

**KASHMIR: UNITED NATION AND
FREEDOM MOVEMENT**

TERJUMAN-UL-QURAN

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By Professor Khurshid Ahmad

The Kashmir problem is not a land dispute. Nor is it a product of a conflict over land grabbing between the two countries i.e. India and Pakistan. It is about freedom and right of self-determination of some 12 million people whose state has been annexed by a colonial country through brute force. Thus the agenda of the Partition of the subcontinent was sabotaged. That country is still occupying the state through its brutal use of force. This oppressive power is adamant on establishing the fascist and colonial rule of 'might is right' in total negation of its own pledges, the UN resolutions, and the unprecedented movement and sacrifices of the people of Kashmir for freedom. The United Nations and its Secretary General are stuck to a cowardly and criminal policy of turning blind eye and deaf ear to what is happening. For over 50 years, they are indisposed of towards taking practical steps for the resolution of the problem in spite of the presence of the UN observers in the region and the issue's remaining on the UN agenda. The statements Mr. Kofi Annan made during his recent visit (March 2001) of Pakistan and India have not only exposed his helplessness, but also his insensitivity and keeping mum while oppression is perpetrated. The UN resolutions seem 'outdated' to him and he is indifferent towards the clauses of the charter of this world body for establishing peace and conflicts in need of resolution. He has nothing to offer but sermons and appeals for the Lahore Declaration and bilateral talks. And the Indian retort to this is that 'atmosphere should be favorable to this, first of all'.

The real Indian interest is not in resolving the issue, but in getting rid of the pressure that the freedom movement has been exerting on it for the last 11 years and because of which the Indian army and the political elements who are not totally devoid of understanding are in the search of some way out. Instead of attending to the real causes of the problem, the Indian leadership is quite cleverly paving the way for "cease-fire" and checking "border terrorism". And American, Western politicians, and, to an extent, Kofi Annan all seem adding their voice to the chorus. This all is, however, neither new nor unexpected. The most alarming aspect is the contradictory statements from the Pakistani leadership and the anti-Jihad campaign of some writers in the English press. The people of Pakistan should take strong and timely exception to this and eliminate every possibility of deviation and retreat.

America, India, Israel and their agents have since long been waging a campaign against Jihad and it is being declared as synonymous with terrorism and violence. It is unfortunate that even the English press in Pakistan is depicting 'mujahid' as 'jihadi' and 'terrorist' and expenditures on defense are being presented as reasons for poverty and backwardness. The interior minister has also jumped into the foray and is issuing threats that range from legislation to punitive action. At times, the thrust is on the ban and restrictions on religious education institutions, and at others they are presented as 'seats of terrorism'. Those who contribute to Jihad funds are intimidated and those who are supporting the freedom movement in Kashmir are made targets of unfounded

detestable charges. On the other side, Mr. Vajpayee is playing hide and seek. On the one hand, he announces an extension in the cease-fire for the third time, and on the other, refuses to even grant passports to the APHC delegation. Even life-attempts are planned and executed on such an esteemed leader as Syed Ali Geelani. Sometimes, he gives the news of starting 'talks', but then rules out the possibility of talks by saying that there is no question of talks with the military regime (as if there is a democratic dispensation in Myanmar, visits to which are being made and agreements with which are entered into!). He and his foreign minister are constantly grumbling over the "across the border terrorism" (as if the freedom movement had started only after 12 October 1999 while prior to this all the talks between the two countries and exchanges, including the Lahore visit and Bus Friendship, were taking place in "peace along borders"!).

In this backdrop, visits of the U.S. political and military leaderships, the sojourn of the UN Secretary General in Pakistan and India, and the flights of Pakistani and Indian doves in the name of Track II and kite-flying for an early resolution of the Kashmir issue indicate that "something is brewing". First of all, Mr. Asghar Khan declared "the Kashmir issue would be resolved in week's time" (daily Jang, March 3, 2001). Many English columnists tow the same line, and then while addressing a gathering of editors in Lahore in mid-March, General Musharraf himself said, "The time for the resolution of the conflict is fast approaching". Reportedly, he also expressed his wish that he consider the honor of resolving the issue as the biggest wish of his life. (God forbid, he may be aspiring to win a Nobel like Mr. Yasser Arafat!)

