

ISSN 0971-9318

---

**HIMALAYAN  
AND  
CENTRAL ASIAN STUDIES**

---

(JOURNAL OF HIMALAYAN RESEARCH AND CULTURAL FOUNDATION)  
NGO in Consultative Status-Category II with ECOSOC, United Nations  
Vol. 4 No. 2 April - June 2000

---

**Kargil - Deterrence Revisited**

*Nirmal Jindal*

**Indo - Pak Armed Conflict in Kargil :  
Causes and Consequences**

*Tatiana Shaumian*

**The United Nations Commission on Human Rights  
(55th Session) : A Report**

*Sharad K. Soni*

**Child Labour in Carpet Industry in Kashmir**

*Ali Mohammad Rather*

---

## HIMALAYAN AND CENTRAL ASIAN STUDIES

**Editor : K. WARIKOO**

**Assistant Editor : SHARAD K. SONI**

Copyright©Himalayan Research and Cultural Foundation, New Delhi.

- \* All rights reserved. No part of this publication may be reproduced, stored in a retrieval system, or transmitted by any means, electrical, mechanical or otherwise without first seeking the written permission of the publisher or due acknowledgement.
- \* The views expressed in this Journal are those of the authors and do not necessarily represent the opinions or policies of the Himalayan Research and Cultural Foundation.

### SUBSCRIPTION

IN INDIA			
Single Copy	:	Rs.	75.00
Annual (Individual)	:	Rs.	300.00
Institutions & Libraries (Annual)	:	Rs.	500.00
OVERSEAS (AIRMAIL)			
Single Copy	:	US \$	7.00
		UK £	5.00
Annual (Individual)	:	US \$	30.00
		UK £	20.00
Institutions	:	US \$	50.00
& Libraries (Annual)		UK £	35.00

*Subscriptions should be sent by crossed cheque or bank draft in favour of HIMALAYAN RESEARCH AND CULTURAL FOUNDATION, Post Box : 10541, Jawaharlal Nehru University Post Office, New Delhi - 110067 (India).*

---

Printed and published by Prof. K. Warikoo on behalf of the Himalayan Research and Cultural Foundation, BA/1G, D.D.A. Flats, Munirka, New Delhi-110067. Printed at Print India, A-38/2, Mayapuri-I, New Delhi-64 and published at New Delhi.

---

---

## EDITORIAL ADVISORY BOARD

**Dr. T.N. Khoshoo**

Distinguished Fellow  
TERI, Habitat Centre  
Lodhi Road  
New Delhi (India)

**Mr. Alexander Veigl**

Secretary General  
IOV  
Vienna (Austria)

**Prof. A.A. Aidaraliev**

President  
International University  
of Kyrgyzstan,  
Bishkek (Kyrgyzstan)

**Prof. M.L. Sondhi**

Chairman  
Indian Council of Social  
Science Research  
New Delhi (India)

**Prof. Jayanta Kumar Ray**

University of Calcutta  
Calcutta (India)

**Prof. R.R. Sharma**

Vice Chancellor  
University of Jammu  
Jammu (India)

**Prof. K.N. Pandita**

Jammu (India)

**Prof. Harish Kapur**

Professor Emeritus  
Graduate Institute of  
International Studies  
Geneva (Switzerland)

**Lt. General (Rtd.) Hridaya Kaul**

New Delhi (India)

**Prof. Devendra Kaushik**

Chairman, Executive Council  
Maulana Abul Kalam Azad  
Institute of Asian Studies  
Calcutta (India)

**Prof. B.R. Grover**

Chairman  
Indian Council of  
Historical Research  
New Delhi (India)

**Prof. B.K. Roy Burman**

Centre for Study of  
Development Studies  
Delhi (India)

**Prof. Kalim Bahadur**

School of International Studies  
Jawaharlal Nehru University  
New Delhi (India)

**Dr. R.P. Khatana**

Gurgaon (India)

---

---

## CONTRIBUTORS

**Dr. (Mrs.) Nirmal Jindal** teaches Political Science in University of Delhi, Delhi.

**Dr. (Ms.) Tatiana Shaumian** is Deputy Head, Centre for Indian Studies, Institute of Oriental Studies, Russian Academy of Sciences, Moscow.

**Dr. Sharad K. Soni** is Project Fellow, Maulana Abul Kalam Azad Institute of Asian Studies, Calcutta.

**Dr. Ali Mohammed Rather** is Research Associate, Department of Central Asian Studies, University of Kashmir, Srinagar.

---

---

# HIMALAYAN AND CENTRAL ASIAN STUDIES

Vol. 4 No. 2

April - June 2000

## CONTENTS

<b>Editor's Page</b>		<b>1-2</b>
Kargil - Deterrence Revisited	<i>Nirmal Jindal</i>	<b>3-15</b>
Indo-Pak Armed Conflict in Kargil: Causes and Consequences	<i>Tatiana Shaumian</i>	<b>16-34</b>
UN Commission on Human Rights (55th Session): A Report	<i>Sharad K. Soni</i>	<b>35-71</b>
Child Labour in Carpet Industry of Kashmir	<i>Ali Mohammad Rather</i>	<b>72-77</b>

## HRCF FILE

Child Labour and their Rehabilitation: Some Issues ( <i>Seminar Report</i> )		<b>78-98</b>
---	--	--------------

---

---

## *Editor's Page*

That nearly one year has passed after the Kargil conflict, it provides sufficient time and experience to draw appropriate lessons from the Kargil episode. The Kargil intrusion underscores the need for effective security management of Indian Himalayan frontiers and for equipping Indian forces with adequate equipment required for high altitude warfare. The people of India demonstrated exemplary courage, unity of purpose, resolve and willingness to sacrifice anything for defending the borders of India. It is heartening to note that Kargil, Dras and Batalik have been back to normal times, with thousands of displaced persons from these areas having returned to their homes. Special cultural festivals have been organised at Ladakh, Kargil and Dras to promote local cultures and tourism. However, thousands of border residents who were uprooted from their villages due to Pak firing in Pallanwallan and Chhamb-Jaurian sector near Jammu are awaiting rehabilitation.

Soon after the Kargil conflict was over, Pakistan deployed more troops along the Line of Control (LoC) and carried numerous attacks on Indian forward posts. At the same time terrorist attacks on security forces, civilians and political leaders in Jammu and Kashmir gained intensity with the increased use of IEDs. Post-Kargil terrorism in Kashmir assumed new dimensions as around 2,000 Afghan, Pakistani and other Islamist militants belonging to *Harkat-ul-Mujahideen* and *Lashkar-e-Toiba* sneaked into J & K State during seven weeks of Kargil conflict. These terrorists are more hardcore and highly motivated *jihadis* well trained in use of landmines, heavy weapons like mortars, rocket launchers, shoulder fired missiles and field guns. These foreign *jihadis* operating underground and with the local Kashmiri component reduced to a minimum, militancy in Kashmir has lost its indigenous character. And the hijacking of Indian Airlines plane to Kandahar in December 1999 and subsequent release of three dreaded terrorists, further boosted the morale of *jehadi* forces operating in Kashmir.

