A Brief Note For The Consideration Of Washington Conference On The Future Prospects Of Jammu-Kashmir

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The central point of this brief note is that only a compromising formula that reconciles the interests of the three parties concerned with the Jammu-Kashmir problem i.e., India, Pakistan and Jammu-Kashmir people, can be the basis for sorting out a just and realistic solution to Jammu-Kashmir problem. This is because, in the newly-emerged world of inter-dependent countries or nations, a unilateral settlement in any bilateral or multilateral dispute becomes unviable and cannot, even if militarily imposed upon the concerned contenders, work for long—thus harming the interests of not only the related sides but also their neighbours and friends and finally ends in a compromise. It is obvious from a large number of conflict conclusions in the contemporary period, e.g., the Eritrea-Ethiopia border dispute in Africa; Indonesia-Malaysia quarrel in South-East Asia; Peru-Argentina conflict in Latin America, etc. Further, Europe presents a number of cases where the contending sides have ultimately worked out different conciliatory wayouts. Some of these are: (i) Aaland Islands model—established under an agreement (1921) between Finland and Sweden by which Finland possesses the right of sovereignty, while the ethnic Swedish population enjoys autonomy to manage its own affairs, (ii) South Tryol model—established under an agreement (1946, 1969) between Austria and Italy by which Italy possesses the right of sovereignty, while ethnic German population manages its own affairs, (iii) Triest model—established under an agreement (1954) between Yugoslavia and Italy by which the Italian part of Triest freely inter-acts in trade and travel with the part under Yugoslavia, (iv) French-Spainish joint control over Andora, (v) Northern Ireland model—an agreement (1998) between England and Ireland, by which Northern Ireland people will, after a specific period, express their opinion whether to join the Irish republic or continue to hold the status-quo position

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The problem of Jammu-Kashmir, like the Israeli-Palestine one, constitutes one of the oldest disputes of the contemporary world, covering a total span of 58 years. This entire period has been marked by a sharp contention between the two contenders, i.e., India and Pakistan, that has pushed them to deadly wars on three occasions—thus involving huge human and financial losses to both of them.

Learning from their long historical experience that their unending fatal contention has throttled the development of their respective countries and kept them backward in all respects, a new realisation of ending their prolonged confrontation over Jammu-Kashmir has dawned on India and Pakistan. It has urged them to amicably sort out all their mutual disputes and live in peace and harmony with each other. This new understanding, arising about one and a half years ago, has resulted in the emergence of an Indo-Pak peace process over Jammu-Kashmir as well as on Indo-Pak related conflictual issues.

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Today, however, the Indo-Pak peace process seems to lack the vibrancy that had characterised it a few months earlier. The lack of enthusiasm is reflected by an unsteady behaviour on both the Indian and the Pakistani sides concerning various issues, e.g., President Musharraf's dissatisfaction with the present speed of the peace process; Prime Minister Manmohan Singh's declined interest in this process as reflected by the absence of any fresh initiative by New Delhi since the start of the Srinagar-Muzaffarbad bus service; failure to sort out even a single tension point out of a substantial number of Indo-Pak disputed issues, like the Siachen glacier, Sir Creek, Wullar Barrage, Bagalihar and Kishanganga power projects; Indian foreign minister's accusation that the structure of terrorism

still stands intact in Pak administered Kashmir (PAK); Pakistani diplomatic campaign to scuttle India's bid for permanent seat in the UN security council, etc.

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To accelerate the slow moving and halting Indo-Pak peace process in relation to relaxation and confidence building measures, it is necessary that all such measures which do not require any policy change should be immediately implemented. Here, the various road links between the two divided parts of Jammu-Kashmir and between IAK and Pakistan be immediately opened. The process of trade and commerce between the two divided parts of Jammu-Kashmir be started within a specified time. And all outstanding Indo-Pak issues be clinched within a fixed time frame.

