

CONTEXTUALIZING MUSHARRAF'S FOUR-POINT FORMULA

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Since their independence from the British colonial rule in 1947, both India and Pakistan have remained caught in a relationship of confrontation and hostility towards each other. The Kashmir issue is viewed as a manifestation of this mutual mistrust between the two countries. Both countries have claims over the state of Jammu and Kashmir and defend their positions based on their own versions of the developments which took place at the time of the partition of the subcontinent. Over the past more than six decades several attempts have been made to address the problem and ameliorate the relations between the two countries. In this regard a number of proposals have been put forward by international organizations such as United Nations Organization (UNO), and several other think tanks, political parties across the border and political pundits. Besides, there have been bilateral approaches from India and Pakistan in different forums and as well as through high official meetings on several occasions in the past. These proposals range from the partition of the state on geographical and ethnic lines to a 'soft border' and self-rule arrangements. However, most of these have been rejected by one or the other party involved in the dispute. None of these attempts have led to any settlement of the dispute so far.

Kashmir issue in the United Nations

Attempts at resolving the issue were made from the very beginning, when the problem emerged. As stated earlier; it began with the bilateral meeting between then Governor General of India Lord Louis

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Mountbatten and Governor Generals of Pakistan Mohammad Ali Jinnah, followed by a number of bilateral meetings and agreements from time to time. At another level the United Nations also tried to work out a solution for the problem after the issue was referred to it for an intervention into the matter by the Indian government through its United Nations emissary P.P Pillia, on 1 January 1948, by invoking article 35 of the United Nations Charter. Under the article India lodged a complaint against Pakistan's military support to the tribesmen invading the territory of Jammu and Kashmir. The letter sent to then President of the United Nations Security Council dated 1 January 1948, by the government of India requested the Security Council to call upon Pakistan to stop providing military aid to the tribal invaders. Otherwise, the government of India in its self defence may be compelled to take direct military measures against Pakistan. The Pakistani government instead of answering these allegations charged India with the breach of international agreements such as, division of the military stores, and cash balance, which both nations had signed at the time of the partition. Further, responding to India's complaint about Pakistan's involvement in the tribal invasion on Kashmir, Pakistan denied playing any such role. However, they accepted that some Pakistani nationals including few independent tribal groups had minimal part in the invasion but added that Pakistan was ready to discourage such activities and curb such elements by whatever means it could.¹ Pakistan requested United Nations Security Council to take necessary measures to stop India from such actions and put pressure on India to implement the agreements it had signed with the government of Pakistan in connection with the partition of the subcontinent. In this context the government of Pakistan gave a detailed account of all the significant developments which took place before and after the partition to the UNSC.

In the discussions held by the UNSC, Pakistan claimed that the accession to India by Maharaja Hari Singh is not valid as Maharaja himself did not carry any popular support in the state. In fact, there were protests against his rule long before he signed the Instrument of Accession in 1947. This is evident from the protests and demonstrations in the early 1930's. Therefore, the validity of this accession is questionable. Moreover, Sir M. Zafrulla Khan, who was representing Pakistan's case in the Security Council, said that the accession which Maharaja Hari Singh signed with the government of India runs parallel to the accession between Maharaja of Junagadh and government of Pakistan, which India had unilaterally set aside. In both these cases the

ruler belonged to a different religious community from his subjects—the state of Junagadh with a Muslim ruler ruling over the Hindu subjects and in the Jammu and Kashmir state, it was a Hindu ruler ruling over the Muslim subjects.² After hearing the representatives from the both the countries the United Nations Security Council held several debates and discussion on the issue of Kashmir's political future and in the process various resolutions were passed and committees were formed to look in to the matter.

In this direction the first resolution was passed on 21 April 1948, by nine votes against none, with the Soviet Union and Ukraine abstaining from voting. The resolutions asked the government of India and Pakistan to stop the fighting and create favourable conditions so that the people of the state were able to express their wishes to decide the political future of their state without any coercion and threat to their lives, through plebiscite. It was recommended in the resolution that the Pakistan government should secure the withdrawal of the tribal groups and other Pakistani nationals who were operating in the state of Jammu and Kashmir. On the other hand India was told to reduce the number of its military forces to the minimum strength required for the maintenance of the law and order in the state. The recommendation further proposed the nomination of a plebiscite administrator with adequate powers to ensure a free and fair plebiscite in the state of Jammu and Kashmir. However, it is important to mention here that under Chapter VI of the United Nations Charter, the Security Council can make recommendations only. There is no provision for enforcing its decisions upon the concerned parties. Parties to the dispute are not bound to act on the recommendations. United Nations Security Council (UNSC) could only try to persuade India and Pakistan to follow the recommendations it made under such resolution.