Two important revelations made during June 2000, one by former Prime Minister of Pakistan, Nawaz Sharif about Kargil conflict, and the other by US National Broadcasting Corporation regarding Pak nuclear arsenal, throw interesting light on the psyche and role of Pak army in escalating conflict in

---

South Asia. In his statement to reporters at Attock on 12 June 2000, Nawaz Sharif disowned his role in Kargil. Describing Kargil as a 'misadventure,' Sharif claimed that "the preparation for Kargil operation was done in January 1999 but I was taken into confidence in May 1999 when the operation had already begun." The report by US NBC television network estimates that Pakistan's nuclear arsenal is vastly superior to that of India and that Pakistan has better and more advanced missile delivery systems than India. Quoting no less than General Anthony Zinni, Commander of the US Central Command (CENTCOM), this report cannot be wished away.

India's nuclear programme which has been marked with restraint over quarter of a century, is based on principles of minimum nuclear deterrence. It is not country specific, whereas Pakistan's nuclear weapon programme is India specific. Besides, Pakistan's nuclear doctrine is based on "first use" as against Indian defensive posture of "retaliatory strike." It is quite well known that Pakistan developed its nuclear programme simultaneous with the intensification of proxy war in Kashmir, as a back up to the latter. As such Pakistan's nuclear capability not only restrained India to strike back and deal effectively with the decade long proxy war in Kashmir, but also limited India's reaction during the massive Kargil intrusion, when India did not cross the LoC. Under cover of nuclear deterrence, Pakistan demonstrated its capacity and willingness to launch an offensive at the time and place of its choosing. There is a clear linkage between Pakistan's nuclear capability and its ambitions in South and Central Asia. This is a matter of concern.

It is in this context that the current issue of *Himalayan and Central Asian Studies* carries a special paper by Nirmal Jindal on *Kargil-Deterrence Revisited*. Jindal explains India's nuclear policy as being the stable balance of deterrence, war prevention, peace and security of South Asia in general and of India in particular. South Asian peace, security and stability depends on balance of deterrence. Dr. Tatiana Shaumian of Moscow presents a Russian perspective on the causes and consequences of Kargil conflict. This issue also carries a report and recommendations of two days' National Seminar cum Workshop on *Child Labour and Their Rehabilitation* organised by the Himalayan Research and Cultural Foundation with support of International Labour Organisation (Delhi office).

**K. Warikoo**

---

# **KARGIL - DETERRENCE REVISITED**

*Nirmal Jindal*

The occurrence of Kargil after nuclearization of India and Pakistan gave rise to a controversy about the working of deterrence in South Asia. Some people critical of India's acquisition of nuclear weapons are of the opinion that India's nuclear capability could not deter Pakistan's aggressive move in Kargil. Rather it has intensified Pakistan's militancy in Kashmir as nuclear Pakistan feels more confident to use its nuclear capability to blackmail India. Pakistan's action in Kargil clearly suggests the linkage between its nuclear capability and its ambitions in Kashmir.

Those critical of India's nuclearisation hold it responsible for this dangerous development because they consider Chagai as reaction to Pokhran II. It is wrong to link Pakistan's nuclear explosion with India's Pokhran explosion. Pakistan's nuclear program had started in 1971 much before India's PNE in 1974. Pakistan's nuclear program aimed at neutralizing India's conventional superiority, which it had demonstrated in three wars with Pakistan. The fact is that Pakistan would have become nuclear even if India had remained non-nuclear and that situation would have been detrimental to India's security. Since India and Pakistan have long-standing dispute on Kashmir and India has been facing the problem of terrorism for the last two decades, India's non-nuclear position would have put it in a disadvantageous position. In case India had remained non-nuclear or unprepared to deal with nuclear Pakistan, it would have faced latter's blackmail and aggression. Pakistan could drop a bomb or two, keeping the entire Indian population hostage under the threat of further nuclear attack and could force it to surrender. India, thus used its nuclear option to respond to the new realities.

## **NEW REALITIES**

The main objective of India's nuclear policy is the stable balance of deterrence, war prevention and peace and security of South Asia in general and India in particular. The international community however,



expressed apprehension about the stable balance of deterrence between India and Pakistan. US declared nuclear South Asia the most dangerous place. Madeleine Albright considered May 1998 explosions as a historic mistake and Kashmir as a perennial nuclear flash point. History shows that the international community has always been critical of new nuclear nations though the intensity of criticism in case of India was enormous. When USSR had acquired nuclear bomb to counterbalance US nuclear capability, US and its allies had projected it as the most dangerous development. Similarly, when China had acquired nuclear capability to counterbalance its adversary powers, it faced criticism from diverse sources. Both France and UK had also acquired nuclear capability for the purpose of deterrence. Non-occurrence of war among nuclear adversaries during last 50 years suggests that a country learns the utility of nuclear force after it acquires it. It is indicative of successful functioning of balance of deterrence throughout the cold war.

The nuclear countries having acquired these systems seek to stop its proliferation to other countries. These countries argue that the possession of nuclear weapons by countries in conflict-ridden regions will be dangerous for world peace and security. These countries, however, do not want to give up their own nuclear systems, as they perceive them as instrument of deterrence and war prevention. India had been pleading for nuclear disarmament for the last 50 years and had exercised self-restraint in nuclear development despite having conducted nuclear tests in 1974. However, India's moral values had not been recognized and respected in any part of the world, rather its stand was questioned for its not signing NPT and CTBT and refusing to observe the International Safeguard Proposals. India rejected these measures as major power strategy of denial. India feels that nuclear countries seek to stop the expansion of nuclear club not for security reasons but because it enables these nations to enjoy power, prestige and maneuverability in diplomatic talks. These nations use their nuclear weapons not only as weapon of deterrence but also as a great political and diplomatic instrument. It is this power that nuclear nations don't

## ***KARGIL - DETERRENCE REVISITED***

---

want to share with others and seek to block their entry in nuclear club by using devices like NPT and CTBT. India has rejected such measures as discriminatory and thinks that there can be no limited approach to disarmament. If nuclear systems are bad they should be eradicated from the world completely. India was championing the cause of disarmament despite having developed the nuclear capability because the logic of deterrence is “if you want peace, prepare for war”. India considered it as a negative approach to peace. Over the years Indian approach to disarmament appeared to be quite unrealistic, thus India had to resort to the path of mutual balance of deterrence. In order to understand the reasons for India’s assuming the declaratory nuclear posture it is necessary to understand the global and regional politico-strategic environment implicating India’s security interests.