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The process of relaxation and confidence building measures between India and Pakistan and between the two divided parts of Jammu-Kashmir can become more effective when it is coordinated with a yet to be initiated new process of relaxation and confidence building measures in Jammu-Kashmir, particularly the valley—where all human rights stand so far suppressed. This new normalisation process will stand for the ending of all human rights violations; release of all political detenues; withdrawal of Disturbed Areas Act and Armed Forces Special Powers Act; withdrawal of Indian forces deployed in Kashmir valley to their barracks; appointment of a jointly agreed Indo-Pak commission to investigate into the complaints of human rights violations committed by the three sides, i.e., India, Pakistan and militant groups and to recommend proper compensation to all victims or, in case of their death, to their families by the concerned violator or offender. In case of violations by militant groups, the compensation to be paid by India and Pakistan jointly.

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To give a real boost to the Indo-Pak peace process, notwith-standing to the respective claims made by the leaders of the two countries, the reality demands that New Delhi immediately declares a unilateral ceasefire in regard to all militants and appeals to them to come to the negotiating table for talks either separately or alongwith other political forces for the resolving of Jammu-Kashmir problem. The number of militants representation be decided by negotiations between New Delhi and the concerned militants through their concerned nominated representatives. The status of all political forces should be determined through the internationally accepted norm of elections which should be conducted under the auspices of a jointly agreed commission between the government and the political parties. For the parties that consider Jammu-Kashmir problem as a dispute, particularly the splintered Hurriyat Conference, now constitute a number of groups, it is a highly challenging time . If the pro-dispute groups refuse to take part in the elections (which is an internationally approved method of judging a candidate's or party's public stature to be conducted under a mutually acceptable independent authority, they morally lose all public credibility. If they join the electoral fray as a divided house, they will not be able to win any credible position. It will be a sorrowful moment for the democratic forces and a highly sad event for the Kashmiri people who have made great sacrifices for their cause.

At this moment, an appropriate and realistic way before all the adherents of the concept of Jammu-Kashmir's disputed nature is to unite in a broad United Front or a Coordination Committee on the question of the fundamental character of Jammu-Kashmir (i.e., a disputed question) and later try to sort out their stand points on the basis of rationality and realism.

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Coming to the question of Jammu-Kashmir problem related parties, New Delhi considers only two groups (i.e., India and Pakistan) as the only stakeholders, thus characterising Jammu-Kashmir people as mere lease-holders or rent payers. Pakistan adopts a vaccilating position on the above question, while various political groups take different positions. Infact, however, history, sociology, old and new traditions, culture, constitution and law, all consider the residents of any given region as its real and permanent owners, while treating all ruling circles as passers-by. Thus, we hold that Jammu-Kashmir people constitute the number one party in the matter of Jammu-Kashmir problem, while New Delhi and Islamabad occupy a secondary position. Thus, according to us, Jammu-Kashmir

problem is a trilateral issue. Methodologically, both trilateral and triangular ways can be used. Trilateral meeting denotes a meeting where fundamental decisions are taken, while triangularism, according to its propounders, is a method by which two big will take the basic decision and then separately convey to the third junior associate.

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Another note-worthy fact to be seriously taken note by the people of Pakistan and India is that the region of Jammu-Kashmir has, in the context of newly emerged global balance of forces, strategically become a highly sensitive area in the world. Hence, the chief world superpower, US, has since decided to establish a strategic military base in order to contain China, now a number two world superpower, from playing an effective global political role, through various military and diplomatic pressures. The U S military and technical experts have already been visiting the Pakistan adminstred northern territories (i.e., Gilgit and Balitistan) which are adjacent to China and quite suitable for carrying out various types of military operations. According to the latest U S strategic thinking, its South Asian base, covering Gilgit and Balitstan (PAK) and Ladakh and Kashmir (IAK), will play a very high global military role in the days to come. Herein, its traditional ally Pakistan (whom it has recently allotted the status of a non-NATO ally) will provide help to pacify the middle East region, while its new strategic military partner i.e., India with whom it has recently signed a framework for military cooperation and a defence pact for using the Indian forces in partnership with US forces all over the world will supply it paratroops the world over. How, the actual reality will take shape largely depend upon how the new form of India and Pakistan relationship over Jammu-Kashmir and the respective general reaction of the Indian and the Pakistani people towards the present subservient military role of India and Pakistan to the U S supremo.

