



Report

International Kashmir Conference
**“Jammu and Kashmir Dispute: Models for
Resolution”**

March 16-17, 2007

The Institute of Strategic Studies, Islamabad
and
Kashmir Institute of International Relations

INTRODUCTION

The Kashmir dispute underlies the continuing trust deficit between Pakistan and India resulting in the absence of a lasting peace. Meanwhile, for decades the Kashmiri people have seen violence and denial of human rights and justice as Pakistan, India and the United Nations Security Council have failed to resolve this dispute. However, in the wake of the nuclearisation of South Asia, the international community has refocused attention on the dispute and since the resumption of the dialogue between Pakistan and India, the dynamics between two countries have also altered in a positive and qualitative manner.

There is now a growing recognition in both Pakistan and India that the Kashmir dispute should be resolved. The centrality of the Kashmiri people to the resolution of the dispute has also been accepted. Given the prevailing environment – both external and internal – there is a feeling that the time is opportune to examine possible ways to move forward towards resolution of the Kashmir dispute. In this connection, the Institute of Strategic Studies, Islamabad (ISSI), and the Kashmir Institute of International Relations (KIIR) held a two-day international conference on "*The Jammu and Kashmir Dispute: Models for Resolution*" on March 16-17, 2007 in Islamabad, Pakistan.

The participants of the conference included intellectuals, conflict resolution experts, opinion makers and parliamentarians from the United States, Europe, Asia, Azad Kashmir, Occupied Kashmir and the Kashmiri Diaspora. In addition to the foreign invitees, a number of prominent Pakistani participants including intellectuals, parliamentarians, former generals and ambassadors participated in the round table. The conference was intended to focus specifically on conflict resolution and to prepare appropriate recommendations.

Group One was devoted to *Human Rights and Justice in Kashmir* in which ways were examined on how processes can be evolved for the delivery of justice and reconciliation to those affected by human rights abuses in Kashmir.

Group Two discussed a *Step-by-Step Approach to Self-Determination: Identification of the Area; Demilitarization; Self-Governance; and Joint Management* to clarify the scope and implications as well as the usefulness of this highly specific roadmap towards self-determination for the Kashmiri people.

Group Three examined the *Models of Conflict Resolution and Peace Processes* that have been used in other conflict situations around the

world. The intent was to determine the lessons that can be learned from these models for the Kashmir dispute.

Each Group had a Chair and a lead speaker and each session prepared recommendations that were presented by the Group Chairs at the Concluding Session of the conference on March 17, 2007. It is hoped that the recommendations of the conference will provide a viable roadmap for the resolution of the Kashmir dispute.

Inaugural Session

At the Inaugural session on March 16, 2007, Mr. Inam-ul-Haque, Chairman, Institute of Strategic Studies, Islamabad in his welcome remarks said that the Institute was honoured to organise the International Conference in collaboration with the Kashmir Institute of International Relations. Mr. Inam-ul-Haque noted that the Prime Minister's presence at the opening session of the conference was a concrete manifestation of the political commitment of the people and the Government of Pakistan to the noble cause of the Kashmiri people. Mr. Inam-ul-Haque highlighted ten important aspects of the Kashmir dispute. These were: *first*, the right of self-determination is enshrined in the Charter of the United Nations and the denial of this right to the Kashmiris is the fundamental issue; *second*, the right of self-determination has been underwritten by the UNSC and UNCIP resolutions to which both India and Pakistan are parties; *third*, the principles of the UN Charter and international law regarding the right to self-determination would apply to the Kashmir dispute even if there were no resolutions of the UNSC; *fourth*, UNSC resolutions will remain valid till they are implemented. They do not become irrelevant with the passage of time; *fifth*, the so-called Accession to India was fraudulent. The Dogra Maharaja had fled from Srinagar and had lost any authority to accede to India. Moreover, no UNSC resolution makes any reference to the so-called 'instrument of accession' and only calls for a free and fair plebiscite under UN supervision; *sixth*, despite various confidence building measures agreed between India and Pakistan the oppression of the Kashmiri people by Indian forces has continued unabated; *seventh*, Pakistan rejects any effort to equate the struggle for self-determination by the Kashmiri people with terrorism; *eighth*, Pakistan cannot and has not changed its position of principle on the sanctity of the UN resolutions and the right of Kashmiri people to determine their own future; *ninth*, Pakistan will continue to offer political, diplomatic and moral support to the Kashmiri people in their struggle for the right of self-determination; and *tenth*, the people of Jammu and Kashmir are central to and must participate as an equal partner in all negotiations to find a solution to the dispute.

In his remarks, Shah Ghulam Qadir, Chairman, Kashmir Institute of International Relations, said, "We must adopt the scientific method to resolve the Kashmir issue, which is multi-dimensional, but still humanitarian aspect is demanding prompt response to break stony silence from outside as it is haunting the peace in the sub-continent." He said, "I have strong belief that leadership of India, Pakistan and Kashmir have potential to sort out the differences but it requires strong political will. I must praise the leadership of both countries that despite various

attempts to derail the ongoing peace process they showed restraint and utter faith to continue the dialogue, which has been initiated following the Islamabad Declaration." He added that one should be positive by admiring the steps initiated by President of Pakistan despite of the fact that a school of thought had shown restraint and reluctance. He said, "Demilitarisation followed by self-rule is pivotal and this idea should be strengthened because it is absolutely according to the universal mechanism to resolve the dispute like that of Kashmir besides the bold initiative taken by President of Pakistan. By taking this opportunity I am hopeful that during strengthening this peace initiative, New Delhi will also show more seriousness while putting their share in the long awaiting peace."