India conducted nuclear explosions in May 1998, not to challenge the international status quo but to draw world attention to the changed international reality and question of nuclear proliferation and disarmament. Indian Vice President, Krishan Kant stated that nuclear tests were aimed at “de-nuclearizing” the world and at earning for the country its rightful place on international peace table. For India survival means survival as a great power, and security has become synonymous with the safety that enables India to develop, maintain and prosper in its political eminence.<sup>1</sup> In a speech before the Asian Society on 29 September 1998, Prime Minister Vajpayee outlined the reasons that led India into the nuclear tests. In his words, “We were forced to exercise our nuclear options both for reasons for national security and as a powerful challenge to the practitioners of nuclear apartheid.” Existing nuclear asymmetry, without any commitment to disarmament was the main concern of India. Thus India had to use the nuclear option to address the challenges and threats emanating from the deteriorating South Asian strategic environment. In an address to the Indian American Friendship Council, Benjamin Gilman, the Chairman of International Relations Committee justified India’s nuclear program on security reasons. He argued that India’s tests were in response to a dangerous neighbourhood. China occupies Tibet on India’s northern

border and has nuclear weapons there. Beijing supplies billions of arms to Burma's military junta on India's eastern border and assists authoritarian Pakistan with nuclear and ballistic technology on India's western border. Thus India acquired balancing nuclear deterrence to meet the challenge in the neighbourhood. India neither nuclear nor under protection of nuclear umbrella, without no first use assurance or without any international mechanism for protection had no choice but to prepare for self-defence.<sup>2</sup>

India sought to use its nuclear force as insurance against nuclear intimidation and deterrence and not to dominate or monopolize the South Asian region. After nuclear option India was confident of focussing all its attention on economic, technological, social and political development so that it does not get completely marginalised in international politics. It expected balance of deterrence and peace in South Asia. India considered five elements as critical for South Asia:

- a. Nuclear threat requires a nuclear response.
- b. Nuclear weapons must be invulnerable to a first strike.
- c. Delivery vehicles against high value enemy targets must be secured.
- d. Nuclear weapons do not replace conventional defences.
- e. Nuclear capability and threats must be credible.<sup>3</sup>

After nuclearization of India and Pakistan, India initiated various CBMs for Indo-Pak cooperation in socio-economic fields. Both India and Pakistan signed Lahore pact. India started the Lahore bus to develop people to people contact between India and Pakistan. India introduced "minimum deterrence" and "no first use policy" for stable deterrence in South Asia. Pakistan did not reciprocate India's diplomatic initiatives and confidence building measures. India's diplomatic initiatives were responded by Pakistan's intrusion in Kargil.

**DETERRENCE REVISITED**

India felt shocked and betrayed by the timing and the strength of Pakistan supported intrusion in Kargil. Pakistan's action in Kargil suggests that it still considers Kashmir an unfinished agenda of partition and seeks to resolve it by all means including war. Pakistan's main objective in Kargil was to internationalize the Kashmir issue and seek its resolution in its own favour. However, Pakistan's adventure turned into fiasco because of India's firm, cautious and rational approach. Despite Pakistan's provocative action of overt war on Indian territory, the crisis did not escalate into a full-fledged war. Technically it remained an undeclared war. Pakistan's unconditional surrender from Indian side of LOC is evident of successful working of deterrence.

India's strategy in Kargil was not to let Pakistan's action go unchallenged but it didn't want catastrophic war. In the beginning of the conflict, an escalation to the point appeared quite imminent. India put its army, the navy and air force and the coast guard on high alert as Pakistan had mobilized its forces all along the Indo-Pak border. But this movement was just defensive and precautionary. The situation appeared to be quite provocative when India lost its three pilots and three planes - two fighters and M-77 helicopter in the first three days of their operation. Neither did India over-react to such action nor did Pakistan respond by air operation.

India resorted to air operations to tackle with Pakistani intruders because Indian armed operation was considered to be quite difficult at such high altitude and difficult mountainous terrain. Indian forces were ill equipped to fight at such high altitudes, whereas the enemy was well equipped with modern weaponry and was in an advantageous position to fight. Considering the difficulties of armed operation and in order to achieve quick and cheap victory one of the options was to launch a major military operation i.e. cross the Line of Control, encircle the intruders and make them surrender. However, such an option was ruled out as it was based on the traditional experience of conventional war. Such option would certainly have been more cost-effective but it

involved serious risk of war escalation. In case India had crossed the Line of Control, Pakistan being in conventional inferiority would have been under serious pressure to use its nuclear systems. In a way, Pakistan's nuclear capability deterred India from crossing the Line of Control even for military tactical reasons. Though India's 'Operation Vijay' is considered to be successful in flushing out Pakistani intruders, India had to pay heavy price both in men and material resources. Gen. Aurora estimated "Operation Vijay" in Kargil more expensive than the 1971 war.

India despite serious provocation could not take full-fledged military action due to the possession of nuclear systems by Pakistan. Though various Indian officials have been critical of India's restrained action stating that India would have emerged victorious even in open declared warfare, the political decision-makers took calculated actions to avoid any possibility of war escalation. The possibility of Pakistan's crossing the threshold, forced India to act with great caution and restraint. Both India and Pakistan though possessing only limited nuclear capability, an exchange of a few nuclear weapons would have been enough to wipe out the entire infrastructure and industrial bases of both the countries. Some even feared that nuclear war between India and Pakistan would have de-populated the entire subcontinent.

In this situation where neither side could gain a decisive advantage by going first, both sides seemed to have recognized that no matter who started the war, both would suffer major losses. They could neither afford conventional war for a long period nor could resort to the action of genocide. With the possession of nuclear weapons neither India nor Pakistan had become powerful in respect to each other. It created a new situation in Kargil conflict. There was pressure for use of force and unification of Kashmir from some of the sources on both sides; the political decision-makers did not consider this objective or tactic of war.

Both India and Pakistan, at the inception of the conflict appeared to be quite adamant and used nuclear threat on several occasions; they

## ***KARGIL - DETERRENCE REVISITED***

---

however, acted with great caution and restraint by technically not crossing the Line of Control. Both acted with restraint while showing firmness and confidence in facing any eventuality. In response to Pakistan's repeated threat to use nuclear bomb, Indian Prime Minister, Atal Behari Vajpayee had declared that India was prepared to face any nuclear attack from Pakistan. He also made India's stand clear that it had no intention to cross the Line of Control. The Kargil conflict remained an undeclared warfare confined only to the military targets. In this war the supremacy of political structure over military establishment has been exhibited as military officials functioned tightly under the control and directions of political-decision makers. The military in both the countries was not allowed to determine the way battle should be fought.

India's 'Operation Vijay' had limited objectives: flush out Pakistani intruders and maintain sanctity of Line of Control. It aimed at status quo and not to eliminate Pakistani danger once and for all by using unlimited force. Thus command and control system worked very successfully in Kargil conflict. Both sides coming out safe out of the Kargil conflict emphasize the fact that wars do not occur by arms race or accident but by 'deliberate political decisions'.

### **REACTION OF INTERNATIONAL COMMUNITY**

It is worth mentioning the role of international community in Kargil crisis. Never before had the international community felt so much concerned about Indo-Pak war or conflict as at the time of Kargil. It was due to the presence of nuclear systems in the subcontinent. One of the reasons of Pakistan's restrained action was that it did not get international support in Kargil. The main objective of Pakistan was to internationalize the Kashmir issue and seek its resolution in its own favour. However, the international community including Pakistan's close friends and military allies - the US, forced Pakistan to resolve the crisis peacefully. It was due to the US diplomatic initiative that Pakistan had to withdraw unconditionally from Indian side of Line of Control, which hastened the end of war. The main concern of the international

community was to diffuse or de-escalate the war situation in the newly nuclearized subcontinent. China, being aware of India's nuclear readiness had tipped off its closest ally-Pakistan. The US had threatened Pakistan with the withdrawal of its economic and political support in case it did not withdraw its intruders from Indian side of Line of Control. The US President, Bill Clinton recognized that the military confrontation in Kargil area represented a "serious situation with dangerous potential for wider escalation." Thus Pakistan failed to draw either international support or a third party involvement to resolve the conflict. The international community did not give any credence to Pakistan's policy of nuclear blackmail and instead appreciated India's 'no-first use' policy. Having lost the international support for its cause in Kargil, Pakistan's political system had no option but to compromise peace with India. On the face of US political and economic pressure, Pakistan's Prime Minister had to sign an agreement leading to withdrawal from Indian side of Line of Control.<sup>4</sup>

### **NEW SITUATION**

Both India and Pakistan came out safe from Kargil is indicative of the new situation and successful working of the deterrence. In Kargil deterrence worked as each side saw the other as potential perpetrator of harm. The logic of deterrence is to prevent potential attacker from initiating certain type of action by demonstrating the capability to launch unacceptable damage in retaliatory attack. Deterrence is a process of communication. It cannot be kept secret. Deterrence stability depends on (a) rational decision in war and (b) the capability to inflict unacceptable damage.

