
Irish Model & Kashmir Conflict: Search for a New Paradigm for Peace in South Asia



Regional Studies

Vol XXII, Issue 4

pp.3-61

© 2024 IRS

<http://irs.org.pk>

P-ISSN: 0254-7988

E-ISSN: 2959-5459

Date of Acceptance: 3 August 2004

Shaheen Akhtar

Introduction

"Kashmir can be resolved somewhat along the lines the problem in Northern Ireland was sorted out. ... For this, what need to be pursued was majority rule, ensuring minority rights and a 'self-government' with shared values.... Politicians from both sides may want to keep the issue going. But in the interest of the two countries, 'sacrifices will have to be made and risks taken'....I hope you (India and Pakistan) begin direct talks and keep trying working it out.... Outsiders cannot resolve it."

Former US President Clinton's statement in a keynote address at the India Today conclave via satellite on 2 March 2003 ⁽¹⁾

The Irish peace process was initiated with the signing of the Good Friday Agreement (GFA) on 10 April 1998. It was a multi-party agreement signed between the two governments — the United Kingdom of Britain and the Republic of Ireland — and eight political parties of Northern Ireland including Sinn Fein, the political wing of the Irish Republican Army (IRA) led by Jerry Adams; Social Democratic and Labour Party (SDLP) led by John Hume; and Ulster Unionist Party (UUP) led by David Trimble as major actors in the conflict. The other parties were: Alliance Party; Labour Coalition; Ulster Democratic Party (UDP); Progressive Unionist Party (PUP); and Women's Coalition. The Democratic Unionist Party (DUP) and UK Unionist Party (UKUP) opposed the agreement.

The fundamental problem in Northern Ireland was, and remains, that its six counties are not exclusively Protestant and Unionist and the Catholic nationalist minority look to the day when Northern Ireland would be reunited with the Republic of Ireland, while the Protestants want it to continue as part of the UK. The Agreement remains merely the first tentative step on a long road to a complete and lasting peace. An array of seemingly intractable problems, relating to decommissioning of weapons by IRA ⁽²⁾ and the smooth functioning of the power-sharing assembly remains to be solved. A recent attempt to restore government after holding fresh assembly elections has failed as in the elections

the hardliner the anti-GFA Democratic Unionist Party has clinched 30 seats — more than any of its rivals — and refused to share power with Sinn Fein.

In the wake of the Good Friday Agreement "a senior Indian official" based in London said on April 12 that the principles underlying it "will now have a strong bearing on all international disputes". He remarked: "Other people are getting up and doing what we at present find unthinkable."⁽³⁾The GFA provided impetus to the projection of its elements to Cypriots, Basques, Kashmiris, and Quebecois in their respective struggles in terms of resolving these conflicts.

After US president Clinton's statement, Pakistani, Indian, and Kashmiri political analysts in their writings discussed the relevance/applicability of the Irish model to the Kashmir situation. Prominent amongst them are A G Noorani, Balraj Puri, Sumantra Bose and Radha Kumar.⁽⁴⁾ The idea was also taken up and appreciated by the leading Kashmiri political umbrella group, the All-Party Hurriyat Conference (APHC). Another Kashmiri analyst, Shaikh Tajammal-ul-Islam, appreciated the principles involved in the agreement, especially the right of self-determination.⁽⁵⁾ The idea is also going around in the Indian and Pakistani official circles, each trying to see it from its own national perspective.

No two conflict situations are similar or two cases identical. But lessons can always be drawn from a comparable peace process and as such the Irish peace process, struggling to settle an equally complex and protracted conflict, offers some insights for the resolution of Kashmir conflict. The Irish model provides peer learning in at least two ways. One, it offers an analogy of structured and sustained course of dialogue/negotiation process supported by well-defined mechanisms — three strands — functioning quite satisfactorily. And, two, the resolution of the conflict is based on certain principles that may have some usefulness in determining the final settlement of the Kashmir conflict.

The paper would try to identify where the Irish model could be useful in formulating a structure for the Kashmir peace process and to what extent the principles providing basis to the Irish peace agreement are relevant to the Kashmir situation and can be activated for the settlement of the conflict.

Conflict resolution: Conceptual framework

Conflict is an inherent feature of all human societies and, potentially, an aspect of all social relationships — the inter-personal, inter-group, inter-organisational, and international. While mere presence of differences might not necessarily lead to a conflict, almost all conflicts revolve around dissimilarity in attitudes, perceptions, cultural values, communitarian style, needs and goals.⁽⁶⁾ Conflicts could be characterised by high intensity, medium intensity and low intensity.

Conflict resolution is a rapidly evolving field and is presently going through a transitory phase due to massive changes brought about first due to the end of the Cold War⁽⁷⁾ and then because of the changes taking place as a result of 9/11 and the US-led war against terrorism. Now the major international players consider terrorism rather than ethnicity, political or tribal feuds as the

main issue. This is certainly going to influence the course of conflict resolution in the world and is quite relevant to the Kashmir conflict. Conflict resolution experts like John Burton, E Azar, James Schellenberg, Lincoln P. Bloomfield and others have made foremost contributions in developing theories and concepts of conflict resolution in the post-WWII era. Conflict resolution broadly refers to efforts to prevent or mitigate violence resulting from inter-group or inter-state conflict, as well as efforts to reduce the underlying disagreements⁽⁸⁾. According to John Burton, “conflict avoidance is not conflict resolution.”⁽⁹⁾ He draws distinction between conflict resolution, management and settlement. Management is “by alternative dispute resolution skills” and can confine or limit conflict; settlement is “by authoritative and legal processes” and can be imposed by elites.⁽¹⁰⁾ On the other hand, he contends that conflict resolution means terminating conflict by methods that are analytical and that get to the root of the problem. Conflict resolution, as opposed to mere management or “settlement,” points to an outcome that, in the view of the parties involved, is a permanent solution to a problem.⁽¹¹⁾ According to Sundeep Waselkar, “Conflict resolution involves resolving a conflict to the satisfaction of all parties.”⁽¹²⁾

John Burton’s premise on conflict resolution is based on the basic ‘Human Needs theory’ (HNT). He argues “conflicts concern only situations where the satisfaction of human needs is denied. Resolution of such conflicts occurs only after relationships have been reexamined and realigned.” As such conflict resolution is, in the long term, a process of change in political, social, and economic systems. It is an analytical and problem-solving process that takes into account such individual and group needs as identity and recognition, as well as institutional changes that are required to satisfy these needs.⁽¹³⁾

The conflict resolution mechanisms encompass both traditional and non-traditional approaches. The traditional conflict resolution mechanisms include negotiations, good offices, mediation, conciliation, arbitration and adjudication. Another mechanism that has entered the vocabulary of conflict resolution is facilitation. Facilitation is similar to mediation but generally does not involve an impasse. The facilitator leads a collaborative process in which individuals and groups with divergent views meet to reach an agreement. The conventional methods have long been used to manage and resolve conflicts. However, these approaches can only work when the conflicting parties are amenable to negotiation and have something tangible they are able to bargain.

After the end of the Cold War in 1991 though traditional approaches to conflict resolution continued to dominate the inter-state and intra-state relations, however, the theorist of conflict resolution began to conceptualise and follow non-traditional approaches. The non-traditional methodology of conflict resolution is still in a transitory phase because the state-centric approach in dealing with conflicts is still dominant. Some non-traditional methodologies which have emerged over the years but remained underutilised are being slowly adopted by the practitioners in combination with each other or with traditional approaches. These include: Conflict Transformation; Structural Prevention and Normative Change. These strategies deviate from the zero-sum logic of international conflict as a confrontation of interests. ‘Conflict transformation’

seems to have greater relevance to the Kashmir conflict. This strategy focuses on the effort to “reach accommodation between the parties in conflict through interactive processes that lead to reconciling tensions, redefining interests, or finding common ground.”⁽¹⁴⁾ The ‘conflict transformation’ strategy features facilitated meetings at which members of groups in conflict seek to understand each other’s positions and world views in order to create an atmosphere more conducive to the peaceful resolution of disputes. The ‘structural prevention’ strategy basically focuses on the problems of culturally and ethnically divided states. The strategy in contrast to the “operational prevention,” which involves dealing with immediate crises likely to erupt quickly into deadly violence, focuses on “creating organizations or institutionalized systems of laws and rules that establish and strengthen nonviolent channels for adjudicating inter-group disputes, accommodating conflicting interests, and transforming conflicts by finding common ground.”⁽¹⁵⁾ The third strategy of ‘normative change’ is defined as “developing and institutionalizing formal principles and informal expectations that are intended to create a new context for the management of conflict. Norms may also define responsibilities for states to prevent violent conflict.”⁽¹⁶⁾ Some new tools of conflict resolution used by new methodologies are peacemaking and peacekeeping; role of NGOs; Track II and III diplomacy; use of technology; use of the media; use of economic incentives and role of transnational corporations.

‘Mutually hurting stalemate’ (MHS)

The issue of timing and ripeness in negotiations and mediation is central to whatever conflict resolution methodology is used. When and why conflicting parties are amenable to resolve conflict is a basic assumption underlying the “Ripeness theory”, strongly advocated by William Zartman. Zartman contends that “Parties resolve their conflict only when they are ready to do so — when alternative, usually unilateral means of achieving a satisfactory result are blocked and the parties feel that they are in an uncomfortable and costly predicament. At that ripe moment, they grab on to proposals that usually have been in the air for a long time and that only now appear attractive.”⁽¹⁷⁾

The concept of a ‘ripe moment’ centres on the parties’ perception of a ‘mutually hurting stalemate’ (MHS), optimally associated with an impending, past or recently avoided catastrophe. Zartman has formulated six propositions delineating important elements and components of MHS model. They are:

Proposition 1. Ripeness is a necessary but not sufficient condition for the initiation of negotiations, bilateral or mediated.

Proposition 2. (Definitional): If the (two) parties to a conflict (a) perceive themselves to be in a hurting stalemate and (b) perceive the possibility of a negotiated solution (a way out), the conflict is ripe for resolution (i.e., for negotiations toward resolution to begin).

Proposition 3. An MHS contains objective and subjective elements, of which only the latter are necessary and sufficient to its existence.

Proposition 4. If the parties’ subjective expressions of pain, impasse, and inability to bear the costs of further escalation, related to objective evidence

of stalemate, data on numbers and nature of casualties and material costs, and/or other such indicators of an MHS can be found, along with expressions of a sense of a way out, ripeness exists.

Proposition 5. (a) Once ripeness has been established, specific tactics by mediators can help seize the ripe moment and turn it into negotiations; (b) If only objective elements of ripeness exist, specific tactics by mediators can bring the conflicting parties to feel/understand the pain of their mutual stalemate and turn to negotiations.

Proposition 6. The perception of a mutually enticing opportunity is a necessary but not a sufficient condition for the continuation of negotiations to the successful conclusion of a conflict.⁽¹⁸⁾

MHS needs to address/contain resistant reaction, whether stemming from perseverance, agent escalation, true belief, or ideological cultures and back it up with Mutually Enticing Opportunities (MEOs). The negotiations pushed by MHS are likely to be unstable unless they are supported by the prospects for a more attractive future to pull the parties out of the conflict. This could be engineered by a “formula for settlement and prospects of reconciliation that negotiating (may) design during negotiations.”⁽¹⁹⁾

Resolution of the Kashmir conflict can be fully comprehended in the theoretical parameters discussed above. It is a conflict which began with the onset of the Cold War and has outlived it. During this period almost all the traditional negotiatory mechanisms (negotiations, good offices, mediation and conciliation) were tried, though with partial successes. The Cold War also impinged on the resolution of the Kashmir dispute as Washington and Moscow supported one side or the other in various international fora with Moscow holding a veto threat in favour of India, though it tried to broker the Tashkent Agreement (1966), there were no follow-up negotiations on Kashmir.

The conflict entered into the post-Cold War period with eruption of the freedom struggle in the Indian-held Kashmir, which amongst several indigenous factors — was seemingly encouraged by the wave of freedom sweeping across erstwhile Soviet Union and Eastern Europe. However, soon Kashmiris discovered that they were on the wrong side of the wave of freedom supported by the West and thereby did not merit similar support. Despite heavy odds the struggle is going on for the last 14 years and symbolises the rejection of political, administrative and constitutional structures built by India in the state during the past over five decades. India despite all its might and highhandedness remains unable to crush the resistance movement and legitimise its control over Kashmir.

From 1989 to 2001 the situation in Kashmir activated confrontation and conflict along the LoC and generated the Spring 1990 crisis in the wake of nuclearisation of South Asia. The nuclear tests of 1998 further cast their shadow on Kashmir as both sides tested each other's nerves in Kashmir and there was talk of a ‘fourth round’ with Pakistan in New Delhi. During the post Cold War period the focus was more on ‘crisis management’ than conflict resolution, thus several CBMs⁽²⁰⁾ were negotiated and the Lahore Declaration envisaged more CBMs and intensifying of efforts for the resolution of “all disputes including the

issue of Jammu and Kashmir".⁽²¹⁾ But it did not work and soon the Kargil conflict (1999) overtook the Lahore process. The outside mediation, particularly by the US, was also mainly restricted to 'crisis management.'

As Kashmir was facing pressures from trends emerging from the post-Cold War aftermath — globalisation, liberalisation, democratisation, redefinition of sovereignty — it was overtaken by the events of 9/11 which shifted US focus to fighting terrorism, extremism and Muslim fundamentalism, mostly all three linked together. This shift again impinged on the Kashmir dispute as India stepped up its tirade to malign the freedom struggle as a 'terrorist activity' by Islamic fundamentalists and extremists sponsored by Pakistan and thereby liable to be included in the second phase of US campaign against terrorism. The 13 December 2001 attack on the Indian Parliament only provided New Delhi a golden opportunity to snap Pakistan's support to the Kashmir freedom struggle and also put Kashmiris on the spot. By mobilising massive military build-up on Pakistan's border and the LoC, it tried to use coercive diplomacy as a tool to extract maximum gains on the issue of cross-border terrorism into IHK. President Musharraf in his 12 January 2002 speech did ban two of the outfits that India alleged were behind terrorists attacks in India and Kashmir. Although India remained dissatisfied, yet the strategy of coercion could not produce the desired results.

It seems all sides are under intense pressure to seek a settlement of the Kashmir dispute. The conflict transformation in Kashmir is quite perceptible. There is a 'mutually hurting stalemate,' evident in the Kargil crisis (1999) and the 10-month military stand-off (2001-2002) between India and Pakistan. On both occasions, the two parties came close to a nuclear catastrophe, but could not achieve the desired results. It seems that the two have realised that a unilateral or military solution of Kashmir is not possible and thereby a more plausible solution acceptable to India, Pakistan and the Kashmiris should be explored. They are all seeking a way out. This, however, needs to be boosted by 'mutually enticing opportunities' (MEOs). Whether the Irish model offers some help along these lines would be discussed in the comparative analysis that follows.

Dynamics of conflict in Northern Ireland

Understanding the nature and parameters of a conflict could be useful for resolving the conflicts. Thereby a comparative perspective on the Northern Ireland and the Kashmir conflicts is attempted to help in drawing lessons from the Irish peace process.

Northern Ireland has been Western Europe's most intractable ethnic/sectarian dispute since WWII. Between 1966 and 1999 a total of 3,636 people were killed and 36,000 injured as the conflict spread beyond Northern Ireland's borders onto the British mainland and elsewhere.⁽²²⁾ Most of the victims were innocent civilians.

The Island of Ireland is divided into the independent Republic of Ireland and the province of Northern Ireland, or Ulster, which is part of the United Kingdom. Northern Ireland had originally nine counties of which six

comprise the present day-Northern Ireland. The other three, predominantly Catholic, became part of Ireland on its partition in 1920. The southern region subsequently cut all ties with Britain, becoming the independent Republic of Ireland in 1949. However, the six counties of Northern Ireland remained a part of the United Kingdom. Ulster's partition from the remaining 26 counties of Ireland in 1921 has caused conflict throughout the history of the region.

The area of Northern Ireland is just over 14,000 square km, with a population of over 1.6 million and is only 20 miles at the nearest point from Britain. Over 50 per cent of the population is comprised of Protestants who wish to remain part of the United Kingdom and just under 50 per cent are Roman Catholics⁽²³⁾ who wish to join the predominantly Catholic 3.5 million in the Republic of Ireland.

During the reign of Henry VIII (1509-49), Catholic Ireland was brought under the rule of Protestant England initiating bitter sectarian tension. During the reign of James I (1603-25) large numbers of Protestants were settled in the north of Ireland, creating a Protestant majority in the region that exists to this day. Following the defeat of the Catholic James II (1685-88) by the Protestant William of Orange (1689-1702) at the Battle of the Boyne in 1690, most of the land in Ireland was handed over to Protestant control.

After the Easter rising of 1916, Irish nationalists decided to set up their own state. By the Anglo-Irish Treaty of 1921, Britain recognised it and Parliament enacted the Irish Free State Constitution Act, 1922. The northern part of Ireland, the Ulster province, however, remained part of Britain under the Government of Ireland Act, 1920. This partition of Ireland led to a civil war. From 1920, Northern Ireland had its own regional government and also elected members to the British House of Commons. It is the political division compounding centuries of religious animosity that lies at the heart of the Northern Ireland conflict.

Grave unrest known as "The Troubles" began in Northern Ireland from 1969 in the wake of a civil rights campaign, demanding the removal of grievances of the Catholic minority. This escalated into serious rioting and sectarian violence involving the Irish Republic Army (IRA) that wanted to unify Northern Ireland with the Republic of Ireland and loyalist paramilitaries that wanted it to remain part of the United Kingdom. The Northern Ireland government resigned and direct rule by the government began in 1972. In 1973 Britain abolished the regional Parliament in Belfast and began to rule directly from Westminster.

Throughout 1970-1980 Northern Ireland was torn by the destruction of riots, bombings and terrorist activities. There were several cease-fires called between the two sides, but eventually the violence would begin again. The violence was spearheaded by IRA formed in 1969. The Sinn Fein has been the political arm of the IRA, and is led by Gerry Adams. There is the moderate Catholic Social Democratic and Labour Party (SDLP), formed in 1973. Its leader John Hume is a highly respected political figure.

At the other end of the spectrum were "loyalist" paramilitary organizations — the Ulster Volunteer Force (founded in 1966), the Ulster

Freedom Fighters, and the Ulster Defence Association. The two mainly Protestant political parties are the Ulster Unionist Party (UUP) led by David Trimble and Ian Paisley's Democratic Unionist Party (DUP). The latter is an extremist party and has rejected the 1998 accord. The Sinn Fein has accepted the accord.

