir; secondly, it was encumbered by yet another proposal calling for a confederation between India and Pakistan and thirdly, because of the sudden death of Mr. Nehru, the Indian Prime Minister, who backed Sheikh Abdullah in advancing the proposal. Thus the idea could not get the requisite mellowness for winning a support among Kashmiri and Pakistan beside Hindu nationalists.

The same old Indian backed idea of joint sovereignty (condominium), once offered by Pakistan as part of new set of proposals with a new name (four point formula), Indian government, scholars and intelligentsia refused to accept, cataloguing it as ‘an old wine in new bottle’. Probably, Indian has made it a prestige point to accept any proposal, initiated from Pakistan, Kashmiri or any third party, which is amount to give Kashmiris their right of self determination. Otherwise in terms of ground holding, India entails almost two third as compared to one
third by Pakistan. India would not like Pakistan and Kashmiri to share with it, the sovereignty of a land under its occupation since last six decades. Other then strategic and economic connotation, India had made Kashmir as a point of its supremacy and esteem, thus ready to pay any cost of its holding, which even may be in the form of a war with Pakistan or Kashmiris. It is obvious from the stubborn policy of a deadlock on Siachen Glacier, on which both parties reached close to a solution on a couple of occasions since 1990s. The concept of self rule although bears a different name, but practically it is almost an independence which, India considers as a beginning of its Balkanization.

Prudence of the Proposal. The current peace process is part of Pakistan’s initiative started during Agra Summit - 2001, or to be more precise a continuation of Lahore Declaration aimed at persuading India to move ahead from its decades old unbendingly stated position. Advocating the need for flexibility in traditional positions on Kashmir, the author of the formula was convinced that “if Delhi showed flexibility, so would Pakistan”\(^\text{34}\). By presenting this formula, actually Pakistani leadership has made their utmost effort to encourage the Indians to move forward on its Kashmir policy. Since India was not responding to plebiscite, therefore by offering a solution of Kashmir beyond the UN resolutions, Pakistan desire to go an extra mile for the permanent solution of the issue. It never meant a compromise or shift on its traditional stance. The proposal will buttress Kashmiris to determine their own political future and facilitate inter and intra-Kashmiri dialogue and Kashmiri-Islamabad and Kashmiri-New Delhi dialogue by encouraging unrestricted cross-LoC and inter regional movement. As a result of this dialogue, collective Kashmiri voice with some unanimous solution will come out. The formula thus addresses the immediate concerns of the Kashmiri masses and devises a step by step approach for the resolution of the issue.

In Indian Occupied Kashmir, the suzpple Pakistani approach has also made headway, once unyielding pro India Kashmiri Politicians welcomed the proposals, considering these as political breather for them. Almost all major political groups are now openly supporting the ‘Pakistani line’, in an attempt to renovate their
support bases. With small exceptions like, Syed Ali Shah Geelani and the United Jihad Council, led by Hizbul Mujahideen chief, Syed Salahuddin, who have their reservations on the proposals; rest all parties are now for demilitarization and self-governance. Mr. Omar Abdullah, former Indian minister of state for external affairs and President National Conference has asked the Indian government to come forward with a “positive response” on new formula. He emphasized that once Pakistan had extended its hand of friendship through new suggestions, Indian government should also implement its past assurances and commitments for resolving the issue in accordance with the aspirations of the people of Jammu and Kashmir. Former Chief Minister and patron of People Democratic Party, Mufti Mohammad Sayeed has also emphasized Indian government to reciprocate positively on Pakistan’s flexible approach for the resolution of the issue.

Mirwaiz Umar Farooq, Chairman All Parties Hurriyat Conference, has also stressed India to respond positively to the suggestion of Pakistan for a final solution to the Kashmir problem. While acknowledging its seriousness toward resolving the issue, he assured full support of APHC to Pakistan on the proposal. The raisin d’être of the popularity of the new concept is a ray of hope, the option contain in itself in the form of enhanced chances of leaderships for Kashmiri in their respective regions. Indian authorities could have assessed these proposals through the mirror of reality for long term stability, as it has failed to assimilate the Kashmiri masses into its integral population. A serious thought for implementation of these proposals could help India to subdue much of the popular anger, currently she is facing. On the Pakistani side of Kashmir, the ruling Muslim Conference has fully backed the formula, whereas, some of the opposition parties have their reservations too. In Northern Areas, the idea has been generally hailed by masses and leadership. Some of Kashmiri intellectuals have apprehended that region based solution may gradually fade away the ‘Kashmiri Identity’. However once taken as a whole, there has been a positive come back on the formula by Kashmiri masses as well as leadership.
In spite of apparent deviation from Pakistan’s traditional stand on Kashmir, new proposals have been generally hailed by a sizeable portion of editorial writers and commentators. A vast majority of people have shown their reservations too. Religious parties opposed the proposal by saying that it is a dilution of Islamabad's stated position on Kashmir. Some opposition parties also propagated the option as a sell out of Kashmir to India or a U turn of Pakistan on the issue. In fact, by offering these options, the author has asked the nation to think of more options that are workable and realistic. However, in case of Pakistan, the determination is there at the top, but it requires a reciprocal approach from the Indian top leadership. It is an opportunity to resolve the long-standing issue. No doubt, while resolving such complicated issues, there can not be 100 percent support to any government from its masses.