Pakistan's action in Kargil gave rise to serious controversy about the working of deterrence in South Asia. Those critical of India's acquisition of nuclear weapons feel that it was not required for Indian security purposes. Such developments on the contrary have negative implications on India's security. These opinions are the byproduct of Pakistan's intensified militancy in Kashmir after Pokhran and Chagai explosions. Moreover, this opinion has emerged due to the lack of open

## ***KARGIL - DETERRENCE REVISITED***

---

public debate about India's security environment and its threat perceptions. In fact Pokhran II explosions are the result of technological developments that took place under successive administrations; but most of the successive administrations had kept these developments secret.

After nuclearization India has deterred Pakistan's nuclear and conventional war but is unable to deal with its intensified militancy. The main challenge before India is to deal with Pakistan's proxy war. Kandahar incidence and Pakistani instigated cross border terrorism are signs of continuous threat India is likely to face in future. In order to deal with such threats India will have to maintain strong conventional forces and enhance the credibility of deterrence. In order to deal with Pakistan's insurgency and proxy war, Indian Government has decided to beef up India's security in Kashmir. The following measures have been suggested in this regard:

- a. Specialized battalions of central paramilitary forces will be raised for counter insurgency operations.
- b. Counter insurgency grid has been divided in 49 sectors as a part of three-tiered control structure under the unified headquarters.
- c. An additional unified headquarter would be set up at 'Zojila'.
- d. Security in Srinagar city be further beefed up.
- e. Security forces have been asked to carry out round the clock operations.
- f. Special operations are being launched with the help of retired soldiers and members of Village Defence Community (VDCs). These would be integrated with counter insurgency grid for protection of civilians.<sup>5</sup>

Pakistan's constant challenge in Kashmir is posing serious threat to Indian security and forcing it to upgrade its defence to meet such challenges. The study of India's defence policy suggests that though India had been upgrading and modernizing its defence capabilities from



time to time, the essence of its defence policy has not changed. India has been pursuing the policy of 'non-offensive defence'. India has firm belief in 'war prevention', 'war avoidance' and 'peaceful resolution of dispute'. India still considers peace an essential condition for security as socio-economic development remains the primary strategic priority. India considers its defence capability solely for the maintenance of national integrity.

### **MINIMUM NUCLEAR DETERRENCE**

Indian Prime Minister A.B. Vajpayee enunciated minimum nuclear deterrence doctrine in Parliament on August 4, 1998. He stated that the doctrine would be based on morally justifiable concept of 'no first use'.<sup>6</sup> He further stated that minimum deterrence may be defined as 'a small force of survivable nuclear weapons (that) would deter an adversary from initiating military action that would threaten a nation's vital interests.' India would, however, respond with punitive retaliation should deterrence fail. Even after Kargil, India continues to maintain the policy of credible nuclear deterrence for the purpose of defence and arms control. India's credible deterrence can be ensured:

- a. Not by increasing the quantity but the quality of nuclear weapons.
- b. Continue the technological advancements to increase the CEP of nuclear weapons so that they fall within the radius of 1-2 kms. of target.
- c. Continue the development of missile systems.
- d. Make its weapons survivable by making them hardened and mobile.
- e. Survivable and endurable C412 (command, control, communication, computing, intelligence and information systems).
- f. In the long run India will have to develop civil and ballistic missile systems.

Some Indian strategists and scholars tend to ignore the significance of survivable command and control system due to economic and

### ***KARGIL - DETERRENCE REVISITED***

---

technological reasons. No doubt preparations for effective second strike require enormous resources and funding. They cannot be ignored to enhance the credibility of deterrence. The aim of Indian strategy is defence, arms control and pursual of cause of global disarmament from the position of strength. India has not given up its commitment for global disarmament. Since it appeared to be unrealistic to meet India's threat perceptions, India resorted to the path of balance of deterrence. It has taken various diplomatic initiatives to improve its relations with different countries of the world. It is clear from Vajpeyee's statement: "We have resolved to continue a dialogue and to work together in cooperation with other countries to help bring about a peaceful and secure world completely free of the threat of all weapons of mass destruction".<sup>7</sup> India's diplomatic initiatives have been able to reduce major powers' bitterness towards India. The US has tacitly accepted India's defacto nuclear posture though it does not accept India's entry to nuclear club. US has also reduced its pressure on India to sign CTBT partly because it has not ratified it so far. The US expressed its concern about Kashmir issue in nuclearized South Asia but did not try to mediate against the wishes of India. The US is critical of Pakistan's terrorism but does not want to isolate it due to its strategic significance as well as geographical proximity to West Asia and Central Asia. China has also modified its position after nuclearisation of India and Pakistan. China, the closest and the most trusted ally of Pakistan adopted the posture of neutrality in Kargil war. China is also critical of Pakistan's terrorism and seeks early resolution of Kashmir dispute. Unfortunately after Kargil and Kandahar incidents Indo- Pak relations have reached their lowest level since 1972. Pakistan's military regime under Musharraf has ruled out any possibility of dialogue with India without discussion and resolution of Kashmir issue. He has ruled out any possibility of peace between India and Pakistan without resolution of Kashmir conflict. Musharraf on December 27, 1999 stated that 'Pakistan is Kashmir and Kashmir is Pakistan'. It reaffirms Pakistan's ideological position that Kashmir is an unfinished agenda of partition and it has to be completed by all means. Pakistan's nuclear policy is different from India's no first use

policy and Pakistan still continues to promote trans-border terrorism in Kashmir under the garb of *jehad* and Kashmiris' right of self-determination. Indian government is also unwilling to negotiate with the undemocratic military regime. India has also refused to have talks with Pakistan till it stops the activities of instigating terrorist activities in Kashmir. Indo- Pak relations have reached the lowest ebb as some are raising the issue of Pakistan occupied Kashmir.

South Asian stability and security depends on balance of deterrence and Indo- Pak cordial relations. India has been constantly demonstrating its peaceful and non-offensive intentions. India's nuclear policy aims at deterrence, defence and disarmament. India is still committed to its cause of disarmament and feels that it can bargain for global disarmament from position of strength only if it maintains credible deterrence. The preparations for credible deterrence involve enormous funds, which could otherwise be used for socio-economic development. India is facing the most serious challenge of maintaining balance between defence and development. One cannot be sacrificed for the other. Only time will show whether India becomes successful in attaining the objective of peace by disarmament or fall prey to the negative forces to protect its security interests.