Dynamics of conflict in Kashmir

Kashmir is bounded in the north and east by China (its autonomous regions of Xinjiang and Tibet), in the south by the Indian states of Himachal Pradesh and Punjab and in the west by Pakistan. The total area of the state is 222,236 sq. km. India holds about two-thirds (100,569 sq. km) of the disputed territory, which it calls Jammu and Kashmir. Pakistan controls about one-third (11,639 sq. km) which it calls Azad (free) Kashmir. The Northern Areas, comprising 75,520 sq. km, is directly administered by Pakistan. The total population of the State is over 16 million (estimated): 9.45 million in IHK (2001 censuses); 3.10 million (1990) in AJK; and 1.10 million in Northern Areas; while expatriates number over 2 million. It is a Muslim-majority state with Muslims accounting for 74.9% of the total population; Hindus constitute 22.6% and Buddhist 0.8%. In terms of regional break-up, in IHK Muslims constitute 64.2% (95% in Kashmir; 29.6% in Jammu and 46.1% in Ladakh); Hindus 32.2% (4% in Kashmir; 66.3% in Jammu, and 2.6% in Ladakh); and Buddhist 1.2% (50.9% in the Ladakh region) of the population. In AJK and the Northern Areas, Muslims number 99.8%. Besides, there are 2.23% Sikhs, settled mainly in Jammu.⁽²⁴⁾

The Kashmir conflict falls in the category of complex disputes which involve differences regarding territory, ideology, right of self-determination, security and sovereignty. The dispute has become more intractable over the years and has defied mediation efforts.⁽²⁵⁾ In Pakistan, it is usually referred to as the unfinished agenda of the partition plan. It is described as the *shahrug* (jugular vein) by Pakistan and *atoot ang* (integral part) by India. It has characterised and shaped Pakistan-India hostility ever since partition in 1947. The two went twice to war over Kashmir in 1948 and 1965 and the third Indo-Pakistan war in 1971 resulted in the conversion of the UN effected (27 July 1949) cease-fire line (CFL) into the line of control (LoC). The Tashkent Declaration, signed after the 1965 war, underscored the need to "settle the issue through peaceful means", while the Simla Accord, signed in the wake of the 1971 war, called for the "final settlement of the dispute through negotiations." Besides, the two sides plunged into war-like crises several times, starting in 1987 with Brasstacks during their covert nuclear phase. Another crisis followed in 1990 over Kashmir, and yet another — the Kargil conflict (1999) — after their overt nuclearisation in 1998. The latest was the military standoff in 2001-02. Threats of a 'fourth round' are exchanged every now and then and the source is the Kashmir dispute. Any crisis between the two nuclear-armed powers has the potential of developing into a full-scale nuclear war, wrecking the peace and well-being of the whole subcontinent.

From the Pakistani perspective, Kashmir is the 'core' or central issue and the root cause of the tension with India. The dispute goes back to partition. Pakistan maintains that Kashmir is a disputed territory and its accession to India in 1947 was invalid as it took place after Indian occupation of the state or at best it could be termed provisional, as recognised in the UNSC resolutions of 1948 and 1949. It also maintains that the future status of the territory should be determined by allowing its people to exercise their right of self-determination in accordance with the UN resolutions. Pakistan regards Kashmiris' freedom struggle as 'indigenous movement' and strongly supports it. It pledges moral, political, and diplomatic support to the right of self-determination for the Kashmiris.⁽²⁶⁾

Nevertheless, for the past few years a certain amount of flexibility is evident in Pakistan's position on the issue.⁽²⁷⁾ President Pervez Musharraf has taken lead in demonstrating 'flexibility' on the part of Pakistan and talked about going "beyond the stated positions." He has, even offered to drop the 50-year-old demand for a UN-mandated plebiscite and meet India 'halfway' to resolve the dispute. He has however, stressed 'flexibility' on both sides. President Musharraf has been advancing a four-stage plan towards a resolution of the Kashmir dispute. The first stage requires India and Pakistan to start talking. Second stage is to accept the centrality of resolving the Kashmir issue for better relations. Third stage involves elimination of all that was unacceptable to India, Pakistan and the Kashmiris. And the final stage is to focus on finding a solution that will be a win-win situation for India, Pakistan and the Kashmiris. At no stage is US involved in a mediatory role as the exercise would have to be undertaken by both sides. However, encouragement from Washington for any effort aimed at a peaceful resolution of the Kashmir dispute is not ruled out.

After 9/11, Pakistan also condemned acts of terrorism in Kashmir, i.e. the 1st October 2001 attack on the Kashmir state assembly in Srinagar and various attacks on the Hindu Pandits. In his 12 January 2002 speech, President Musharraf banned five extremist outfits. Two of them — Lashkar-e-Tayba and Jaish-e-Mohammad — were accused by India of conducting terrorist activities in Kashmir. However, Pakistan has reaffirmed its pledge to extend political, moral and diplomatic support to the Kashmiris.

India's official position is that Kashmir, including Azad Kashmir, is an 'Integral part' of the Indian Union and its 'accession' to India is 'final.' A resolution in the Indian parliament in 1994 has endorsed this position. India has pursued a *status quo* approach. It has progressively withdrawn from the implementation of the UN resolutions⁽²⁸⁾ on Kashmir and after the Simla Accord of July 1972 insists that the problem should be resolved through bilateral negotiations. There are indications that New Delhi would be satisfied with a solution based on the existing Line of Control (LoC), which is unacceptable to Pakistan. India describes the Kashmir freedom struggle as a terrorist activity 'sponsored' by Pakistan. After 9/11 India has made 'cross-border terrorism' the central issue determining its relationship with Pakistan and after an attack on its parliament by militants in December 2001, it concentrated its troops on its border with Pakistan. This menacing build-up continued for 10 months. Even

after the withdrawal of the troops New Delhi continued to accuse Pakistan of continuous 'infiltration' of militants across the LoC. Pakistan denied all these charges. So far India has not demonstrated any flexibility in moving away from its rigid stance on Kashmir.

Kashmiris assert that they are fighting for their right of self-determination, which has been denied them for the past 56 years. The political struggle is led by the All Parties Hurriyat Conference (APHC) comprising 26 political parties while the military struggle is waged by a large number of armed guerrilla groups. Most of them are a part of the umbrella outfit, Muttahida Jihad Council (MJC), which includes at last 14 militant outfits. MJC is led by Syed Salahuddin, who also heads Hizbul Mujahideen — the biggest and the most formidable indigenous Kashmiri organisation fighting against the Indian occupation. The Indian government has banned several groups fighting in Kashmir including JKLF, JI, Harkat-ul-Mujahideen, Lashkar-e-Tayba, Jaish-e-Mohammadi and Al-Badr.

The continued unrest in Kashmir has acted as a catalyst to the India-Pakistan tensions. Kashmiris have a long history of freedom struggle against the alien rulers, especially the Hindu Dogra rulers. As partition of the subcontinent was approaching, Kashmiris were fighting for freedom from the Dogra rule, and continued their struggle against the Indian occupation in October 1947. There was widespread unrest in Kashmir in 1963 against the Indian rule, sparked by the disappearance of the holy relic from the shrine of Hazratbal.

The most recent Kashmiri uprising against the Indian occupation was culmination of years of injustice, repression and denial of democratic right of self-determination to the Kashmiris in the Indian-occupied state. It was triggered by massive boycott of the 1989 Lok Sabha elections by the Kashmiris and subsequent kidnapping of Dr Rubiya Sayeed, daughter of the newly appointed home minister Mufti Sayeed, in December 1989. India in response imposed governor's rule and unleashed massive state repression which continues till this day. Over the last 14 years, India has progressively inducted over 700,000 troops in Kashmir. Various repressive laws — Armed Forces (J&K) Special Powers Act 1990; The J&K Public Safety Act, 1978, (amended in 1990); J&K Disturbed Areas Act, 1990; TADA⁽²⁹⁾ and Prevention of Terrorism Act, 2001, (POTA) — indemnifying state repression are in place in IHK. The state terrorism in the name of 'counter-insurgency' has left a trail of violence manifested in the killings of 80,000-90,000 people as per Kashmiri sources and 38,500 according to independent sources. The J&K police puts the death toll from January 1990 to December 2002 at 94,000 (the union home ministry insists that it is 34,709) . Besides, 3921 persons have gone 'missing'; tens of thousands were tortured/injured; nearly 36,000 incarcerated in the past 13 years; more than 20,000 women widowed; and 30,000-40,000 children orphaned.⁽³⁰⁾

Kashmir & Irish situations: similarities & dissimilarities

There are some similarities and some dissimilarities between the two conflict situations. The similarities include ingovernability of the territory; alienation of the population; rigged polls; question of sovereignty;

discriminatory practices followed by the state; and use of oppressive laws allowing use of force with impunity.

Similarities

- First and foremost basic feature common to both Northern Ireland and Kashmir is in the words of Prof. Richard Rose: Northern Ireland is an *insubordinate* part of the UK — governed without consensus when it is governed at all. ⁽³¹⁾ Noorani argues, “that is also heart of the Kashmir problem”.⁽³²⁾ He cites Prof Hiren Mukherjee, a highly respected leader of the Communist Party of India, who on February 25, 1994, said, “Even today, perhaps the best of us do not quite realise the depth of Kashmiri *alienation* and are unready to ponder ways and means of overcoming it.”
- The second common feature is that *rigged polls* are a consistent feature in both places, though the techniques differ. “Gerrymandering [in Northern-Ireland] ensured that the symbolic unionist integrity of the six counties was maintained. In British eyes at least, a nominal unionist majority in Northern Ireland would be much discounted if Derry City, Fermanagh, and Tyrone fell into nationalist hands.” In Kashmir also the elections have been rigged invariably through techniques varying over time with the objective to induct puppet regimes. In fact, New Delhi tried to prevent pro-independence elements from participating in the elections. In 1971, Indira Gandhi externed Sheikh Abdullah and Mirza Afzal Beg lest they should contest the Lok Sabha and state assembly polls. She feared a pro-independence vote by the assembly. They were allowed to contest the polls only after the 1975 accord was imposed on them.⁽³³⁾
- The third commonality between the two conflicts is that like Ireland, the issue of accession/sovereignty is not settled in Kashmir and the two sides have constitutional provisions in that regard. Ireland did not accept partition. The Constitution of Ireland/Irish Republic adopted in 1937 in Article 2 defined the national territory of the republic as consisting of “the whole island of Ireland, its islands and the (territorial) seas”. While Article 3 said: “Pending the reintegration of the national territory, and without prejudice to the right of the Parliament and government established by this Constitution to exercise jurisdiction over the whole of that territory, the laws enacted by that Parliament shall have the like area and extent of application...” Article 2 and 3 were deleted pursuant to the 1998 Agreement. Similarly, the constitutions of India, Pakistan and the respective parts of Kashmir under their control have specific articles delineating their position on sovereignty over Kashmir. Pakistan and the AJK have constitutional provisions contesting the validity/legitimacy of the instrument of accession of Kashmir to India, while India and occupied Kashmir have constitutional provisions that provide basis for Indian sovereignty over Kashmir. Article 1 (2) d of the Constitution of Pakistan, 1973,

describing and defining the territorial limits of Pakistan refers to “states and territories as are or may be included in Pakistan, whether by accession or otherwise.” However, the specific provision concerning AJK is Article 257 which subjects the extension of sovereignty over Kashmir to “accession” and the will of the people. It says: “When the people of the State of J&K decide to accede to Pakistan, the relationship between Pakistan and that state shall be determined in accordance with the wishes of the people of the State.”

- The AJK Interim Constitution Act of 1974, (Act VIII) takes a similar line. It says: “a part of the territories of the state of J&K is yet to be determined in accordance with the freely expressed will of the people of the state through democratic method of free and fair plebiscite under the auspices of the UN as envisaged in the UNCIP resolutions adopted from time to time.” Article 2 (1) of the Act specifies: “AJK means the territories of J&K which have been liberated by the people of that State and are for the time being under the administration of the government and such other territories as may thereafter come under its administration.” Further, under Article 31 (3) the government of Azad Kashmir lays down the following functions to the government of Pakistan:
 - a) The responsibilities of GOP under the UNCIP Resolutions;
 - b) The defence and security of AJK;
 - c) The current coin, or the issue of any bills, notes or other paper currency;
 - d) The external affairs of AJK, including foreign trade and foreign aid.
- AJK has a separate president, prime minister, a separate flag, parliament and supreme court. The Ministry of Kashmir affairs and Northern affairs provides a linkage between the GOP and AJK. There are 12 seats in the state assembly reserved for Kashmiri refugees in Pakistan.
- Similarly, Article (1) 3 of the Indian constitution defining territories of India applies to J&K as specified in the First Schedule which says: “The territory which immediately before the commencement of this Constitution was composed in the Indian State of J&K.” Further, Article 370 of the Indian Constitution incorporating “instrument of accession” gives “Special Status” to J&K and defines the constitutional relationship between India and the State of J&K. The Article had originally restricted the powers of the Indian Parliament only to the subjects conceded in the “instrument of accession” — “defence, communications and external affairs. Further, the concurrence of the state government was made a prerequisite

for the application of any law to the state. Under the provision, the state has a separate flag and a separate constitution. It had originally a *sadar-i-riyasat* (president) for J&K and prime minister, which was abolished under the 6th Amendment in 1965 in the constitution of J&K. It was replaced with the governor and chief minister, respectively.

- The scope and powers of Article 370 have been massively undermined by India over the last 56 years through amendments in Article 370 and application of various ‘central laws’. extending powers and jurisdiction of India to the state. Twenty-eight ‘Constitutional (Application to J&K) Orders’ were issued from 1954 to 1977, each extending more and more provisions in the Indian Constitution for the state.⁽³⁴⁾ Article 370 is a ‘provisional’ Article and can be abolished by the president of India by a public notification.
 - Article 3 and 4 of the J&K constitution of 1954 define the state’s relationship with India and its territory. Article 3 says that “the State of J&K is and shall be an integral part of the Union of India”. Article 4 says: “the territory of the State shall comprise all the territories which on the 15th August 1947, were under the sovereignty or suzerainty of the Ruler of the State.” Article 370 of the Indian Constitution has also been incorporated in the constitution of Jammu & Kashmir. The J&K constitution initially kept 25 seats for ‘Pakistan-Controlled Kashmir’ but after the 12th amendment to the J&K constitution, the figure was changed to 24.
- The fourth similarity between the two conflicts is discrimination against the aggrieved population, though with a difference. While in Northern Ireland, it was discrimination perpetrated by the majority Protestant community against the Catholic minority community, in case of Kashmir, it is the majority Kashmiri Muslims who profoundly resent the discrimination perpetrated by New Delhi in giving them their political, economic and identity rights protected by Article 370 on the one hand, and denying them their basic democratic right of self-determination pledged to them by no less a person than prime minister of India Jawaharlal Nehru on the other. In addition they also resent that for the last over five decades the “growth of regionalism, both in Jammu and Ladakh, has been discernibly encouraged and used by the Centre to contain any move for the reassertion of internal autonomy by the Kashmiri Muslim leadership of the Valley”.⁽³⁵⁾ In fact there is sustained attempt to encourage minority rights, without giving the majority its due right. This is reflected in the outright rejection of the State Autonomy Committee report by the Indian cabinet while tacitly supporting the Regional Autonomy Committee’s report.

- Fifth, a deep sense of alienation and utter distrust marks both conflict situations. In the case of Ireland, the Catholic nationalist minority was intensely alienated from the Protestant ruling majority, while the latter harboured deep distrust against the former. In the case of Kashmir, there is the only difference that such alienation/distrust is not directed against anybody within Kashmir; but the Kashmiri Muslim population is completely alienated from India and on the other hand, India does not trust them at all and brands them as ‘terrorists’, ‘anti-national’ and ‘Pakistan-sponsored elements.’
- Sixth, in both cases oppressive laws have been applied in the name of curbing ‘terrorism’ and militias raised to back up counter-insurgency operations. In the case of Ireland ‘loyalist’ paramilitary outfits were raised and sustained to counter IRA insurgency while in the case of Kashmir ‘counter-insurgent’ groups, known as ‘friendlies’, were raised to assist paramilitary forces in ‘counter-insurgency operations’. Such operations have resulted in massive human rights violations in both cases, the scale of violations is much higher in Kashmir, though. In the case of Ireland 3,636 people were killed between 1996-1999, in a population of 1.6 million, that comes to 0.22% of the population, while in the case of Kashmir, 94,000 have been killed in a population of 4.7 million — that of Kashmir Valley, the most affected region of Kashmir — which comes to 2% of the population. Even if the number of killings is divided by the total population of Indian Occupied Kashmir (9.45 million) the percentage of those killed is still higher with 0.99% compared to Northern Ireland.

Dissimilarities

There are several dissimilarities between the two conflicts.

- First and foremost point of divergence is that while the Irish conflict is essentially an “internal conflict”, the Kashmir conflict is primarily an “international conflict.” The *International Institute for Strategic Studies* (IISS) categorises Irish conflict as an “internal armed conflict” and Kashmir as an “international armed conflict.”⁽³⁶⁾ According to IISS definition, “internal armed conflicts” take place “between government forces and organised groups which control sufficient territory to sustain concerted military operations. These conflicts sometimes spill across international borders without being considered international conflict between state parties.” On the other hand, “international armed conflicts” involve “governments in armed conflict over sovereignty and territory.” As a corollary, the very characterisation of the Irish conflict as an internal conflict puts limits on the relevance and utility of the ‘Irish model’ for the Kashmir conflict, especially in terms of solution.
- Secondly, the Northern Ireland conflict was characterised as a “sectarian strife” and the ensuing “discrimination” against the minority Catholic community became the central issue in the conflict. Kashmir is an opposite case as discussed earlier. It is a problem centring on the

aspirations of the majority community comprising Kashmiri Muslims against New Delhi and not against minority communities comprising Hindus and Buddhists of Kashmir. What Kashmiri Muslims are demanding is the exercise of the “right of self-determination” and not just an end to the discriminative policies of New Delhi, which no doubt did contribute to the eruption of the current uprising against the Indian rule in Kashmir. Moreover, there was and is no communal strife going on in Kashmir; rather, Kashmir, for centuries, has been known for its overwhelming communal harmony described as *Kashmiriyat*. In fact, there has been an attempt by the ultra-Hindu right-wing outfits supported by the BJP to communalise the issue and malign the Kashmiris struggle for freedom as an expression of Muslim fundamentalism. The massacres of the Hindu minority community by unidentified elements — which the Indians allege are Muslim militants while the latter term such killings an attempt to tarnish their image — has only complicated the situation.