Whether it is Asghar Khan or General Musharraf, Vajpayee or Kofi Annan, retired military men or diplomats, all should know it well that Pakistani nation has a principled and historical stand on the issue of Kashmir, away from which nobody could be allowed to play with the fate of the nation. Nobody has the right or mandate to even think of any deviation or retreat or compromise on the stand on which Pakistani nation and the people of Jammu & Kashmir are united from the times of Quaid-e-Azam till today, and for which they have rendered great sacrifices and met all the needs of a grand military despite their poverty and indigence, and made the country a nuclear power. This nation is both poverty-ridden and divided, yet insofar Kashmir issue is concerned, it is a matter of its conviction and of life and death. This issue is not bound by the limitations of time and space. However longer it may take for the fruition of the movement, the people of Pakistan and the people of Jammu & Kashmir cannot accept anything less than the right to self-determination for determining their future.

This issue is not a problem of a particular party, group, or class. There exists complete harmony on it between the nation and the military. The way in which the military compelled the political leadership to express sensitivity on Kashmir on the occasion of the Lahore Declaration and the way in which the nation and the military expressed their sentiments on the eve of Kargil are manifestations of this relation. Apart from a handful of fortune-seekers vying for obtaining U.S. pleasure and India's friendship, no Pakistani can tolerate a compromise on this issue. In the past as

well, whoever tried to deviate from this principled stand of the nation, met a humiliating end – and this would not be any different in the future, as well, God willing. Even in the article 257 of the Constitution of Pakistan it is laid down clearly that the future of the state of Jammu & Kashmir is to be determined only through plebiscite and that its relation with Pakistan, its establishment and administration are to be according to the will of its people. Any change or compromise of this stand is impossible because it is based on truth and justice and is in line with the international law and pledges. Mere hegemonic occupation, however protracted it may become, cannot induce change on the rights of the people of Jammu & Kashmir. Nor can it weaken the stand of Pakistan, or make it irrelevant.

The argument and historical bases for the accession of the state of Jammu & Kashmir with Pakistan are very strong. Not only their being geographically contiguous and having a 700-mile common boundary, but the entire natural and civilizational set-up is identical. The direction of rivers and the continuity of roads, uniformity in race and color, unity of the ways of living, religion and culture, rites and rituals, civilizational traditions, historical struggles, political harmony – all have contributed to making Kashmir and Pakistan an indivisible unit. The people of Jammu & Kashmir were with their brethren in the struggle for Pakistan and majority of the elected members of the Kashmir Assembly had announced accession with Pakistan on 17 July 1947 according to the principle of the Partition. The people of Poonch and Northern areas waged a freedom struggle, won out their freedom from the Dogra rule and aligned themselves with Pakistan. Yet, our argument is not only based on these facts but also on the principle that the whole world has accepted, on the basis of which the American people had revolted against the British rule and in the form of the Philadelphia Declaration had announced the principle of the right to self-determination for themselves and for all people of the world by waging an armed struggle. On this was founded the United States of America and after the first world war American President Woodrow Wilson announced this principle for all the nations of the world. The Partition of the subcontinent took place on the same principle and the same would decide the future of Kashmir.

Nobody has the right to play with fate of more than 12 million people of Jammu & Kashmir. The governments of Pakistan and India, too, cannot, by themselves or under external pressure, decide on their future. Their duty and that of the world body is only that they provide for the exercise of the right to self-determination through a bipartisan plebiscite under international auspices. It is this right the Kashmiri people are fighting for. When all the doors of political and peaceful struggle were shut on them, they launched an armed struggle to regain their right as warranted in Islam and the international law. It is this struggle that has compelled India and the world opinion to accept Kashmir as an issue in need of attention. Nobody has the right to convert the Line of Control (LoC) – which has no legal or moral status – into permanent border or to impose any plan of dividing the state on the people of Jammu & Kashmir in the name of peace, relief from poverty, avoiding the danger of nuclear war, and the wishes of the international community. Far from being a solution, this would amount to complicating it further and laying the foundation for perpetual

conflict and bickering. Every attempt at weakening or silencing the forces of Jihad would tantamount to treachery and disloyalty to both the Creator and the Creation.