**Positives of New Approach.** Among the dispassionate thinkers and bulk of masses, there is a deeper realization in India, that losing the present opportunity for normalizing Indo-Pak relations will entail heavy cost. Both countries now feel that status quo on Kashmir must change. India is against the redrawing of boundaries and willing to make the LoC as irrelevant. However, in spite of positive responses from Indian top leadership, officially India has not hinted any flexibility in her stance, rather the old rhetoric of cross-LoC terrorism has been more pronounced in its official statements on most of the occasions. Indian writers and scholars compare these proposals as an effort to recycle the previous one like Dixen Plan, Graham’s proposal and American Study Groups proposals. Most of the analyst considers the ‘joint sovereignty as an unworkable phenomenon once having an involvement of Kashmiri and diametrically two opposite countries. They view the proposals as a strategy aimed to rid Kashmir of the presence of all Indian security forces.

The positive side of the picture is that, in spite of being wedged to its consistent stance on Kashmir, New Delhi has attempted to reach out to Kashmiri political parties, allowing Kashmiri leaders like; Mirwaiz Umar Farooq, Mr. Omar Abdullah, Yasin Malik and more recently to Mehbooba Mufti to visit and meet
the leadership of Pakistan and Azad Kashmir. A number of round table conferences and formal / informal meetings have taken place between Kashmiris and top Indian leadership including Prime Minister, Manmohan Singh. This positive development is the result of Pakistani initiative and flexibility. For an increased interaction among Kashmiris, India has agreed to open two more bus services across the LoC. The concept of ‘joint sovereignty’ has also been extensively debated behind the scene. Delhi has suggested that issues like water, tourism, trade and the environment could initially be jointly explored. The only major Indo- Pak disagreement on the proposals revolves around this point. General masses in India wish to resolve the issue peacefully. People believe that India and Pakistan must cease this opportunity to resolve the dispute as Kashmiris have suffered because of Indo-Pak bickering. It's about time that both countries to chose peace over rhetoric and bravado and invest more on people instead of increasing their defence budgets on conventional and non conventional nuclear arsenals.

On the global front, the lithe four point formula has been welcomed by major powers, UN, and other International organizations. International community considers that development in South Asia is linked with the solution of Kashmir. This chronic and unresolved issue is the major cause of nuclearization of South Asia. Oxford Analytica in its view declared that Pakistan’s proposals have provided it more room for negotiations with Delhi in the current peace process, besides providing flexibility for considering alternative solutions to the dispute. It also added that, “Islamabad’s apparent change in strategy may not be radical enough to impress New Delhi, since India occupies two-thirds of the state”\(^{40}\). All neighbouring countries have also welcomed the developments, especially flexibility shown by Pakistan on Kashmir. Beijing too has welcomed the peace process and considers Indo-Pakistani rapprochement a major step toward regional peace and stability. It is worth mentioning that since nuclearization of South Asia in 1998, China has tailored an unequivocal position on Kashmir. The change in Beijing’s Kashmir policy (from pro Pakistan to neutral) has a linkage to its ‘global strategy and its own bilateral relations’\(^{41}\) with India and Pakistan unconnectedly. It has
growing interests in seeing a stable South Asia and is increasingly looking for better relationship with India over past few years.

In mid March 2008, it was claimed by a UK based Jammu and Kashmir Council for Human Rights (JKCHR) that under “rule 11 for a deletion under the process for simplification”42, Kashmir issue has been deleted from the agenda of United Nations Security Council for not being considered in the five preceding years. The Council also exposed that now Kashmir issue doesn’t remain on the UNSC agenda as a substantive item as it used to be from January 6, 1948 to August 22, 199643. It is a bolt from the blue that in the past thirty years, the issue has not been raised in UNSC from Pakistani government or President of Azad Jammu and Kashmir. A similar budge was set off by Indian lobby in the UN in late 1990s and early 2000s.44 It was only made possible through hectic Pakistani diplomacy that the issue was re-included in the agenda of UNSC. Once again there would a requirement of an annual reminder and a strong diplomatic lobbying by Pakistan to ensure presence of the issue on the UN agenda. As a matter of fact, this would be only a therapy rather a permanent cure of the unremitting issue. Pakistan’s one sided flexibility has possibly set an impression at global level that it doesn’t pursue UN resolutions any more. India otherwise looking for an opportunity to became an ultimate beneficiary in the process.

**Detrimental Role of European Union Parliament Report on Kashmir.** While positive developments on Indo-Pak peace process are underway through a number of CBMs and tangibles actions, in mid 2006, a delegation of European Union Parliamentary, headed by its British member Baronnes Emma Nicholson prepared a 10-pages draft report on Kashmir, entitled, “Present situation and future prospects”. The draft report highlighted the human rights conditions in Jammu and Kashmir especially in Pakistani-administered portion. As per report, the major areas of the people’s sufferance are; poverty, illiteracy, lack of basic health care, economic decline, denial of justice and lack of democratic structure etc. The report also highlighted the situation arose after October 8, 2005, earthquake and its subsequent handling. It also enjoined Pakistan to arrange return of the Aksai - Chin area from the Peoples
Republic of China and withdraw its forces from Kashmir. The report denied holding of UN-mandated plebiscite in Kashmir. A critical analysis of the Emma Nicholson report on Kashmir reveals that it is an Indian biased report where facts and figures are far removed from the ground realities. In this report, Pakistan in consultation with Kashmiri leadership, proposed over 400 amendments, which itself is a proof of its being lacking the reality on Kashmir.  