In his remarks, Major Tahir Iqbal, Minister Kashmir Affairs and Northern Areas (KANA), said that the right of self-determination was a right granted to Kashmiris by the United Nations Security Council. He said Pakistan would continue its moral, diplomatic and political support to the Kashmiris in their just and indigenous struggle. The Minister said without solution of Kashmir issue, peace and security in the region could not be ensured. He added that Pakistan had taken a number of steps to ensure peace, including the unilateral ceasefire across the Line of Control (LoC), the Pak-India bus service and the opening of five points across the LoC.

Dr. Shireen Mazari, Director General of ISSI, introduced the three groups and the themes of the working sessions of the conference.

In his inaugural address, Prime Minister of Pakistan, Shaukat Aziz, said that Pakistan is committed to the peace process with India in a sincere, purposeful and constructive manner for final settlement of the Kashmir dispute in accordance with the aspirations of the Kashmiris to ensure peace and security in the region.

Prime Minister Shaukat Aziz reiterating Pakistan's commitment to resolve the core issue of Jammu and Kashmir in accordance with the aspirations of the Kashmiris said there will be no compromise on the issue and no solution against the aspirations of Kashmiris would be acceptable. He said, "Kashmiris and Pakistanis are united and supported each other." He said people of Kashmir and Pakistan have strong ties and the same blood runs in their veins. He said Pakistan "appreciated the sacrifices made by Kashmiris in their just struggle."

Prime Minister Shaukat Aziz said, "Pakistan has entered into a dialogue process with India with firm commitment and sincere hope of resolving the Kashmir dispute. Pakistan is ready to show courage and flexibility if all other stakeholders reciprocate. We recognise that the process will have its ups and downs and that there will be attempts to

derail it, but we must remain steadfast and committed to our objectives of attaining sustainable peace in South Asia.”

He emphasised that the ongoing peace process had generated goodwill and raised the expectations of people from both sides. He said, “We must seize the moment and create a brighter future for our future generations. The dialogue has provided us with an opportunity to shift from conflict management to conflict resolution and to settle the six decade dispute.” He said Kashmiris should be involved in the dialogue process adding that Pakistan has involved them in the dialogue process and called upon the Indian leadership to follow suit.

The Prime Minister said that President General Pervez Musharraf has shown tremendous courage on the dispute of Kashmir and presented proposals with a hope to finding a lasting solution to the dispute. Referring to the proposals presented by President General Pervez Musharraf, including demilitarisation, self-rule and joint management, the Prime Minister urged Indian leadership to respond to these proposals positively and show the world that India is interested in resolving the dispute through dialogue process.

Extending Pakistan’s moral and political support to the people of Jammu and Kashmir in their just struggle, the Prime Minister said, Pakistan has always emphasised the necessity of meaningful, constructive and substance dialogue to resolve their Kashmir dispute. He said the solution of the Kashmir dispute would promote progress and prosperity in the region as both the countries, Pakistan and India would be able to utilise their resources for the welfare of the people.

He said, “Kashmir dispute has cast a long and dark shadow over South Asia for nearly 60 years, and it is the core issue between Pakistan and India and its just resolution can change the destiny of over a billion people in our region.”

The Prime Minister, said that for the last six decades the people of Kashmir have been denied their inalienable right of self-determination as recognized by the international community in several UN Security Council resolutions. He said these resolutions called for the settlement of the issue through the democratic method of a free and fair plebiscite, conducted under the United Nations.

Furthermore, Prime Minister Shaukat Aziz said that the Kashmiris have shown exemplary steadfastness and an indomitable spirit in their just struggle to achieve their right of self-determination, and in the course of the struggle they have been subjected to unimaginable suffering and repression.

Human Rights and Justice in Kashmir

The deliberations of Group I were conducted on the topic of "Human Rights and Justice in Kashmir". The group discussions were chaired by Professor Abdul Ghani Bhat, member of the All Pakistan Hurriyat Conference (APHC), and the lead speaker was Ms. Marjan Lucas, Project Manager, IKV (Volhardened In Verde), Netherlands.

Professor Bhat initiated the proceedings of the session by asking the participants to formulate recommendations while keeping in mind that human rights and justice are inescapably linked. He said that human rights cannot be assured if there is no guarantee that justice shall be provided to the people. He reminded the participants that any discussion of the topic would invoke deeply rooted sentiments and it is also because of expression of these sentiments that the situation in Kashmir has worsened. Professor Bhat said that a lot of anger results from the subjugation and indignity and there is widespread alienation as a result of the political hegemony exercised in the state of Jammu and Kashmir.

Professor Bhat argued that the people of Kashmir and their voices are the most important and pertinent ones in the conflict and therefore, we must listen to the aspirations and needs of the people. He also said that the ignominy and humiliation suffered by ordinary Kashmiris at military check posts is a violation of human rights and must be redressed. It is blatant violation of human rights when a Kashmiri is stopped on the road or a military check post and asked to identify himself by a soldier from Kerala or some other South Indian state. He deplored this humiliation that every Kashmiri has to suffer on a regular basis.

Professor Bhat also talked about the draconian anti-terror laws that have been enacted by the Indian government in Kashmir. He said that black laws, like POTA, TADA and the Armed Forces Special Powers Act 1990, have been enacted by the Indian government. He said that most Kashmiri boys have spent a year or two in jail under one or the other of these laws. He said that even after their release they are forced to report to camps on a regular basis where they face even more humiliation and degrading behaviour.

Following his speech, he gave the floor to Ms Marjan Lucas. Ms Marjan Lucas initiated the discussion by stating that we must acknowledge that no solution can be reached without thinking of the people on ground – the ones who live daily in the specter of human rights

violations. She emphasised the importance of involving the people on ground in the process of conflict resolution if sustainable solutions are to be found. She said that everything we say is based on figures and facts. We have the material and piles of reports from International Human Rights Watch groups, but it is very important that these facts and figures are filed by the people on the ground. She provided the example of international lawyers who visited (Indian-held), Kashmir and compiled a report about human rights violations. The report concluded that people of (Indian-held) Kashmir suffer human rights violations and those who try to defend people's rights also come under severe danger.