No talks can be meaningful and come to fruition unless:

1. India openly admits the fact that Kashmir is a disputed territory whose future will be decided by its people with their free will and in accordance with the UN resolutions and the pledges of the governments of India and Pakistan.
2. Implementation of the UN resolutions keeping in view the obtaining situation and taking appropriate measures to ascertain the will of the people will be the real objective of talks.
3. There is only one legal, political, and moral framework for the plebiscite: the UN resolutions of 13 August 1948, 5 January 1951, and 24 January 1957. It is, however, the duty of the peoples' representatives of Pakistan, India, and Jammu & Kashmir to determine a consensus strategy through trilateral talks for the exercise of the right of self-determination, and to accept wholeheartedly whatever decision the people of Jammu & Kashmir make.

No leadership in Pakistan and no international leader has the right to adopt a line other than these historical facts and the stand based on truth and justice. Whoever opted for a course other than this had to, and will have to, face disgrace and retreat; and will distort the issue even further rather than bring about any improvement in the situation. This is an irrefutable principle of history that cannot be wished away by way of desire or conspiracy.

The silence of the Chief Executive and the Foreign Office on what the UN Secretary General said on Kashmir during his recent visit to Islamabad and Delhi is an unpardonable offence. After accepting his stance, there remains no need of the United Nations and international law, covenants, resolutions of the Security Council and its affiliated bodies are all rendered meaningless. Here we briefly analyze his statements, and then would shed light on the logical demands of the struggle in Kashmir.

Mr. Kofi Annan has said that long period has elapsed over the resolutions on Kashmir and that they do not come under chapter 7 of the Charter while those on East Timor and Iraq were mandatory, that the UN could do something about Kashmir only when both India and Pakistan request for the purpose and, otherwise, it could only appeal for bilateral talks, for which he has once again made a mention of the Lahore Declaration.

The foremost question is that if the international law, Geneva Convention, covenants among nations, international assurances and pledges are subject to time limitation: To our knowledge, there is no such international law, principle or tradition. Nor is it possible. Is it not a fact that the Portuguese had occupied Macao in 1557 that continued for four and a half centuries, but China at

last regained it in 1999 as prolonged occupation could not be a justification for distorting the facts. Has the Resolution 242 that was passed after the Arab-Israel war of 1967 been outdated merely because of lapse of time? Utrecht Treaty was signed in 1713 that transferred sovereignty over Gibraltar from Spain to Britain. The treaty did not become defunct because of lapse of time and in spite of Spain's claims. Britain gained control of Hong Kong in 1898 from China, but had to return it after 99 years in line with its accord with China. The agreement of Taiwan is likewise a live issue despite the lapse of time. Another case is of East Timor, the one Mr. Kofi Annan has referred to. The UN Resolution is of 1975 and got implemented only in 2000, after 25 years. If 25 years' lapse could not render ineffective the Resolution of 1975, how can the Resolutions on Kashmir be ineffective.

Moreover, the question of Kashmir Resolutions is not about mere resolutions, it concerns a principle i.e. the principle of the right to self-determination. This is a basic principle of the UN Charter. Clause 2 of Article 1, which determines UN objectives, explains this constant principle as "Respect for the principle of equal rights and self-determination of peoples". Similarly, Article 2 (4) binds all member countries in that:

"All members shall refrain in their international relations from the threat or use of force against territorial integrity or political independence of any state or in any other manner inconsistent with the purpose of the United Nations."

It should be clear that the right to self-determination is one of the purposes of the United Nations.

The Resolution on Kashmir is about the right of self-determination that is unaffected by lapse of time. UN General Assembly's two historic resolutions of 1970 and 1974 have elaborated international law, which is accepted by all countries including America, India, and Pakistan. The 1970 Resolution is 'Declaration of Principles of International Law Concerning Friendly Relations and Cooperation' and the 1974 Resolution is 'Resolution on the Definition of Aggression'. Both these resolutions were adopted unanimously. The added importance of the declaration of 1970 that the General Assembly that had approved the UN Charter adopted this resolution on the eve of 25 years of the UN.