The report was adopted as an official EU document in May 2007. It has rather seriously dented the ongoing peace process by crazily supporting the Indian stance on Kashmir, while totally overlooking the human rights violation at the hands of Indian security forces since start of uprising in 1989. It has squandered on an invaluable opportunity to advance a constructive framework for both India and Pakistan towards seeking a durable and equitable solution of the Kashmir conflict, taking along with them the People of the entire state of Jammu Kashmir. Leaving aside its self assumed mandate, the European Parliament team, has more frequently referred to the domestic issues of Pakistan having no relevance to Kashmir. By asserting ‘pro people’ character of India in Kashmir, the author is unable to justify the killing of over eighty thousand people since 1989 whom India considers its citizens.

The report failed to take into account the true aspirations of Kashmiri and repressive laws of India. As a matter of fact, the people of the Indian Occupied Kashmir have undergone miseries, torture, economic exploitation and other inhuman treatment at the hands of the so called democratic and secular India over an issue created by the forefathers of Emma Nicolson (the Great Britain) at the end of Colonial era in the subcontinent. The author of the report perhaps forgotten to take into account these ground realities or has tenaciously prepared a misleading report. With the initial contents of the report, one really gets worried about the credibility of the EU’s team. Baroness Emma Nicholas had an opportunity to advance peace and progress by encouraging all parties in the conflict to find a way of working together in search of a just and democratic solution of the conflict. Instead she focused on issues that were unrelated to the conflict.
Contradictory to its aforementioned role, EU parliament has passed a condemnation resolution against brutalities of Indian state forces upon discovery of 950 unidentified graves only in Uri area of Indian Occupied Kashmir. European Union has also demanded immediate investigation of the issue and has even offered assistance to probe mysterious deaths of thousands of disappeared Kashmiris since 1989. Similar graves have also been found elsewhere in occupied Kashmir. Far and wide it is believed that these were missing kashmiris, whose relatives are still waiting for their return, but they have been martyred in fake encounters by Indian state forces. This is really a praiseworthy achievement of EU Parliament and has been valued by Kashmiri masses. It is beyond perception that why a resolution could not be moved at United Nations Security Council for an international probe to expose Kashmiri massacre at the hands of Indian forces. After all the wartime Bosnian Serb leader Radovan Karadzic has been arrested for a probe on the charges of similar massacre of Bosnian Muslims after he has been indicted for genocide and has been on the run for thirteen years.

**International Misperception about Kashmiri Struggle.**

Ever since the Kashmiri uprisings in 1990, there have been unprecedented violations of human rights in occupied Kashmir. As per an Indian analyst, Mr. Gautam Navlaka, - 80 % human rights abuses were perpetrated by the Indian security forces. Unlike Palestine, Iraq, Chechnya and many other struggles of self determination, Kashmiri have been unfortunate not to attract the attention of world especially civil societies of the West. This was mainly because; India did not provide free access to domestic and international media to cover the brutalities of Indian state sponsor terror. Atrocities on Kashmiri by Indian forces were kept isolated that is why even after the passage of over sixty years, the struggle of Kashmiris just cause remained largely unknown, or after 9/11, largely misunderstood. Inspite of substantial diminution in the armed struggle of Kashmiris over last seven years, Indian brutalities in the state through its armed forces are still going on at a large scale. Reduction in armed struggle has even been confirmed by Indian leaders and military commanders.
In his book, “Kashmir – A Tragedy of Errors”, Mr. Tavleen Singh, an eminent Indian journalist wrote about coverage of Kashmiri miseries in Indian media, as: “India has compelling reasons for wanting to keep Kashmir Indian. Unfortunately, no one seems to know any more how this could be done. In the absence of any other ideas, the only one that Delhi seems to come up with is a military solution. Delhi continues to believe that Kashmiri can be taught to recognize that you cannot take on the might of the Indian state and win. Most Indians appear to share this view. And most Indians believe that the reason why Kashmiri have been able to get away with their defiance is only because India is a ‘soft state’. Since the press, by and large, cooperates with the government in not telling the truth about what is going on in the valley, the soft state’ image persists. Nine out of ten articles in the Indian press propagate this way. They rarely speak of the very unsoft side of the Indian State that Kashmiri usually get to see”.

Pakistani Approach of a Win-Win Position

Resolution through Integration of Civil Society. It is considered opinion of Pakistan that the current unnatural division of Kashmir has enlarged the miseries of Kashmiri on the both sides of divide. The time has reached where India and Pakistan must agree to give a greater role to Kashmiris in the proposed geographical regions in the form of self rule. In this way Kashmiris would feel relief from years and years of Indian exploitation, discrimination and occupation. Virtually the issue has entered into a phase, where Pakistan cannot arbitrarily change the territorial status quo and India cannot keep the Kashmiris under its occupation for a longer time. Under such a situation, all parties to dispute must find out a middle path capable of ensuring a win-win situation for all. In the case of rigid stance by all or any of the party to dispute, as it has been in the past, there is no way one can expect peace in the South Asia. After all, the obscure nature of the Kashmir issue demands a rational solution based on a flexible approach and taking steps to make the lives of the people of Jammu and Kashmir better. Demilitarization from all regions of Kashmir as a part of the new proposals from Pakistan is the best possibility to restore normalcy and peace in the region.
Flexibility while keeping in view the reality is a pre requisite to move forward for resolution of all outstanding issues between India and Pakistan. If both countries remain fixed to their traditional stances, there would be no solution of the issue. On the part of Pakistan maximum flexibility has been extended while keeping the traditional principled position intact. By presenting new proposals, Pakistan has encouraged the participation of general public, intelligentsia and think tanks to start a meaningful debate and discuss options for the settlement of the issue. Apart from Pakistan and Kashmiri masses, the new development is being viewed positively at global level. Region based solution translated into four points formula is not a solution in itself; but, only a thought and an idea, which alongside other available options could be examined by the three parties to the dispute as one of the possible way out.