She said that Government of India and the State Government of Jammu and Kashmir should ensure that all human rights violations are independently investigated and brought to court and it should be made sure that the culprits are punished. International NGOs should be given permission to interact with people on the ground. It is extremely important that there should be no limitation on those people who want to interact and share experiences with the people of Kashmir.

She said that Government of India should give mandate to international NGOs to work on ground and those who are there should be given more freedom to report human rights violations, for example, illegal detention, killing of innocent civilians in fake encounters and crimes against women who are suffering the most in this conflict. She called for the involvement of international bodies like European Parliament to ensure the implementation of measures for the redressal of violations. Expressing her dismay on the lack of respect for international guidelines for human rights, she said that steps should be taken to ensure respect for them and that justice is provided by the authorities on ground. She said that an international alliance must be created to support the cause of Kashmir and bring adequate attention to it. While concluding, she stated that it is extremely important that civil society groups are given more space to speak out their grievances.

Other speakers were also invited to present their views and recommendations on the topic. One speaker said that we need to identify the areas where justice needs to be accorded. She said that it is imperative that the issue is given a humanitarian perspective. Women are the silent victims in this conflict. She said that they are victimized for the actions of their men. Many have to suffer the humiliation of rape and violence and the subsequent social isolation. She recommended that unconditional amnesty should be provided to the militants and widows should be helped to come back into the fold of society.

The speaker continued that the high presence of police in the area does not provide any space to the average person and a perpetual sense

of harassment prevails. She also pointed out that demilitarisation of an area means that paramilitary troops are also removed from the area. She said that international NGOs should be given permission to interact with the people on ground and all curbs on their movement and freedom of discussion should be removed. More space should be created for civil society groups to speak out. Lawyers and activists on ground should undertake efforts to bring out the facts and figures that report the injustices perpetrated in the valley.

Another speaker argued that custodial killings must be taken notice of and they run into thousands. He also called upon the forum to address the problem of unaccounted disappearances and the difficulties relatives of detained men have to face to visit them in jail. One speaker said that there is need to promote transparency of human rights in Jammu and Kashmir. He said the international community should make use of the imperatives of globalization and the Indian desire to become a global player to force it to conform to the universal discourse on Kashmir. Another speaker drew attention to the traumatising of young children when they have to witness acts of violence and physical abuse of their mothers and sisters at the hands of the Indian forces. He said that those acts leave deep psychological scars on the minds of the young. He also drew the attention of the forum towards the landmine issue and the devastating impact landmines have had in the rural areas of Jammu and Kashmir. He said that it was again the children who suffered the most from it. Other participants also made contributions to the discussion and the group formulated consensual recommendations which were presented at the concluding session of the conference.

Group 1

Human Rights and Justice in Kashmir

Members

1. Prof. Abdul Ghani But, Member APHC
2. Raja Iftikhar Ayub, Member AJKC Adviser
3. Ms. Marjan Lucas, The Netherlands
4. Ashfaq A. Hashmi, Journalist
5. Inaytullah Khan Shimali, Chairman GBNA, Gilgit
6. Dr. Muzaffar Ali Relay, MNALC, Sec.Gen. GBNA
7. Capt. (Retd) Sikandar Ali, Advisor Northern Areas
8. Ch. Muhamad Rashid, MLA, AJ&K
9. Ghulam Nabi Nowsheri, Secretary Foreign Relations, Jamaat-i-Islami, Indian Held Kashmir
10. Prof. Shafique-ur-Rehman, Director, Institute of Kashmir Studies, AJK University, Muzzafarabad
11. M. Farooq Rehmani, APHC
12. Mohammad Siddique, Smallbridge, UK
13. Matloob Hussain, Rockdale, UK
14. Prof. Taqdees Gillani
15. Noreenn Arif, MLA
16. Mehrun Nissa, MLA
17. Mir Tahir Masood, APHC
18. Toru Ito, Shimore University, Japan
19. Agha Syed Mujtaba Abbas, APHC
20. Shaikh Farooq, JKPL
21. Ab. Majeed Malik, APHC
22. Ghulam Muhammad Safi, Tehreek-e-Hurriyat, J&K
23. Shaikh Tajammul Islam, Kashmir Media Service
24. Dr. Yasin Rehman, UK Kashmir Group
25. Dr. Abdul Ala
26. Mr. Sajjad Ahmad Warraich, AJK Council
27. Mirza Tanveer, KIIR

Step-by-Step Approach to Self-Determination: Identification of the Area; Demilitarization; Self-Governance; Joint Management

Group II focused on the subject: "Step by Step Approach to Self-Determination: Identification of the Area: Demilitarization: Self-Governance: Joint Management." Ambassador John W. McDonald (retd.), Chairman and co-founder of the Institute for Multi-track Diplomacy (IMTD) USA, chaired the deliberations and conducted the discussions. Mr. Inam ul Haque, Chairman of the Institute of Strategic Studies, Islamabad, (ISSI) was the lead speaker for the deliberations.

The discussions commenced with a statement by the lead speaker. Outlining the four elements comprising President Pervaiz Musharaf's proposal Mr. Inam ul Haque pointed out that an in depth exploration and discussion on the substance and implications of these four elements had been lacking. He felt that there was a need to arrive at a consensus and agreed understanding of these elements. The absence of debate had generated different interpretations of the four points embodied in the proposal which constitute steps towards the eventual objective of self-determination. He said that demilitarisation was not a new concept. It was provided for in UNSC resolutions. He pointed to the different views held by Pakistan and India regarding the concept: for Pakistan the proposal entails that demilitarisation should initially take place from Indian Occupied Kashmir, particularly from Srinagar, Kupwara, and Baramula to provide some relief to the besieged Kashmiri people. Eventually, both sides of the LoC would be demilitarized. India views the issue as being within the sovereign jurisdiction of India. He said that Self-Governance also suffered from vagueness and had to be clarified and defined through discussions. He suggested that India, Pakistan and the Kashmiris should present their respective views on the concept. Joint Management was described by him as a nebulous notion. He explained that the geographical area which would come under the ambit of Joint Management has to be defined and agreed upon before the modalities of Joint Management can be worked out and an understanding on Joint Management can be attained. From his presentation it was clear that all the four points in the proposal required further discussion, debate and clarity for the purpose of reaching a consensus.