The United Nations commission for India and Pakistan (UNCIP) a three member committee, formed under 21 April 1948 UN resolution on Kashmir and later expanded to five member commission; Argentina nominated by Pakistan, Czechoslovakia nominated by India, Columbia and Belgium selected by Security Council while United States named by Council's President. The commission paid a visit on July 7, 1948 in the region with a purpose to investigate the charges of India and Pakistan against each other and to get a firsthand account of all the developments taking place in the region. In the mean time affairs in the Kashmir moved towards all-out war between India and Pakistan. During its first visit the

commission held several meetings. They met the prime minister of Pakistan Liaqat Ali Khan and prime minister of India Jawaharlal Nehru. Besides, they held several other meetings and discussions with senior political figures and diplomats from both the countries including the meetings with some military officials to hear their description of the military operations.

After analyzing the situation in the region and meeting several political leaders and other senior government officials of both the countries, the United Nations Commission for India and Pakistan (UNCIP) framed a resolution on 13 August 1948. The resolution called for an immediate cease-fire along the border, the appointment of a military observer to monitor the cease-fire, the withdrawal of the tribesmen and Pakistani troops and also that the evacuated territory be administered by the local authorities under the surveillance of the commission.³ Under the resolution, the Government of India was asked to reduce its military presence till such time when the final solution to the dispute was reached. Most importantly, both the nations of India and Pakistan were asked to reaffirm their agreement that the people of the state of Jammu and Kashmir will determine the final political destination of their state through the free and fair plebiscite under the resolution.⁴

On January 5 1949, the commission after correspondence with the governments of the two dominions adopted a resolution supplementing the 13 August 1948 United Nations resolution. The resolution called for an accession of the State of Jammu and Kashmir to India or Pakistan through the democratic method of a free and impartial plebiscite. The plebiscite was to be held when the commission was convinced that the cease-fire and the truce arrangements set forth in Parts I and II of the Commission's resolution of 13 August 1948 have been carried out and arrangements for the plebiscite have been completed fairly. A Plebiscite Administrator who shall be a personality of high international standing and commanding general confidence was to be appointed by the Secretary-General of the United Nations and he would be equipped with the powers necessary for organizing and conducting the plebiscite and for ensuring the freedom and impartiality of the plebiscite in the state of Jammu and Kashmir. The Governments of India and Pakistan and all authorities within the State of Jammu and Kashmir were supposed to collaborate with the Plebiscite Administrator in putting this provision into effect and would make sure that there is no threat, coercion or intimidation, bribing or other undue influences on the participation of the

voters during the plebiscite.⁵

McNaughton Proposals -1949

In December, 1949 the United Nations Security Council (UNSC) made a fresh approach to resolve the Kashmir through its representative AGL McNaughton to negotiate directly between the two nations. General AGL McNaughton from Canada, who was then the president of the United Nations Security Council, was entrusted with the job of negotiating through direct conversation with both the parties, India and Pakistan, in order to find a permanent solution to the Kashmir dispute. He was also accompanied by Muguel A. Marin, Elmore Jackson of the UN secretariat and military expert called Jacob L Dever. General AGL McNaughton recommended some steps that both the countries were to follow in order to reach a solution. These recommendations were: First and foremost there should be the withdrawal of military forces from the state of the Jammu and Kashmir to the level where the remaining forces would not cause any fear or threat at any point of time to the people or to either side of the ceasefire line. The Northern areas of Gilgit and Baltistan should be considered part of the disputed territory along with the Kashmir valley, Punch and Jammu regions. However, these territories should be administered by the existing local authorities under the supervision of the United Nations. Finally, as per the terms of the United Nations Commission for India and Pakistan (UNCIP) resolution passed on 5 January 1949, plebiscite would be held under the United Nations monitoring body.⁶ The proposal put forward by General AGL McNaughton was received with a feasible degree of interest by Pakistan but rejected by India on the grounds that tribal invasion with a fair support and aid from the Pakistani army has violated the accession of Maharaja Hari Sing with the Union of India.⁷ Therefore, all the forces including the tribal forces, supported by Pakistan, must leave the territory of Kashmir unconditionally before any step for conducting a plebiscite could be taken. The mediation by the General AGL McNaughton yielded no result and the issue again came before the United Nations Security Council. However, it led to the appointment of Sir Owen Dixon, a distinguished Australian Jurist on April 12, 1950.