These resolutions contain explanations of two basic principles under the title that the UN charter is being explained, not amended. The principles of the right of self-determination and use of force are at the top. It has been made clear that:

"No territorial acquisition resulting from the threat or use of force shall be recognized legal."

And that:

“No special advantage resulting from aggression shall be recognized as lawful.”

During the UN Session, Australian delegate had proclaimed that with reference to the Article 13 these declarations were part of international law: "a contribution to the progressive development and codification of international law". (see, ***Power and Prospects: Reflection on Human Nature and Social Order*, Noam Chomsky, p.207**)

Now review the Security Council Resolution of 24 Jan. 1957 in the light of the above-mentioned position of international law. This resolution declares ineffectual the so-called Constituent Assembly of Kashmir that had affirmed accession with India, and asserts in unambiguous terms that the Assembly's resolution cannot be a substitute to the UN Resolution and plebiscite under its auspices and that the future of Kashmir can be decided only through plebiscite.

If anybody still has any doubt, he should study the April 1994 Report of commission of experts of international law, which admits in clear words this right of Kashmiri people and has declared it as a right unaffected by the vicissitudes of time:

“The Kashmir is’ right arises out of the right of an entity emerging from foreign domination to choose for itself which of the successor states to join. The right is quite distinct from the much more debatable right of secession from an established independent state and it does not constitute a precedent for the secession from India of any other part of its territories.

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 extinguished and thus remains exercisable today.”

The Secretary General was also wrong when he said that a resolution does not bind for implementation unless it is adopted under Chapter VII of the Charter. A deeper study of the Charter would tell him that under Article 99 it is his responsibility to immediately bring into the notice of the Security Council whenever there arises a danger to world peace. The Secretary General may bring to the attention of the Security Council any matter which in his opinion may threaten the maintenance of international peace and security.

Similarly, it is the responsibility of the Security Council to take *suo moto* notice of any danger to world peace and take action on behalf of all members. As per the Article 24:

“In order to ensure prompt and effective action by the United Nations, its members confer on the Security Council primary responsibility for the maintenance of international peace and security, and agree that in carrying out its duties under this responsibility the Security Council acts on their behalf.”

It is nowhere stated that consent of each country is necessary or that this applies only to those resolutions that come under Chapter VII, because such a condition would mean that no action is ever taken against aggressor as it (the aggressor) would not accept action against itself. This is why Article 25 says that:

“The members of the United Nations agree to accept and carry out the decisions of the Security Council in accordance with the present charter.”

Then, Article 33 binds all parties in every conflict that they would, themselves or through the UN, take action for peaceful resolution of all conflicts. Articles 36 and 37 make it incumbent upon the Security Council that it should determine proper action and strategy, especially in those matters where no progress is made under Article 33. This clearly means that if these articles are not acted upon then it is up to the SC to arrange for action as per Articles 39-51 of Chapter VII.

Surprisingly, the Secretary General forgot all these articles and talked just about agreeing of both the parties to any UN role. He is reminded that the Lahore Declaration and Simla Agreement are between the two countries but the UN Resolutions of 13 Aug. 1948 and 5 Jan. 1949 have the status of international pacts about which Article 103 of the Charter says:

“In the event of a conflict between the obligations of the members of the United Nations under the present charter and their obligations under any other international agreement, their obligations under the present charter shall prevail.”