Group II comprised individuals, thinkers, writers, leaders and journalists from all three sides central to the current nature and dynamics of the Kashmir dispute: the Kashmiris, Pakistanis and Indians.

Participants from countries like USA, UK and Asia also formed an essential part of the group. The resultant discourse reflected the different viewpoints existing within the ambit of the dispute as can be discerned from the following recommendations that were made:

General: India-Pakistan Peace Process

1. It must be recognised that the four-point proposal forms a *process* and the ultimate objective continues to be *self-determination*. The final goal cannot be determined by the process itself.
2. The right of people to self determination is enshrined in the Charter of the United Nations. The fundamental issue in the dispute over Jammu and Kashmir is the denial of this right to the people of Jammu and Kashmir by India through illegal occupation by the use of force and repression.
3. The resolutions of the Security Council remain valid till they are implemented. They do not become irrelevant and do not lose their validity because of the passage of time.
4. The so-called accession to India was fraudulent. It is most important to note that the resolutions of the UNSC or UNCIP make no mention of the so-called accession and only call for the holding of a free and fair plebiscite under UN auspices to determine the wishes of the people of Jammu and Kashmir.
5. Notwithstanding the various proposals made by Pakistan and the confidence-building measures agreed upon between India and Pakistan, the killings, disappearances, custodial deaths and massive violations of human rights of innocent Kashmiris by Indian security forces continue unabated.
6. The Kashmiris are the central party to the dispute and must be included in the peace dialogue process between India and Pakistan. The peace process has been going on for 4 years and various CBMs have been agreed upon by India and Pakistan. However, Kashmiris have not been treated as part of the process. It is time that negotiations should be conducted on a trilateral basis.
7. India must respond to Pakistan's proposals. Although Pakistan's proposals respect the Indian position, there has been a disappointing response from India. The reality remains the same as the peace process continues to provide little or no relief to the Kashmiri people.

8. There should be a time frame for the peace dialogue process to be successful.
9. The four points comprising President Musharaff's proposal must be defined more clearly and concretely so that it becomes easy to define a solution to the dispute.
10. There must be an attempt to locate and acknowledge the genuine leadership of the Kashmiri people. Methods to determine the genuine leadership of the Kashmiri people must be defined.

Identification of the Area

1. The area of the Jammu and Kashmir State should be defined as it was on August 14, 1947.
2. The identification of the area of Jammu and Kashmir State is important and should be based on the prevailing ground realities. Realities have changed since 1947 and regionalism has set in. Therefore, a solution based on the regions of the Kashmir Valley, Jammu (excluding Poonch, Rajouri and Doda districts), Ladakh (Leh and Kargil), Azad Kashmir and Northern areas may have to be considered. This change has to be kept in mind while identifying the area of the State and in finding a resolution for the dispute.
3. A third view believed that while other regions of Jammu and Kashmir may want to stay together, Gilgit and the Northern Areas desire a direct relationship with Pakistan.

Demilitarisation

1. The Security Forces should vacate all civilian areas. They have occupied land and civilian infrastructure in the State. This should be vacated and the Security forces should be confined to areas along the Line of Control.
2. Demilitarisation must be viewed in its widest sense. It should include:
 - The withdrawal of military as well as paramilitary forces like the BSF and CRPF from the whole of Kashmir, not merely from heavily populated areas.
 - The repeal of draconian laws, including the Special Powers Act and the Disturbed Areas Act, which authorise the security forces to kill Kashmiri people with impunity. Currently there are

700,000 Indian Security Forces stationed in Kashmir. Draconian Laws give immense power to the Indian Security Forces and should be repealed. Hence demilitarisation should not only include the reduction in numbers of the Indian Security Forces. The Army should also be made accountable.

- The vacation of land and property expropriated by the army and the paramilitary forces.
3. India should respond positively to the demilitarisation proposal for creating confidence among the Kashmiri people. This would also result in a reduction in the security expenditure of India.
 4. There can be a phased demilitarisation leading to ultimate demilitarisation and then a mechanism for maintaining law and order in the State could be chalked out.
 5. Demilitarisation can take place more quickly and effectively if the Indian government involves the militant leadership of the Kashmiri people in negotiations as it has done in Nagaland. The Indian government is presently engaged in a dialogue with the Naga militants in a third country. Such a process could be adopted in the case of Kashmir as well.

Self-Governance

1. For Self-Governance, subjects must be identified where Kashmiris would have sovereignty and where parental States would have sovereignty.
2. The concept of Self-Governance is being misinterpreted in Kashmir. For example, People's Democratic Party (PDP) or National Conference (NC) have their own definition. Self-Governance should mean total political, administrative and economic control by the Kashmiris without the interference of India and Pakistan.
3. It must be acknowledged that Self-Governance is not recognised in the Indian constitution. Since Kashmir is a disputed area, Indian sovereignty over it is not recognised by the Kashmiris or Pakistan.

Joint Management

1. The Northern Ireland model may be considered.

2. Joint management has to be studied very carefully. There could be localised joint management in areas such as, tourism and water issues. The mechanism has to be worked out.
3. There is a divergence in how Pakistan and India view the concept of joint management. India is looking for a consultative mechanism while Pakistan is interested in executive power.

The final recommendations were presented by the chair, Ambassador McDonald (retd), on March 17, during the concluding session.