Owen Dixon - 1950

Sir Owen Dixon arrived on the subcontinent on 27 May, 1950 as he was appointed by the members of the UN secretariat. During his strenuous visit to both the nations and to the state of Jammu and

Kashmir, he held several discussions and meetings with the Prime Minister of India Jawaharlal Nehru and Prime Minister of Pakistan Liaqat Ali Khan and other government functionaries in both countries. He was also successful in conducting a meeting between Jawaharlal Nehru and Liaqat Ali Khan on 20-24 July 1950 in New Delhi to discuss the various possibilities for the resolution of the disputed territory of the state of Jammu and Kashmir.

After spending three months in the region Sir Owen Dixon presented his report before the United Nations Security Council (UNSC) on 15 September 1950. The report submitted by him is considered one of the most fascinating examples of literary elegance and wit to emerge from the sorry story of Kashmir.⁸ Sir Dixon in his report tried to explore a fresh approach for the resolution of the Kashmir dispute, which came to be known as 'regional plebiscite. It was a plan according to which some areas which were certain to vote for the accession to Pakistan and some for the accession to India, they should be allotted accordingly and plebiscite should be confined only to uncertain areas, which appeared to be the Kashmir valley and some adjacent areas. However, Sir Dixon also met the same fate his predecessor AGL McNaughton had been through: India and Pakistan could not come to an agreement on the Dixon proposals. The recommendations were rejected by India and Pakistan showed very little interest in implementing them. Therefore, the most critical dispute between the two dominions seemed without any foreseeable end. While leaving the sub-continent on 23 August 1950 Sir Owen Dixon said that "there was nothing further that I could do now".⁹ Though, with a very thoughtful approach towards the resolution of the issue, Sir Owen Dixon left in despair and hopelessness.

Graham Proposals - 1951

Despite the failure of its previous attempts to resolve the Kashmir problem by passing numerous resolutions and sending its various envoys to the region to mediate between the two new countries, the United Nations Security Council (UNSC) continued its efforts and endeavours to bring a permanent settlement between India and Pakistan over the Kashmir dispute. On 30 March 1951 United Nations Security Council appointed Dr. Frank P. Graham, former United States Senator for North Carolina, as United Nations representative in succession to Sir Owen Dixon to mediate between Indian and Pakistan to get them to agree on holding a plebiscite in the state of Jammu and Kashmir. Frank Graham worked from 1951-53 to secure a long lasting solution of the Kashmir

issue. He visited the Indian sub-continent and in the light of the Sheikh Mohammad Abdullah's activities, who had become the Prime Minister of Jammu and Kashmir on March 15, 1948, tried to explore the possibilities for demilitarization of the disputed territory and implementation of the United Nations' Resolution in order to reach a permanent settlement of the Kashmir issue.

During his three years term Graham submitted at least five reports¹⁰ to the United Nation Security Council in order bring an end to the confrontations on the Kashmir problem. However, none of his recommendations were accepted by the parties to the dispute. While rejecting the proposal put forward by the Frank Graham, India reiterated its previous demand that until Pakistan does not withdraw its forces from the territory of Jammu and Kashmir completely and disband the local militia, there is no possibility of holding any plebiscite regarding the political future of the state. On the other hand, Pakistan had its mistrust over the fairness of any plebiscite which is not adequately supervised by any third neutral party. Further, Pakistan rejected the recommendations on the grounds that Pakistan was supposed to withdraw all its forces from the State while as India was allowed to retain some of its troops to maintain order, which could potentially lead to coercion or intimidation of the voters by Indian forces to influence the outcome of the proposed plebiscite.¹¹