There lies strategic interests of Pakistan in Kashmir; therefore, question does not arise for any compromise on its position on Kashmir. At the same time, the sacrifices of the Kashmiris during their freedom struggle against Indian oppression can not be ignored. Moreover UN resolutions count for every little until and unless cancelled or modified by another UN resolution. At global level, the major powers have their own political agendas with no commitment to resolve the disputes of other countries. They keep their own interest supreme and look at each and every dispute from the point of view of their own long term interests. It is a novel idea of re-demarcation of the regions on ethno-geographical lines, demilitarizing them and discussing various options for self governance. The option is basically to find a way forward on the core issue, as it has blocked the alleyway of development in South Asia for over six decades.

**Political Engagement through Dialogue.** Veiling the past differentiation, Pakistan has shown its willingness to go an extra mile for the peaceful resolution of all disputes with India. Being smaller in size it never had aggressive designs against India. Even Pakistan’s military strategy is based on defensive doctrine, with an Indian centric strategic arsenal programme. It is only India who always tried to slash Pakistan by conspiring against her both covertly and overtly. In the post 9/11 scenario, it was Pakistan who
approached international community to induce India for a meaningful dialogue on the core issue of Kashmir. In the aftermath of Agra Summit, Pakistan has repeatedly ‘adjusted’ its Kashmir policy on all available options with maximum flexibility to engage India. Through its positive approach towards India, Pakistan suggested a number of Kashmir related CBMs, informal talks and some genuine soul-searching at the top level to push the dialogue forward on the core issue. However owing to her past mistake of declaring Kashmir as its integral part, it has now become the toughest nut to crack by any ruling Indian elite. On the Pakistani side the hardest test for its leadership has been and is to engage India on the Kashmir dispute. After all it was the whole hearted dedication of Pakistani leadership which pursued India to make a commitment for Kashmiris right of self-determination. Now India has a realization that force alone could not ‘solve’ the Kashmir problem for them and without Pakistan’s help Kashmir dispute cannot be settled. In connivance with Kashmiris, Pakistan desire to push the dialogue on Kashmir forward by engaging India to respond positively. In the past few years, Pakistan’s Kashmir policy has increasingly become more and more transparent and credible; with Kashmiris at its centre spot and making use of both traditional and non-traditional diplomatic tools to engage India.

The Eventual Beneficiary of Overture

The unilateral ceasefire announced by Pakistan in November 2003, was welcomed by India. Immediately upon ceasefire, India started fencing its border all along the LoC and completed it in a record period of two years. It had already fenced its international border and working boundary with flood lights all along. This fencing could not be completed earlier, owing to Kashmiris armed struggle against Indian occupation forces and intermittent firing by forces deployed on both side of the LoC. This peace overture was quite efficiently utilized by India to stop the infiltration and incursion of Kashmiri freedom fighters from Azad Kashmir to Indian Occupied Kashmir.

In a hold out to pacify Kashmiri masses and demonstrate the international community, in mid 2006, Indian Government,
constituted four working groups, to formulate concrete recommendations on Jammu and Kashmir. Each group was mandated separately to undertake study in its own area. These groups formulated their recommendations to even out the grievances of Kashmiri masses thus surfacing the way for their eventual rejoining the main stream India through a reconciliation process, rather promising them right of self determination or any sort of self rule.

These groups emphasized Indian government to bring a halt to human rights violations and repeal the discriminatory laws to circumvent international critic. Other aspects like; rehabilitation of Kashmiri especially Pandits by providing them compensation and employment, dialogue with militants, promotion of people to people contact by opening more routes across LoC, measures for economic uplift, good governance and adoption of people friendly approach by security forces was stressed upon for implementation on priority. All these recommendations aimed at paving the way to convince Kashmiri masses to give up their armed struggle against India in support of their right of self determination.

**Operation Sadbhavana.** Consequent to these recommendations, Indian Army geared up campaign to implement its already conceived idea of winning hearts and minds of Kashmiri masses through Operation Sadbhavana; a goodwill gesticulation aimed to redress their grievances by taking psychoanalysis measures like provision of health facilities, improvement in education sector and empowerment of women. The campaign is being carried out in all areas of the state which were affected during Kashmiri armed struggle started in 1990. Through this campaign, Indian Army in collaboration with State’s administration is undertaking all measures to provide the basic civic facilities to the communities at village / town level. Huge funds have been allocated by the government for upgradation of community requirements like; re-construction of schools, hospitals, libraries, community marriage halls, mosques and many other basic requirements of life. School and college students are being taken to various cities in India under luxurious arrangements of Indian government with promises for their bright
future in these places, rather getting involved in anti state activities at the hands of militants.