Group 2

Step-by-Step Approach to Self-Determination: Identification of the Area; Demilitarization; Self- Governance; Joint Management

Members

1. Attiya Inayatullah, Member of Parliament
2. Muhammad Yusuf, Brig (Retd)
3. Najamuddin A. Shaikh, Retired Government Servant
4. Ijaz Hussain, Quide Azam University
5. Malik Muhammad Maskeen, Speaker NALC
6. Syed Yousuf Naseem, Convener, APHC
7. Syed Abbas Razvi, APHC
- A. G. Noorani, Columnist
8. Gautam Naulakha, Editorial Consultant Economic & Political Weekly
9. Raja Muhammad Farooq Khan, Member Legislative Assembly AJK
10. Prem Shankar Jha, Columnist/Writer New Delhi
11. Dr. Najeeb Naqi Khan, Minister Health AJK
12. Brig (R) Riaz Ahmed, Kashmir Centre
13. Tanveer Rafiq, Lawyer
14. Alexander Gupman, Freedom House, Washington DC
15. Shah Ghulam Qadir, KIIR
16. Dr. M Amin, J&K Democratic Freedom Party
17. Dr. K. D. Farooqi, J&K DFLP, Srinagar
18. Claude Misson, DG, EGMONT, Royal Institute for International Relations
19. Inam ul Haque, Chairman, ISSI
20. Sardar Nasim Sarfraz Khan, AJKC
21. Dr. Eileen Borris, Director of Training. Institute for Multi Track Diplomacy, Washington DC
22. Nasim Zehra, Journalist
23. M. J. Akbar, Journalist
24. Tayab Siddique, Ambassador (R)
25. Ambassador John Macdonalds, Institute for Multi Track Diplomacy, Washington DC
26. S. M. Abdul Qureshi, Muslim Conference

Learning from Models of Conflict Resolution and Peace Process

The discussions of Group III were conducted on the topic of "Learning from Models of Conflict Resolution and Peace Process". Mr. Brian Cox, International Centre for Religion and Diplomacy (ICRD), Washington DC, chaired the group discussions and the lead speaker was Dr. Shireen M Mazari, Director General, Institute of Strategic Studies, Islamabad.

Dr. Mazari, in her brief presentation "Conflict Resolution Models and Kashmir" discussed four models of conflict resolution, which she thought could be practicable/feasible in seeking resolution on Kashmir. The models, which she thought relevant and could be applicable to the Kashmir dispute, were the following:

- *The Aland Model:* The Aland Islands were part of the territory ceded to Russia by Sweden in September 1809, and became part of Russian Empire within the Grand Duchy of Finland (predecessor state of modern Finland that existed in its territory as apart of Russian Empire from 1809-1917). But from 1917 (Finland declared its independence and it inherited the Aland Islands), the Swedish-descent residents of the Islands kept up efforts to have the Islands ceded back to Sweden. The dispute was brought before the League of Nations in 1921, and the decision was to allow Finland to retain its sovereignty over the province. But within this framework, the Aland Islands were made an autonomous territory and the Aland residents were allowed to keep the Swedish language, culture and heritage. It also gave the islands a neutral and demilitarised status. Dr. Mazari was of the opinion that this model has no relevancy with the Kashmir issue because Kashmir was not ceded to India through a treaty between India and Pakistan. Also, Kashmir is not a territorial dispute but a dispute involving the "right of self-determination." The Aland Islands solution would mean continuation of Indian sovereignty over Kashmir. In her view the only relevancy that this model had was that the Aland case went before the League of Nations as India took the issue to the UNSC under Chapter VI of the Charter.
- *The Trieste Model:* In 1921, Italy had formally captured parts of Austria-Hungary including the city of Trieste. Majority of the population of the area were Slovenians with some Croats and Italians. After World War II, the area was claimed by Yugoslavia. The Western powers opposed this claim. Therefore, the Free Territory of Trieste was established after World War II in 1947, as a neutral state, which

comprised the city of Trieste under the protection of UNSC. But when UNSC was unable to agree on a governor for the territory, Anglo-American forces occupied Zone A that included Italian-speaking city of Trieste, while the Yugoslavs occupied Zone B. A compromise solution was reached in the Treaty of Osimo and the territory was formally divided along the zone border. Dr. Mazari viewed this model as not being applicable to the Kashmir dispute because it would mean the legitimisation of the existing status quo and division of Kashmir and would not allow the option of a future referendum.

- *The Andorra Model:* Andorra is located in the Pyrenees Mountains on the French-Spanish border and a parliamentary co-principality comprise the Bishop of Spain and the French president. In 1993, constitution of Andorra was ratified that made it a sovereign parliamentary democracy and also it became a member of the UN. The two princes served coequally with limited powers, while the defence of the country was the responsibility of France and Spain. Andorra has also no currency of its own. Dr. Mazari felt that this model has certain attraction regarding Kashmir dispute resolution as it offers India a less unpalatable option than seeing the whole of the State of Jammu and Kashmir becoming part of Pakistan. Some Kashmiris also support the Andorra model.
- *The Irish Model:* According to Dr. Mazari, "The Good Friday Agreement" has a direct relevance to the Kashmir case because it premised two interrelated principles: One, it recognises the "legitimacy of whatever choice is freely exercised by a majority of the people of the Northern Ireland concerning its status." So, this Agreement supports the consent principle, which is embodied in the UNSC resolutions on Kashmir in terms of a plebiscite. Second, the agreement "reaffirms commitment to the total disarmament of all paramilitary organisations." Kashmiri leader Mirwaiz Umer Farooq, leader of APHC, has said that, "Pakistan and India may consider the mechanism in Ireland as an inspiration if not as a model for a solution to Kashmir dispute." In the end she said, that of all the models, the "Good Friday Agreement model" could be a starting point for concrete moves forward in resolving the Kashmir dispute.