- Thirdly, in the case of Northern Ireland as the years of violence dragged on there was a steady convergence of “London and Dublin opinions and interests, despite disagreement on objectives and policies.” Both governments loathed violence, recognised that a dispute existed and sought an accord.⁽³⁷⁾ Their prime ministers became friends. In fact, the relations between the Irish Republic and the British government always remained cordial. “The former never supported the terrorist acts of the IRA, nor supplied arms to it.”⁽³⁸⁾ In Kashmir, however, the two parties to the conflict went to war three times, twice on Kashmir — in 1948 and 1965. Besides, “India refuses to recognise what is obvious to the whole world — the existence of an international dispute on Kashmir and consequently, the need to negotiate.”⁽³⁹⁾ All United Nations maps state that “The final status of Jammu and Kashmir has not yet been determined, “but India refuses to recognise it as a dispute. Ironically, besides UN resolutions, India did accept Kashmir as a *dispute* and source of tension that requires “final settlement” in all its major accords with Pakistan, i.e. the Tashkent Declaration (1996); Simla Accord (1972); Lahore Declaration (1999) and the recent Joint Statement (5 January 2004).
- Fourthly, unlike Northern Ireland which did not figure on UN fora, Kashmir is one of the oldest pending items on UN agenda. In fact India has retracted from its pledges to the people of Kashmir, to the international community and to Pakistan — to abide by the people's wishes in Kashmir, as enshrined in the UN resolutions of 1948 and 1949. Prime Minister Jawaharlal Nehru addressing a meeting in Srinagar in June 1951 said: “We have declared that the fate of Kashmir is ultimately to be decided by the people. The pledge we have given not only to the people of Kashmir but to the world. We will not and cannot back out of it”.⁽⁴⁰⁾

- Fifthly, unlike in Northern Ireland where “both governments loathed violence,” in the case of Kashmir though both sides condemn violence, yet their interpretation of violence and who is responsible for it diametrically opposite. While Pakistan regards Kashmiri resistance a *freedom struggle*. and terms the excesses committed by the Indian security forces as *state terrorism*, India terms the movement as ‘Pakistan sponsored’ and accuses Pakistan of ‘cross-border terrorism.’
- Sixthly, the strategic interest of the warring parties in the Kashmir conflict varies hugely from that of those involved in the Irish conflict. A statement by Peter Brooke, secretary of state for Northern Ireland, on 9 November 1990 greatly impressed the IRA: "The British government has no selfish strategic or economic interest in Northern Ireland, our role is to help, enable and encourage. Britain's purpose... is not to occupy, oppress or exploit, but to ensure democratic debate and free democratic choice." Its main concern was to fulfil its pledge to Northern Ireland's Protestants that they would not be forced into a union with Catholic Ireland. Contrarily, both India and Pakistan claim *legitimate* strategic, political, economic, moral and ideological interests in Kashmir. In fact, the conflict has become a symbol of conflicting national ideologies — Islamic identity vs secularism which in turn are considered to be very *raison d'être* of the two nations. In addition, time and again references are made to extra-regional strategic interests in Kashmir, an allusion to the US strategic interest in the area. This may compound the already complex strategic matrix of Kashmir.
- Seventhly, though there were human rights violations in both cases, but in the case of the Irish conflict Amnesty international and Human Rights Watch were granted easy access to Northern Ireland. In contrast, in Kashmir, neither AI, HRW nor the UN Special Rapporteur on Torture nor the UN Working Group on Disappearances have ever been allowed visits to check up on human rights violations.
- Eighthly, the Irish militants were much more sophisticated and far better armed than the militants in Kashmir. Further, apart from political support of the Irish Republic, a very strong segment of Irish-American population supported the Irish insurgency. Kashmiris though enjoying Pakistan's support do not have any matching support base in the US. Besides, the very character and contours of insurgency in Ireland and Kashmir are different. The Irish insurgency was much more organised and the military wing — the IRA — was strongly under the control of the political command of Sinn Fein. Though splinter groups like the Real IRA and Continuity IRA did cause some trouble after the accord was signed, yet it was not very formidable, and thereby did not pose much threat to GFA. On the other hand, the armed and political struggles in Kashmir are neither as closely knitted nor as united. The APHC does not have much control over the armed groups except moral pressure. Further, the APHC is an umbrella group, facing problems from within and is lately divided vertically into Gilani and Ansari

factions. The armed groups, though united under the Mutahida Jehad Council (MJC), are equally facing challenges from within. The lack of organisation and unity within political and armed ranks of the struggle makes the task of peace more complex and demands a different modus operandi which could provide them a chance to work out operational details of the dialogue as there is a complete consensus on what they demand and what they are fighting for.

- Ninthly, while London had demonstrated political will to settle the Irish conflict, New Delhi has so far exhibited utmost intransigence, seeking to perpetuate the status quo and avoid negotiating on the Kashmir issue. The lack of political will on the part of India has led to failure of previous attempts like UN mediation, bilateral talks, and the Tashkent and Simla agreements to solve the issue. In contrast, London showed tremendous political will and got engaged in sustained negotiations with Dublin and Belfast from 1984 to 1998 in which back-channel diplomacy also played an important role. The 1998 accord was in fact culmination of several sub-accords spread over 25 years. These included:
 - In December 1973 The Sunningdale Agreement proposed a new devolved Assembly, with an executive in which the Unionists and SDLP would share power and a Council of Ireland on which both Irish governments were to be represented equally. The accord also underscored the Irish and British governments acceptance of the basic principle that the people's will was decisive. The new coalition took office but unionist rejection of the Council eventually wrecked the accord.
 - In November 1981, the UK and Ireland set up an Inter-governmental Council and the Anglo-Irish Agreement in November 1985 took the process forward. The accord set up an inter-governmental conference of British and Irish ministers to monitor political, security, legal and other issues of concern to the nationalist community. The agreement also affirmed the principle of 'consent of majority' in determining the status or any change in the status of Northern Ireland.⁽⁴¹⁾
 - The situation, characterised by on-again/off-again violence and dialogue alternating, appeared to be the same until 1990. Then the British secretary of state, Peter Brooke, opened tentative talks with the four main constitutional parties in March 1991. It came to be known as Brooke/Mayhew Talks. After 14 months of tenacious and skilful bilateral meetings, Brooke secured their agreement to enter into structured discussions with both governments to examine the problem through a process of the Three Strands of talks focusing on:
 - a) Relationships between the two communities within Northern Ireland;

- b) Relationships between Northern Ireland and the Republic of Ireland; and
 - c) Relationship between the British and Irish governments.
- Though there was an agreement on all-party talks, exclusion of Sinn Fein soon became a sticking point, until in 1993 six months of negotiations between SDLP and Sinn Fein produced a set of proposals linking ceasefire to the talks.⁽⁴²⁾
 - The talks on *Strand One* got stuck in June 1992. However, the parties involved in Brook/Mayhew Talks agreed to begin work on *Strand Two* and *Strand Three* of the process. And in July 1992 Unionist parties agreed to talks with politicians from the Republic of Ireland under the *Strand Two* of the talks.
 - In addition, a principle was established that nothing was agreed until everything was agreed. And in the meantime secret discussions were going on between the IRA and an emissary of the British government (1990-93).
 - On 15 December 1993 the prime ministers of UK and Republic of Ireland issued a *Joint Declaration* as a basis for all-party talks to achieve political settlement and invited Sinn Fein to join the talks. Further, prime ministers John Major and Albert Reynolds reiterated the principle of popular consent on Ireland's unification. For the British, who had so far refused to negotiate with the Sinn Fein because of IRA connection, it was a major step forward.
 - The IRA announced a complete cease-fire on 31 August 1994 and six weeks later, on 13 October, the anti-IRA Combined Loyalist Military Command also announced their cease-fire. The IRA called off the cease-fire on 9 February 1996 mainly on the question of decommissioning of arms first but renewed it in July 1997 after the Mitchell Commission dismissed the surrender of arms in advance and has continued to hold fire since then.
 - On 22 February 1995, a set of framework documents which elaborated on the ideas of redefining sovereignty aired in 1993 were announced by the British and Irish prime ministers. The Joint Framework Document defined the *Three Strands* in detail. The JFD proposed an all-Ireland Council composed of the departmental heads of the Northern Ireland Assembly and Republican ministers; the Council will deal with 'matters within a natural or physical all-Ireland framework,' transport, tourism, industrial development and the administration of cross-border EU programmes. Britain and Ireland also agreed to establish a standing inter-governmental conference to implement the Anglo-Irish Agreement of 1985. Britain also announced its separate 'Framework for accountable

government' in Northern Ireland. It proposed a new, devolved Northern Ireland Assembly comprised of departmental committees whose heads would be appointed on the basis of ethnic/communal proportionality. Both governments also reaffirmed the "guiding principles of self-determination, the consent of the governed, exclusively democratic and peaceful means, and full respect and protection for the rights and identities of both traditions."⁽⁴³⁾ Taken together, the two documents represented a shared understanding of the elements of a settlement likely to offer the best prospect of broad support across the community in Northern Ireland.

- The prime ministers launched the 'twin track' process on 28 November 1995. One track was "to invite the parties to intensive preparatory talks with a remit to reach widespread agreement on the basis, participation, structure, format and agenda to bring all parties together for substantive negotiations aimed at a political settlement based on consent."⁽⁴⁴⁾ The other track focused on the decommissioning of arms. In 1995 the two governments established an International Body to provide an independent assessment of the decommissioning issue. The three-member commission was headed by former US Senator George Mitchell. The Mitchell Commission in its report of January 1996 proposed six principles and effectively dismissed the surrender of arms in advance of all-parties talks and proposed a phased disarmament, in parallel with talks.⁽⁴⁵⁾
- After the inclusion of Sinn Fein, the peace process was on the fast track and an agreement on the power-sharing Northern Ireland Assembly was secured which paved the way for the Good Friday Agreement.

Irish model: A way forward?

The Good Friday Agreement was the product of 22 months of intense multi-party talks that started in June 1996. The Irish Agreement as discussed earlier is based on the *Three Strands* formula which envisages democratic institutions in Northern Ireland and three separate bodies to deal with the increasingly complex, overlapping relationships between the Republic of Ireland and the United Kingdom. The North-South Ministerial Council deals with the totality of relationships within the island of Ireland. The British-Irish Council provides a forum for the representatives of the London and Dublin governments, the devolved institutions in Belfast, Cardiff and Edinburgh as well as the crown dependencies of the Channel Isles and the Isle of Man. Finally, the British-Irish Intergovernmental Conference brings together the two governments to promote bilateral co-operation.

The agreement stipulated disarmament of all paramilitary groups within two years. The British government agreed to make progress towards "reduction

of the numbers and role of the Armed Forces deployed in Northern Ireland,” “removal of security installations”, and “removal of emergency powers” in Northern Ireland.

The agreement envisaged “mechanisms to provide for an accelerated programme for the release of prisoners” within a fixed timeframe and taking of “measures to facilitate the reintegration of prisoners into the community.” It also provided for making the composition of police more balanced as it was 92% Protestants⁽⁴⁶⁾ at the time of signing of the agreement. It also proposed establishing an independent commission on policing (ICP) to propose reforms in policing structures and arrangements which was to submit its report within two years. The ICP was set up on 3 June 1998 under the chairmanship of the former governor of Hong Kong, Chris Patten. The establishment of a commission for police reforms was a major step towards allaying Irish Catholic fears of the Royal Ulster Constabulary.

The agreement also addresses the grievances of the Catholic minority regarding equality, justice, human rights, economic, social and cultural rights and ensures safeguards against their harassment. The Agreement established new independent commissions relating to human rights and equality and a separate commission to review criminal justice system.

The GFA was approved in simultaneous referendums on 22 May 1998 in Northern Ireland (by 71%) and the Irish Republic (by 94%).⁽⁴⁷⁾ It should be pointed out that a significant section of the population, predominantly Protestant, are at best lukewarm in their support of the peace process. In the May 1998 referendum, an estimated 96 per cent of the Catholic community supported it as opposed to only 52 per cent of Protestants.⁽⁴⁸⁾ The agreement soon started facing problems of implementation and its support base began to shrink further. A *Belfast Telegraph* survey, published early February 1999, indicated that support for the Agreement had shrunk by 6% since the May 1998 referendum.⁽⁴⁹⁾

The referendum in the North and the South ratified the Agreement and in the Republic of Ireland it also served to endorse the amendment to the Irish Constitution. These changes only became operative on 2 December 1999 when the Irish government got satisfied that the other elements of the Good Friday Agreement were being implemented.

Three Strands process

Strand One: Democratic Institutions in N Ireland

The GFA provides for a 108-member Assembly elected by proportional representation and a 14-member executive body in Northern Ireland in which both Catholic and Protestant political representatives sit together in government. This is only the second time such power-sharing has occurred since 1920 (the first was the short-lived Sunningdale Agreement of 1973-74).

The Assembly is capable of exercising executive and legislative authority, in the areas of finance, education, environment, health, social services, economic development and agriculture and is subject to safeguards to protect the rights and interests of both communities. The Agreement also established a

consultative Civic Forum to support the work of the Assembly. The power-sharing executive body, composed of 10 ministers drawn from four political parties plus the First and Deputy First Ministers, is effectively the government.

Following a referendum, the Northern Ireland Assembly was constituted under the Northern Ireland (Elections) Act 1998. On 25 June 1998, 108 members were elected to the new Assembly. None of the UUP candidates who opposed the Good Friday Agreement was elected. Moreover, the DUP and other anti-agreement parties failed to secure the 30 seats necessary to impede the work of the Assembly.⁽⁵⁰⁾ However, the Northern Ireland government was not constituted until a year later, and brought to a standstill over the issue of IRA decommissioning.

On 12 February 2000 the Assembly and its associated institutions were suspended, but were restored on 30 May. They were again suspended for 24 hours on 11 August 2001 and 22 September 2001, and finally on 14 October 2002. The British government suspended Northern Ireland's power-sharing Assembly/government amid allegations that Sinn Fein were involved in the IRA spy ring which was gathering intelligence inside British government offices in Belfast while the Unionists insisted that the IRA was breaking its commitment to disarm. Elections to the Assembly were held on 26 November 2003 which returned hardline DUP with 30 seats — more than any of its rivals. The pro-accord UUP finished behind DUP with 27 seats.⁽⁵¹⁾ DUP's leader Ian Paisely has declared that he would never agree to form a government with Sinn Fein. The emergence of Paisely and DUP has added a new hurdle to the peace process. However, the Sinn Fein, which has captured 24 seats, is ready to share power with DUP and wants a swift end to direct British rule. The emergence of hardliners on both sides at the expense of moderates has virtually scuttled the 1998 Accord. However, the Northern Secretary, Paul Murphy, has said the Belfast Agreement will remain "fundamentally unchanged" because the majority of the electorate supported it. He said nothing could alter the principles of power-sharing, North-South relationships or consent which were central to politics in Northern Ireland. The DUP has insisted that the Belfast Agreement must be renegotiated to create a new settlement acceptable to unionists.⁽⁵⁰⁾

Kashmir

*Proposed Strand One: Track I: Institutionalising Intra-Kashmiri dialogue;
Track II: Devising new structures in reconstituted Kashmir*

Strand One when applied to Kashmir conflict needs some modification as unlike Northern Ireland where the conflict was mainly over power-sharing between unionist (majority) and nationalists (minority) — two sectarian communities — in Kashmir the two parts of the state, divided by LoC are under sovereign control of India and Pakistan and have their own administrative structures. Secondly, power-sharing is not the central issue in either zone. In the case of Kashmir there is a need for twin-track approach at the *Strand One* level. Track one may focus on the institutionalisation of intra-Kashmiri dialogue within IHK and AJK and between the Indian and Pakistani zones of Kashmir. This would act as an institutionalised consultation mechanism which would

greatly help in eventual determination of the wishes and aspirations of the Kashmiri people.

While Track Two may devote itself to drawing up new structures and arrangements that would give way to the existing political, administrative and constitutional structures as a result of permanent solution of Kashmir. In the case of Pakistani zone of Kashmir, Azad Kashmir's relationship with Pakistan, which is subjected to the final status of Kashmir, would entail constitutional and institutional changes, which may emerge as a result of an overall settlement of the Kashmir. Since AJK is largely a homogeneous unit, especially culturally, linguistically and religiously, and there is no strong urge to look for options outside Pakistan, its status would not change radically, though it would become more autonomous in its affairs with Pakistan and other Kashmir zone now under the Indian control. Similarly, Northern Areas directly under Pakistan's administration does not face any major agitation for either opting out of Pakistan or merging with any other unit of the State of Jammu and Kashmir. So a greater degree of autonomy would suffice whether the region is merged with Pakistan or remains autonomous.

On the other hand, the existing political-administrative and constitutional structures of the Indian zone of Kashmir would be radically changed for two reasons. One, the Kashmir Valley is completely alienated from New Delhi, especially after the sufferings of the last 14 years at the hands of the Indian army and the paramilitary forces. The Valley has always looked for a status outside the Indian Constitution which satisfies their right of self-determination. The autonomy given under Article 370 has neither satisfied Kashmiris nor has been respected by New Delhi. Both sides have always pulled in opposite directions, while New Delhi ever trying to integrate Kashmir, the Kashmiris kept on pressing for the right of self-determination. So restoration of Article 370 is unlikely to work again, as it has already been tried but failed. Thereby, it has to be going beyond autonomy to some kind of self-rule — a quasi-sovereign status — which can satisfy the aspirations of the Kashmiris.

Secondly, demographically, the Indian-controlled zone of Kashmir is much more complex in at least two ways. First, it has reasonable size of Hindu, Sikh and Buddhist majority inhabiting Jammu (Jammu, Udhampur and Kathua districts) and Ladakh (Leh district),⁽⁵³⁾ respectively, who would like to seek some regional autonomy in the event of any permanent solution of Kashmir. For various reasons there have been voices for local autonomy in these regions from time to time which have become louder in the wake of the freedom struggle and are likely to increase as the Valley moves towards a new arrangement. Secondly, the two regions have substantial Muslim populations (Poonch, Doda and Rajouri districts in Jammu and Kargil in Ladakh region) which would turn into minority if the Valley is separated from the other regions. In that event these districts would certainly like to be a part of the Valley and not treated as minority 'subject' as they have had awful memories of the Dogra rule which had earlier forced them to revolt. Also, the Muslim populations in these regions would not like to be left at the mercy of regional majorities while their brethren in the Valley exercise their right to determine their final status. Thus given the

demographic faultlines, a reconstitution of the Kashmir Valley would be a fait accompli which would imply merger of the Muslim majority areas of Jammu and Ladakh with the Valley.

The dialogue on 'devising new structures in reconstituted Kashmir' can go along New Delhi-Srinagar and Islamabad-Muzaffarabad axes, while intra-Kashmiri dialogue could take place along Srinagar-Muzaffarabad axis.

Sumantra Bose, who has tried to draw a parallel between the Irish Three Strands formula and a formula for a Kashmir settlement, has proposed '3 Dimensions of Peace in Kashmir.' The proposed Dimension 2, is roughly equivalent to Strand One. It is *The New Delhi-Srinagar and Islamabad-Muzaffarabad axes*. According to Sumantra, the objective of the process would be "the gradual, incremental normalization of politics within Kashmir in both Indian- and Pakistani-controlled zones, and devising and implementation of political frameworks which can foster a working degree of internal accommodation and cooperation between the representatives of communities holding radically different basic political allegiances."⁽⁵⁴⁾ He observes that this process would "logically lead eventually to a re-institutionalization of a multi-tiered political structure autonomous of New Delhi in Indian-controlled Kashmir. While the restoration of substantial self-rule to Indian-controlled Jammu and Kashmir would be crucial, any such autonomous government must be multi-tiered, according the Jammu and Ladakh regions — where political dynamics differ from those in the Valley — a fair degree of control over their own affairs within any self-rule structures, thereby offsetting the risk of a new form of centralized domination from Srinagar."⁽⁵⁵⁾ It should be noted that though Kashmir is a diverse region, its diversity is at peace with itself which would make the working of the new arrangements much easier.

Strand Two: North-South Ministerial Council

The Belfast Agreement established a North-South Ministerial Council that deals with the totality of relationships within the island of Ireland. The Council was established to bring together those with executive responsibilities in Northern Ireland and the Irish Government, to develop consultation, co-operation and action within the island of Ireland — including through implementation on an all-island and cross-border basis — on matters of mutual interest within the competence of the Administrations, of North and South. The Council will meet in different formats — in plenary format twice a year; in specific sectoral formats on a regular basis, and in an appropriate format to consider institutional or cross-sectoral matters and to resolve disagreement. All Council decisions are to be by agreement between the two sides. Areas for North-South co-operation included agriculture, education, transport, environment, waterways, social security/social welfare, tourism, inland fisheries and health.