The Operation Sadbhavana, envisioned by General Arjun Ray, whose motto is, “We had to instill trust by proving that human security is a core element of national security.” It is a very meticulously planned strategy by Indian government to level out the grievances of all those Kashmiri masses that fallen prey to its brutalities ever since the start of insurgency on one hand and improving the image of its security forces on other. As per Indian Army, Operation Sadbhavana, is an initiative to help peoples in remote & disturbed areas of the country to connect with the rest of the country, in North-East India and Jammu and Kashmir. Towards the beginning, Kashmiris put up significant opposition against the operation by Indian Army, considering it, responsible for destruction of these facilities apart from massive human right violation in last eighteen years. However with the passage of time resistance seems diminishing under stringent orders of Indian Army. The campaign also intended to create employment opportunities for Kashmiri youth. Indian Army and State’s government is encouraging jobless youth for recruitment in Indian security forces. More recently, the former Chief Minister of IOK has announced to raise a woman Police Battalion in the state, which would initially provide around 1200 jobs to unemployed Kashmiri women.

Through a well orchestrated psychological propaganda campaign, India is giving a phony impression to Kashmiri masses that in the post September 11, 2001, they (Kashmiri) have no alternative, but to leave militancy and learn to live under Indian rule. While discouraging Kashmiri masses, Indian electronic and print media is creating an impression that inspite of repeated insurgencies / anti-India moves, neither Kashmiri could get their freedom nor Pakistan could filch Kashmir from India. And now under changed international scenario (global war on terror), Pakistan cannot imagine challenging Indian authority over Kashmir. Indian gains from the peace process will have long term effects on Kashmiris right of self determination. Indian propaganda also creates feelings that Pakistan has deviated from the UN resolutions once it offered fresh proposals for solution of the issue. This again provides a solid
ground to Indian planners, think tanks and pro India Kashmiri politicians to pollute the minds of suppressed and wandering Kashmiri youth and cash it in their favour. Apart from the distressed Kashmiris, Pakistan; the architect of the current peace process remained at loser hand, as through various strategies, Kashmiris are forced to reconcile their armed resistance against Indian occupation.

The Future Prospects of Peace Process

It is hard to pin down any imminent resolution of Kashmir issue, mainly because of its obstinate nature and the still widely divergent positions held by the parties to the dispute. Undeniably, resolving the Kashmir dispute may be a most challenging diplomatic undertaking since the original conflict has evolved over the years from “a purely India-Pakistan contention for jurisdiction” to the one that increasingly involves an independent movement within Kashmir alongwith a number of other options and interwoven ethnic and religious strife and conflicts. However inspite of many odds, it was Kashmiri armed struggle and their epic sacrifices which compelled India to move onto the negotiating table with Pakistan in late 1990s. In the changed global scenario, Indo-Pak composite dialogue process (2004-2006) has made much headway, which in turn has strengthened the bilateral peace process between India and Pakistan. The momentum of the dialogue thus should have been maintained, but the internal flux in Pakistan, started in early 2007 (soon after floating of four point formula proposal), has increased many fold, allowing India to justify its delaying tactics, by not responding Pakistani proposals.

On its part, Pakistan has virtually confronted all types of internal destabilization. In Federally Administered Tribal Areas and all along the Pak-Afghan border, security forces are busy in combating the extremism posed by extremists heavily supported by anti Pakistan forces, the Al Qeada, Taliban and many other misdirected scoundrels. During 2007 alone, there have been more then sixty five suicide attacks all along the country, killing hundreds of innocent masses. General Elections scheduled on January 8, 2008, had to be postponed till February 18, 2008, owing to baffling
assassination of former Prime Minister Benazir Bhutto. These internal issues have constrained the government’s options to push the dialogue process with India on its proposed options. Prolonged absence of Pakistan from the substantial dialogue process has provided India with the enough flexibility to start the so called heart winning campaign through a number of measures in IOK. By the time Pakistan is over from its domestic issues, India would have taken a number of compensatory measures to befool already suppressed Kashmiris as a substitute of their demand of freedom from Indian rule.

Kashmiri Leadership and New Incumbent Government in Pakistan. Sequel to new political set up in Pakistan, a delegation of APHC under Mirwaiz Umar Farooq, Mehbooba Mufti, President People’s Democratic Party and Yasin Malik of Jammu – Kashmir Liberation Front visited Pakistan. In their own timeframes, these leaders met the new leadership of Pakistan and Azad Kashmir in the milieu of stalled Indo –Pak peace process and progress on Kashmir issue. Mehbooba Mufti was of the strong view that Pakistan must restart mired dialogue with India on priority. She said that, “there has been too much bloodshed--- now it is a time to resolve the issue”.

In his meeting with new Pakistani leadership Mirwaiz Umar Farooq exalted the morale and political support of successive Pakistani governments and emphasized on active participation of Kashmiris in the ongoing composite dialogue process. APHC delegation desired that dialogue on Kashmir should be held in Srinager and Muzaffarabad rather in Islamabad and New Dehli. Stressing on more structured dialogue Mirwaiz said, “The most important thing is that a structured dialogue is missing from the talks on Kashmir. There should be a comprehensive line of action in an institutionalized manner, including Kashmiris, as several bilateral efforts have failed to deliver”.