Following Graham's failure, there was not much that the UN did for the next few years. On 23 January 1957, the Jammu and Kashmir constituent assembly led by Bakshi Ghulam Mohammad ratified the Instrument of Accession signed by the Maharaja Hari Singh with the Union of India in October 1947. In response to this, the government of Pakistan raised the issue in the UNSC as a result the United Nations Security council (UNSC) passed a resolution that restated the earlier U.N resolutions on issue and called for a final settlement of the dispute "in accordance with the will of the people expressed through a free and impartial plebiscite conducted under the auspices of the United Nations."¹²

Although Pakistan kept raising the Kashmir issue in the United Nations in the early 1960s, United Nation's involvement in Kashmir was considerably reduced. In 1962 the Kashmir Question was again debated in the U.N Security Council. However, the United Nations Security Council failed to pass a resolution on Kashmir in view of a Soviet veto,

which discouraged the United Nations Security Council from pursuing the Kashmir question afterwards.¹³ This was followed by a number of attempts at Tashkent and Simla in the form of agreements with a purpose to resolve the Kashmir problem, however, without any practical effect on it.

In the post 1990, a number of factors both local and at the international impacted the relations between the two countries and the regional context within which these relations operated. It began with the end of cold war and emergence of the unipolar global order. In 1998 the two countries tested their nuclear arsenal and emerged as *de facto* nuclear powers. Subsequently, the developments of 9/11 have had tremendous impact on how violent political movements were to be judged and dealt with at global level. This created a context in which continued tension and cross-border violence considerably undermined the relations between the two states. However, it was within this context that many people within the two nations and from outside started highlighting the value of resolving conflicts and building peace for the greater good of the region in general and for the people in two countries in particular.

A number of positive initiatives were taken at different levels. These included the initiatives at "Track Two" level encouraging the resumption of official level talks. Also, within the same context different attempts were made in finding an acceptable solution to Kashmir issue. In this context one of the important and latest proposals came from the former Pakistani president, General Pervez Musharraf.

Pakistan's Departure from the United Nations Resolutions

There have been many ups and downs in the efforts of India and Pakistan to resolve Kashmir problem over the last sixty years. Initiatives to settle the Kashmir issue ranged from a direct military war to bilateral dialogues and discussions at various levels through different peaceful channels. However, most of these attempts have been foiled due to the conventional position held by both the countries vis-à-vis the Kashmir issue that became a major hurdle in changing mind sets between the two contending states. However, from the mid 90's a number of developments as earlier hinted, made the two countries to become flexible which resulted in the initiations of a number of dialogues and discussions between them. Lahore declaration, signed between the Prime Minister of India Atal Behari Vajpayee and Prime Minister of Pakistan

Nawaz Sharif in February 1999 was in recognition of this fact and the nuclear capabilities acquired by both India and Pakistan had added to their responsibility for avoiding a conflict between the two countries.

In this direction a major development took place when President Pervez Musharraf said that Pakistan is ready to set aside its sixty year stand that the Kashmir dispute should be resolved through Plebiscite under United Nations resolutions. In an interview on India's private channel NDTV in December 2006, then President of Pakistan General Pervez Musharraf spoke of a four-point formula for the permanent settlement of the Kashmir problem lingering between the two countries since the partition of the sub-continent in 1947.

Pakistan's departure from the resolutions adopted on Kashmir by the United Nations Security Council took place long time back, when Simla Agreement was signed between Indian Prime Minister Indira Gandhi and Pakistani President Zulfikar Ali Bhutto on 3rd July 1972, in Simla. According to the Agreement, all the disputes including the dispute of Kashmir were to be settled bilaterally, without any third party intervention such as UNO. In a way Simla Agreement was the first sidelining of the UNSC resolutions vis-à-vis the Kashmir problem. The war was the result of Pakistan's effort to retain its control on its eastern part, now Bangladesh, but now it had to pay a price in Kashmir.¹⁴ However, one should not overlook the changes in geopolitics that the world has witnessed since the last decade of the twentieth century. Few of these major changes needs to be briefly analyze here vis-à-vis their impact on world and South Asia particularly. First, after the end of the cold war and the bipolar world, a new world order has evolved and new geopolitical equations have developed. In the post-cold war global scenario the earlier policy of supporting allies, whether they are right or wrong, could no longer work as it could considerably erode the US's legitimacy to intervene in world affairs to promote its interests and ideas. Further, now that world is not sharply divided into two camps, the US could not afford to alienate countries that were likely to become important powers and its allies in future. In this context, India's potential both in terms of geopolitics and in terms of its market could not be underplayed.¹⁵ Similarly, among other major powers including China, the perception on Kashmir has been shifting. This was witnessed during the Kargila war, when China, Pakistan's close ally, preferred to remain neutral instead of extending its support as she did in the past on several occasions.