The present US thinking is that, despite the new Indo-US strategic military alliance, both Pakistan and India, can, as US allies, be made to work together. But the past Indo-Pak record shows that the things are not that simple. the coming period (when the Indian and the Pakistan Prime Minister return from their respective visits) will indicate how the matters in Indo-Pak relations and with in Jammu-Kashmir will take shape. Whether Pakistan will stay inside the US camp and remain friendly with India or forge a new strategic alliance with China and will adopt a new Jammu-Kashmir policy and a new approach towards India, only time will tell.

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Taking up the question of solution to the Jammu-Kashmir problem, we are of the firm opinion that the solution of every strategic or basic problem should be preceded by its basic principles or the modalities on which it is based. Any solution devoid of its basic beliefs or moral rules often degenerates into a jungle of confusions, distortions and misinterpretations.

Proceding from the above approach, we set forth the following modalities for the resolution of Jammu-Kashmir problem: (a) Accepting Jammu-Kashmir as a human problem; (b) Characterising it as a trilateral question, involving the people of India, Pakistan and Jammu-Kashmir; (c) Rejecting all military forms and adoption of a peaceful path by signing a no war Indo- Pak pact; (d) Maintaining the unity and integrity of three units involved in the dispute, i.e., India, Pakistan and Jammu-Kashmir; (e) Discarding of all communal and divisive proposals; (f) Getting rid of all preconceived notions, like Jammu-Kashmir as an integral part of India or Jammu-Kashmir as jugular vein of Pakistan; (g) Keeping in view the same genetic code of the people of India, Pakistan and Jammu-Kashmir; (h) Taking into account the similar current problems, like poverty, un-employment, illiteracy, etc., faced by the people of the two countries; (j) Adopting the perspective of a common future for the people of India, Pakistan and Jammu-Kashmir; and (k) Avoiding every foreign intervention in the process of resolving Jammu-Kashmir problem.

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Guided by the above modalities, the most important task before the three parties concerned is to sort out a humanistic and compromising solution to the problem of Jammu-Kashmir, a solution that reconciles the aspirations and interests of the three parties concerned, defends their respective national honour and opens for them the high gates of a prosperous future.

On our behalf, we suggest the following three point proposal for a humanistic solution. The proposal holds:

(i) That the foreign and defence matters of Jammu-Kashmir be handled jointly by India and Pakistan or by an Indo-Pak condominium;

(ii) That the state of Jammu-Kashmir be made an independent state, with sovereign powers in all matters except defence and foreign affairs (to be handled by Indo-Pak condominium); and

(iii) That all ethnic communities in Jammu-Kashmir, whether located on the Indian or the Pakistan side of the line of control, be given the maximum possible autonomy. The Jammu-Kashmir state level matters may include, the head of the state, high court, election commission, human development commission, environmental commission, planning commission, etc.

Apart from satisfying the urges of the three concerned parties, the above formula further delivers to them as well as world community in many other ways.

It suits the world community by defusing one of the most dangerous global flashpoints.

It benefits the South Asian community by removing the blockade to its development in terms of natural and human resources.

It further serves India, Pakistan and Jammu-Kashmir people by making them equal partners in economic development in which each India and Pakistan provides an equal amount of finance, while Jammu-Kashmir state contributes its share in the form of natural resources.

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As regards President Musharraf's proposal of dividing Jammu-Kashmir into seven regions and providing maximum self governance to the people, Indian proposal of making border permanent and Hurriyat Conference proposal of a United States of Jammu-Kashmir, none of them specify the modilities or basic principles of its proposal nor explains how it fulfils the aspirations of Jammu-Kashmir people and the respective national interests of India and Pakistan. 14-07-2005