In veracity there has been no change in Indian carnage in Occupied Kashmir inspite of a Pakistani leeward flexibility following 2004. Finding of 940 unknown graves, thousands of missing Kashmiris, the presence of 350 army camps in population centers, the sale of
Kashmiri land to the non-state Indian institutions, Indian cultural invasion and aggression on Kashmiris are some of the cases in point. Promising a positive development, coalition leadership of Pakistan assured the visiting leaders that consensus on the issue will be sought in the Parliament and dialogue rather than the war would prefer to resolve the dispute. However in corporeal terms the new political setup in Pakistan seems less resolute to resolve the issue on priority. As Co-chairperson of Pakistan People Party, now the President of Pakistan said in a statement that instead of becoming “hostage to Kashmir issue”, India and Pakistan must move forward to promote their bilateral relations like trade and people to people contact. Although negated later on, the statement appears to be a major shift in the minds of incumbent leadership of Pakistan on Kashmir.

Yet on another occasion the incumbent head of State then Co-chairperson of ruling party, through a message readout at a conference on India and Pakistan, organized by the Tehelka Media backed Indian stance by saying, “a very serious danger to the (India-Pakistan) peace process comes from militants and terrorists ----- Therefore the challenge for us is to dismantle the militant cells so that they cannot hold the foreign policies of two independent nations hostage to their acts of terrorism”. The statement is an indirect acceptance that there exists such sanctuaries in Pakistani soil and negation of Pakistan’s repeated assertion; that its territory is not being used for any terrorist activity against any country. Even Indian Government and Army accredited Pakistani efforts in reducing Kashmiri insurgency. Apart from official stance of Islamabad, if truth be told there exists no such ‘cells’ in Pakistani territory. The question arise what aims and objectives Mr. Chairperson intends pulling off through such disingenuous statements? Analysts view that being head of the ruling party; he may have thought it appropriate to sing a song being sung by US lead West and India to gain their commiseration or else demeaning his antecedent being new-fangled in the field or seeking international recognition of his leadership. However irrespective of true motives; such statements would gravely dent the already indistinct image of Pakistan; thus warrants evading at this level.
Eversince Agra Summit-2001, Pakistan has shown enough flexibility to resolve the issue. Leaving the solution of Kashmir issue to future generations would simply mean; making preparations to push future generations into the seething fire of the Kashmir conflict. The idea of bilateral trade and commerce between India and Pakistan is a convivial step. Recently it has been supported even by Sardar Atiq Ahmed, the incumbent Prime Minister of Azad Jammu and Kashmir during a welcome reception hosted in the honour of APHC delegation. He suggested that, “LoC which divides the IHK and AJK should be changed into the line of commerce”. But the question arise; did such measures or Kashmir specific CBMs undertaken so far have brought any change in Indian attitude towards resolution of the issue? Safeguarding the economic interest of Pakistan and maintenance of trust of Kashmiri masses are in fact very important aspects and need serious deliberations.

**Resuscitation of Composite Dialogue.** After a silence of almost over one year, fifth round of Indo-Pak composite dialogue was held in New Dehli from July 21-22, 2008. In order to create conducive environment, there have been exchange of visits by foreign ministers and other high level delegations of both countries, prior to dialogue process. Deplorably, incidents like terrorist attack on Indian embassy in Kabul preceded the event which overwrought the environment of dialogue as stated by Indian Foreign Secretary, Mr. Shivshanker Menon, “unfortunately, there have been several issues in the recent past which have vitiated the atmosphere and the composite dialogue process is under stress -----the talks were happening at a difficult time of our relationship with Pakistan.” Both sides pointed fingers at each other for their alleged involvement in their internal affairs, causing instability.

There prevailed a distasteful atmosphere between delegates of India and Pakistan, during 15th SAARC Summit held a few days after the fifth round of composite dialogue in Colombo, Sri Lanka. Government heads from both sides made a pledge to continue peace process, but trust deficit was quite prominent on either side. In Indian Occupied Kashmir there came up another upsurge against the State government once it allotted 800 kanal of land to Shiri Amarnath Shrine; a Hindu shrine administration in infringement to
the State’s law of land. Upon protest from Muslims, the allotment was initially cancelled, but later but Hindu of Jammu province backed by BJP and RSS and many other extremists groups from neighbouring states blocked the entry and exit routes for the Muslim majority people of the Vale of Kashmir, causing economic strangulation. Once the peaceful traders protested against this inhuman act of Hindu minority and asked for opening of alternative trade route via Muzaffarabad, they were fired upon, resultantly killing dozens of innocent Kashmiris including APHC leader Sheikh Abdul Aziz. This was not enough; sequel to the incident, Indian security forces has unleashed a rein of terror on helpless Kashmiri masses, who were just demanding an end to their economic obstruction for smooth supply of essential commodities including life saving drugs. The said portion of the land has once again been allotted to the administration of Hindu Shrine by State’s Hindu Governor. Surprisingly the world community has shown mysterious silence over this bloodshed of Kashmiris. Instead of pacifying the masses by bringing an end to economic cordon, Indian government has once again blamed Pakistan for fueling the Kashmiri struggle.