The factors that are to be taken into consideration on this account are; the impact of globalization with easy and rapid worldwide trans-border movements, the information technology revolution and the rapid flow of ideas as well as goods¹⁶. It started creating imperatives for greater cooperation and strategic partnership at global and regional levels to maximize political, economic, and military gains. The concept of soft border, free flow of trade and information, economic interdependence are the terms being used in international relations. This prompted both the countries to engage in an intense process of negotiations and dialogue to promote a stable environment of peace and security rather than continuation of acrimony and antagonism against each other.

In May 1998, both India as well as Pakistan conducted a series of nuclear tests. The nuclear weapons revived international interest in South Asia. The hostile atmosphere between the two newly nuclearized powers was witnessed by the international community with serious concern. Kashmir was seen as a nuclear flashpoint between the two countries. The effect was most noticeable in the reaction of the international community to the Kargil war in 1999. Pronouncements were made that the international community now viewed military conflict between nuclear armed India and Pakistan as unacceptable and would move against the initiator of the irresponsible military action.¹⁷ Also a realization dawned among the saner elements and other government functionaries within the two countries, that the continuation of the problem could be disastrous for the region. Lahore declaration, signed between the Prime Minister of India Atal Behari Vajpayee and Prime Minister of Pakistan Nawaz Sharif in February 1999 was in recognition of this fact, that the nuclear capabilities acquired by both India and Pakistan had added to their responsibility for avoiding a conflict between the two countries.¹⁸

In early 1999, there was a joint incursion by Pakistani troops and the Kashmiri militants, who crossed the Line of Control (LoC) and occupied the strategic mountain peaks in Mushkoh Valley, Dras, Kargil, and Batalik sectors of Ladakh.¹⁹ The main intension of the military operation in the sector was to "block the Dras-Kargil highway, cut off Leh from Srinagar, trap the Indian forces on the Siachin glacier, raise the militant's banner of revolt in the Kashmir Valley and take the issue of Kashmir back to the forefront of the international agenda."²⁰ However, Pakistan failed to comprehend that the international environment would not support its action and consequently did not anticipate or plan for the unanimous international opprobrium and isolation. The G-8 countries

held Pakistan responsible for the military confrontation in Kashmir and described the Pakistani military action to change the status quo as "irresponsible."²¹ They called upon Islamabad to withdraw its forces north of the Line of Control. The European Union (EU) publicly called for "immediate withdrawal of the infiltrators."²² The United States also depicted Pakistan as the "instigator"²³ and insisted that the *status quo* be unconditionally and unambiguously restored. Under mounting international pressure for withdrawal, Pakistan's Prime Minister Nawaz Sharif made a dash to Washington on July 4, 1999 and signed a joint statement with President Clinton, which called for the restoration of the "sanctity" of the Line of Control in accordance with the Simla Agreement.

The Kargil War uncovered the inherent limitations of Pakistan's strategy to engage in a sub-conventional war against India in the nuclear environment. This also constrained Pakistan to initiate the process of dialogue and reconciliation with India, to resolve the Kashmir problem. This was associated with great degree of recognition from Pakistan that war scares were neither good for its image as a nuclear power state nor for its economic development and progress in the current international environment. One of the principal lessons of the Kargil crises for the state of Pakistan was that it understood it paid heavily for its adventurism in Kargil and that the international community will not support the use of overt force in future to alter the status quo.