In spite of all this, expression of helplessness by the Secretary General only proves that the UN is just a tool in the hands of the powerful states. All articles get effective for the protection of their interest – be it the case of Iraq, or of East Timor. If they have not interest, the weaker nations have no protection and no option but to adopt whatever course they can for the realization of their rights. Chomsky has rightly pointed out that this attitude is a threat for the international system:

“At stake is the fate of a people who have suffered miserably and still do. Also at stake are foundations of world order and international law, including the crucial principles of the UN Charter on the use of force and the inalienable right of self-determination, a binding obligation on all states.” **(Power and Prospects, p.204)**

When world powers and even the UN are in such a condition, what is left for the weaker countries and nations except that whatever power – political and military – they have at their disposal they should use for the preservation of their rights and achievement of freedom. Reason, ethics, and international law all allow the oppressed to use force in struggling against oppression and in liberating the occupied lands and winning freedom for the people. All recognize it as the legitimate right of the oppressed. This is why international law does not declare every use of force terrorism. A ‘just war’, which can be a war in defense or a struggle for freedom and rights, is an

acknowledged reality. In the UN Charter, war in defense and collective use of force under the Charter are ample examples of this fact. The UN supported wars that were fought for the achievement of the right of self-determination and recognized new independent state after their gaining independence. In short, international law has recognized this right. An expert of international law Christopher O. Quaye accepts this principle in following words:

“An element of force is an essential component of virtually all the liberation movements studied herein. Given the consistency with which the resolutions (United Nations) applaud liberation movements by referring to some as ‘courageous’, it is obvious that they uphold the elements of force as legitimate.”

(*Liberation Struggle in International Law*, Christopher O. Quaye, p.282)

He is unambiguous in saying that:

“Terrorism and liberation struggles are not comparable activities.” **(p.17)**

And that:

“If there is one thing on which all the organs of the United Nations agree, it is that all struggles for self-determination are legitimate.” **(p. 261)**

Those international law experts who are not as explicit are nevertheless compelled to admit that every use of force cannot be termed terrorism. This is explained in the Penguin Dictionary of International Relations as:

“The issue of terrorism has no so far produced a specific prohibitive treaty mainly because of differential problems associated with political preference. One man’s ‘terrorist’ is another’s ‘freedom fighter’ and so international law has not thus far been able to encompass the phenomenon.” **(p.177)**

But these experts admit that right to self-determination is a recognized right that concerns with the right of the people of a region that they would themselves decide their future.

“Political self-determination refers to the right of peoples to determine their own destiny in their own way. The concept was implicit in the US Declaration of Independence of 1776 and in the French Declaration of the Rights of Man in 1789...

Even so, the United Nations has attempted on a number of occasions to link the concept to the process of de-colonization and thereby make it a positive duty and a legal right rather than an aspiration.” **(p.497-98)**

Well-known Samuel Huntington of Howard University admits in his *The Clash of Civilizations and the Remaking of World Order*, in spite of all his anger for terrorism, that:

“Terrorism historically is a weapon of the weak, that is, of those who do not possess conventional military power. “ **(p.187)**

He has also warned of the danger that:

“Separately, terrorism and nuclear weapon are the weapons of the non-Western weak. If and when they are combined, the non-Western weak will be strong.” **(p.188)**

Huntington’s views here are just passing remarks, but the essence of discussion is that Kashmir is’ right of self-determination is a recognized legal right and if India, the United Nations, and international community are all out to deprive them of their right, then they have the right to wage all sorts of struggle, including the use of force against the occupant enemy, and in no way this can be termed as terrorism.

General Pervez Musharraf has on many times said that terrorism and Jihad in Kashmir are two entirely different thing, this is the truth; but now some individuals at the helm of government and some writers associated with the press are trying to create confusion and erecting a front against Jihad in Kashmir. This needs effective response and counter. This assumes alarming proportions at a time when Indian leadership and military have under the pressure of Jihad started feeling the necessity for some way out, and some prominent Indian journalists and other figures influencing policy making are pressing for trying to view the resistance movement and freedom struggle in Kashmir in its real historical and ideological background.

A top Indian lawyer K. Balagopal writes in the *Economic and Political Weekly* (17 June, 2000) on terrorism while discussing TADA (Terrorism and Disruption Activities) Act:

“What is called terrorism for the purpose of the bill – as for the purpose of TADA – is but political militancy.” **(p.2115)**

He differentiates between the current political militancy and terrorism, and considers terming political militancy as terrorism an escape from reality.