*Proposed Strand 2: Cross-border cooperation:
Softening boundaries & Sovereignty*

The proposed *Strand 2* for Kashmir would envisage softening of boundaries across the reconstituted zones of Kashmir and gradually developing of cooperation between them in areas of mutual concern, i.e. transport, tourism, trade and commerce, environment, agriculture, cultural cooperation and management of water resources on both sides. This would require cross-border structures and analogy could be drawn from the Irish experience that envisages North–South Ministerial Council to this end. A Srinagar-Muzaffarabad Ministerial Council for Cooperation (SMMCC) on the pattern of North-South Ministerial Council could help in building up cooperative structures in the fields identified above. This would fulfil the aspirations of Kashmiris across the present divided State of Jammu and Kashmir. This would also ensure Pakistan’s say in the affairs of Kashmiris in the reconstituted Valley and would allow New Delhi to retain an indirect say in the affairs of the reconstituted Kashmir Valley as well. The institutionalisation of cross-border cooperation would certainly lead to the softening of boundaries and sovereignty of India and Pakistan over Kashmir. This would in return provide face-saving to both the states, especially India, in resolving Kashmir.

Sumantra Bose’s Dimension 3: Srinagar-Muzaffarabad axis also proposes the establishment of a cross-border J&K Council for Cooperation with representatives from inclusive, elected and autonomous governments from both sides of the LoC.⁽⁵⁶⁾ He contends that it would “mark respect to the historical integrity of the state (an issue of importance especially to independents), even while leaving the de facto sovereign jurisdictions on either side of the LoC intact.” He underscores gradual cooperation between the two parts of Kashmir and as a quid pro quo demands “giving Indian Kashmir an indirect, limited say in the affairs of the other Kashmir across the border.”

Strand Three: British-Irish Council; British-Irish Intergovernmental Conference

The British-Irish Council was to be established under a new British-Irish Agreement. The BIC provides a forum for the representatives of the London and Dublin governments, the devolved institutions in Belfast, Cardiff and Edinburgh as well as the crown dependencies of the Channel Isles and the Isle of Man to promote harmonious and mutually beneficial development of the totality of relationships among the peoples of these islands.

The BIC was to meet in different formats: at summit level, twice per year; in specific sectoral formats on a regular basis, with each side represented by the appropriate minister; in an appropriate format to consider cross-sectoral matters.

The British-Irish Intergovernmental Conference (BIIC) was to be set up under a new British-Irish Agreement dealing with their totality of relationships and subsume both the Anglo-Irish Intergovernmental Council and the Intergovernmental Conference established under the 1985 Agreement. The BIIC brings together the two governments “to promote bilateral co-operation at

all levels on all matters of mutual interest'. The Conference was to meet as required at summit level (Prime Minister and Taoiseach). Otherwise, governments were to be represented by appropriate ministers. Advisers, including police and security advisers, will attend as appropriate. All decisions will be by agreement between both governments. The BIIC recognised "Irish Government's special interest in Northern Ireland" on non-devolved matters on which it may forward views and proposals. The co-operation within the framework of the Conference will include facilitation of co-operation in security matters. The Conference was also to address, in particular, the areas of rights, justice, prisons and policing in Northern Ireland (unless and until responsibility is devolved to a Northern Ireland administration).

*Proposed Strand Three: India-Pakistan Kashmir Council (IPKC);
India-Pakistan Intergovernmental Conference (IPIC)*

Strand Three is very relevant to the Kashmir situation. There is a great need for developing overarching intergovernmental cooperation between India and Pakistan on the one hand, and between India-Pakistan and the governments of the reconstituted State of Jammu Kashmir on the other. This would reinforce structures developed under strands one and two.

Two mutually reinforcing structures could be identified on the pattern of BIC and BIIC as envisaged in FGA. These could be India-Pakistan Kashmir Council (IPKC) and India-Pakistan Intergovernmental Conference (IPIC). The India-Pakistan Kashmir Council (IPKC) could be set up to promote harmonious and mutually beneficial development of totality of relationships between India-Pakistan and the people of Kashmir. Membership may comprise representatives of the governments of India, Pakistan and that of reconstituted Kashmir. The Council will provide a platform to discuss, consult and reach agreement on cooperation on matters of mutual interest, i.e. transport links, agriculture, trade, environment, health, education, and cultural issues and approaches to SAARC issues. It may take decision on common policies and common actions. The council may operate by consensus.

The India-Pakistan Intergovernmental Conference (IPIC) would bring together the Indian and Pakistani governments to promote bilateral cooperation at all levels on all matters of mutual interest. All decisions will be by agreement between both governments. IPIC would recognise Pakistan's special interest in Kashmir (as British government did in the case of the Irish Republic (in relation to Northern Ireland) on issues of mutual concern arising in relation to Kashmir. These would include non-devolved matters such as cooperation in security matters, policing and the areas of human rights and justice. Of particular importance would be the demilitarisation of the Kashmir Valley and joint guarantees by India and Pakistan to a quasi-sovereign status of the reconstituted Kashmir Valley. In this context, the IPIC will intensify cooperation between the two governments on the all-Kashmir or cross-border aspects of matters of mutual interest. Relevant executive members of the reconstituted Kashmir governments will be involved in the meetings of the IPIC, and in the reviews on non-devolved matters.

Sumantra Bose's Dimension 1: New Delhi-Islamabad axis has rough equivalent in Strand 3 of Northern Ireland peace process. Dimension 1 envisages an "overarching intergovernmental cooperation" between India and Pakistan which is very essential for viability of the other two dimensions as well as peace-building process in South Asia. He proposes the establishment of a "permanent India-Pakistan inter-governmental conference to promote harmonious and mutually beneficial development of the totality of relationships between the two countries." The intergovernmental conference should have a standing committee on Kashmir to be chaired by respective prime ministers and include the foreign, defence and interior ministers, as well as the defence chiefs of both countries as permanent members. At a later date, executive members of freely elected autonomous regional governments in both the Indian and Pakistani sectors of Kashmir should also be included as representatives.⁽⁵⁷⁾

Lessons from Three Strands Process

Can a three strands process be of any relevance to the Kashmir situation? The Irish negotiations process took place under certain conditions, and entailed certain principles and mechanisms that could be of great value to the Kashmir peace process. The mechanisms have been discussed above. The conditions may be identified as 'Ripe Moment/Hurting Stalemate'; inclusive negotiations; ceasefires linked with negotiations; commitment to peace process; joint approach; back-channel diplomacy/secret talks; and Track II diplomacy.

'Hurting Stalemate'

With the advantage of hindsight, it could be argued that the Anglo-Irish conflict had reached the stage of 'hurting stalemate' by 1990. The anatomy of the Irish violence shows that over the next few years the loyalist violence was likely to get more intense and more focused on republican targets. On the other hand, it was generally accepted that the IRA had the capacity to continue with the 'Long War' though more as a war of attrition than a war with a successful outcome. Parties to the conflict were facing an impasse, a no-win situation, causing pain on both sides. The British army recognised that they "could contain the IRA, but could not eradicate them." The IRA realised that 'they could continue to kill Brits, but could not get the British Army out of Ireland'.⁽⁵⁸⁾ For common civilians living in poverty on both sides and deprived of basic services due to war, and losing relatives, friends and colleagues to indiscriminate violence made the war meaningless. Women's groups felt that women and children were the most affected by violence and came out forcefully to oppose meaningless violence and work for peace. Violence lost its legitimacy and ceased to be seen as a method of achieving their ends. There was also growing realisation that it was a political problem and needed a political solution. Moreover, Protestants, facing a difficult economic situation due to recession, were fearful for their future. And the nationalists had shifted from viewing the conflict as being between the IRA and the British government to accepting the Protestants living in Northern Ireland as a legitimate party to the conflict. These developments were a sign of a possible shift in conflict dynamics toward de-

escalation.⁽⁵⁹⁾ It was a 'ripe moment' for parties to work for a compromise solution meeting their core aspirations. The realisation of mutually hurting stalemate (MHS) was accompanied with negotiations to seek a way out and prospects of mutually enticing economic opportunities (MEOs), which greatly helped the Irish peace process in moving forward. In December 1994 US president Clinton appointed former senator George Mitchell 'special adviser to the president' and 'secretary of state for economic initiatives in Ireland.' This was coupled with a US secretary of commerce Ron Brown-led delegation of American business executives going to Northern Ireland to attend prime minister Major's Belfast Investment Conference. The US strategy was vigorously pursued in Northern Ireland throughout 1995, at least partly due to US pressure.

In the case of Kashmir conflict a lot of debate is going on whether it is ripe for solution. There are two schools of thought. One believes that Kashmir is moving towards resolution, though it would still take several years before it is resolved. The other school of thought is convinced that the nuclear tests have frozen the status quo in Kashmir and the only compromise solution is to accord *de jure* status to the LoC.

In Pakistan, the general perception is that the nuclear tests have paved the way for a just and honourable solution of the dispute. The establishment and strategic community strongly feel that there is an opportunity to move forward in Kashmir. On the other hand, in India the general perception is that nuclearisation has frozen the status quo in Kashmir and no one can change it now without a nuclear war. They hope that some day the LoC would be recognised by the major world powers as an international boundary. The Indian establishment and strategic analysts say that the LoC in Kashmir is now frozen just as the Oder-Neisse Line dividing Eastern and Western Europe had got frozen at one time. But many Indians disagree with this viewpoint. They contend that the division of Europe vanished in November 1989 when the Berliners peacefully dismantled the Wall. "Nuclear weapons too do not freeze conflicts for ever. This could happen in Kashmir. Precisely because the antagonists are now deterred from going to war, they may be tempted to test each other's resolve short of a nuclear confrontation: in fact they can do so with impunity since neither dares to cross the nuclear threshold."⁽⁶⁰⁾

The soundings coming from Western officials and strategic analysts are mixed one. Some are skeptical about the resolution of the dispute and believe that the dispute is not ripe for a solution. But others, including think tanks like the Kashmir Study Group, are increasingly focusing on a variety of compromise solutions. But there are skeptics, though they admit that Kashmir shows sign of ripeness, yet perhaps parties lack realisation or do not find alternatives attractive. Stephen Cohen says nuclear weapons have now made a major war in South Asia impossible. "But this has not made lasting peace more likely... Perhaps the most important consequence is that nuclear proliferation and Kashmir issues have all become linked in the minds of outsiders. India will continue to be subjected to pressure — as will Pakistan — to settle up."⁽⁶¹⁾ Cohen on a pessimistic note contends: "This is a dispute that Pakistan cannot win and India cannot lose, a hurting stalemate. Without some fundamental

policy changes in India or Pakistan, the stalemate is likely to continue indefinitely.”⁽⁶²⁾ He feels that no lasting settlement is possible without dealing with these larger strategic (broader issues of military balance) and ideological (identity of the two states) concerns.”⁽⁶³⁾ No doubt these are crucial issues but ways can be found to address them. The US Task Force Report, *New Priorities in South Asia: US Policy Toward India, Pakistan and Afghanistan*, also observes that the Kashmir dispute is not ripe for final resolution. “Neither India nor Pakistan is currently willing to consider the Kashmir end game — except on its own terms.”⁽⁶⁴⁾

These perceptions are grounded in reality. In the past it appeared several times that the two parties had reached a ‘hurting stalemate’ but it did not lead to a permanent solution. The two countries have experienced pain of a hurting stalemate as they engaged in full-scale/limited wars (1948, 1965, 1971) or felt pains of imminent catastrophes — Brasstacks 1986-87, Spring 1990 nuclear crisis, the Kargil crisis 1999 and ‘Operation Parakram,’ 2001-02, which pushed them closer to a war. Each time there was also semblance of realisation of the need to seek a way out as manifested in recourse to the UN in 1948, the Tashkent Agreement in 1966, the Simla Accord in 1972, the Lahore Declaration in 1999 and the Agra Summit, 2001. But none of them actually led to conflict resolution and mainly remained within the realm of crisis management.

But the two major crises after the nuclearisation of India and Pakistan — the Kargil conflict in 1999 and the 10-month military standoff in 2001-2002 — ‘Operation Parakram,’ precipitated by a December 13, 2001, attack on the Indian Parliament — clearly show that the parties to the conflict have reached a real impasse — a ‘hurting stalemate’ — and none of them can impose a unilateral or military solution on Kashmir while the danger of a looming nuclear war is growing larger with every passing day as both are getting into development and deployment of nuclear weapons and longer range delivery systems.

Would the current perception plus realisation of an MHS compel the parties to ‘seek final solution’ is yet to be tested, but domestic and international prognoses suggest that there is a real opportunity to make a final push. Eqbal Ahmed argued even before the nuclearisation and after the India-Pakistan crises that both parties are far from attaining their goals in Kashmir. He says: “This Kashmiri uprising has lasted more than a decade, [now over 14 years], long enough for observers to discern its ramifications, possibilities and limitations. ... Since 1990 the two countries have engaged in a carefully calibrated war of proxy and subversion which has done both sides much harm. In the process, an estimated 40,000 [now over 90,000] Kashmiris are dead, and many more wounded. ... Yet armed struggle and Indian repression have not brought Kashmiris closer either to self-determination, which is Pakistan’s demand, or to pacification, which India seeks. ... If India, Pakistan, and Kashmiris do not reach a mutually beneficial settlement, the protracted war among the three will continue, with lulls and heats. Its cost may be even greater in the future than the hapless people have already paid.”⁽⁶⁵⁾

The most important question is whether the current situation indicates conditions of ‘ripeness’ in Kashmir.

- Has the conflict in Kashmir reached an MHS?
- Do parties perceive/realise that there is an MHS in Kashmir?
- Are the parties to the conflict seeking a way out?
- Is it ‘uncomfortable’ and a ‘costly predicament’?
- Is there danger of an impending catastrophe or past or recently avoided catastrophe?
- What could be the MEO in the perception of India and Pakistan?

Barring the last condition of MEO the other five elements are quite perceptible in the Kashmir conflict situation at its present juncture. It also seems that the two sides are still not finding available alternatives attractive enough. It seems that MEOs are in the air. There could be two types of MEOs. The first type will be comprised of benefits directly accruing as from the resolution of the Kashmir dispute. These may include a cutback on military expenditures, avoidance of war, reversing extremism in both countries...

The second set of opportunities comprises spinoffs resulting from peace and stability in the region. These may consist of greater trade, transit trade through Pakistan to Central Asia, expansion in economic cooperation, transportation of energy to India through pipelines from Iran and Turkmenistan.

Inclusive negotiations process

An important lesson of the Irish peace process is that representatives of all political opinions on both sides of the LoC should be involved in the Kashmir peace process. The Irish peace process became meaningful only when an inclusive political dialogue, including Sinn Fein, was initiated. In contrast, the political talks convened by the British government between 1990 and 1993 had bogged down in procedural and substantive minutiae. Moreover, Sinn Fein and the SDLP through a series of discussions arrived at a common ground on the conditions for an all-Ireland settlement that removed the faultlines within nationalist forces and made the peace process smooth. ⁽⁶⁶⁾

There are three stakeholders in the Kashmir conflict — India, Pakistan and the Kashmiris. All of them should be included in the process of resolution of the Kashmir problem. Throughout the last 56 years, the people of Kashmir, on both sides of LoC, have been ignored in the dialogue on Kashmir. They were not direct party to the Tashkent Declaration or the Simla Accord. As a result most of them for different reasons declare that they are not bound by these agreements. Further, they contend that the ceasefire line/LoC is temporary and division of Kashmir is not acceptable. Their feelings and perspectives are important for any resolution of Kashmir. For that their participation in the peace process is very critical. “So long as the two countries only think in terms of resolving and imposing a choice and a solution on the people of Kashmir, it is not going to work”. ⁽⁶⁷⁾

The inclusion of the Kashmiris in the peace process is also very important for the implementation of any solution of the conflict. There is no

durable solution possible without taking them into confidence and making them party to the deal. President Musharraf has assured Kashmiri leadership based in Pakistan and from AJK that they would be taken into confidence all along the dialogue process with India on the resolution of the Kashmir issue. On the other hand, the Jammu and Kashmir All Parties Kashmir Conference, in a meeting held on February 10, stressed the need for including the Kashmiri leadership in the proposed Pak-India dialogue for a peaceful settlement of the issue. In a resolution, the Kashmir APC emphasised that the Kashmiris were the main party to the dispute, so their participation was a must for the success of the dialogue process.⁽⁶⁸⁾ However, Kashmiris are divided and they have to do an exercise like Sinn Fein-SDLP did in Ireland and build up consensus amongst themselves on a broader framework for an overall settlement.

The US has also pressed for the inclusion of Kashmiris in talks on Kashmir. Frank Wisner, a former US ambassador to India, said recently “there can be no solution to Kashmir if the Kashmiris themselves are not consulted and made part of the settlement.”⁽⁶⁹⁾ But there is certain amount of reluctance on the part of India to include Kashmiris as party to the dialogue. Instead, India has been trying to initiate a separate dialogue with the Kashmiri leadership or a section of it. Dividing Kashmiri leadership or holding talks with a faction of Hurriyat Conference (APHC) will not serve the purpose.

Ceasefires & negotiations

For any conflict resolution, a sustained ceasefire between the parties is a prerequisite; but more importantly, it should accompany dialogue/negotiations between the conflicting parties. The Irish experience shows that a ceasefire was much more durable when it was backed up by negotiations, though there will still be chance that any deadlock may cause resumption of hostilities, especially by the militants. The IRA broke the ceasefire briefly (February 1996-July 1997) when it was pressed hard to decommission before any agreement, which it thought was surrender of arms without getting anything in return. The ceasefire was strengthened as negotiations progressed and is holding since then even when the peace process gets stuck up.

The Kashmir conflict is also marked by some short and some long lasting ceasefires but none of them led to sustained negotiations culminating in complete settlement of the dispute. The ceasefire effected in 1949 under the UN resolutions of 1948-49 was not treated by India as a step towards holding a UN-sponsored plebiscite or facilitating negotiated settlement but was used instead to strengthen division of Kashmir on permanent basis. Now India is trying to convert the ceasefire line/line of control (LoC) into international border. Another two ceasefires in Kashmir were direct result of the 1965 and 1971 wars and part of the Tashkent Declaration (1966) and the Simla Accord (1972), signed at the end of these wars. Though both agreements stressed final settlement of Kashmir through peaceful negotiations, none of them led to any serious negotiations on Kashmir. The main disconnect behind these attempts was that India used these ceasefires to consolidate its position on Kashmir. Especially after the Simla Accord, it refused access to UNMOGIP to carry out

its duties and tried to seek ways and means to raise the status of LoC to international border.

In recent years ever since the ceasefire line/LoC became active militarily in the wake of the stepped up freedom struggle in Kashmir, there were unofficial or official attempts to hold fire on the LoC, but they were meant only to avoid deadly escalation of conflict rather than facilitate negotiations on Kashmir. First, the two countries tried out an unofficial ceasefire in May 2000, but this collapsed amidst Indian allegations that Pakistan had continued with infiltration. Then there was a unilateral ceasefire announced by Hizbul Mujahideen on 24 July 2000, which collapsed after 15 days on August 8 as India's deputy prime minister L K Advani demanded that Kashmiris lay down their arms before talks and did not agree to including Pakistan in the Kashmir peace talks. Political analyst and senior lawyer A.G. Noorani commented: "It [Hizb] had sought parleys; New Delhi sought its surrender, having exposed the men shamelessly before the media on August 3 — something which was done to no other militant group. The government did not take the Hizb ultimatum on the same day seriously, hoping as ever to split the organisation as it had tried to break the Hurriyat."⁽⁷⁰⁾

The Hizb ceasefire was followed by a unilateral ceasefire by India on 19 November 2000 which was described as 'Non-initiation of combat operations' (NICO). But the Indian government declared that its security forces would continue the 'specific' and 'surgical' operations against militants. The ceasefire was extended thrice, (November 2000 to May 2001) but it did not work as India did not make any substantive offer to the Kashmiri militants and operations on ground continued.