Following the devastating attack on the world trade center on 11th September 2001, there was a change in America's attitude towards Pakistan. Washington added to its list of designated terrorist organizations two Pakistan based terrorist groups—Lashkar-i-Tayyiba and Jaish-e-Mohammed, both operating in the state of Jammu and Kashmir, thus sending a strong message to Islamabad about its growing dissatisfaction with Pakistan's Kashmir policy. During this period, a number of events occurred that favoured New Delhi; for instance, the UN Resolution 1373 (2001) adopted by the Security Council at its meeting on September 28, 2001, clearly ignored the distinction between the freedom movement and terrorism, whereas the US dubbed all resistance movements for the right to self-determination as terrorist campaigns. The change in the international environment followed by the attack on the Indian parliament on 13th December 2001, India took the advantage of the US's strategic shift by saying that the attack was part of the same global militancy to which America and the West were opposed,

and even linked the attackers to those of 9/11. The Incident invited worldwide condemnation and sympathy. This encouraged New Delhi to put intense military pressure on Pakistan. There was a very strong diplomatic pressure on Islamabad to stop providing shelter to such armed groups who are active in violent activities in the Indian part of Kashmir. Following his June 2002 visit to Islamabad, the Deputy Secretary of State, USA, Richard Armitage, managed to extract a pledge from President Musharraf of a "permanent end" to Islamabad's support to terrorist activities in Kashmir.²⁴ In response to this Pervez Musharraf banned several militant organizations operating in Kashmir and banned several militant groups. He also tried to curb cross-border infiltration following a military stand-off with India by restructuring the ISI which had been responsible for the court war in Kashmir.²⁵

Pakistan ranks 144 out of 170 nations in the physical quality of life index. Below, even the nations like Bangladesh. The huge defense budget of the nation has been very high economic toll on the nation as it has been described by 'The Human Development centre Islamabad in their report (Human Development Report) released in 1997, that Pakistan spent seven percent (7%) of its Gross Domestic product (GDP) on defence or nearly twenty seven percent (27%) of the total central government expenditure. This is higher than in any other South Asian country. The per capita defence expenditure of Pakistan amounted to \$26, and it's the nation with the eighth largest army in the world. The total defence expenditure of Pakistan is four times more than its expenditure on health and education.²⁶ Between 1997 and 2001, Pakistan's GDP dropped from US\$ 75.3 to US\$ 71.5 billion and by 2001 government debt was 82 percent of its GDP. In the meantime the law and order situation in many parts of the country, especially in the North-western Frontier Province (NWFP) and Baluchistan, has become the major stumbling block in the path of the many development works in the country. Therefore, the stake holders in the country thought that instead of remaining fixed in the hostile attitudes towards the neighboring countries especially India, economic reconstruction and human development should be given preference. Further, there is a need to trim down the country's over-commitment to military expenditure on its borders and to devote more resources to its economic growth and internal security. Thus, for Pakistan's own internal stability based on these internal reasons, a stable and peaceful relationship with its neighbouring countries especially with India is essential.

Since its inception in United Nations, a number of resolutions were adopted under Chapter VI of the United Nations charter with regard to and in quest of the permanent solution of the issue of Jammu and Kashmir. However, because of the non-binding nature of these resolutions both the countries refused to abide by them and after more than sixty years the idea of plebiscite has become obsolete. Even United Nations former Secretary General Mr. Kofi Anan, during his visit to India in March 2001, remarked that Kashmir should be resolved bilaterally by India and Pakistan as it is a bilateral issue in which the UN resolutions had become redundant. In this regard some of the Pakistani analysts observed that General Pervez Musharraf's suggestion of setting aside the UN Security Council resolutions on Kashmir is a pragmatic and realistic approach. Some of the analysts in Pakistan are of the view that there is no reason Pakistan stick to UN resolutions when UN itself has abdicated the same. The resolutions of the UN Security Council on Kashmir could remain valid until they are either implemented or the Security Council at the joint request of India and Pakistan repeals or replaces them.²⁷ The Islamabad government has realized now the futility of these resolutions passed on the issue and therefore, more focus is on other alternatives.

Lastly, there is a feeling in Islamabad that it can benefit a lot from India by entering into a cooperative relationship in economic sphere. Prof. Indra Nath Mukherji, an expert on the South Asia politics at Jawaharlal Nehru University (JNU) Delhi, observes that due to existence of the 'information gap' and lower priority attached by the businessmen of the both countries, even pragmatic business organizations find it hard to expand their bilateral trade and investment relations. Both the countries have intra-industry trade in several products at the bilateral level.²⁸ Firms involved in industries may benefit from joint ventures among them by identifying profitable avenues from intra-industry trade in several products such as Information Technology, Engineering and Agriculture and from several other similar areas.