Political and social militancy does contain an element – not necessarily slight – of terror, but that is neither the beginning nor the end of the matter what really distinguishes it *does not lie in crime*. **(p.2115)**

Distinguishing political militancy from criminal terrorism, he warns Indian leadership:

If one can look beyond weapons for a minute, one should be able to see that at least in Kashmir and Nagaland a very large number of people, in all probability a majority, honestly believe that they are not Indians, and should not be forced to think of themselves as Indians. It is certainly unbecoming of the law that it penalizes this widely held popular feeling in whatever form it may express itself, but claims respect for itself by incorporating protection for a selectively defined category of political activity. **(p.2122)**

The gist of his analysis is that TADA-like laws that are oppressive, draconian and unbecoming of a democratic polity cannot counter political militancy. This needs political process.

There are also voices that militancy is a result of oppression in Kashmir and that people can no longer be subjugated against their wishes merely under the barrel of the gun. In the *Economic and Political Weekly* of 3 March 2001, famous journalist Gautam Navlakha analyzes Vajpayee's so-called cease-fire and writes:

It is worth reiterating here that militancy began in Indian-held Kashmir. It was the result of a process that began long before people took up arms and only when every avenue of democratic articulation was denied, dissent crushed, demands dismissed... The government's military operations have failed to subjugate the Kashmiri people. There is not much the security forces can do to stop the fedayeen attacks. The inspector general of CRPF in J&K in recent interview said that "let me be frank. There is absolutely no answer to a suicide attack. At least a section of the army is clear that fedayeen attacks will persist, with or without cease-fire, and there can be no military solution. The increase in the deployment of troops over the past 11 years testifies to this. The stress-killings by soldiers of their own colleagues and officers tell their own story. In January there have been at least two such incidents, one among CRPF and the other among BSF which resulted in killing of five security personnel in the internecine.

The view that people cannot be neglected is gaining strength. Navlakha writes:

Freedom acquires an acute meaning for those who live under oppression, whose very existence is determined by their identity card, whose privacy is violated at will, and who is denied the right to protest. For such a people freedom is intrinsic to their physical and cultural survival and the only way in which to regain their humanity. The best illustration of this public mood is provided by the HM (Hizbul Mujahideen). As the largest militant group which is entirely indigenous it cannot afford to ignore what people think. Militant action cannot be sustained in the face of people's disapproval. This compelled them to distance themselves from the position of the jihadists by characterizing their movement as being for freedom,

not religion. They are also committed to the position that people of J&K are the final arbiters.

In spite of all these voices, it is difficult for India to swallow this bitter pill now but it would at last have to move towards plebiscite and right of self-determination, provided that political and jihadi pressure continues on it and that Pakistan's leadership does not show weakness and haste. Muslims of Jammu and Kashmir are showing great courage and resilience, they participate in thousands in a martyr's funeral. They are so brave that more than 10,000 attended the funeral of Pakistani Mujahideen who had got martyrdom at Srinagar Airport, and declared them their heroes. This is the reason behind some Indian analysts' saying that bewailing 'cross border terrorism' is based not only on falsehood but also stupidity. The *Sunday Pioneer*, Delhi, wrote about 'cross border terrorism' that:

It is false as it is dangerously naïve. Terrorism feeds on public dissension; and public dissension feeds on apathetic governance. **(March 4)**

And further admits:

There is no military solution to Kashmir dispute and the Indian security forces could kill people but not the freedom struggle... It is so easy to see when and why we went so horribly wrong in Kashmir. What is not so easy is to find a way out. The cease-fire is not a solution. It is only a means to an end.

The next step from where the Indian leadership and intellectual are is that they would have to recognize supremacy of the will of the people of Jammu and Kashmir. The test for the leaderships of Pakistan and the resistance movement is that they survive this critical phase with patience and resolve, courage and resilience to continue their struggle and gear it up. Even a slight slip can adversely affect the situation.