The APHC, however, welcomed the ceasefire and urged a tripartite dialogue for the settlement of the Kashmir dispute. Its leaders wanted to visit Pakistan to take the ceasefire process a step further by, among other things, persuading the militant groups in Pakistan to cease their operations in Kashmir. But India did not allow them. Pakistan also reciprocated the Ramazan ceasefire by announcing "maximum restraint" along the LoC, and expressed the hope that soon there will be tripartite talks among India, Pakistan and the Kashmiris represented by the APHC. Pakistan also made a further gesture of goodwill by reducing its forces along the LoC. Many felt that India's move was mainly geared to deflect international pressure that it had adopted a rigid stance in refusing to talk to Pakistan, despite repeated offers by President Pervez Musharraf to hold talks with India. The move was well received by the international community.

India unilaterally called off the ceasefire against the Hizb and offered dialogue to the Pakistan leading to the unsuccessful Agra summit in July 2001. All this while, the unofficial ceasefire on the LoC continued. This unofficial ceasefire broke down in the wake of the attack on J&K state assembly on 1 October. Amidst threatening statements India launched a 'punitive strike' against Pakistan on the LoC and moved forces into forward positions. In response President Musharraf declared that the Pakistani armed forces were "fully prepared to teach a lesson if India tried to launch an adventure against

Pakistan”.⁽⁷¹⁾ The escalation of violence on the LoC broke the 10-month ‘maximum restraint’ in the area.

Again, on 24 November 2003, after an ominous stand-off, Pakistan’s prime minister Mir Zafarullah Khan Jamali formally offered a unilateral ceasefire along the LoC to India. Later foreign minister Khurshid Kasuri elaborated that the ceasefire offer was comprehensive and covered the LoC, the Working Boundary and the Line of Actual Contact (in Siachen). India welcomed the ceasefire by silencing its own guns along the LoC and the ceasefire came into effect on November 26. The ceasefire is holding since then. However, Kashmiri militants are not part of this ceasefire and thereby New Delhi has not stopped counter-insurgency operations against them. The ceasefire has come about in the backdrop of about two years of bitter hostilities, marked by 10 months of massive military standoff (2001-02) precipitated by militants’ attack on the Indian Parliament on 13 December 2001 and a slow thaw initiated by prime minister Vajpayee’s statement extending ‘hand of friendship’ to Pakistan on 18 April 2003. Earlier, a similar offer made by President Musharraf to the visiting Indian journalists and parliamentarian in August was rejected by New Delhi. Analysts observed that by agreeing in principle to the ceasefire idea, India would not lose much strategically, since the early snowfall in the Himalayan region this year would be a natural deterrence to any clandestine movement of people across LoC. Later Indian minister for external affairs said that India is interested in making this “a permanent ceasefire.” “It is incumbent on both countries that ceasefire hold”.⁽⁷²⁾

The ceasefire has stopped shelling and has provided relief to the people living on both sides of the LoC. But it is not a very comprehensive ceasefire as while it does cover all segments of LoC/LAC and the working boundary (WB), it has not so far been extended to militants in Kashmir which renders it rather incomplete. As a corollary, counter-insurgency operations are continuing which also implies that on ground there is no fundamental shift in India’s policy towards the human rights situation in IHK. Moreover, India instead of making any concessions to APHC regarding its delegation’s visit to Pakistan and AJK is trying to create divisions in its ranks by starting talks with just one faction of the outfit.

There is urgent need to make this ceasefire a durable one by undertaking trust and confidence-building measure (TCBMs) on Kashmir which may include steps:

(a) To improve situation inside Kashmir by:

- Extension of ceasefire to Kashmiri fighters in IHK.
- Reduction of number of security forces deployed in IHK and withdrawal of POTA and other repressive laws applied to the state.
- Release of political prisoners and lifting of restrictions on international travelling of APHC leaders.
- Facilitating free movement of goods and people between both sides of Kashmir, reuniting divided Kashmiri families and promoting economic and cultural exchanges.

- Facilitating intra-Kashmiri dialogue by lifting travel restrictions on the Kashmiri leadership to visit Pakistan and AJK.
- (b) To improve the situation on the LoC with:
- Relocation of heavy weapons which are considered a major cause of tension-escalation across the LoC.
 - Strengthening of UNMOGIP to monitor LoC violations on both sides of the line.
 - Mutual and balanced reduction of troops on both sides of the LoC.
- (c) For a meaningful dialogue on Kashmir by:
- Formalising structure of dialogue, in terms of mechanism and issues involved in the dispute.
 - Formal recognition by the two sides that there is *no military solution* to the Kashmir dispute.
 - Formal recognition by India that Kashmir's *status is yet to be settled* in accordance with the wishes and aspirations of the Kashmir people.
 - Recognising that the resolution of Kashmir must be based on the principle of mutual respect for each other and dignity and justice for the Kashmiri people.
 - Discarding pursuit of zero-sum solution for the Kashmir issue, and delinking it from point-scoring domestic agendas.
 - Halting domestic hostile propaganda around Kashmir in the electronic and print media on both sides.
 - Encouraging and initiating *intra-Kashmiri dialogue* on both sides of the LoC on the final status of Kashmir.
 - Involving Kashmiris in the bilateral dialogue process on Kashmir.

Commitment to peace process

The peace process requires political will and strong commitment to peaceful methods leading to a negotiated settlement. This is quite evident in the case of Irish settlement in which all parties to the conflict demonstrated strong political will and commitment to resolve it. In the past there have been several dialogue processes and agreements signed, but they did not lead to the resolution of the Kashmir dispute as they lacked political will on the part of the two parties. Gautum Naulakha observes: "In the 56 years since partition the two governments have done nothing to resolve it. You can apportion blame. You can put more blame on the government of India for being reluctant in resolving it."⁽⁷³⁾

Past efforts to resolve the Kashmir dispute show an absence of political will largely on the part of India in determining the future status of Kashmir. The two countries have tried UN mediation, bilateral talks (Bhutto-Swaran Singh talks 1962-63), the Soviet-mediated Tashkent Agreement (1966); the bilaterally negotiated Simla Accord (1972), and the Lahore Declaration (1999) and made an abortive attempt at Agra in 2001 to resolve their issues, especially the 'core' issue of Kashmir. But it did not work. All of them proved shortlived. There is

widespread perception that the Indo-Pakistan talks especially on Kashmir are unlikely to produce any desirable results.

- **Mediation by UN:** The UN Resolutions of 1948-49 were agreed by India and Pakistan but differences arose over modalities regarding holding of the plebiscite. The negotiations, with UNCIP in 1949, A G L McNaughton, the Canadian president of Security Council in December 1949, and with Owen Dixon and Frank Graham, the UN Representative respectively appointed in 1950 and 1951, could not work out modalities of the proposed plebiscite due to intransigence on the part of India. The only instance of great powers' active interest was a joint appeal to India and Pakistan by prime Minister Attlee of the UK on 30 August 1949 to refer to arbitration the determination of the truce terms in the State. Pakistan agreed but India refused.⁽⁷⁴⁾
The UN resolutions are valid till they are scrapped by the UN Security Council and Kashmir is still on UN Security Council agenda.
- **Bhutto-Sawaran Singh talks:** In 1962-1963 six rounds of direct talks at the ministerial level were held between Pakistan and India foreign ministers, Z.A. Bhutto and Sawaran Singh. But no agreement was reached on a settlement of the Kashmir dispute. "Whereas during the talks the two sides had discussed the possibility of partitioning the state, in their public statements this suggestion was rejected."⁽⁷⁵⁾ The talks were held in the backdrop of the Sino-Indian border war of 1962 that demonstrated Indian vulnerability to China and concerted pressure from the US and Britain. This was for the first time that India after wriggling out of UN resolutions did "depart from its established position over Kashmir and discussion in some way implied that the status of J&K was in doubt."⁽⁷⁶⁾
- **Tashkent Agreement, 1966,** mediated by the former Soviet Union reaffirmed the commitment by the two countries "to settle their disputes through peaceful means." They considered "continuance of tension between the two countries" as against the interest of peace in the region" and on J&K "each side set forth its respective position." They also agreed to withdraw their troops "to the positions they held prior to 5 August, 1965," and "observe the ceasefire terms on the ceasefire line." More specifically, the two sides agreed to "continue meetings both at the highest and at other levels on matters of direct concern to both countries." Pakistan interpreted it as discussion on the Kashmir dispute. Both sides also recognised the need to set up joint India-Pakistan bodies which were to report to their governments in order to decide what steps should be taken. Tashkent did not address the question of final settlement of the Kashmir dispute in concrete terms. In fact, the Tashkent Declaration "did not deal with the Kashmir dispute other than to note its existence. In effect, it suggested that the issue should be put into cold storage while other more urgent problems were being solved."⁽⁷⁷⁾

- **Simla Accord**, 1972, was largely a bilateral effort to resolve the Kashmir conflict. It was concluded under worst possible circumstances where Pakistan had lost one of its wings shattering it politically, territorially, economically and psychologically. Under the Accord the two sides agreed to settle “their differences by peaceful means through bilateral negotiations or by other peaceful means mutually agreed upon between them.” They also committed themselves to the principle that “pending the final settlement... neither side shall unilaterally alter the situation.” That the basic issues and causes of conflict which have bedevilled the relations between the two countries... “shall be resolved through peaceful means” certainly applied to Kashmir dispute. It also clearly stated that “the LoC resulting from the ceasefire of December 1971 shall be respected by both sides without prejudice to the recognised position of either side. (Article 4 (ii)) Neither side shall seek to alter it unilaterally, irrespective of mutual differences and legal interpretations.” (Article 1(ii)) The two sides also agreed to meet again and pursue a “final settlement of Jammu and Kashmir.” The accord converted the 1949 Ceasefire Line into Line of Control (LoC). But history shows that the Simla Accord actually did nothing practically to resolve the Kashmir issue. Rather, immediately after the Accord in 1972, India violating the LoC intruded the Pakistani-controlled territory and captured the Chorbatla area. In 1984, it occupied the Siachin Glacier and in 1988, seized the Qamar sector.⁽⁷⁸⁾
- **Lahore Declaration**, 1999: Twenty-seven years after the Simla Accord and a year after the rival nuclear tests in May 1998 accompanied by exchanges of threats, prime ministers A.B. Vajpayee and Nawaz Sharif met in Lahore in February 1999 and agreed that the resolution of all outstanding issues, including J&K, is essential for “environment of peace and security” and for that the two side would “intensify their efforts to resolve all issues, including J&K,” and intensify “composite and integrated dialogue process for an early and positive outcome of the agreed bilateral agenda.”⁽⁷⁹⁾ Vajpayee termed the Lahore summit as the “defining moment in South Asian history.”⁽⁸⁰⁾ while Nawaz Sharif urged the parties to “go beyond stated positions in resolving the longstanding disputes.”⁽⁸¹⁾ As a mark of reconciliation Vajpayee visited Minar-e-Pakistan and expressed solidarity with a “stable, secure and prosperous Pakistan.”⁽⁸²⁾ The Kargil conflict in 1999, however, overshadowed the Lahore process and India refused to resume talks unless Pakistan stopped “sponsoring terrorism” in Kashmir.
- **Agra Summit**, July 2001, took place amidst much media hype, and exchanges of CBMs, but broke down or remained ‘inconclusive’ as the two sides preferred to call it because both could not agree on the text of joint statement. This was attributed to their inability to reach a consensus on the semantics on describing “centrality of Kashmir dispute” and “cross-border terrorism” in the proposed joint statement. After the summit the relations between the two countries took a turn for

worse which was further aggravated by the events of 9/11. Pakistan's decision to join the US in its fight against terrorism was not well taken by India and the December 13 attack on the Indian Parliament only worsened the ties leading to a prolonged military standoff between the two nuclear rivals. India persistently accused Pakistan for indulging in 'cross-border terrorism' and urged the US not to treat it as a partner, rather include Kashmir in its campaign against terrorism.

- **Joint Statement**, January 6, 2004: The thaw began when after a long spell of military standoff/coercive diplomacy, prime minister Vajpayee in his speech on 18 April 2003, offered the 'hand of friendship' to Pakistan and prime minister Jamali responded very positively. A few days later speaking in parliament, Vajpayee called for yet another effort to resolve the Kashmir dispute. This led, slowly and gradually, to restoration of communication and diplomatic ties snapped in the wake of the December 13 attack on the Indian parliament. They were also accompanied by a flurry of goodwill visits and cultural exchanges, paving way for the holding of the much postponed SAARC summit in January 2004. The Joint Statement signed on 6 January 2004, was considered a serious attempt to focus dialogue on Kashmir. Its operative part said:

Prime Minister (Atal Behari) Vajpayee said that in order to take forward and sustain the dialogue process, violence, hostility and terrorism must be prevented. President (Pervez) Musharraf reassured Prime Minister Vajpayee that he will not permit any territory under Pakistan's control to be used to support terrorism in any manner. President Musharraf emphasized that a sustained and productive dialogue addressing all issues would lead to positive results.⁽⁸³⁾

After the release of the joint statement, President Musharraf addressing a press conference said: "History has been made as Pakistan and India have reached an agreement to take the process for normalisation of relations forward. We have never reached the point we have reached now." On the other hand, India's most powerful Deputy Prime Minister L.K. Advani said: "a breakthrough has been achieved in the Indo-Pak relations during Prime Minister A.B. Vajpayee's visit to Pakistan."⁽⁸⁴⁾ The Kashmiri groups including both factions of APHC, chief minister of IHK and Omar Abdullah of the National Conference also welcomed the joint statement and resumption of India-Pakistan dialogue. However, both factions of APHC wanted Kashmiris to be part of the dialogue process.⁽⁸⁵⁾ Leaders of AJK also welcomed the development as a significant move towards resolving all outstanding issues including Kashmir. However, they, too, underlined the inclusion of Kashmiris in the dialogue process.

There has been a significant improvement in relations between the two countries since then and the first round of official talks at the joint secretaries/foreign secretaries level that took place in February 2004 revived the composite dialogue. However, the change of government in New Delhi after the

Lok Sabha elections in April-May 2004 somewhat slowed down the process for both procedural and substantive reasons leading to a feeling in Pakistan that Indian commitment to peace process is not as strong as its predecessor BJP had shown. Though initially there have been positive signals from the Congress leadership especially its President Sonia Gandhi and Prime Minister Manmohan Singh and Foreign Minister Natwar Singh showing their commitment to the ongoing peace process. But some statements made by Natwar Singh, like saying that he wants multi-speed dialogue with Pakistan where major disputes such as Kashmir do not hold up progress on other matters; telling Pakistan to follow the China model (of dealing with the Sino-Indian boundary dispute) in Kashmir⁽⁸⁶⁾ — keeping it aside for faster progress on other issues — and finally his reference to the Simla Agreement as the ‘bedrock’ of bilateral relations raised eyebrows in Islamabad and led to a statement by President Musharraf saying that the “talks could not begin on the assumption that the line of control would be made permanent.”⁽⁸⁷⁾ The postponement of nuclear CBMs talks scheduled for May 25/26 in New Delhi, apparently on procedural grounds, only strengthened such fears in Pakistan.

The confusing signals from India also compelled Foreign Secretary Riaz Khokhar to express apprehensions on the pace and direction of the peace process. He told the Senate Standing Committee on Foreign Relations that Pakistan would “wait to see whether it would be a new beginning or continuity of the ongoing process as the Congress leadership has not been (making) reference to progress made beyond the Simla Pact.” He also said that “the track record of the Congress should be kept in mind before starting dialogue with the new government.” He asserted that “Kashmir will remain at the heart of the process.”⁽⁸⁸⁾ The ensuing war of words led to Foreign Minister Kasuri’s friendly advice to India to observe a ‘rhetoric restraint regime’ (RRR) to avoid misunderstanding and not conduct diplomacy through the media.⁽⁸⁹⁾

On the substantive level, the exit of Brajesh Mishra, the principal interlocutor and national security adviser to prime minister Vajpayee who had developed special relationship with Tariq Aziz, secretary of Pakistan National Security Council, and the appointment of J N Dixit, a hardliner, as new NSA has also been perceived in Islamabad as an indication that there will be very slow movement of dialogue on the Kashmir issue.

On the positive side, the holding of nuclear CBMs talks on 19-20 June, the subsequent meeting of foreign secretaries on June 27-28 and communications from the Indian leaders saying that they would abide by all bilateral agreements and understandings is reassuring and shows the commitment of India’s new regime to the peace process. The new nuclear CBMs like hotline, moratorium on further testing has removed the environment of uncertainty. The foreign secretaries/ministers talks were held in the first week of September to discuss the issues of peace and security and Jammu and Kashmir.

In this context, much importance has been given to president Abdul Kalam’s address to the joint session of the parliament saying that the “dialogue process with Pakistan on all outstanding issues will be pursued on a sustained

basis within the framework of Simla and all subsequent agreements between the two governments including the joint statement of January 6, 2004.”⁽⁹⁰⁾

Joint approach

In the case of Northern Ireland, both the British and Irish government adopted a joint approach in finding a solution to the conflict and to cooperating on all other outstanding issue. Now, in the subcontinent, does the Joint Statement of January 6 have the potential to provide framework for a joint approach by the two countries? It says:

The two leaders are confident that the resumption of the composite dialogue will lead to peaceful settlement of all bilateral issues, including Jammu and Kashmir, to the satisfaction of both sides. The two leaders agreed that constructive dialogue would promote progress towards the common objective of peace, security and economic development for our peoples and for future generations.⁽⁹¹⁾

The statement can serve as basis to articulate the guiding principles like the six principles for the Irish settlement proposed by the Mitchael Commission in 1996. It renounces violence/hostility terrorism and stresses peaceful settlement of the Kashmir dispute through constructive/sustained and productive dialogue and to the satisfaction of both India and Pakistan — implying a compromise solution. But it does not deal directly with the Kashmiri political and militant outfits. It is this point that needs to be worked out as the Kashmiris are essential party to any dialogue process on Kashmir. Further both India and Pakistan need to work out something like the Joint Framework documents of February 1995 (for Northern Ireland) which defined the *Three Strands* in detail. So far India and Pakistan do not have a similar joint approach in place, though some of its elements are becoming visible in statements coming from both sides.

Back-channel diplomacy/secret talks

The ‘back-channel diplomacy/secret talks, at times facilitated by others, played an important role in helping the parties arrive at the Good Friday Agreement. The political talks convened by the British government between 1990-93 appeared to be bogged down in procedural and substantive minutiae; but now it is known that during all these years an emissary for the British government was conducting secret talks in an effort to break the deadlock.

In the case of South Asia, back-channel diplomacy involving Indian and Pakistani officials who have been meeting secretly since May 2003 has led to a surprise breakthrough at the 12th SAARC Summit in Islamabad. *The Indian Express* disclosed that the back channel established by Brajesh Mishra and Tariq Aziz in May 2003, “was instrumental in not only cutting through the layers of hostility of the last couple of years, but also establishing the key principle of simultaneity on terrorism and Kashmir that is the touchstone of the Islamabad deal.”⁽⁹²⁾ The two countries set up a ‘back channel’ days after prime minister Vajpayee in his April 18 speech offered a symbolic ‘hand of friendship’ to Pakistan. Tariq Aziz and Brajesh Mishra held a lengthy meeting in London which set the ball rolling.