In the context of these developments a bold shift was seen in Pervez Musharraf's policy towards Kashmir. However, despite, the strong opposition from the various political parties including the heads of the main opposition parties who categorically rejected the formula on the grounds that it amounts to the abandoning of Pakistan's principled position on Kashmir, former President of Pakistan, General Pervez Musharraf reiterated and stressed upon the his four-point formula he put

forward. On a number of occasions in the past as well, he had signalled a shift in his approach towards the resolution of the Kashmir issue vis-à-vis India. During the Agra summit in July 14-16, 2001 he suggested a four-step resolution process whose first and most important step was rejection of any solution that either country found unacceptable, the other three being the initiation of dialogue, acceptance of Kashmir as the core issue and exploring the remaining options.²⁹ On 25 October 2004 President Pervez Musharraf talked about the five regions of the state of Jammu and Kashmir—two in Pakistan administered Kashmir and three in Indian administered Kashmir and suggested the identification of the regions and changing the status quo in these regions without redrawing the border. During his speech in November 2004, Pervez Musharraf pursued a non-traditional approach on Kashmir problem by sidelining the United Nations resolutions which called for a plebiscite in the state to reach a final solution of the dispute. While in a meeting with the Prime Minister of India Dr. Manmohan Singh in New Delhi on April 2005, both the leaders described the peace process between India and Pakistan as “irreversible” and both agreed to an important point that since Line of Control (LoC) as an international border is not acceptable to Pakistan and any redrawing of the current Line of Control (LoC) is not acceptable to India, therefore the only solution left is to make the Line of Control irrelevant.³⁰ Besides, some additional Cross-LoC/border routes, such as Poonch-Rawlakot, Amritsar-Lahore, and Khokrapur-Munnabao links will also be opened within a year.³¹ This had happened immediately after the crucial breakthrough after sixty years of India-Pakistan relations in the form of opening of Srinagar-Muzafarabad bus service, connecting the divided parts of Kashmir in April 2005.

While speaking at a conference organized by the Washington based think-tank, Pugwash, in March, 2006, President Pervez Musharraf reiterated his call for the demilitarization and said that “his country’s proposal for demilitarization and self-governance offered a practical solution to the Kashmir dispute. An ultimate solution to the problem on these lines would make Line of Control (LoC) irrelevant. And such a solution would not require redrawing of borders. The demilitarization would be a great confidence-building measure and provide relief to Kashmir. This will also help to discourage militancy.”³²

On March 24, 2006, the Indian Prime Minister, Dr. Manmohan Singh, responded positively to the move by President of Pakistan General Pervez Musharraf, and said that while “borders cannot be

redrawn" both countries "can work toward making them irrelevant" - towards making them "just lines on a map."³³ He went on to suggest that a "joint mechanism" be set up to advance cooperation and development between the two parts of Jammu and Kashmir.³⁴

President Pervez Musharraf in his memoir *In the Line of Fire* described his four-point proposal over the issue of Kashmir as 'purely personal' which needed to be sold to the public by all involved parties for acceptance'. He summarized his four-point proposal as follows:³⁵

1. First, the identification of the geographical regions of Jammu and Kashmir territory, including Pakistan administered Kashmir. At present Indian part of Kashmir is divided into three division; Jammu, Kashmir valley, and Ladakh. While the Pakistan administered Kashmir consists of two regions: Northern Areas (Gilgit and Baltistan) and Azad Kashmir.
2. Second, demilitarization of the identified region or regions and restraining all the militant activities to bring down the level of violence which has been there for years and has relentlessly affected the lives of the people in the region. This can be done in an incremental approach. Military could be garrisoned in at least the residential areas. This element, Presidents Pervez Musharraf said, will serve as a great confidence building measure and provide relief to the Kashmiris and will discourage militancy in the region.
3. Third, introducing self-governance or self-rule in the identified region or regions. Letting the people of Kashmir govern themselves and having the satisfaction of running their own affairs without having any international interference. However, he ruled out complete independence.
4. Fourth, and most important one, is to have a joint management mechanism with a membership of India, Pakistan and Jammu and Kashmir State overseeing self-governance and dealing with residual subjects common to all identified region or regions and those subjects which are beyond the scope of self-governance. Under this joint management mechanism, both India as well as Pakistan will retain sovereignty over their respective parts of Kashmir, and will look at the residual elements of foreign affairs, currency, communication and defence.