This should be recalled that in 1948 and 1949 as well, Indian policy was the same: deferment of plebiscite and resolution of the issue by offering 'cease-fire'. It is working on the same strategy. Cease-fire is Indian problem, not ours. Our target is the just solution of the Kashmir issue that is possible when not only internal and external pressures continue on India but it finds it militarily, politically and economically impossible to continue its occupation. What Gautam Navalakha has written about the modus operandi of India should stir those elements in Pakistan's leadership and media who are anxious for unconditional talks and are advising for weakening Jihadi forces or counseling them for cease-fire. He writes:

The past also carries a message. The Indian government has demonstrated, time and again, that it listens only when people take up arms, valorizes armed groups and has contempt for non-violent movements. It is not for nothing that the

unilateral cease-fire of the JKLF in 1994 did not result in dialogue but killing of more than 600 of their members. Similarly, whereas APHC has adopted non-violent struggle it has been denied the right to campaign peacefully or hold protests and demonstrations. In sharp contrast, renegades are used to attack the movement, and 'hate' groups like the Sangh Parivar, Shiv Sena, and Panun Kashmir allowed a free run. Therefore, to expect the militants to disarm as a precondition for talks is futile. Indeed even guns will not fall silent unless there is sincerity of purpose. It is worth learning from India's handling of the Naga movement for independence over the past five decades. There have been several cease-fires with the Naga underground followed by unconditional talks at the highest level (several Indian prime ministers have met Naga underground leaders). Each time Gol used the opportunity to split them, coopt and entice away a section, declare settlements and project that normalcy has been restored and the issue resolved only to see the Naga people rising in rebellion again. Armed struggle could not be defeated; instead the Indian security forces, especially the army has got bogged down. No matter how powerful the Indian military they are no match against a determined people and this is the hard lesson learnt by the Indian army in its war against the Naga underground. Not only are unconditional talks being held, but after three years of prevarication the Gol has accepted that cease-fire will be extended to "all Naga areas as demanded". Of course, Gol claims it will convince the Naga movement of its position that solution must be within Indian union. Implicit in any unconditional talks is that the Gol must also listen and be willing to be convinced of the Naga perspective. Similarly without unconditional talks with APHC and Pakistan the peace process it becomes superfluous.

A combination of steps directed at restoring the rule of law in J&K together with gestures that strengthen the peace constituency in India and Pakistan are essential. The J&K police and renegades have to be stopped and investigations of crimes and prosecution of those indicted pursued.

Letting APHC travel to Pakistan to declare that unconditional talks will be held, to offer to start foreign secretary level contacts with Pakistan, are steps required to infuse life into the fledgling peace process. It is this that can create the momentum towards a democratic peace. Dialogue among the three parties will enable a solution emerge. (**"Cease-fire in Kashmir: Some Critical Issues", *Economic and Political Weekly*, 3 March 2001, p.728**)

Indian leaderships' obstinacy and contrivances, UN and big powers' apathy and lack of interest, sacrifices of the resistance movement, successes of mujahideen, and indications of a new thinking in India – all are demanding commitment with a strategy and more action. This strategy is about

sticking with the principled stand, solidarity with the freedom struggle, all-possible support and help to mujahideen, an energetic campaign for activating and organizing all justice and freedom loving in the world.

If the obtaining conditions of the people of Kashmir are analyzed, then there is no way but to wage a Jihad with every possible means against the Indian oppression. This is the way acting on which the people of Jammu and Kashmir can safeguard their faith, freedom, and culture and civilization, and Pakistani nation can do its duty and defend its border only by supporting them in this struggle. No doubt, Jihad and a mere war are poles apart and Qur'an has taught this difference by using the term of Jihad instead of Hurb. Jihad is conditioned by 'in the way of God' and is waged in the framework of those rules and mores that have been taught by the Prophet (pbuh). Moreover, Jihad is incumbent in conditions that have been fixed by Shariah. In the light of these principles, the struggle of Muslims in Palestine, and Jammu and Kashmir is Jihad. To support and assist them in it is incumbent upon all the Muslims in general and Pakistanis in particular.

If Muslims adopt the path of Jihad along with its mores, we are sure that the revival of Jihad would be a prelude to the global movement for the revival of Islam, and coming out of its subjugation and servitude the Muslim Ummah would once again be able to carry out its universal mission with characteristic confidence and humility that is taught by the Prophet. And the world would once again witness the rule of justice and piety along with abundance of material resources of moral values.