They are since believed to have kept in touch, and met again when Mishra ‘suddenly’ arrived in Islamabad on January 1. Both sides kept their top-level meetings under tight secrecy. At a press conference Mishra refused to divulge any details of his meeting with Pakistani officials saying: “I have had several meetings to tie up loose ends for this joint statement.”⁽⁹³⁾ He also denied meeting the director-general of the ISI, Ehsan-ul Haq. So when Vajpayee and Musharraf finally met, and the President told the Prime Minister that the time had come to ‘move on’ — just as the PM had often stated himself—it didn’t take long for the delegations on both sides to arrive at an agreed format.

Aziz and Mishra have kept their back channel going and met again in Lahore under the cover of watching the Indo-Pakistan one-day cricket match in Lahore.⁽⁹⁴⁾ The meeting followed President Musharraf’s warning that he could pull out of the bilateral peace talks unless both sides made some progress by the time the two foreign ministers met in July.⁽⁹⁵⁾ The meeting was presumably meant to reassure both sides commitment to the peace process.

The back-channel diplomacy is continuing after the exit of Brajesh Mishra and entry of new government pointsman J N Dixit. Recently Tariq Aziz met his counterpart J N Dixit in New Delhi to ensure continuity and success of the ongoing peace process. Aziz reportedly took up various aspects of the peace initiatives with Dixit, including the possible agenda of future contacts at various levels.⁽⁹⁶⁾

Besides, foreign ministers Natwar Singh and Khurshid Mehmood Kasuri have also agreed to avoid media hype on their differences and talking personally in the interest of bilateral relations and the ongoing peace process.⁽⁹⁷⁾ The commitment has come in the wake of a spate of statements from the Indian side, especially by Natwar Singh himself, creating confusion and undermining the fragile peace process.

Track II diplomacy

Track II diplomacy made substantive contribution to the resolution of the Irish conflict. Since 1990 several Track II exercises had a positive incremental effect on the formal political negotiations. Most of these exercises were held outside Northern Ireland, which kept them away from the heat of the conflict. They were also held away from media attention and thereby averted media distortion which allowed the creation of a safe, neutral, and supportive environment where each delegation started from the same equal footing and with the capacity to use an extensive support network. The absence of the media meant that there was no need to strike poses. It also gave participants more time for real negotiations rather than blaming one another.

It is significant to underscore that all the delegates addressed transitional, rather than final status, issues because they were concerned with building up a culture of trust among politicians who, for the most part, occupied second-tier positions within their parties. The participants shared a concern that something needed to be done and that at the very least they should explore each other’s options and Track II provided the best opportunities. Further, the many mutual provocations and acts of violence in the field did not derail the efforts of

the secret negotiators as they continued along the official channel in Washington.

Track II efforts on Kashmir

In the case of Kashmir, Niaz A Naik and R K Mishra are considered the main architects of the track II diplomacy especially on Kashmir which reportedly received support from the existing governments on both sides. According to former foreign secretary Niaz A Naik, the 'Chenab formula' proposal had been discussed in 1999 with his counterpart R K Mishra, during unofficial efforts to normalise relations between Islamabad and New Delhi. He has stated that prime minister Vajpayee was in the knowledge of the discussions and also 'showed lot of interest in it.' In all, nine meetings took place between March 7 and June 27, at which the basic parameters of the dialogue between the two countries were decided.⁽⁹⁸⁾

These, according to Mr Naik, were as follows:

- Both sides will go beyond their stated policy positions.
- The interests of Pakistan, India and the Kashmiris ['above all the Kashmiris' is how Vajpayee modified this point later] will be at the heart of any solution to the Kashmir problem.
- The solution will be feasible and will be sincerely implemented.
- "Later, during a meeting with both of us, Mr Vajpayee added another clause to the discussions, which stipulated that any solution to the Kashmir problem would be final and not partial."⁽⁹⁹⁾

However, Naik's version of the level of the Indian interest in the 'Chenab solution' is shrouded in controversy.

The track II diplomacy has also received considerable international support, including funding, that has facilitated special-interest-group travels between the two countries. Apart from the Naik-Mishra initiative, in the track II at least two initiative have been focusing on Kashmir dispute. They include the India-Pakistan Neemrana Initiative, launched in 1991 with the encouragement from USIS to discuss bilateral issues. This initiative serves as a forum in which former diplomats, military personnel and academics from both countries regularly meet to discuss contentious issues and send out feelers in ways that are often quietly encouraged by both governments. The governments of India and Pakistan have not commented on the process but facilitate it by granting visas on a parity basis — a major contribution to the success of the process. The group has been discussing issues including Kashmir, military, nuclear trade and the media.⁽¹⁰⁰⁾ By the fall of 1995, the Neemrana process had reached a state where the two sides could agree on most issues except Kashmir.⁽¹⁰¹⁾

Another idea, floated by the US-based Kashmir Study Group (KSG), is 'Livingston proposal,' developed in December 1998, in a farmhouse at Livingston, New York, owned by Farooq Kathwari, a Kashmiri by origin and the moving spirit behind the Kashmir Study Group. The proposal is central to the debate on Kashmir.

Yet another initiative is by the Pakistan-India People's Forum for Peace & Democracy (PIFPD), launched in 1994 by a group of activists, trade

unionists, artists and intellectuals that seeks to use its mass base to pressurise the Indian and Pakistani governments into taking steps to improve mutual relations. Among the issues that the forum has taken up are the confrontation in Kashmir, arms race, intolerance (ethnic or religious) and globalisation.⁽¹⁰²⁾ The PIPFPD held its sixth joint convention in Karachi under the theme “Defy the Divide, Unite for Peace,” in December 2003. “The main weakness of the forum is that it is dominated by have-been government officials like Mubashar Hassan of Pakistan and Nirmal Mukherjee of India who have no influence on state policy and hence the prospects of the forum contributing to a real change are not serious.”⁽¹⁰³⁾

In the recent past, some Indian business figures, specifically Dhirubhai Ambani, the founder of the Reliance group, made personal attempts to broker talks between President Musharraf and prime minister Vajpayee. Ambani reportedly met Musharraf in Indonesia in 2000 and offered to use his influence with the ruling BJP leaders for creation of a win-win situation for both countries. He claimed to have US backing too. According to Pakistani official sources, Indian businessmen are the most influential lobby pushing Vajpayee and other BJP leader in attempts to broker a durable peace agreement.⁽¹⁰⁴⁾

The process of track II diplomacy, still in its infancy in South Asia, has opened up lines of communication between the decision-makers and different groups of civil societies of the two countries in the area of conflict resolution. On Kashmir, it provides opportunities to explore the pros and cons of potential solutions and work out the most natural solution based on political justice and acceptable to all the three parties to the dispute.

External facilitation

How third parties can intervene most effectively depends upon: a) their own capabilities, leverage, and linkage to the conflict; b) the conflicts status, form and ripeness, and c) the character of the parties to the conflict, their accessibility, and their decision-making system.⁽¹⁰⁵⁾ Normally the weaker of the two parties to a dispute desires third-party mediation and the stronger one resists.⁽¹⁰⁶⁾

In its peace-making role in Northern Ireland, the Clinton administration actively pushed the British government toward a political settlement and gave Sinn Fein leader Gerry Adams a visa to enter the United States in 1994, although IRA leaders have usually been barred. Clinton’s personal engagement with the problem was manifested in his visit to Belfast in December 1994 soon after the first IRA ceasefire, and by the appointment of former senator George Mitchell to play key role in the peace talks. Besides, Washington also pledged economic help for Northern Ireland.⁽¹⁰⁷⁾ Jyll Hansen observes that “without the mediation of George Mitchell the peace process would have never begun. Through his use of diplomacy and compromise the two hostile sides of British loyalists and Irish Nationalists were able to reach an agreement.”⁽¹⁰⁸⁾ Moreover, the administration showed sensitivity to the Unionist perception that the US harboured a pro-nationalist bias and also took political cue from a nationalist John Hume. After the Good Friday Agreement was reached, Hume, Trimble and

Adams indicated that eleventh-hour telephone calls from president Clinton had focused minds and inspired successes.⁽¹⁰⁹⁾ The Bush administration has remained actively engaged in the peace process. The US has also been helping to salvage the Northern Ireland agreement at junctures when its implementation had approached breakdown.

In the case of Kashmir, there have been several attempts to mediate/facilitate negotiations first by the UN, then by the US and Britain in 1962-63, Soviet Union 1966 and more recently by the US in defusing the Spring 1990 nuclear crisis, the Kargil crisis, 1999; and military standoff 2001-2002. While in the first three instances the facilitation/mediation focused on the Kashmir conflict itself, the last three were just trying to manage crisis so as to prevent a potential war erupting out of tension on Kashmir. Pakistan being the 'weaker party' but with a stronger case has been more enthusiastic about third-party, presumably US, mediation over Kashmir, though many in Pakistan continue to believe that US mediation will only serve Indian interests in Kashmir.

It is widely believed that at present the US is playing active role in bringing the two parties to the negotiating table and many also feel that this time around the US is not coming in as crisis manager but as a peace-maker. Pakistan more openly admits seeking US mediation.

In December 2003, President Musharraf told the Kashmiri leaders that former US president Clinton had been unofficially mediating between India and Pakistan to help them hold talks early next year (2004) to resolve the dispute. The president said Clinton was in "regular contact" with him and Vajpayee, and was keeping the Bush administration abreast of the situation.⁽¹¹⁰⁾ Clinton also told Vajpayee that there had been a substantial reduction in the cross-border infiltration and now was the time to initiate a composite dialogue.

According to official sources "communication between Islamabad and Delhi before July 2003 went through Washington." US Secretary of State Colin Powell was taking personal interest in the process using his personal relations with President Musharraf and the Indian leadership, particularly India's (then) national security advisor Brajesh Mishra.⁽¹¹¹⁾ Further, official sources said that Pakistan had received explicit assurances from the US, Britain, France and China, that these important countries would use their diplomatic influence with India to ensure that Pakistan's confidence-building measures are reciprocated by the Indian government.⁽¹¹²⁾ In fact, Musharraf during his visit to China in November 2003 was encouraged by the new Chinese leadership to "take an initiative to let the world judge India's commitment to peace."⁽¹¹³⁾

And finally, Indian minister for external affairs Yashwant Sinha received last-minute telephone calls from US Secretary of State Colin Powell, British Foreign Secretary Jack Straw and French foreign minister Dominique de Villepin just a few hours before he was leaving for Islamabad. The US state department and foreign ministries in London and Paris have confirmed that Sinha was reminded that the new peace initiative from Pakistan represented genuine hopes to end the deadlock between the two countries. Official sources also believe "if the Chinese leadership, along with that of the US, played the

most significant role in encouraging Pakistan to explore a paradigm shift in its relations with India, the Indian leadership is using US as a bridge to Pakistan.”⁽¹¹⁴⁾

All these third-party diplomatic efforts culminated in the signing of the Joint Statement of 6 January 2004, which provides the basis to the current Pakistan-India dialogue, especially on Kashmir. After, the signing of the ‘historic’ Joint Statement, Colin Powell offered US “‘good offices’” to Pakistan and India “to whatever purpose” these could be used ‘to keep the peace process... moving forward.’”⁽¹¹⁵⁾ In an interview to *US News and World Report*, Powell claimed that the recent breakthrough was the result of two years of work that US had been doing with Indians and Pakistanis.⁽¹¹⁶⁾ However, Indian foreign minister Yashwant Sinha ruled out US role in ‘terms of mediation’ between India and Pakistan.⁽¹¹⁷⁾

Despite Indian denials of US role in brokering the current dialogue between the two rivals it is widely believed that the US enjoys considerable influence over both countries because of Pakistan’s role as a key ally in the US war on terrorism and the growing expansion of US ties with India.⁽¹¹⁸⁾ The US is however, acting very discreetly in encouraging the two parties to negotiate. Colin Powell in one of his statements said: “We do not impose ourselves as a mediator. But we do try to use the trust we have established with both sides to urge them toward conciliation by peaceful means.”⁽¹¹⁹⁾ The *US Task Force Report* has also recommended that the Bush administration move from crisis management approach to a more “forward-leaning and sustained engagement, to assist — not to mediate or arbitrate — India-Pakistan’s intermittent efforts to bridge their differences. Facilitation should focus on starting and sustaining a bilateral process that will gradually lead to resolution of bilateral differences, ultimately including the dispute over Kashmir”.⁽¹²⁰⁾ To this end, The *task force* proposed to establish a special working group dealing with South Asian affairs in Washington. Its purpose should be to (1) track Kashmir developments and discussions between New Delhi, Srinagar, and Islamabad; and (2) provide ideas, guidance, and instructions to US chiefs of mission in India and Pakistan and senior visitors to the region on how progress can best be achieved.⁽¹²¹⁾ The report also observes that “it would be counterproductive at this point for the United States to put on the table ideas about an ultimate settlement and how to get there. Instead, Washington should focus on lending behind-the-scenes and sustained help so that New Delhi and Islamabad can start and maintain a process that, over time, moves the two antagonists onto a more positive bilateral path.”⁽¹²²⁾

Principles involved in Irish settlement & Kashmir

Question of sovereignty

The Belfast Agreement radically transforms the institutional and constitutional arrangements the UK and Irish governments had with Northern Ireland.⁽¹²³⁾ Under the terms of the agreement both governments made constitutional and legislative changes to alter their expressions of ‘sovereignty’

over Northern Ireland. While the British government agreed to repeal the Government of Ireland Act 1920,⁽¹²⁴⁾ the Irish Republic agreed to amend Articles 2 and 3 of its Constitution.

In this context, the British government implemented the Belfast Agreement by passing the Northern Ireland Bill 1998 into Act, which became law on 19 November 1998. The Irish government also fulfilled its pledge under the agreement and called a referendum to amend Articles 2 and 3 of its Constitution. To this end the 19th Amendment of the Constitution was adopted in June 1999.⁽¹²⁵⁾

The relevant constitutional amendments by the British and Irish governments modifying the expression of sovereignty in Northern Ireland are as follows:

Constitutional amendments by Britain and Irish Republic on the status of Northern Ireland

| Britain | Irish Republic |
|--|--|
| <p>Status of Northern Ireland</p> <p>Government of Ireland Act 1920:</p> <p>Articles 1 and 2 are repealed.</p> <p>Northern Ireland Act 1998:</p> <p><i>1. - (1) It is hereby declared that Northern Ireland in its entirety remains part of the United Kingdom and shall not cease to be so without the consent of a majority of the people of Northern Ireland voting in a poll held for the purposes of this section in accordance with Schedule-1.⁽¹²⁶⁾</i></p> <p><i>(2) But if the wish expressed by a majority in such a poll is that Northern Ireland should cease to be part of the United Kingdom and form part</i></p> | <p>Status of Northern Ireland</p> <p>Articles 2 and 3 of its Constitution</p> <p>1937 Version:</p> <p>Article 2</p> <p><i>The national territory consists of the whole island of Ireland, its islands and the territorial seas.</i></p> <p>Article 3</p> <p><i>Pending the re-integration of the national territory, and without prejudice to the right of the Parliament and Government established by this Constitution to exercise jurisdiction over the whole territory, the laws enacted by the parliament shall have the like area and extent of application as the laws of Saorstát Éireann¹ and the like extra-territorial effect.</i></p> <p>Post-1999 version:</p> <p>Article 2</p> <p><i>It is the entitlement and birthright of every person born in the island of Ireland, which includes its islands and seas, to be part of the Irish Nation. That is also the entitlement of all persons otherwise qualified in accordance with law to be citizens of Ireland. Furthermore, the Irish nation cherishes its special affinity with people of Irish ancestry living abroad who share its cultural identity and heritage.</i></p> <p>Article 3</p> <p><i>1. It is the firm will of the Irish Nation, in harmony and friendship, to unite all the people who share the territory of the island of Ireland,</i></p> |

| | |
|---|--|
| <p><i>of a united Ireland, the Secretary of State shall lay before Parliament such proposals to give effect to that wish as may be agreed between Her Majesty's Government in the United Kingdom and the Government of Ireland.</i></p> <p><i>2. The Government of Ireland Act 1920 is repealed; and this Act shall have effect notwithstanding any other previous enactment.</i></p> | <p><i>in all the diversity of their identities and traditions, recognising that a united Ireland shall be brought about only by peaceful means with the consent of a majority of the people, democratically expressed, in both jurisdictions in the island. Until then, the laws enacted by the Parliament established by this Constitution shall have the like area and extent of application as the laws enacted by the Parliament that existed immediately before the coming into operation of this Constitution.</i></p> |
|---|--|

As a corollary of the Belfast agreement while UK has retained sovereignty over Northern Ireland for the time being, it has subjected it to the “consent of the majority of the people of Ireland,” which will be ascertained through polls to be held not earlier than seven years after the holding of a previous poll under the Schedule 1.

The Irish Republic has also replaced the definition of “Irish national territory” with one of the “Irish nation” that recognises the right of everyone born on the island of Ireland to be a member of that nation. The constitutional changes, however, do not mean that the Republic has abandoned its political belief in Irish unification. Indeed, the new Article 3 underscores the “firm will of the Irish nation” to create a “united Ireland” by peaceful means with the consent of the majority of the people’ but respecting the diversity of the identities and traditions of all the people of Northern Ireland.

The altered expressions of sovereignty over Northern Ireland found expression in the new institutional arrangements — the North-South Ministerial Council; the implementation bodies; the British-Irish Council, and the British-Irish Intergovernmental Conference.

The question of sovereignty⁽¹²⁷⁾ is central to the Kashmir conflict as well. It is recognised as a disputed territory by the international community as well as the United Nations which has passed resolutions to determine the final status of the state. This clearly implies that sovereignty on Kashmir is still undecided. For the last 57 years or so both India and Pakistan are laying claims to sovereignty over the entire territory of the State of Jammu and Kashmir and rebuffing any idea going beyond the territorial notion of sovereignty. The strategic location of Kashmir has only made the matters worse. What could be the relevance of the ‘new approach’ (moving away from land to people) adopted by UK and Irish Republic in resolving the issue of sovereignty in Northern Ireland to the Kashmir situation?

There are indications that of late both India and Pakistan have started slowly talking about ‘people’ than purely the ‘territory’ of Kashmir. For instance, prime minister Vajpayee in one of his statements referred to the solution of Kashmir within the parameters of ‘humanity’, while President Musharraf is emphasising the satisfaction of the ‘wishes of the Kashmiris’ as the basis of the solution. The flexibility shown by Pakistan on the UN-sponsored plebiscite only endorses this new approach.

There are several ideas going around regarding settlement of the Kashmir issue on the basis of the ‘divisibility of sovereignty’, like ‘sharing

sovereignty', 'limited sovereignty' and 'quasi sovereign', 'half sovereign' status for Kashmir, etc. The KSG (Kashmir Study Group) in 1998 developed the Livingston Proposal which envisages a future dispensation for Jammu and Kashmir that departs from the paradigm of 'indivisibility' of sovereignty. The proposal has suggested constituting an entity (or entities) from one (or two) portions of the former princely State of Jammu and Kashmir that will be "a sovereign entity... but one without an international personality." It would have its own democratic constitution(s), as well as its own citizenship, flag(s), and legislature(s). The legislature(s) would act on all matters other than defence and foreign affairs. India and Pakistan would be responsible for the defence of Kashmir, which would itself maintain police forces for internal law and order. It has also recommended access of the Kashmir region to and from India and Pakistan for the free flow of people, goods and services. India and Pakistan are also expected to work out financial arrangements for the new Kashmiri entity or entities. This arrangement would be determined through an internationally supervised agreement involving the Kashmiris, India and Pakistan.⁽¹²⁸⁾ The ideas floated by KSG have not got favourable response either in India or Pakistan.