Customarily, it has been a standard Indian practice to blame Pakistani intelligence agencies for any mishap either in its own soil or elsewhere. Conversely there has been dawdling retort from Pakistani side even after knowing that India is fully backing extremists and terrorists in its troubled provinces of Balochistan and NWFP by making use of its secret services people posted in six Indian consulates in various cities of Afghanistan, adjacent to Pakistan. Pakistan did not even raise its eyebrows once Hindu extremists burnt dozens of its Passengers on Indian soil, while traveling to Pakistan through Samjoota Express at Panipat (India) in 2007. In reality India is determined to knock off balance Pakistani western borders which have traditionally been unthreatened. It is fully involved in the training of Afghan National Army (ANA) and its secret services. In collaboration with ANA, and extra regional forces present across Pakistani western borders, India perhaps is trying to level of the score of insurgency it is facing at the hands of Kashmiris in Indian Occupied Kashmir eversince 1989 or else compelling Pakistan to submit to its hegemonic designs in the regional politics.
At international level, India is being considered as an emerging power. Subsequent to the Indo-US Nuclear Deal-2005, India is now collaborating with United States and Israel for a Missile Defence System in the region, which will have strategic effects in Asia. The country is otherwise considered as one of the world’s fastest growing economy, besides being the world biggest democracy. It has attained the status of world major military power and has undergone a number of pacts/ agreements with major powers and sophistication of war munitions. It is likely to attain the status of permanent membership of UNSC, as the Chinese hurdle is seen retreating following the visit of Indian Prime Minister in January 2008. It enjoys excellent relation with all countries of the world and is being considered as progressive and modern secular country with a world acceptance. Unfortunately; most of these factors disfavour Pakistan’s international standing. So world community would like to listen Indian view point more than Pakistan’s.

The need of the hour is that Pakistan must push its interest all the way through consistent and result oriented political engagement with its neighbours as well as International community. Irrespective of the internal situation in Pakistan, diplomatic pane designed for composite dialogue process with India should continue dialogue process pushing forward the Pakistani point of view without showing signs of weakness on account of internal turmoil of the country. After all, India is facing worst situation including insurgency in its six integral Northeastern states since past so many years. Domestic mayhem should be handled by the forces designed for the job. India must be diplomatically engaged for a formal response to Pakistan’s maximum flexibility.

In order to gain time; India has otherwise been wavering a formal response to Pakistani flexibility eversince 2002. The time so gained was made use of by India for healing the wounds of Kashmiris through adherent campaigns like Operations Sadebhavana. But to the bad luck of India that this strategy even did not work as behind the scene she had different motives to accomplish. India perhaps had the plans to show the international
community and Pakistan even that; Kashmir issue stands resolved as a result of its compensatory actions like Operation Sadebhavana. This would neither have been the first nor the last Indian strategy to befoul the world, Kashmiri masses and Pakistan. In a similar bid in 1950s, people of occupied Kashmir were given autonomy under Article 370 of Indian Constitution as an alluring strategy for a formal accession, later accomplished through marionette Assembly in incongruity to UNSC resolution 91 of March 30, 1951\textsuperscript{74} and 122 of January 24, 1957.\textsuperscript{75}

**Recommendations**

- The development on Kashmir with a new approach insight is widely shared in the country and there is a general consensus that Pakistan must strive for a pragmatic solution that protects its national interests and enjoys the blessings of the people of Kashmir. Consensus-building through positive engagement with all the political parties and masses will strengthen the government’s position in the dialogue with India. There is a need to have a complete understanding and harmony between the masses, politicians, bureaucracy and even the military to keep moving forward through confidence building measures for peaceful resolution of Kashmir by positively engaging India without compromising the basic stance on Kashmir.

- For a positive diplomatic engagement with India on Kashmir, Pakistan needs to ensure its internal stability. Pakistan’s engagement towards global war on terror has adversely impacted its domestic security and stability eversince the incident of September 11, 2001. Establishment of a consensus government having participation of almost all major political parties is a positive step to bring peace in the country. This unique juncture of the history should be fully exploited to create harmony amongst the diverse ethnic groups within the country. A strong political setup backed by publicly mandated representatives should be able to talk to India from a brawny position and take decision, keeping national interest in view.
So far the flexibility on Kashmir is a unilateral gesture from Pakistan. It cannot become operational unless India reciprocates too. Response on dialogue process from Indian side has been very slow. There is a difference between apparent Indian commitments and their practical manifestation. Infact India is cashing the price of peace process and buying time for normalization of situation in its occupied portion through various measures. India would prefer to delay a detailed review of specific proposals. Indian ‘go slow’ approach should be contested by Pakistan because it wants early move towards solution of Kashmir. Domestically, these unilateral proposals may invite divergent responses as the preceding government has already been labeled of showing maximum flexibility on the issue.

India should not be trusted for its reparatory measures like Operation Sadbhahvana in its occupied portion of Kashmir. The operation aims to swindle Kashmiris and international community once again. Kashmiris sacrifices of over eighty thousand martyrdoms, unlimited tortures, mass molestations, destructions and burning of houses and civic facilities cannot be compensated through such like illusory measures. Only UN mandated right of self determination can justify their prolonged sacrifices.

All aspects of the four points formula especially ‘joint sovereignty’ on the geographical regions by all three parties to the dispute need elaboration for a meaningful debate by masses in India and Pakistan and at the level of think tanks. In addition, the limits of self rule should be clearly defined as out of Indian constitution.