#### REFERENCES

1. Gen. K. Sunderji, "India in the world of 2025 AD", *USI Journal*, Oct.-Dec.1997.
2. Nirmal Jindal, "India's Security in the New Global Order" in Kausar J. Azam (ed.), *Discourse in Trust: US-South Asia Relations*, New Delhi, South Asia Publishers, pp. 295-305.
3. Neil Joek, "Maintaining Nuclear Stability in South Asia," *Adelphi Paper*, 312, p. 36.
4. Nirmal Jindal, "Paradox of a Nuclearised South Asia", *Journal of Peace Studies*, vol. 7 , issue 2, March-April 2000, pp. 9-22.

***KARGIL - DETERRENCE REVISITED***

---

5. *The Times of India*, 18 January 2000.
6. K. Subrahmanyam, "Vajpayee Propounds Nuclear Doctrine", *The Times of India*, 5 August 1998.
7. C. Uday Bhaskar, "Clinton's Visit and the Nuclear Narrative," *Strategic Analysis*, vol. XXIV, no.2, May 2000 p. 214.

---

# **INDO-PAK ARMED CONFLICT IN KARGIL : CAUSES AND CONSEQUENCES**

*Tatiana Shaumian*

From the beginning of May 1999, and over the following nearly three months, references to Kargil, situated in the north of the Indian State of Jammu and Kashmir, virtually did not disappear from the pages of Indian, Pakistani as well as the world press. The name of this relatively small settlement, nestled in the snow capped Himalayan ranges, in close proximity to the Line of Control (LoC) between India and Pakistan, was hardly known to anybody up to this time. However, it was here that fighting took place between the Indian army and 'Islamic militants', under whose guise fought the Pakistani armed force personnel and *Mujahideen* from some other Islamic states, who were trained in Pakistan and had illegally infiltrated into the territory of India, seeking change in the existing status of the Indian State of Jammu and Kashmir. The participation of the Pakistani army regulars in the fighting, about which the Indian mass media had repeatedly reported, was confirmed not only by the prolonged and fierce nature of the fighting that took place, but also by numerous other elements of evidence. It is not just a coincidence that one of the leading Indian experts on defence and security issues, the Director of the Institute for Defence Studies and Analysis (IDSA), Air Commodore Jasjit Singh suggested that the Kargil incidents could be considered as the 'fourth war' between India and Pakistan - after the wars of 1947-48, 1965 and 1971.<sup>1</sup>

## **THE ARMED CONFLICT IN THE NORTH OF KASHMIR: MAIN STAGES**

The conflict took place in extreme natural and climatic conditions: fighting was carried out in a high mountainous region in northern Kashmir, at heights in the range of 5000 meters, which have thick layers of ice even during summer, and where the temperature is as low as

### ***INDO-PAK ARMED CONFLICT IN KARGIL***

---

- 20 degrees Centigrade during winter. There are no permanently inhabited areas. During winter, due to the severe weather conditions, Indian security forces vacate this area and return there only with the onset of the spring-summer period. In 1999, however, they were overtaken by unexpected 'guests', who had occupied well entrenched positions. Thus, on May 3, 1999 three shepherds from the small hamlet of Garkhun, who were grazing their herd on high mountain pastures, while looking through their binoculars, accidentally noticed a group of men in Pashtu attire in Jubbar Langpa region, who had built temporary but well fortified trenches. The shepherds immediately reported this to the command of the security forces. On May 4 and 5, Indian military patrols discovered, in the region of Kargil and Drass, detachments of well armed people, who had crossed the LoC with the aim of infiltrating deep into Indian territory from the side of Pakistan occupied Kashmir (PoK). The exchange of fire, in effect, marked the beginning of the next armed conflict in Kashmir. During the first skirmishes the Indian side suffered the loss of three soldiers, with several others injured. By mid-May, Indian army detachments had discovered new Pakistani military positions - a whole system of entrenchments and pill-boxes, built as permanent structures, across the whole Kargil sector from Mushkoh valley on the west to Chorbat pass to the East. It is to be noted that even at this moment the Indian army top brass did not realize that the situation was so serious, and expected that the infiltration would not go beyond the usual incidents of localized nature. In the mean time, on the Pakistani side of the LoC, bases were created, on which reinforcements for 'militants', heavy military equipment, ammunition, reserves of food products were being built up. All this was then sent to the neighbouring Indian territory using the mountainous terrain as well as helicopters, in order to render assistance to the 'militants'.

All this time, the Pakistani Foreign Minister Sartaj Aziz claimed that he did not know about any infiltration by militants into Indian territory. In this manner, the Line of Control, which has been playing the role of a de facto border in Kashmir, had been violated, and a direct aggression against India perpetrated. All subsequent actions by

the Indian side were aimed at liquidation of the consequences of this aggression, i.e. flushing out from Kargil the violators of the territorial integrity of India, and the preservation of inviolability and sanctity of the Line of Control.

The average number of the Islamist 'militants' who were participating in the anti-Indian action at the initial stage was around 600. However, gradually their number increased up to 3,000. They included not only Pakistani soldiers and Kashmiri militants, who had undergone training in the special camps on the territory of Pakistan, but also Afghan *Mujahideen*, who were not only trained in the same camps but had also participated in militant actions in various parts of the world - from Afghanistan itself to Yugoslavia, Chechnya, Tajikistan, Dagestan and others. A representative of the 'militants', who claimed to be active on the territory of Kashmir, told a correspondent of Reuters, that they were equipped with the most modern weapons and enjoyed support from other militant groups operating in the adjacent regions.

The units of Indian army including special forces of the Indian infantry, which were deployed in the State of Jammu and Kashmir, participated in the operations against these 'militants'. The peculiarity of the terrain excluded the possibility of evicting them from their well fortified entrenchments using infantry or by using other heavy military equipment such as tanks. Even the use of artillery was quite difficult. The natural conditions helped the violators of territorial integrity of India to counter the advancing Indian forces even though they were larger in number. Militants were very skilful in using the advantage of their location on the ridges, from where they could observe the movement of Indian forces on the strategic high altitude highway, which links the State capital Srinagar with Ladakh and the Siachen glacier region, and targetted fire at them. One of the main aims of the operations, under the tutelage of Pakistan, was to disrupt the troop and cargo movements on the Srinagar-Leh highway. For this the Pakistani army units and militants received rocket-artillery support from Pakistani controlled territory and practically they themselves directed firing of the Pakistani artillery across the LoC on the positions of Indian troops.

## ***INDO-PAK ARMED CONFLICT IN KARGIL***

---

The Pakistani side reiterated at the first stage of the conflict itself that the 'militants' were Islamic "fighters for freedom", whom they were giving just moral and diplomatic support, and by no means, any military support. At the same time, the militants themselves did not hide that they underwent special training in the camps located on the territory of Pakistan. Radio interception proved the participation of the army officers of Pakistan: the commands were often in English. Communication was also in the Pashtu language, which proved that Afghan *Mujahideen* participated in the fighting. Besides, the text of the telephone conversation between two Generals, the Chief of General Staff of Pakistan, Lt.General Mohammad Aziz and the Chief of the Army Staff, General Parvez Musharraf, who was then in China on an official visit, on May 26 and 29, 1999 had been recorded and was made public. These two Generals of the Pakistan army had discussed the events in Kargil region, the possible retaliatory action by India and perspectives on bilateral talks between the military and political leadership of the two countries. The contents of these telephone conversations confirmed not only the fact of the Pakistani military control over the 'militant' activities, but also the direct participation of Pakistani servicemen in the fighting in Kargil and in the adjacent areas of Drass and Batalik.