On the other hand, Frank Wisner II, US ambassador to India during the Clinton administration, is in favour of postponing the resolution of the issue of sovereignty for the time being but alludes to 'sharing of sovereignty'. In an interview to Bernard Gwertzman, on 20 February 2004, he said: "I think Kashmir problem is best dealt with by not trying to resolve the issue of sovereignty, certainly not for some time and until you would build a lot more confidence between the two sides. There are lots of other issues related to Kashmir that can fundamentally change the situation and make it possible for India and Pakistan to look at new ground, new ways of looking at the problem."⁽¹²⁹⁾ In this context, he proposed settling of the Siachen issue; pulling back armies from the 'borders' (letting the police patrol the LoC) allowing trade between two parts of Kashmir and movement of people on the two sides of the border to travel and visit one another. He feels that "a fundamentally more normalized, quieter, more peaceful situation would provide opportunity to find ways of dealing with the sovereignty question, sharing it perhaps."⁽¹³⁰⁾ Way back in 1963, during the Swaran Singh-Bhutto talks, the US and Britain presented (April 1963) a document entitled *Elements of Settlement* that said: "Neither India nor Pakistan can entirely give up its claims to the Kashmir Valley. Each must have a substantial position in the Valley."⁽¹³¹⁾

In terms of the issue of sovereignty in Kashmir the insights provided by the Irish model, underscore that the 'consent of majority of its people' should determine the 'final status/sovereignty' of Kashmir. This is perhaps exactly the same as provided in the UN resolutions on Kashmir that status/sovereignty of Kashmir be decided in accordance with the 'wishes (consent) of the Kashmiri people through a plebiscite' (poll in case of Ireland). However, in its application, India may retain sovereignty on Kashmir for the time being but subject it to the consent of the majority of the people of Kashmir and accept the principle of 'consent of majority' through a free poll in a given time frame to determine the final status of Kashmir. For Pakistan, there would be a need to make an

unambiguous shift from treating Kashmir as territory to ‘Kashmiri people’ (‘nation’ in the case of Ireland) but not giving up its position on the right of self-determination for the Kashmiris.

In case the parties agree to alter their expression of sovereignty on Kashmir, they would require relevant constitutional amendments in their respective constitutions (India and Pakistan) and that of AJK and IHK.

Popular consent/right of self-determination

Irish agreement has also accepted the principle of ‘right of self-determination’ which forms the basis for determination of its final status. This is also the key issue in the case of Kashmir. The Belfast agreement:

(ii) “recognize (s) that it is for the people of the island of Ireland alone, by agreement between the two parts respectively and without external impediment, to exercise their **right of self-determination** on the basis of consent, freely and concurrently given, North and South, to bring about a united Ireland, if that is their wish, accepting that this right must be achieved and exercised with and subject to the agreement and consent of a majority of the people of Northern Ireland.”

The British and Irish governments also reaffirmed their commitments to the “consent of majority” and the right of self-determination in a new British-Irish Agreement replacing the Anglo-Irish Agreement (1985). They recognised in (Art. 1 (ii) that it is for the people of the island of Ireland alone to exercise their right of self-determination to bring about a united Ireland, if that is their wish.

That consent is to be tested in a poll at intervals of no less than seven years to ascertain whether Northern Ireland wants to remain part of the UK or be absorbed into the Republic. The seven-yearly interval is only triggered when the first such poll is held. The decision to hold the first poll in 2005 will be taken by the Secretary of State. Should a majority favour union with the Republic, the UK government is committed to implement the necessary legislative change.

Kashmiris are also waiting for the exercise of their right of self-determination recognised by India and Pakistan and the international community through UN resolutions in 1948-49. In 1993 the International Commission of Jurists in its report on Kashmir concluded that “the right of self-determination to which the people of Jammu and Kashmir became entitled as part of the process of partition has neither been exercised nor abandoned, and thus remains exercisable today.”⁽¹³²⁾ Their urge for national self-determination has been only strengthened by the years of Indian occupation, repression, political machinations and electoral manipulations that finally led to the current resistance movement in Kashmir. The dissolution of the Soviet Union and emergence of five Central Asian republics, reunification of East and West Germany, the success of the resistance in Afghanistan, the revolution in Iran and the wave of freedom that swept across Eastern Europe has further inspired the younger Kashmiris to seek the ascertainment of their right of self-determination.

India and Pakistan/Kashmiris hold very diametrically opposite positions on the applicability of the principle of self-determination in Kashmir. India contends that “under the UN Charter, the principles of self-determination

are meant to apply to colonial territories and not to integral parts of countries.”⁽¹³³⁾ On the other hand, Pakistan/Kashmiris assert the right of self-determination for the people of Kashmir. Pakistan asserts that it “will continue to extend full political, diplomatic and moral support to the legitimate Kashmiri struggle for their right to self-determination as enshrined in the relevant United Nations resolutions.”⁽¹³⁴⁾ While the Kashmiris say that they want to “secure for the people of the state of J&K, the exercise of the right of self-determination in accordance with the UN Charter and the resolutions adopted by the UN Security Council”.⁽¹³⁵⁾

The Irish model strengthens the case of Kashmiris for the right of self-determination not only in its historical context but also in the present situation. The UK also had a similar stand that Northern Ireland was its ‘integral part’ which was contested by the Irish Republic and the nationalists but eventually it accepted the exercise of the right of self-determination by the people of Ireland. It is high time that India should also recognise that it is for the people of Kashmir alone to exercise their right of self-determination on the basis of ‘consent of the majority’ that it had herself committed to under the UN resolutions in 1948-49. The details could be worked out once parties agree in principle to concede the right of self-determination to Kashmiris.

Rights, safeguards & equality of opportunity

In view of the history of communal conflict in Northern Ireland, the parties affirmed their commitment to mutual respect, the civil rights and the religious liberties of everyone in the community. In this context all the parties agreed to take certain steps. The British government agreed to a complete incorporation into Northern Ireland law of the European Convention on Human Rights (ECHR), with direct access to the courts, and remedies for breach of the convention, including power for the courts to overrule Assembly legislation on grounds of inconsistency. A new Northern Ireland human rights commission, with membership from Northern Ireland reflecting the community balance, was to be established by Westminster legislation, independent of government, with an extended and enhanced role beyond that currently exercised by the Standing Advisory Commission on Human Rights.

The Irish government also agreed to take steps to further strengthen protection of human rights in its jurisdiction. The agreement also envisaged a joint committee of representatives of the two human rights commissions, North and South, as a forum for consideration of human rights issues in the island of Ireland. The parties also agreed to acknowledge and address the suffering of the victims of violence as a necessary element of reconciliation and envisaged setting up a Northern Ireland Victims Commission.

The British government also agreed to safeguard economic, social and cultural rights of the people in Northern Ireland. It undertook to pursue broad policies for sustained economic growth and stability there and for promoting social inclusion, including in particular community development and the advancement of women in public life.

Though there is no history of communal conflict in the state of J&K comparable to that of Northern Ireland, but there are at least two aspects that need to be addressed. One, historically, there have been regional and economic disparities between the Valley, Jammu and Ladakh regions that have led to a sense of 'deprivation' in Jammu and Ladakh against the Valley and in the Valley against New Delhi. A sense of deprivation is also visible in the Pakistan-controlled zone of Kashmir. Thus, there would be a need that both India and Pakistan develop strategies to ensure region-specific economic development of Kashmir which could later provide basis for integrated economic development of Kashmir.

Two, during the last 14 years of freedom struggle in Kashmir, there have been lot of excesses committed against the Kashmiris by the Indian security forces. To acknowledge and address the suffering of the victims of violence as a necessary element of reconciliation, there would be a need to set up a *victims commission* that would be assigned the task of both reconciliation and rehabilitation of the victims across communal lines. The setting up of independent human right commissions in the Indian and Pakistani controlled zones of Kashmir and another one for a reconstituted Kashmir Valley would ensure protection for human rights and civil liberties in all parts of Kashmir. In addition, a Joint committee of representatives of the three human rights commissions would provide a forum for consideration of human rights issues in all parts of Kashmir.

Risks & sacrifices

Northern Ireland is based on compromises made by all parties, so all of them took certain risks and made some sacrifices.

In recent months, Pakistani leadership has made several statements involving greater risks and sacrifices. implying a major shift in its policy on Kashmir. These include:

- **Pullback proposal:** President Musharraf told BBC that he would pull back Pakistani troops from the divided territory if India were to do the same. He said Pakistani would immediately withdraw 50,000 troops it maintains in its part of Kashmir, if India were to do the same across the LoC by withdrawing its 700,000 soldiers stationed there.⁽¹³⁶⁾ India's foreign ministry did not make any comment on this proposal. The offer was raised at a briefing for journalists held at the Indian foreign ministry. The then foreign secretary, Shashank's only comment was: "I don't think we are giving reactions to each statement made by Pakistan." General Musharraf made the proposal during a phone-in programme with BBC listeners and website users. It came after a week of swift diplomacy in South Asia, which began with Pakistan's offer to stop daily artillery attacks along the line of control (LoC).
- **'Meeting half way' proposal:** By declaring that Pakistan has 'set aside UN resolutions on Kashmir' President Musharraf took a very bold step. On December 17, President Musharraf in an interview given to Reuters said: "We are for the UN resolutions (on Kashmir). However, now we

have left that aside. If we want to resolve this issue, both sides need to talk to each other with flexibility, coming beyond stated positions, meeting half way somewhere.”⁽¹³⁷⁾ Although he has not offered any alternative to Pakistan's stated position on Kashmir, analysts say it means that for the first time Islamabad is open to discussing all options — as long as they have the support of the majority of the people in the state. The president urged New Delhi to show flexibility for settling the Kashmir dispute.

- Musharraf's offer has been considered a bold and courageous step and a “major gamble as far as public opinion is concerned”⁽¹³⁸⁾ and has laid him open to a new barrage of criticism from the opposition, both democratic and militant. Even before this latest compromise offer, some right-wing political groups in the country had been accusing the government of giving too many concessions to India. But he is prepared to take the risk.

India has not so far responded with matching courageous flexibility involving bold steps as shown by Pakistan. There is no substantive statement coming from the Indian leadership indicating that it is moving away from the stated position that Kashmir is an ‘integral part’ of India and that any settlement of the dispute should be autonomy ‘within the Indian Union.’

In his first address to the nation, Indian Prime Minister Manmohan Singh said: “We will actively pursue the composite dialogue with Pakistan. We are sincere about discussing and resolving all issues, including Jammu and Kashmir. We recognise that resolution of major issues requires national consensus and accommodation of public sentiment in both countries. It is self-evident that terrorism and violence would cast a dark shadow over this process.”⁽¹³⁹⁾ In an interview to freelance journalist Jonathan Power, a day after he was sworn into power, Dr Manmohan Singh responding to the question that how far he would accept a compromise with Pakistan on Kashmir said, “short of secession, short of redrawing boundaries, the Indian establishment can live with anything as far as the question of Kashmir and Pakistan is concerned.” Underscoring “soft borders” holding the key he said: “We need soft borders — then, borders are not important... People on both sides of the border should be able to move freely”. On the question of plebiscite promised by prime minister Nehru, he observed: “A plebiscite would take place on a religious basis. It would unsettle everything. No GOI could survive that. Autonomy we are prepared to consider. All these things are negotiable. But an independent Kashmir would become a hotbed of fundamentalism”.⁽¹⁴⁰⁾

These statements may be encouraging for resuming the dialogue on Kashmir but have to be followed by concrete measures that show flexibility on the part of India in recognising Kashmir as a disputed territory and accepting the fact that the people of Kashmir are the main arbiter of their own destiny. Any solution of the Kashmir issue will involve risk and sacrifices by all the three parties. Only imaginative leadership with political will can wade through these stormy waters. Moderates will be exposed to risks, but then effort should be

made to keep the hardliners on board so that a solution could be implemented with their support, too.

Lessons learned

No two conflict situations are similar, so is the case of Irish and Kashmir conflicts. But both have remained long drawn out conflicts involving the issues relating to the future of the people and final status of the territory. There are many lessons one can learn from the conflict resolution approach adopted in the case of Northern Ireland for the Kashmir conflict.

First, the Three Strands process in Northern Ireland was institutionalised which structured negotiations at all the three levels — within Northern Ireland; between North and South and between Britain and Ireland (both North and South). Kashmir does not have a structured and institutionalised negotiation process in place and there is an urgent need to develop a road map for the negotiatory framework on Kashmir.

Second, the negotiation process in Northern Ireland was very comprehensive and realistic. It involved almost all the stakeholders in the negotiations and ceasefires were used to step up efforts to pursue negotiations. It is important to note that both Sinn Fein/IRA (militant) and SDLP (moderate) outfits of the nationalists were involved in the negotiations. Moreover, surrender of arms was not made a precondition but was to follow the Agreement. In Kashmir the actual negotiations have not even started. Though there is broad consensus that India, Pakistan and Kashmiris are the main stakeholders, yet so far Kashmiris are not part of the talks and there is no consensus between the two as to at what stage they should join the talks. Moreover, there is lot of controversy and ambiguity as to who represents the Kashmiris. There is not only religious and political and regional divide but also polarisation between the moderates and hardliners on each side. This could be overcome only if a parallel intra-Kashmiri dialogue is initiated to build consensus amongst the Kashmiris on exploring the way out. A similar exercise was done by Sinn Fein and SDLP at the beginning of the negotiations. Moreover, there should be no insistence that the militants surrender their arms before entering into talks as demanded by India as it would not help in building the peace process. Indian operative policy to keep militants out of the negotiation process would only undermine the credibility of the peace process as implementation of any deal on the ground would require the active support of the militant outfits.

Third, there was manifest commitment/political will to the peace process by all sides in Northern Ireland. It was a difficult process marked by ups and downs, but deadlocks did not lead to breakdown in negotiations and resumption of the hostilities. Even when the IRA briefly broke the ceasefire the overall negotiation process was not abandoned. Moreover, there were several sub-accords that provided a framework for the main Agreement of 1998. The two main actors, Britain and the Irish Republic, also developed a good degree of consensus on resolving the conflict which not only strengthened trust between the two but also helped them in developing a joint approach to sort out main issues of self-determination and sovereignty Northern Ireland. In the case of

Kashmir, there is merely cosmetic manifestation of commitment/political will to the peace process at the moment. Whether this would be actualised and operationalised on the ground is yet to be seen. Further, so far there have been no substantive sub-accords on the ground that can form basis for a framework of negotiations. The Tashkent Agreement, Simla Accord Lahore Declaration and now the Islamabad Joint Statement, all made commitments to take up the Kashmir issue. None of them in fact provided a framework for talks on Kashmir. In fact, the talks always broke down even before starting substantive negotiation.

Fourth, the Irish peace process greatly utilised back-channel diplomacy and track II diplomacy that helped the parties in building trust and informally moving forward on crucial aspects of the negotiations. In the case of Kashmir, back-channel diplomacy is very rudimentary and yet to be tested when the dialogue on Kashmir starts. However, there has been some movement in track II diplomacy on Kashmir in the past as discussed above. Certainly it has the potential to play substantive role in future Kashmir talks. But for the time being back channel at the official level has overtaken the track II at the non-official level.

Fifth, external facilitation/mediation played a key role in resolving the Irish conflict. In the case of Kashmir, one of the parties is still not agreeable to such facilitation though it has been making use of it when and where it suited its interest, particularly in relation to Kashmir. Moreover, many people in Pakistan viewed the idea of US mediation with suspicion. Yet the US is the only power capable of actually defusing the South Asian crises. It has played a role in the resumption of the current peace process as well. However, it is yet to be seen whether the US would like to play the kind of third-party role that it has played in Northern Ireland. For that it has to take the Kashmiri people into confidence and persuade India to recognise their right to self-determination and agree to accept the will of the people if they, through a 'poll', decide their own destiny.

Sixth, the Irish peace process is based on some principles like "popular consent" the and "right of self-determination" which would determine future course of Northern Ireland. In the case of Kashmir, these principles were laid down 57 years ago in UN resolutions. But they could not be implemented in specific political, strategic and international settings. Both parties kept on blaming each other and compounding the issue. A time has come when both sides have to come out of the logjam on the issue by showing sincerity, political will, flexibility and taking bold steps that involve risks and sacrifices. Clinton has referred to an Irish like formula for Kashmir. There are a lot of positive elements that can be utilised in the Kashmir peace process. But, then, a solution has to be specific to the South Asian settings, satisfying all the parties to the dispute.

NOTES AND REFERENCES

1. "Clinton advocates Irish model for resolving Kashmir problem", *The Times of India*, New Delhi, 2 March 2003.
2. All parties agreed to the total disarmament of all paramilitary organisations and confirmed their "intention to continue to work

constructively and in good faith with the Independent Commission, to achieve the decommissioning of all paramilitary group within two years following endorsement of the agreement in referendums and in the context of the implementation of the overall settlement.” The Independent Commission was to “monitor, review and verify progress on decommissioning of illegal arms.” At present the main paramilitary groups maintain an uneasy ceasefire, the British military presence is being scaled down, and the IRA has begun decommissioning its weapons, starting in October 2001, and has since done it twice, the latest being in October 2003, apparently to break the deadlock in the peace process. The issue of decommissioning of the IRA has become central in the progress of the agreement and the unionists insist that the IRA is ‘not doing fast enough’. Further, splinter factions of paramilitary groups such as the republican Real IRA and loyalist Red Hand Commandos have not accepted a ceasefire.

3. A.G. Noorani, “Irish lessons for Kashmir”, *Frontline*, Chennai, volume 20, no. 7, March 29-April 11, 2003.
4. See, *ibid.*; Sumantra Bose, “Kashmir: sources of conflict, Dimensions of Peace”, *Survival*, vol. 41. no. 3. Autumn 1999; Balraj Puri, “An irrelevant model”, *Frontline*, 7 June 2003. Radha Kumar, “Learning from others”, <<http://www.india-seminar.com/2000.496/496%20radh%20kumar.htm>>.
5. Shaikh Tajammal-ul-Islam, “Irish model for Kashmir”, *The News*, Islamabad/Rawalpindi, 19 March 2003.
6. “Introduction”, in *Paradigms of Conflict Resolution in South Asia*, ed. Moonis Ahmar, The University Press Ltd., Dhaka, 2003, p. 8.
7. The list of epoch-making changes include: the end of an era of bipolarity, a new wave of democratisation, increasing globalisation of information and economic power, more frequent efforts at international coordination of security policies, a rash of sometimes-violent expressions of claims to rights based on cultural identity, and a redefinition of sovereignty. See, “Conflict resolution in the changing world”, in *International Conflict Resolution After the Cold War*, National Academy of Sciences. National Academies Press www.nap.edu, 2000, p.1.
8. *Ibid.*, p-2.
9. John Burton, 'Conflict Resolution as a Political System' in Vamik Volkan, et al (eds), *The Psychodynamics of International Relationships: Volume II: Unofficial Diplomacy at Work*. Lexington, MA, Lexington Books, 1991, p.21.
10. *Ibid.*, p.73.
11. *Ibid.*, p.72.
12. Sundeeep Waselkar, *A Handbook for Conflict Resolution in South Asia*, Konark Publishers Pvt, Ltd. p.4.
13. John Burton, 'Conflict Resolution...', *op. cit.*, p. 71.