After the presentation by Dr. Mazari, all the participants during discussion session gave different recommendations regarding the resolution of the Kashmir dispute. Most gave high value to the "Andorra Model" and "Good Friday Model" (or Irish Model) for resolving the dispute and as the way forward for Kashmir. Others recommended that the Kashmir peace process required reciprocity from India and Pakistan as well as engagement of Kashmiris, and the Kashmiri militant or armed groups in the peace process is important as Kashmir issue is of

international concern. The participants were of the opinion that the peace process should be driven according to the wishes of the Kashmiri people. They argued that Pakistan and India should be more honest in considering their views because the Kashmiri involvement in the peace process is the real way to the solution of the Kashmir dispute. They also emphasized that the peace process should have a timeframe. One of the participants recommended that Kashmir is a political problem centering on the denial of political rights and human needs of the people of Kashmir and suggested three-pillar theories with regard to the resolution of Kashmir issue. Another participant proposed a "faith-based reconciliation" model and "conflict transformation" to be taken into account in the solution of Kashmir dispute. The participant argued that there exists a strong integration of faith and politics in the Muslim world. Another participant suggested the "Nepalese peace process model" as a solution for the Kashmir dispute. Another commented that identical governments on both sides of the LoC and interim solution along with a timeframe could be an effective way to resolving the Kashmir issue. There were a number of other models suggested by the speakers such as South Tyrol Model, Sudan Model and the Somaliland Model.

After considering the various models and their applicability to the Kashmir dispute it was recommended that three models form the basis for the conflict resolution process. They were Northern Ireland Model, Faith-Based Reconciliation Model and Conflict Transformation Model. The speaker suggested that the other models also offered some features that could be examined in the context of the Kashmir dispute. The participants recommended an interim solution to the Kashmir dispute at this time to be known as the Reconciliation Model. As a conclusion to the deliberations, the participants presented various recommendations regarding confidence building measures to be implemented at the earliest possible time. There was a consensus on the need to involve the freedom fighters/ militants in the peace process. The recommendations of the working group were finalized and presented in the form a of report by the chair Mr. Cox on March 17, 2007 at the concluding session of the conference.

Group 3

Learning from Models of Conflict Resolution and Peace Process

Members

1. Sardar Amjad Yousuf, Executive Director, KIIR
2. Gottfried Strasser, Austria
3. Cllr Dr. Zulfiqar Ali, Counselor President Advisory Committee Justice Foundation, London
4. Cllr Sajid Jawaid, Counselor London Borough of Greenwich
5. Cllr Donald Austen, Counselor London Borough of Greenwich
6. Imran Maqsood, Computer Instructor, Rawalakot
7. Imtiaz Ahmed, Prof. of Chemistry, Rawalakot Poonch
8. Paul Romen Mp, UK members of Parliament
9. Ali Asghar, UK
10. Abdul Razak, UK
11. Ishtiaq Hameed, Member APHC
12. Dr. Shaikh Waleed Rasool, Columnist, Research Fellow
13. Prof. Emilio Asti, Professor of Oriental Culture
14. Haji Muhammad Iqbal, MNALC, (NA Khaplo)
15. Muhammad Ibrahim Sanai, Advisor PWD NAs
16. Karola Weil, USIP, Washington DC
17. Altaf Hussain Nabi, Member, APHC
18. Tahir Aziz, Conseliation Resources, London
19. Brian Cox, ICRD, Washington DC
20. Nazir A. Shawl, Kashmir Centre, London
21. Dr. Shireen M. Mazari, DG, ISSI
22. Prof. M. Ashraf Saraf, APHC
23. Ved Bhasin, Kashmir Times
24. Ghulam Raza Shah, Member AJK Council
25. Shaheen Akhtar, Research Fellow, IRS
26. M. Rafiq Khan
27. M. Iftikhar
28. Mustafa Ali Asghar
29. Syed Gulzar Hussain
30. Ajaz Bukhari

Concluding Session

The concluding session commenced with comments from Mr. Inam ul Haque, Chairman of the Institute for Strategic Studies, Islamabad (ISSI). He extended a warm welcome to the guests. He said that the discussions between the three working groups had taken place in a friendly and candid manner. He explained that the recommendations put forward by the groups were designed to promote the dialogue process between Pakistan and India.

Shah Ghulam Qadir, Chairman of Kashmir Institute of International Relations (KIIR), thanked all responsible for the success of the conference. He said that the conference had been well attended by different opinion-makers. He said that the group discussions had progressed significantly through the suggested recommendations. He hoped that the recommendations would be well received by the two capitals.

The Federal Minister for Kashmir Affairs and Northern Areas (KANA), Tahir Iqbal, was also a speaker at the concluding session. He said that he was pleased to listen to the recommendations put forward by the three working groups. He said that the Kashmir dispute required a solution on the basis of conflict resolution. He described the recommendations as "valuable" and hoped that they would assist in finding a solution to one of the world's most intractable conflict. He said that the government of Pakistan would ensure that the Kashmiris achieve their rights and that the dispute gets resolved in accordance with their wishes. He said that the presence of the large number of Kashmiris at the conference revealed that they were an essential part of the peace process. He said that Pakistan desired a durable peace in South Asia. He called on the international media to play an effective role in exposing the human rights violations against Kashmiris. He said that the purpose of the conference was to convey to the world that Pakistanis and Kashmiris desire a peaceful resolution of the dispute. He also pointed out that the Pakistani government supported a trilateral dialogue between all the three parties to the dispute.

The concluding session mainly focused on the recommendations made by all the three groups tasked with holding deliberations in the form of three working groups.