Judging by all this, it would appear that the Pakistani military had been preparing for the Kargil operation for quite some time. At that time they were fully satisfied with the position articulated by the President of the country, Rafiq Tarar, who in his address to the Parliament on March 11, 1999, stated that the military budget of the country will not be curtailed. The President had sounded a note of caution using a few lines from a poet, saying that, 'it is a crime to be weak and get ruined'. The same day General Musharraf told correspondents that all talks with India were 'in vain' because of its 'verbosity', and they could be resumed only when India was prepared to approach them with "all seriousness". It should also be noted that it was none other than the two Generals Parvez Musharraf and Mohammad Aziz who were the organizers and ideologues of infiltration



into the Indian territory in Kargil. Jumping a few steps ahead, it is worthwhile noting that the subsequent events in Pakistan - the military coup, deposition of Nawaz Sharif and General Parvez Musharraf's coming to power confirmed the existence of serious differences between the military and civilian authorities of Pakistan on important internal problems, and also on foreign policy issues, such as support to the Taliban in Afghanistan, policy in relation to India, Kashmir, etc. Pakistani "hawks", including in the person of General Musharraf, did not pardon the civilian government for their attempt to diplomatically solve the Indo-Pak contradictions, the talks with the US President Bill Clinton on the events in Kargil Himalayas, and for taking the decision to withdraw militants and Pakistani servicemen from Kargil region. From the very beginning of the conflict, involvement of Pakistani servicemen showed that the Indian side was faced with a serious adversary. As late as July 16, 1999 after military actions had essentially come to a halt and the withdrawal of Pakistani forces from the Kargil region had commenced, the Chief of Pakistani Army General Parvez Musharraf officially admitted the involvement of Pakistan in the fighting. In an interview to BBC he said that Pakistani troops carried out "aggressive armed patrols" on the Indian side of the LoC with a view to "stave off possible attack of the Indian troops on the territory of Pakistan".<sup>2</sup> And on its Independence Day, on August 14, Pakistan openly honoured Pakistani servicemen who had brought down the Indian helicopter MI-17 and aircraft MIG-27 and also honoured the soldiers who died in the fighting in Kargil.<sup>3</sup>

The Indian Prime Minister, Atal Behari Vajpayee met the Heads of three forces when he was finally convinced that in such difficult natural conditions infantry alone was not in a position to complete the task of liberating the Indian territory from the intruders. On May 25, 1999 the Indian Prime Minister had stated that India would take all necessary measures including the use of air force of the country for flushing out the infiltrators-militants and the Pakistani army regulars. On May 26, for the first time, the Indian Air Force carried out a series of bombing and rocket strikes on the bases of infiltrators in the regions

## ***INDO-PAK ARMED CONFLICT IN KARGIL***

---

of Kargil and Drass. In these operations fighters MiG-21, MiG-27 and helicopter MI-17 participated. It was for the first time that India used its air force in peacetime against the infiltrators. According to the Indian military spokesman, every possible care had been taken in order not to violate the LoC in Kashmir, during the air operations. Indian military leadership stated that air operations were carried out “successfully” and such action would continue until the captured Indian territory was fully liberated.<sup>4</sup> On the next day, the Pakistani leadership accused India of violating the LoC during the bombings on the ‘militant’ bases. The Pakistani foreign ministry spokesman appealed to the UN Secretary General Kofi Annan to send his representative to the conflict zone for “ensuring peace and security”. He reiterated Pakistan’s adherence to the principles of Lahore Declaration and expressed hope that India’s actions would not lead to further escalation of the conflict. The Indian leadership reiterated, not without reason, that its aim was liberation of its own territory from foreign infiltration.

On May 27, during its military operation an Indian Air Force aircraft MiG-27 crashed due to mechanical fault. Its pilot K. Nachiketa was taken prisoner. The same day Pakistanis shot down aircraft MiG-21, which according to them had violated the air space of Pakistan and (like the MiG-27) infiltrated into its territory for about 5 Kms. The aircraft had been specially sent for finding out the location of K. Nachiketa. As a result the pilot of MiG-21 Ajay Ahuja, who had succeeded in catapulting, was found and killed by the Pakistanis by shooting him twice - in the head and in the chest. This act of brutality unleashed a wave of anger across the Indian society. His body was later returned to the Indian side. K. Nachiketa was freed on June 3, after spending 8 days in captivity and returned to his motherland.<sup>5</sup>

The detachments of militants, Afghan *Mujahideen* and Pakistani army regulars continued to remain entrenched about 2.5 Kms. from the LoC, inside the Indian territory, in the regions of Kargil, Drass and Batalik, where fighting continued. On May 28, in Drass sector a Stinger missile hit a MI-17 helicopter of the Indian air force, and all the members on board were killed. The Indian side started using fighters

*Tatiana Shaumian*

---

Mirage-2000. Pakistan resumed artillery fire on the Indian posts in the regions of Punch, Naushera and Akhnur. On June 10, India registered strong protest with Pakistan after the mutilated bodies of six Indian soldiers were returned by Pakistan. On June 12, a meeting took place between the Indian Foreign Minister Jaswant Singh and his Pakistani counterpart Sartaj Aziz. However, the talks ended in a stalemate. On June 13, the Indian Prime Minister Atal Behari Vajpayee visited the Kargil region. Next day the US President Clinton and Prime Minister Vajpayee had a telephonic conversation.

The “revelations” which were made by a commander of a militant group *Hizb-ul- Mujahideen*, Syed Salahuddin, who also heads the Joint Council of Champions of Faith (*Jehad*), which consists of 14 groups of militants, are interesting. In his opinion, the struggle against the Indian authorities in Kashmir has entered the “concluding stage” and in a “couple of years” the issue would be resolved “according to the wishes of the people of Jammu and Kashmir”. He confirmed to the correspondent of Reuters agency, that “the activities of *Mujahideen* are spreading in all directions”. His detachments would carry on the struggle and “have their own infrastructure on the entire territory of Kashmir”, and the Indian army is in a state of “exhaustion” and “depression” after a decade of fighting and use of various methods and ways in their operations against the militants. Salahuddin claimed that his group is carrying out the struggle just for “compelling India to sit across the table for talks”. However, if it does not agree to this, then “it would be compelled to do so”.<sup>6</sup>

Fierce fighting continued for more than two months. Indian troops steadily went on ousting the adversary from various points and ridges (Batalik, Mushkoh, Tololing, Munto Dalo, Barbad, Tiger Hill and others). As the conflict dragged on, international concern was enhanced. It became clear in mid-June 1999 that Pakistan could not achieve its goals and hold on to Indian territory. Pakistani leaders did not want to just leave, and thereby factually admit defeat. Prime Minister of Pakistan, Nawaz Sharif used the meeting with US President Bill Clinton for announcing the end to the fighting and

### ***INDO-PAK ARMED CONFLICT IN KARGIL***

---

withdrawal of the remaining infiltrators from Indian territory, and project it as an outcome of the US-Pakistani talks.<sup>7</sup> Later, Nawaz Sharif claimed with great pride that he was successful in “staving off a nuclear war”, though it is quite evident that both India as well as Pakistan cannot but give a thought to the fact that use of the nuclear weapon in such a most populous region like South Asia, would lead if not to total destruction then at least to radioactive contamination in the larger part of the subcontinent, and substantial damage on both sides, regardless of well formed or disputed state borders. Stray incidents of skirmishes, cross firing and other violations of the LoC continued for a long time. According to the Indian Defence Ministry, during the fifty day operations, Indian losses were 410 soldiers and officers dead, 581 wounded and six missing. Pakistani side lost 698 people<sup>8</sup> (according to Pakistani sources, the “balance” naturally was not in favour of the adversary).