14. "Conflict resolution in the changing world", in *International Conflict Resolution After the Cold War*, op.cit., p.5.
15. Ibid., p.6.
16. Ibid., p.7.
17. "The Timing of Peace Initiatives: Hurting Stalemates and Ripe Moments", *The Global Review of Ethnopolitics*, vol. 1, no. 1, September 2001, p.8.
18. William Zartman. "Ripeness: The Hurting Stalemate and Beyond", in *International Conflict Resolution After the Cold War*, op.cit., pp.228-243.
19. Ibid., p. 242.
20. Both India and Pakistan have negotiated about 17 types of CBMs intended to limit tensions and avoid unwanted wars. These include communication measures; transparency measures; notification measures; and constraint measures. It should be underlined that most of the war-avoidance measures have been largely through outside mediation/intervention.
21. "Text of Lahore Declaration", *The News*, 22 February 1999.
22. Paul Sussman, CNN.com writer "Breaking the cycle of violence", <<http://edition.cnn.com/SPECIALS/2000/n.ireland/overview.html>>.
23. Northern Ireland, Foreign & Commonwealth Office, London, July 1999. p. 2. According to a large probability sample survey used by the Northern Ireland government, in 2002-01, 53 % of the population was Protestants, 42% Catholic and 5% was other or unknown. According to the 1991 census Protestants constituted 50.6% of the population and Catholics were 38.4 % while 7.2 % refused to show their religious association. "Europe - Northern Ireland: Low-level violence continues", "Strategic Geography 2001/2002", *Strategic Survey*, 2001-2002, IISS, 2002.
24. *Kashmir — A Way Forward*, Kashmir Study Group Report, January 2000.
25. Shaheen Akhtar, Sheila Zulfiqar, Ketut Gunawan & Thakur Dakhil, "Success and failure of international mediation: A comparative study of Bosnia-Herzegovina, East Timor and Kashmir", *Journal of European Studies*, vol.16 & 17, July 2000-January 2001, p.183.
26. "Pakistan ready to drop Kashmir plebiscite demand", *The News*, 19 December 2003.
27. Lt. Gen. (Retd.) Talat Masood, "Kashmir and Indo-Pak conflict", *South Asian Journal*, August-September 2003, p.32.
28. In its key resolutions on the issue, the UN Security Council in its resolution on 21 April 1948 underlined that "both India and Pakistan desire that the question of the accession of Jammu and Kashmir to India or Pakistan should be decided through the democratic method of a free and impartial plebiscite". Subsequent resolutions endorsed this position. The UNCIP in its resolutions (13 August 1948 and 5 January 1949) reinforced the UNSC resolutions over the Kashmir dispute. The

- resolutions could not be implemented due to disagreement on the modalities between the parties and are consequently still on the agenda of the UNSC.
29. Terrorist and Disruptive Activities (Prevention) Act, 1987 (TADA), amended in 1990, repealed in 1995, but still practically operative in J&K.
 30. Gautam Navlakha, "Kashmir: political economy of fiscal autonomy", *Economic and Political Weekly*, Mumbai, 4 October 2003.
 31. Cited in A.G. Noorani, "Irish lessons for Kashmir", *Frontline*, op.cit.
 32. Ibid.
 33. Ibid.
 34. Balraj Puri, *Jammu and Kashmir: Triumph and Tragedy of Indian Federalism*, Sterling Publishers (Pvt.) Ltd, New Delhi, 1981, p. 151.
 35. Shaheen Akhtar, *Uprising in Indian-held Jammu & Kashmir*, Institute of Regional Studies, Islamabad, 1991. p. 42.
 36. "The 2002 Chart of Armed Conflict", *The International Institute for Strategic Studies*, in the *Military Balance*, 2002-2003, IISS, London, 2002.
 37. A.G. Noorani, "Irish lessons for Kashmir", op.cit.
 38. Balraj Puri, "An irrelevant model", *Frontline*, 7 June 2003.
 39. A.G. Noorani, "Irish lessons for Kashmir", op.cit.
 40. *The Hindu*, Madras, 5 June 1951.
 41. Article 1 of the Anglo-Irish Agreement 1985 on the status of Northern Ireland the two governments affirmed: a) that any change in the status of Northern Ireland would only come about with the consent of a majority of the people of Northern Ireland. b) recognised that the present wish of a majority of the people of Northern Ireland is for no change in the status of Northern Ireland and; c) declared that in the future if a majority of the people of Northern Ireland clearly wish for and formally consent to the establishment of a united Ireland, they will introduce and support in the respective parliaments legislations to give effect to that wish. See CAIN Web Services. <<http://cain.ulst.ac.uk/events/aia/>>.
 42. Radha Kumar, "Learning from others", <<http://www.india-seminar.com/2000.496/496%20radh%20kumar.htm>>.
 43. <<http://www.nio.gov.uk/issues/agreelinks/ptalks/fwksun.htm>>.
 44. A.G. Noorani, "Irish lessons for Kashmir", op.cit.
 45. The six principles were: 1) No guns would be relinquished ahead of all-party talks. 2) Decommissioning would be considered once negotiations started. 3) All paramilitary groups would eventually disarm totally. 4) The destruction of all weapons would be monitored by an independent commission. 5) All punishment attacks should end. And 6) All groups should renounce violence and commit themselves to peaceful and democratic means. *Keesing's Record of World Events*, January 1996. p.40919.

46. "Northern Ireland's year of reckoning", *Strategic Survey*, 1998/99, IISS, London, 1999. p.143.
47. "Europe-Northern Ireland: Low-level violence continues", "Strategic Geography 2001/2002", *Strategic Survey*, 2001-2002, IISS, 2002.
48. Paul Sussman, CNN.com writer "Breaking the cycle of violence", <<http://edition.cnn.com/SPECIALS/2000/n.ireland/overview.html>>.
49. "Northern Ireland's year of reckoning", *Strategic Survey*, op.cit., p.143.
50. The final tally was: SDLP 24; UUP 28; DUP 20; Sinn Fein 18; Alliance 6, UKUP 5; PUP 2; and NIWC 2. <<http://www.ark.ac.uk/elections/fa98.htm>>.
51. The final tally of seats is 30 DUP, 27 UUP, 24 SF, 18 SDLP, 6 Alliance, and one each for PUP, UKUP and, surprisingly, an independent from West Tyrone.
52. Carl O'Brien, "Northern Secretary says accord to remain 'fundamentally unchanged'", *The Irish Times*, 1 December 2003. <<http://www.ireland.com/newspaper/ireland/2003/1201/841581495HM8PAULMURPHY.html>>.
53. In fact, when the people of Leh fought for separation from Kashmir, Kargil preferred to stay out of the hill council. An influential religious leader of Kargil, Asghar Karbalayi, has often said although they are not part of Kashmir's 'separatist' movement, they would prefer going with the Valley rather than Leh in a broader resolution of the issue. The situation in the Jammu province is far more explosive, especially in the Muslim-dominated districts of Doda, Rajouri and Poonch. The Muslims of this province are ethnically, culturally and linguistically (especially in Rajouri and Poonch) closer to Pakistan and AJK. There has been a slow migration of Hindus from these Muslim-dominated regions in Jammu, which are completely divided on communal lines. 'The Village Defence Committees are exclusively from the Hindu minority while the militants' support is among the Muslim majority.' In fact, a clandestine police survey conducted here a few years ago, when the National Conference's regional autonomy was in currency, revealed any such division would instantly displace more than eight lakh people on both sides of the divide. See, Dividing Jammu and Kashmir: When Sudarshan met Geelani", *The Indian Express*, 1 July 2002, <<http://www.jammu-kashmir.com/archives/archives2002/kashmir20020701b.html>>.
54. Sumantra Bose, "Kashmir: Sources of conflict, Dimensions of Peace", op.cit., p.162.
55. Ibid., p.164.
56. Ibid., p.167-168.
57. Ibid., p.161.
58. J. Charitha Ratwatte, "Issues from Northern Ireland Experience: Relevance to Sri Lanka considered", in M Somasundram (ed), *Reimagining Sri Lanka: Northern Ireland Insights*, ICES, Colombo, 1999. p. 67.

-
59. Joan Broder, "Mediation in Ireland: The Impact of Small Beginnings", *Conflict Resolution Notes*, vol. 6, no. 4. April 1989, pp.79-81, <<http://www.colorado.edu/conflict/peace/example/brod6576.htm>>.
60. Bharat Wariavalla, "Adventurism as strategy", *The Indian Express*, New Delhi, 28 October 1998. Shaheen Akhtar, "Nuclearisation of South Asia and Kashmir dispute", *Regional Studies*, vol. XVII, no. 3, Summer 1999.
61. V. Sudarshan, "Virtually unstuck," *Outlook weekly*, New Delhi, 19 May 2003.
62. Dr Stephen Cohen, "Kashmir: Another Fifty Years of Nothing?", *IPRI Journal*, "Pak-US Strategic Dialogue", May 2002. p.34.
63. Ibid.
64. *New Priorities in South Asia: US Policy towards India, Pakistan, and Afghanistan*, US Council on Foreign Relations, Washington, 2003. p. 74.
65. Eqbal Ahmed, "Beyond mutual destruction", <<http://www.india-seminar.com/2000/496%20eqbal%20ahmed.htm>>.
66. The discussions between Sinn Fein and SDLP started on 11 June 1988 and lasted until September 1988.
67. Zaman Khan, "Gautum Naulakha: Counting Peace dividend.", *The News*, 4 January 2004.
68. "All parties Kashmir moot backs Indo-Pak talks", *The News*, 10 February 10, 2004.
69. "Wisner: Indian-Pakistani Talks 'Most Promising' in Recent Memory", (Interview) <http://www.cfr.org/pub6788/bernard_gwertzman/wisner_indianpakistani_talks_most_promising_in_recent_memory.php#>.
70. A.G. Noorani, "A report on Kashmir", *Frontline*, Aug. 19 - Sept. 1, 2000.
71. Shakil Shaikh, "India to be paid back in same coin", *The News*, 23 October 2001. "DGMO of Pakistan has contacted his counterpart on hotline and expressed Pakistan's deep concerns about unusual movements of the Indian Armed Forces. The ISPR said Pakistan Armed Forces have taken necessary measures keeping in view the unusual movements by the Indian armed forces in the last few days"; "Pakistan takes up troops movement with India", *The Nation*, Islamabad, 24 October 2001.
72. "Sinha rules out one-on-one meetings", *The News*, 2 January 2004.
73. Zaman Khan, "Gautum Naulakha: Counting Peace dividend", op.cit.
74. White Paper on the Jammu and Kashmir Dispute, Ministry of Foreign Affairs, GOP, January 1977. p,28.
75. Siser Gupta, *Kashmir: A Study of India-Pakistan Relations*, London, 1996. p.355, cited in Victoria Schofield, *Kashmir in Conflict*, I B Tauris, London 2000, p.101.
76. Victoria Schofield, *Kashmir in Conflict*, I B Tauris, London 2000. p. 101. "whereas India suggested the ceasefire line should become

international boundary, with a few minor realignments around Poonch, the Pakistani wanted to draw the boundary far to the east, giving themselves whole state with the exception of south-eastern Jammu. Out of a total area of over 84,000 square miles India was to be left with less than 3,000 square miles.”

77. Alastair Lamb, *Kashmir: A Disputed Legacy- 1846-1990*, Oxford University Press, Karachi, 1992, p. 271.
78. Wing Comd (Retd) Muhammad Irshad “LoC-Line of Control”, <<http://defencejournal.com/sept99/loc.htm>>.
79. “Text of Lahore Declaration”, *The News*, op.cit.
80. “Pakistan, India agree to reduce risk of N-war”, *The News*, 22 February 1999.
81. “‘Pakistan, India should go beyond stated position’: PM”, *The News*, 16 February 1999.
82. “Indian PM visits Minar-i-Pakistan in curfew-like state”, *The News*, 22 February 1999.
83. “Pakistan, India Joint Statement”. *Dawn*, Islamabad, 7 January 2004.
84. “It’s historic, agrees Advani”, *The Indian Express*, 8 January 2004.
85. Tariq Mir, “Hurriyat feels ‘vindicated’, so do Chief Minister, Opp, *The Indian Express*, 8 January 2004.
86. “Kashmir must not impede talks: Natwar”, *The News*, 29 May 2004.
87. “Natwar Singh for frank discussion with Pakistan”, *The News*, 1 June 2004.
88. Naveed Ahmad, “Pak-India talks future uncertain: Khokhar”, *The News*, 28 May 2004. see, Mohammed Iqbal, “Dialogue with Pakistan will continue on all issues: Natwar Singh”, *The Hindu*, Delhi, 30 May 2004.
89. Mariana Baabar, “Kasuri urges India to restrain rhetoric”, *The News*, 1 June 2004.
90. “Alarm for sustained Pak-India dialogue”, *The News*, 8 June 2004.
91. “Pakistan, India Joint Statement”, *Dawn*, Islamabad, 7 January 2004.
92. Jyoti Malhotra, “Brajesh, Aziz did spadework to bury past”, *The Indian Express*. New Delhi, 7 January 2004.
93. Ibid.
94. Jyoti Malhotra, “Brajesh met Aziz in Lahore to ensure the pitch isn’t queered “, *The Indian Express*, 1 April, 2004. <http://www.indianexpress.com/full_story.php/content_id=44178>.
95. “We have to move forward on Kashmir. We have to resolve it. Otherwise I am not responsible, I said that. I think everyone is clear, including the Indian leadership. Now more than that I have done my duty. Let us see what happens. Let us pray to God,” ...“If we do not move forward, I am not in the process. They know that. I told everyone absolutely unambiguously that if you think that I am here to sell Kashmir, you are talking to the wrong man,” Musharraf said on a PTV current affairs programme on 30 March 2004.

96. Mayed Ali, "Tariq returns from peace-saving visit", *The News*, 9 June 2004.
97. Mariana Baabar, "Pakistan, India to avoid media hype", *The News*, 4 June 2004.
98. Niaz A. Naik, Pakistan's former foreign secretary and former ambassador to India. revealed: "On the 27th of March I met R. K. Mishra in Delhi's Imperial Hotel where I was staying under a different name, and without the knowledge of the Pakistani High Commission. On behalf of our respective prime ministers, we entered into frank discussions on what could be done to make headway on Kashmir". See, Talat Hussain, "Desperately Seeking Solutions", *Newsline*, Karachi, June 2003, <<http://www.newsline.com.pk/NewsJune2003/cover2june2003.htm>>.
99. Talat Hussain, "Desperately Seeking Solutions", *ibid*.
100. Navnita Chadha, Paul M. Evans, Gowher Rizvi, *Beyond Boundaries: A Report on the State of Non-official Dialogues on Peace, Security & Cooperation in south Asia*, University of Toronto-York University Joint Center for Asia Pacific Studies, Ont. Canada, p.52.
101. Sundeep Waslekar, "Track –Two Diplomacy in South Asia, *ACDIS Occasional Paper*, ACDIS, University of Illinois at Urbana-Champaign, October 1995, p.6.
102. Navnita Chadha, Paul M. Evans, Gowher Rizvi, *Beyond Boundaries...*, *op.cit.*, p. 53.
103. Sundeep Waslekar, "Track –Two Diplomacy in South Asia," *ACDIS Occasional Paper*, ACDIS, University of Illinois at Urbana-Champaign, October 1995. p.6.
104. Kamran Khan, "Off–scene moves expedite peace bid", *The News*, 3 January 2004.
105. Paul Arthur, "Peer Learning: Northern Ireland As A Case Study", <<http://wwics.si.edu/subsites/ccpdc/pubs/art/art.htm>>.
106. Sundeep Waslekar, *A Handbook for Conflict Resolution for South Asia*, Konark Publishers (Pvt) Ltd., p.15.
107. Irish Republican Army: U.K., separatists, <<http://cfrterrorism.org/groups/ira2.html>>.
108. Jyll Hansen, "Mediation in Northern Ireland", <http://axe.acadiau.ca/~044460h/#Mediation_in_Northern_Ireland#Mediation_in_Northern_Ireland>.
109. *Strategic Survey*, 1998/99, IISS, 1999. p. 142.
110. Ihtasham-ul-Haque, "Clinton mediating on Kashmir", <<http://www.dawn.com/2003/12/25/top6.htm>>.
111. Kamran Khan, "Off–scene moves expedite peace bid", *op.cit*.
112. *Ibid*.
113. *Ibid*.
114. *Ibid*.
115. "US offers help to expedite peace process", *The News*, 10 January 2004.

116. "Sinha: US has no role in Indo-Pak mediation", *The Sentinel*, Guwahati, 22 January 2004.
117. Ibid.
118. Bushra Asif and Sean Farrell, "India –Pakistan: Breaking the deadlock", *South Asia Monitor*, No 67. February 1, 2004.
119. Ibid.
120. *New Priorities in South Asia: US Policy towards India, Pakistan, and Afghanistan*, op.cit., p.7.
121. Ibid., p.66.
122. Ibid., p.66.
123. <<http://www.bbc.co.uk/northernireland/learning/history/statepart/agreement/>>.
124. The act envisaged setting up a parliament in Dublin for 28 overwhelmingly Catholic and nationalist counties. The six predominantly Catholic and nationalist counties were to remain part of UK, with a devolved parliament and government in Belfast.
125. One partial exception to the changes made to Articles 2 and 3 of the Constitution in 1999 was that the 9th Amendment, adopted by referendum in 1999, did not itself amend those articles but rather introduced, on a temporary basis, a special mechanism whereby the government could order their amendment once it was satisfied that certain commitments made by other parties to the Belfast Agreement had been complied with. <http://www.wordiq.com/definition/Articles_2_and_3_of_the_Constitution_of_Ireland>.
126. Under Schedule 1, the Secretary of State shall not make an order earlier than seven years after the holding of a previous poll under this schedule.
127. Sovereignty is a complex notion and theorists are divided on the 'divisibility' of sovereignty. Because of the 'need for building an ideological bridge between political realities and political preference, the doctrine of divided sovereignty has gained wide acceptance in the field of international relation. (p.332) However, Hans Morgenthau strongly believes that sovereignty is not divisible. "If sovereignty means supreme authority it stands to reason that two or more entities— persons, groups of persons, or agencies – cannot be sovereign within the same time and space." (p.329) see Hans J Morgenthau, *Politics Among Nations*, (Alfred A Knopf, New York, 1978).
128. *Kashmir: A Way Forward*, January 2000.
129. <http://www.cfr.org/pub6788/bernard_gwertzman/wisner_indiapakistani_talks_most_promising_in_recent_memory.php#>.
130. Ibid.
131. A G Noorani, "A Kashmir solution", *Hindustan Times*, New Delhi, 28 June 2004.
132. *Human Rights in Kashmir, Report of a Mission*, International Commission of Jurists, Geneva, November 1994.

-
133. "The Jammu and Kashmir Issue", Ministry of External Affairs, <<http://www.meadev.nic.in/jk/kashmirissue.htm>>.
 134. "Kashmir Issue", <<http://www.pakistan.gov.pk/foreignaffairs-division/policies/kash-issue/kash-issue.jsp>>.
 135. *Kashmir Insight*, Issue 104, June 2004.
 136. "India silent on Musharraf offer", <http://news.bbc.co.uk/2/hi/south_asia/3257078.stm>.
 137. "Pakistan makes Kashmir concession", <http://news.bbc.co.uk/2/hi/south_asia/3330031.stm>.
 138. Zaffar Abbas, "Analysis: Musharraf's Kashmir risk", <http://news.bbc.co.uk/2/hi/south_asia/3330809.stm>.
 139. "Address to the nation by Prime Minister Dr. Manmohan Singh", 24/06/2004, <<http://meaindia.nic.in/sshome.htm>>.
 140. "Manmohan Singh open to soft borders with Pakistan", *The Times of India*, 26 May 2004.