Final Recommendations

Recommendation-Group One: “Human Rights and Justice in Kashmir”

- The people of Kashmir, who have been suffering in the decades old conflict are the most relevant and important voice in the conflict and while addressing the situation of human rights and justice in Kashmir, we must listen to the aspirations and needs of the people.
- The ignominy and humiliation suffered by ordinary Kashmiris at military check posts is a violation of human rights and must be redressed. The Black Laws enacted by the Indian government and the Jammu and Kashmir State government must also be removed, as they also constitute a major infringement upon the human rights of the Kashmiris.
- International community and local actors, keen on resolving the dispute, should undertake an endeavor to methodically and impartially report the facts and figures of human rights violations and justice and infringement.
- International NGOs should be given permission to interact with the people on ground and all curbs on their movement and freedom of discussion should be removed. More space should be created for civil society groups to speak out. Lawyers and activists on ground should undertake efforts to bring out the facts and figures that report the injustices perpetrated in the valley.
- Government of India and Jammu and Kashmir State government should ensure and guarantee that all human rights violations are independently investigated by the courts and that impunity to such acts should not be provided. A well-equipped and independent Human Rights Commission should be established.
- Involvement by international bodies like European Parliament to ensure the implementation of measures for the redressal of violations.
- Respect for already established international guidelines on human rights and justice must be ensured by the authorities on ground. An

international alliance must be created to support the cause of Kashmir and bring adequate attention to it.

- There is need to allow every Kashmiri to move freely and there should be no restrictions on that movement.
- There is need to involve a big power in the resolution of the dispute and their role should be to ensure dignity and human rights for the Kashmiri people.
- The real issue of Kashmir should be internationalized and the psycho-social impact of the occupation on the people of the area should be brought to attention.
- Those who have suffered physical or psychological torture at the hands of the Indian forces should be compensated by the state.
- Promote transparency of human rights and justice in Jammu and Kashmir. We should make use of the phenomenon of globalization to involve the international community through NGOs, non-state actors and activists to force India to conform to the universal discourse on human rights and justice.

**Recommendation-Group Two:
“Step-by-Step Approach to Self-Determination: Identification of
the Area; Demilitarization: Self-Governance: Joint Management”**

I would like to thank the organizers of the conference,

- the *Institute of Strategic Studies, Islamabad* and
- the *Kashmir Institute of International Relations* for organising this conference.
- I would like to commend the leaders of both India and Pakistan for initiating the peace process.
- I *would* like to emphasise that in the case of Kashmir war is no longer an option.
- The *two*-day discussions in Group B focused on
 - “Step by Step Approach to Self-Determination; Identification of the Area:
 - Demilitarisation:
 - Self-Governance:
 - Joint Management.”

Following are the points of agreement.

General

- It must be recognised that the four-tier proposals are steps in a process and the ultimate objective continues to be self-determination.
- Kashmiris must be made part of the peace process between India and Pakistan.
- Resistance groups must be involved in the peace process.
- There should be a specific time frame for the peace process.
- More Kashmir-specific CBMs are needed such as the easing of travel restrictions and the opening of trade routes.

Identification of the area

1. The area of the Jammu and Kashmir State should be defined as was on August 14, 1947.
2. The ground realities in Kashmir have changed and therefore new realities must be taken into account for finding a sustainable solution to the dispute.

Demilitarisation

1. Demilitarisation must be viewed in its widest sense. It should include:
 - The reduction of military and paramilitary force.
 - The repeal of draconian laws including the Special Powers Act.
 - The vacation of land and property expropriated by the army and the paramilitary forces.
 - Regular police force should take over after the withdrawal of the army.
 - Demilitarisation should lead to a reduction in human rights violations.

Self-Governance

1. The concept of Self-Governance has not been elaborated. There is a need for more work to establish what constitutes Self-Governance. The constitutional issues relating to the concept of Self-Governance need to be discussed in detail.

Joint Management

- Questions were raised as to whether Joint Management would be localised, comprehensive, consultative or executive.

Concluding Remarks

- Both sides of Kashmiris should formulate a united position.

Recommendations-Group Three: “Learning from Models of Conflict Resolution and Peace Process”

Guiding Principles

The participants in the working group offer the following principles that must guide any conflict resolution process in Kashmir:

- The people of Kashmir, must be included in the central discussion which will determine their future. Their fundamental right to full participate in any negotiation must be recognized.
- In order to establish the appropriate environment in which human rights can be improved there should be a cessation of all forms of violence, beginning with the return to the barracks of the Indian army and paramilitary forces from populated areas.
- The geographic, ethnic, religious and political diversity of Kashmir must be taken into consideration.
- An inter and intra dialogue needs to be promoted between regions, religions, political and ethnic groups.
- It is essential to develop national consensus among Kashmiri people.
- The internal and external displacement of people since 1947 must be addressed.
- It is essential to build an atmosphere of trust though confidence building measures. There must be “Kashmir specific” confidence building measures.
- It is essential that the members of civil society from both sides of the Line of Control have unhindered opportunities to interact with each other.
- There needs to be a process of healing and reconciliation among the Kashmiri people as a prelude to a final settlement of the Kashmir dispute. This process of reconciliation may give birth to possibilities for settlement that do not currently exist.
- The efforts of track I, track II and civil society need to be more closely coordinated with each other so as to strengthen each of them.

- As part of the healing process UN rapporteurs on human rights and international NGO's must be allowed unhindered access to all parts of Kashmir so as to establish the truth about human rights abuses by all parties.
- The Kashmir conflict is not only a local issue, but also an international issue with diverse dimensions. It involves two nuclear powers with the danger of Kashmir becoming a nuclear flashpoint.
- The conflict resolution process must tangibly address the basic needs of the Kashmiri people for identity, dignity, recognition, security and development otherwise it will not be sustainable or lasting.
- India and Pakistan should invite a credible figure or institution from the international community acceptable to the Kashmiris to serve as a facilitator so as to bring hope to Kashmiris and to symbolize the concern of the international community for resolution of the Kashmir issue.
- As in Northern Ireland there is a need for sustained and structured dialogue that involves militants in the process.
- The process is as important as the outcome. The Kashmiri people must take initiative themselves, so as to influence the outcome of the process.
- There needs to be the equitable inclusion of women at all levels of one peace process.
- The UN principles still remain as the only legal basis for resolution of the Kashmir conflict. Any conflict resolution process should respect the principle of Kashmiri self-determination.