Progress towards peace, CBMs and settlement of Kashmir and other issues should not be linked to sporadic terrorist incidents anywhere in Indian Occupied Kashmir, Pakistan, India or elsewhere; like terrorist attack on Indian Embassy in Kabul, Afghanistan. This would create an atmosphere of mistrust between India and Pakistan and add to the frustration of the Kashmiri people. Furthermore, Kashmir-specific CBMs, promising easiness to the life of its inhabitants and ultimately piloting towards the settlement of the dispute should be adopted.
To ensure lasting peace in South Asia, there is a need that international community should play its facilitating role towards resolution of this unfinished agenda of the partition of subcontinent. Misdirected and inclined reports like ‘EU Report on Kashmir’ may impair the ongoing peace process. International community should be mindful of sensitive nature of Kashmir issue. Through UN resolutions, this globally propped up issue for the right of self-determination of 15 million Kashmiris cannot be termed as terrorism on the false Indian acquisitions. UNSC resolutions on Kashmir still form the basis of its resolution and should be kept alive by Pakistan and Azad Kashmir government.

Through a diplomatic and media campaign, attention of international community should be drown towards gross human rights violation in occupied Kashmir, being perpetrated by Indian military through harsh laws, such as TADA, POTA, J&K Public Safety Act and Armed Forces Special Prevention Act. Some of the international Human Rights organizations like, Amnesty International and Asia Watch have already documented these acts of Indian repression and have demanded a thorough investigation of brutal acts of Indian security forces ever since 1989. United Nations Security Council and human rights organizations must be pursued to arrange neutral investigation to establish facts about unknown graves discovered recently in Indian Occupied Kashmir.

Now once the popularly elected government is emplaced in Pakistan, irrespective of irritants appearing time to time, both countries should make a progress on the issue, maintaining its momentum to the level of pre March 2007. As a proof of its being serious in the regional peace, India should draw down its security forces from occupied Kashmir, as there is neither a cross border infiltration nor any worthwhile vicious activity of Kashmiri insurgents.

In her traditional commitments to political, diplomatic and moral support to Kashmiris; Government of Pakistan must raise the current wave Indian atrocities and economic blockade of Kashmiris at the level of international community, UN and human right organizations.
Conclusion.

Eversince the surfacing of the issue in 1947, there exists a lack of trust over Kashmir between India and Pakistan. The current improvement in Indo-Pakistani relations was ingrained by a combination of outside pressure and domestic compulsions, whose outcome would manage level of India-Pakistan hostility and increased political and economic interaction. Because of its unresolved nature, Kashmir has been and is a tragedy. Practically this catastrophe is synonymous for Pakistan and India and more so for the people of Kashmir. The question is, how to undo the past and roll back the years? On more than one occasion both countries took up arms over Kashmir, only to discover that what this entailed for outstripped our means and indeed determination. Learning something from their costly experience, both countries are now trying to tread a different path, shifting from paranoia and reflexive hostility to a more rational way of looking at each other. To their mutual benefit, one might add, for never-ending hostility never served anyone’s interests. Let us by all means, stir the still waters of Kashmiri diplomacy, which President Musharraf has astutely done, by saying let us “go beyond stated positions” to the extent that the other side is also willing to go in the same direction”. If India makes a virtue of not budging from its basic stand — that there can be no change in Kashmir geography — then we should think hard whether there is any benefit in pursuing a policy of unilateral flexibility. Let us be sensible about Kashmir by realizing the limits of what is attainable. But, at the same time, without feeling compelled to compromise our basic position that the fate of Kashmir must be decided according to the wishes of the Kashmiri people. Pakistan shouldn’t be making concessions for which it gets nothing in return.
End Notes

9. ibid, pp. 136-140.
11. ibid.
12. Akram Zamir, Kashmir Dispute : Is There a Viable Solution, Criterion, Volume 2 No. 4
14. ibid., pp. 223-224.
19 Dr. Koithara Verghese, a former Vice Admiral of Indian Navy, declared this statement as major shift in Indian official stance, The Asymmetric Threats Contingency Alliance (ATCA), January 13, 2007.

20 ibid.

21 Musharraf Calls for National Debate on Kashmir Options, Global Policy Forum, New York October 26, 2004. > gpf@globalpolicy.org

22 ibid., pp. 34-36.


24 President General Musharraf Pervaiz interview with Dr. Prannoy Roy on ND TV (Indian TV) dated December 6, 2006.

25 ibid.


29 Singh Harjit, News Behind the News, December 11, 2006,).


31 Musharraf’s four-point plan on Kashmir: Old wine in new bottle, News behind the News, December 11, 2006, Harjit Singh

32 ibid.

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37 Interview of Mirwaiz Umar Farooq, Chairman All Parties Hyrriat Conference (APHC) (with Geo TV, dated January 27, 2007. Also see Musharraf 4 point formula on Kashmir Evokes varied political reactions, Tribune News Service, Srinagar, Dec 6, 2006.

38 Interview of Sardar Abdul Qayyum Khan, Supreme Head of All Jammu and Kashmir Muslim Conferences with Geo TV, dated February 4, 2007.


40 Daily Times, Kashmir proposals say Musharraf has power, November 4, 2004.


43 ibid.

73 BBC World News, February 27, 2008.
75 Ibid. p 193.