Though the present armed conflict in Kashmir was quite a large scale military confrontation between the two warring sides, there is no need to exaggerate its scale, as was done by a section of Russian and foreign press.<sup>9</sup> Prominent Russian newspapers, *Izvestiya*, *Nezavicimiya Gazeta*, *Kommersant Daily* etc. regularly published news reports about the Kargil conflict, against the backdrop of the Kashmir issue. They underlined the fact of Pakistani aggression inside the Indian side of LoC by armed intrusion, which was seen as a gross violation of the territorial integrity of India. Several Russian analysts ascribed the Pak intrusion as being due to internal power struggle within Pakistan and the pressure of Army upon the civil government there. As regards India, they felt that the strong Indian response to the events in Kargil would strengthen the position of the ruling party in the forthcoming elections. Russian press was also concerned over the eruption of conflict between India and Pakistan, particularly because these countries had crossed the nuclear threshold. The issue was also a matter of discussion among the Russian academic circles, particularly in the Institute of Oriental Studies, Institute for Strategic Studies, Moscow etc. During their discussions, prominent Russian specialists

discussed the general issue of Kashmir problem. The general opinion / consensus was that India had a right to defend its territorial integrity, which had been violated. In its sheer military characteristics, this conflict was surpassed by earlier confrontations. In a number of press reports the Kargil conflict was characterized as “the first military confrontation between the nuclear states”.<sup>10</sup> This, however, does not correspond with reality. The first such conflict was the armed confrontation on Sino-Soviet border in the year 1969. The specific character of Kargil conflict is different: it took place for the first time after the “cold war” and in the conditions when its participants had just stepped over the “nuclear threshold”. This determined the character and the dynamics of the conflict in a significant way, causing almost unequivocally negative response from the international community.

The main feature of the Kargil conflict, unlike the earlier Indo-Pak conflicts, was that it did not go beyond the initial stage - from the restricted scale of confrontation between the Indian troops and the infiltrating Pakistani army regulars and Afghan *Mujahideen*. It did not outgrow, as was the case earlier, into a large scale war with the involvement of regular army units of both the countries along the whole interstate border and the LoC in Kashmir. As was evident, neither of the two countries were interested in this. India tried with all its might to avoid an escalation in the fighting on its own territory - in Kargil, as well as in the other regions, along the borders. India's plans did not include violations of the LoC or opening of new “fronts”. Pakistani leadership undoubtedly had serious apprehensions that if the conflict turned into a large scale war: firstly, it would lead to defeat of Pakistan on the battlefield once again; and secondly, it would lead to a sharp increase in the role of Generals and extremist forces of the country in the political life of Pakistan, who could even adopt extremist measures like threatening to use nuclear weapons in order to stave off their failure in the war. And in this lay the unwillingness of each of the sides to provoke any further escalation of fighting, and on the contrary they tried to restrain themselves within the initial framework. And here also lies the reason for the strong international opposition to the conflict, and

## ***INDO-PAK ARMED CONFLICT IN KARGIL***

---

the attempts of the leading countries to avoid the possibility of its further escalation. The apprehensions related to the rise in the role of military in the political life of Pakistan proved true as is shown by the military coup in Islamabad on October 12, 1999.

### **LESSONS AND CONSEQUENCES OF THE KARGIL CONFLICT**

What were the real reasons for eruption of the Kargil armed conflict, which it would appear, took place right at the very moment when there was an activation of the negotiation process, including on the difficult problems in the bilateral relations, and there had been to some extent an improvement in these relations. Why did the Pakistani leadership allow itself to be led by the military, which provoked, planned and executed the action that led to loss of human life, and sharp aggravation in the relations between the two neighbouring countries, which possess nuclear weapons.

There is no doubt that the appearance of Pakistani army regulars and Islamic militants on the Indian territory was not a spontaneous performance of the local “champions of freedom”. A careful preparation and long military operations, assurance of all necessary help to the participants, attempts to create a diplomatic cover, and thereafter readiness to withdraw the units on the orders of the Pakistan Government from the zone of militant activity, and other facts, prove that the incident in Kargil since its inception was carried out by the military leadership of Pakistan and was within the knowledge and careful attention of the Islamabad Government.

Let us elaborate and understand as to why the Pakistani leadership decided to pose a new military challenge to India. First of all, this was a peculiar “military reconnaissance” under the new realities, which emerged after the nuclearisation of the adversaries, in order to check how the adversary would react under such circumstances. Also, among the experts there was a general opinion that in the new circumstances India being apprehensive of turning the conventional conflict into a nuclear one, would not take decisive measures of

confrontation and would allow Pakistan “to play the tune”. But reality proved the futility of these hopes. Though India had actually realized that under no circumstances should the situation be allowed to go out of control and reach the stage of nuclear confrontation, it took the most decisive measures against the infiltrating militants and the units of Pakistani army regulars. Pakistani military and civilian organizers of Kargil misadventure mistakenly supposed that as a result of the April 1999 crisis in the Government of India, the caretaker government under the leadership of Atal Behari Vajpayee, which the Pakistani politicians and generals evaluated as “weak”, would not be able to muster resistance to the infiltrating militants and Pakistani army regulars in an adequate manner. Islamabad was banking upon other calculations, which actually turned out to be miscalculation. The summer onslaught should have distracted the attention of the international community from nuclear tests in South Asia and would have attracted them towards Kashmir, to activate opponents to the “Indian Raj”, to give strong impetus to “the champions of freedom”. However, as in 1965, this attempt did not end in success. A few years back, President’s rule had been ended in Kashmir, elections were held to the Parliament of the country and to the local legislative assembly; the economic situation was stabilizing, even tourists started coming back to this place. This process could not be breached. The task of infiltration was also destruction of the strategic highway which runs through the entire Indian State of Jammu and Kashmir from the west to the east: Srinagar-Kargil-Leh-Chushul. And this aim too could not be achieved.