Process

With regard to conflict resolution **processes** we considered different models such as:

1. Aland Island Model
2. Trieste Model
3. Andorra Model
4. Northern Ireland Model
5. Faith-Based Reconciliation Model

6. South Tyrol Model
7. Sudan Model
8. Somaliland Model
9. Nepalese Model
10. Conflict Transformation Model

After considering the various models and their application to the Kashmir dispute it is recommended that three models form the basis for the conflict resolution process:

1. Northern Ireland Model
2. Faith-Based Reconciliation Model
3. Conflict Transformation Model

We recognize that the other models also offered some features that could be examined in the context of the Kashmir dispute.

The ***Northern Ireland Model*** offers the following aspects that should be considered in the process:

- Recognition of the legitimacy of whatever choice is freely exercised by the people.
- Commitment to a process of eventual disarmament of all paramilitary organizations.
- Provides a context of the right of self-determination as opposed to territorial control.
- There must be sustained and structured dialogue. Hence, a multi-track dialogue process in addition to the ongoing India/Pakistan dialogue is needed at three main levels: intra-Kashmiri dialogue with participants from both sides of the LoC and involving militant groups; Pakistani/Kashmiri dialogue; India /Kashmiri dialogue.
- The militants need to be involved in the process as soon as possible.
- There should be trilateral dialogue as opposed to bilateral dialogue.
- The role of the Diaspora is critical.
- Civil society groups should take the lead to foster peace movements.

- The role of an outside/internal facilitator is critical and essential to the process.

The ***Faith-Based Reconciliation Model*** offers the following aspects that should be considered in the process:

- The need to restore the historic moral vision in Kashmir based on reconciliation as a foundation for a future Kashmir and as a basis for restoring Kashmiryat and harmonious relationships throughout the region.
- The need to build bridges among the different identity-based groups in the region so as to create understanding, and overcome stereotypes.
- The need to demolish walls of hostility that currently exist between members of identity-based groups and toward India or Pakistan.
- The need to address issues of human rights and the sharing of power and privilege as a basis for establishing the common good and a **just** basis for Kashmiri society and its relationship with India and Pakistan.
- The need to heal the torn fabric of society by fostering both individual and political forgiveness.
- To address the wounds of Kashmiri history in such a manner that leads to acknowledgement of wrongdoing by offenders and extending forgiveness by victims.
- To draw from the peacemaking tenets of the groups' religious traditions as a motivation for peacemaking.
- To encourage leaders to consider spiritual and moral values in governance and policy making.
- Encouraging the development of a problem solving approach by reframing the conflict as a joint problem to be solved by all parties.

The ***Conflict Transformation Model*** offers the following aspects that should be considered in the process:

- A commitment by all parties to a peaceful resolution of the conflict.
- Utilizing an elicitive, rights-based approach that draws from the Kashmiris their solutions to the Kashmir dispute.

- Establishing on the senior, middle and grassroots levels the mechanisms for addressing ongoing conflict in a peaceful manner.

The conflict resolution **process** should take into account some key points to move the process forward at this time (i.e. next step):

- Engaging the militants in the process.
- Return of displaced persons.
- Creating a porous cease fire line (LoC)
- Creating a unified Kashmiri voice
- Creating a just negotiation process.
- Healing the torn fabric of society
- Mobilizing the Kashmiri Diaspora to create economic opportunity in the region.

Settlement Frameworks

With regard to **settlement frameworks** we considered both interim and permanent models.

We recommend an interim solution to the Kashmir dispute at this time to be known as the ***Reconciliation Model***. It is based on the following points:

- As a first step all parties to the Kashmir conflict should recognize Kashmir as disputed territory.
- The paradigm for resolution between India and Pakistan should refocus from conflict resolution to reconciliation as a first step.
- Kashmiris need to be given political space that enables a process of healing and reconciliation to take place.
- Kashmiris should focus on being able to propose their own solution.
- A time frame of 4-5 years should be fixed for final settlement.
- Track I and Track II efforts should work in close cooperation.

Confidence Building Measures

With regard to **confidence building measures** we recommend the following, to be implemented at the earliest possible time:

- Demilitarization of the region.
- Pulling back Indian forces to their barracks so as to restore normalcy.
- Ending all cross border LoC activity of militants.
- Ending violence and human rights violations by all parties.
- Free movement of peoples across the LoC.
- Prepare a roll of Kashmiris by the UN.
- Allow return of displaced persons (since 1947).
- Repeal of black laws and release of all political prisoners Jammu & Kashmir.
- Demining and removal of fencing on both sides of the CFL/LoC.
- Encourage cross LoC economic activity.
- Encouraging an internal cease-fire between Indian Security Forces and militants.
- Cultural and educational exchanges across the LoC.
- Encourage joint problem solving of health, educational, economic, cultural, tourism, environmental issues.
- Economic experts from the international community to visit both sides to assess the economic potential. Both sides begin cooperating on disaster management.
- Encourage cross LoC media cooperation and freedom of the press.

Chairman Senate, Mian Muhammad Soomro, in his concluding address commended the efforts made by the three groups. He said that this effort could have far reaching implications regarding the resolution of the Kashmir dispute. Pointing to one of the recommendations made by Group B he said that a timeframe for the peace process was necessary.

He emphasized that the dialogue process between Pakistan, India and the Kashmiris must continue. He said that the progress made so far was representative of the desire that a quick solution must be found to the dispute. He said that the recommendations were significant in that they touched on all aspects of the dispute and suggested that the concerned parties needed to work actively and follow the recommendations made at the conference. He emphasized that the government of Pakistan is committed to finding a just and durable solution to the Kashmir dispute in accordance with the wishes of the Kashmiri people.