The four-point formula based on the four core components;

identification of the regions, demilitarization, self-governance, and joint management mechanism has been described as a unilateral concession to India by Pakistan vis-à-vis the Kashmir problem. General Pervez Musharraf is the first leader in the history of Pakistan who was ready to move away from the demand for the implementation of the United Nations Security Council resolutions as a means to resolve the Kashmir problem between the two nations. It demonstrates that the President Pervez Musharraf was ready to be flexible and was open to compromises regarding the Kashmir issue. As he himself admits, he believes that there are different options to solve the dispute and that a solution is possible but only if there is a movement beyond the current status quo.³⁶

The formula will allow India to keep its hold on what is already within its jurisdiction. On the other hand, Pakistan will also be able to legitimize its control over the Azad Kashmir and the Northern Areas of Gilgit and Baltistan. The Line of Control (LoC) will be converted into an international border with transit points for the people-to-people exchanges, free trade and other developmental opportunities. Kashmiris would be given special rights to move and trade freely on both sides of the Line of Control. Each of the former princely state's distinct regions would receive a greater amount of autonomy. The functions reserved under this provision will not be subject to any limitation by any other government. People of the state will determine the basic institutional structure of their governing body and will have the right to govern their internal affairs without any third party intervention. The fourth and final component is the joint management mechanism. It is a new idea and requires a high degree of cooperation and confidence between the two countries. Under this, he suggested that foreign affairs, currency, communication and defence will be the joint responsibility of India, Pakistan with some kind of representation of Kashmiris. Under this "Joint Control Mechanism" there will not be no serious need of any serious readjustment in the territorial *status quo* in the region. Both the countries will retain sovereignty over their respective parts of the Kashmir territory.

The proposal raises a number of queries and questions and may also not meet the demands of a certain sections of the people desiring independence or the pre-1947 status. Yet, the idea has been a bold initiative based on an unconventional and creative approach to address the sufferings of the region and the people of the sub-continent due to the longest running territorial disputes between two nuclear-armed

neighbouring countries in South Asia.

The four-point formula exhibits considerable degree of flexibility and openness to dialogue by Pakistan in order to reach a greater level of understanding between the two governments. He himself admits that, there are different options to solve the dispute and that a solution is possible but if there is a movement beyond the current status quo. Most importantly, both sides have to recognize that there is a new situation and look for new solutions rather than regard present development as a continuation of the events going back to 1947. There is new reality in the sub-continent, a new reality in Jammu and Kashmir and new international environment. All these demand for fresh thinking and new approach to address the Kashmir problem. Pervez Musharraf's Four-Point Formula is the indication of Pakistan's radical departure from its long-established position on Kashmir.

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THE FOURTH BUDDHIST COUNCIL

The World's Best kept Secret

Mahammad Ahmad Khan

INTRODUCTION

There is a lot of controversy about the date of the introduction of Buddhism in Kashmir.

One theory is that it was introduced fifty years after the death of Buddha while according to the others it was introduced by Ashoka after his Buddhist council (Kishore 1972: 13).

It is commonly believed that Buddhism came to Kashmir during the reign of Ashoka. But Kashmir's Kashyapa has mentioned Saurashtra as propagator of Buddhism before Ashoka who built two viharas in Kashmir (Stein 1901: 93-94). After Saurashtra, Ashoka brought 2,000 Buddhist monks and settled them in Kashmir and adjacent territories. He built several viharas and viharas and gifted the valley to the Sargha.

Ashoka's introduction of Buddhism naturally changed the entire social fabric in Kashmir. The scholars and pundits pursued the Buddhist studies and took an active part in propagation of Buddhism. He is credited to have built a number of viharas, Chhatras and stupas besides he is credited to building a new capital city in Kashmir called "Prasanna". The conclusion of the deliberations of the Buddhist council held at Patliputra under the Presidency of Mahagayana, Lord Mahiputra was sent to Kashmir and Gandhara at the head of an evangelical mission. Hsueh Tsang and Ou-Kong has mentioned that an arrival of 2,000 monks who were settled in Kashmir by Ashoka and his gift of the valley.