Finally, the Islamabad leadership mistakenly counted upon the evolving international situation as favourable for carrying out its action. In this connection, it is necessary to recall that in the initial period of the Indo-Pakistan conflict over Kashmir, the military strategic factor had gained great importance, determined by its geographical situation being located on the junction of India, Pakistan, Afghanistan, former Soviet Union and China. During the period of the cold war, foreign powers were involved in the Kashmir problem, which complicated the process of searching ways to its resolution. Thus, the USSR took a position

## ***INDO-PAK ARMED CONFLICT IN KARGIL***

---

favorable to India since the beginning of the 50's, admitting in principle that the issue had been resolved, Kashmir belonged to India and Pakistani occupation of a part of Kashmir territory was illegal. The US supported the position of Pakistan - its military, strategic and political ally, i. e. admitting that the problem has not been finally resolved and demanding giving the Kashmiri people the right to self determination by holding plebiscite under international auspices. In this way, the cold war and the confrontation between the East and the West made its presence felt in the South Asian region, though indirectly. Each of the super powers supported the position of their strategic allies in South Asia asserting the correctness of the position of their respective strategic partners, thus restricting the search of a mutually acceptable resolution. The attitude of the third countries to the issue of Kashmir was determined by the nature of relations which India or Pakistan had with them.

Due to the global changes, evolution in international relations and in relations between the neighbouring states including after the nuclear tests by India and Pakistan, the issue of Kashmir started being considered to a great extent as bilateral. The involvement of external forces came down; practically all the states in the world, even such allies of Pakistan, like the U.S and China, are today in favor of peaceful political resolution of the Kashmir problem through bilateral dialogue on the basis of the Shimla Agreement of 1972. Unfortunately, with the "help" of Islamic militants and Afghan *Mujahideen*, who infiltrated from the territory of Pakistan, Jammu and Kashmir is getting more and more sucked into the circle of Islamic extremist movements, turning into "an arc of instability" (practically already changing into a "fire arc"). By planning operations in Kargil, Pakistani strategists hoped that the international community, which had already been preoccupied mainly with the incidents in Yugoslavia, and the favourable attitude of the international community towards the Muslims of Kosovo, would automatically be extended to the Muslims of Kashmir. However, the international community unanimously came out against the aggression and supported India for maintaining status quo.



Since the very beginning of the conflict, the Russian Foreign Ministry repeatedly expressed serious concerns about the infiltration into the territory of India and about the violation of the Line of Actual Control. In its official statements, and also during talks with journalists and diplomats including from India and Pakistan, the representatives of the Russian Foreign Ministry, right from the first day of the conflict appealed to stop fighting, demanded immediate withdrawal of infiltrators from the Indian territory and to respect the LoC in accordance with the provisions of the Shimla Agreement and the principles of the Lahore Declaration. The Russian leadership considers that India's actions directed at flushing out from its territory the militants and Pakistani army regulars corresponded with its sovereign right to protect its territorial integrity. A special emissary of Nawaz Sharif, K. M. Kasuri, who had brought a message from the Pakistani Prime Minister to the President of Russian Federation, Boris Yeltsin, was told in the Russian Ministry of Foreign Affairs on June 30, 1999 that according to the opinion of Russia, resolution of the conflict that erupted on the LoC was possible only under the condition of restoration of the status quo; and the Kashmir problem be resolved on a bilateral basis, without foreign interference, on the basis of the principles of Shimla Agreement of 1972 and in the spirit of the Lahore Declaration. Russia also called for immediate withdrawal of infiltrators from the Indian territory.

Appeals for immediate cessation of fighting and to start a dialogue were also made by the US Administration, which were handed over by its Ambassadors in Delhi and Islamabad to the leaders of the respective countries. The concerns expressed by USA as well as by Russia were also related to the fact that both the South Asian states had crossed the "nuclear threshold". In spite of its long alliance with Pakistan, the American Administration representatives of the White House, the State Department, the Pentagon and the National Security Council, this time admitted the fact of infiltration from Pakistan into the Indian territory and supported the Indian demand of immediate withdrawal of the Pakistani military groups from Indian territory, and

### ***INDO-PAK ARMED CONFLICT IN KARGIL***

---

an end to the activities of those forces which support them. On June 8, 1999 the Special Assistant of US President on the Middle East and South Asia, Bruce Reidel, reiterated this to journalists. On June 15, the US President Bill Clinton spoke on telephone to Prime Ministers of India and Pakistan. In his conversation with the Pakistani Prime Minister, Clinton emphasized that he did not see any other solution to the situation except for the withdrawal of Pakistani militants and servicemen from the territory of India.

The Pakistani leadership tried to gain support from its allies. It was not by accident that the Pakistani Foreign Minister Sartaz Aziz, paid a visit to China in this connection. However, the Beijing leadership preferred to preserve neutrality. Thus, the Chairman of Committee of the People's National Congress of China, Li Peng, stated during his meeting with the Pakistani Minister on June 11 that the Kashmir problem is quite "complicated" and that China hopes that India and Pakistan will exhibit restraint and resolve the problem peacefully, through talks. This point of view was reaffirmed by the President of China Jiang Zemin and also by the leadership of the foreign ministry of the country. The incidents in Kashmir became a topic of discussion even during the meeting of G-8 in Cologne on June 20. In the special statement on regional problems the G-8 leaders expressed concern about the ongoing fighting in Kashmir caused by the infiltration by armed militants who had violated the LoC. They appealed for immediate secession of fighting, restoration of the LoC and its respect in future and also resumption of dialogue between India and Pakistan in the spirit of the Lahore Declaration.

Faced with the negative reaction from the international community on the situation in Kargil, finding himself under heavy pressure within the country, especially from the military top brass and mainly realizing the fact that Pakistani troops would be defeated, the Prime Minister of Pakistan, Nawaz Sharif, undertook a visit to the US. According to American analysts, he tried to muster support from President Clinton in his confrontation with the chauvinistic army leadership. He had a meeting on July 4, 1999 with President Clinton, as a result of which a

joint statement was issued. They expressed the view that the situation in Kargil was dangerous, and that the LoC in Kashmir must be respected by both the sides based on the Shimla Agreement of 1972. The US President appealed for mutual “easing of hostilities, resumption of bilateral talks and restoration of the LoC.” Nawaz Sharif promised to withdraw support to the armed militants and announced the necessity of their withdrawal from the occupied strategically important regions. It appears that the talks with the American leadership gave Nawaz Sharif the possibility to somewhat divert attention from the evident failure of the Pakistan army in the conflict with India, and to justify the readiness to fall back as is done under pressure from the US administration. On the very next day, the representatives of militant and fundamentalist Islamic groups disowned the agreement reached in Washington. It was announced that one of them must resign - either Nawaz Sharif or the Head of the Pakistani Army Staff, General Parvez Musharraf, who had led the military operations. Besides, the head of *Markaz-ud-Daval Irshad*, Hafeez Muhammad Sayeed, straight away declared that “Pakistan may leave, *Mujahideen* will not.”<sup>11</sup>

It should be noted that the agreement reached in Washington received a mixed reaction in India. On the one hand, Nawaz Sharif’s promise to Washington, to withdraw Islamic armed groups and units of army regulars from the Indian territory was perceived by India as an achievement of the set goal of liberating the occupied territory, without further bloodshed. However, India was consistently opposed to any mediation in resolution of problems and against their “internationalization”. The Prime Minister of India Atal Behari Vajpayee, the External Affairs Minister Jaswant Singh and other politicians reiterated this. The international position of Pakistan noticeably deteriorated. The reaction of a majority of the leading countries to the incident in Kargil reiterated universal interest in the peaceful political resolution of Indo-Pakistan problems and the Kashmir problem bilaterally.

## ***INDO-PAK ARMED CONFLICT IN KARGIL***

---

The military conflict in Kargil had a strong “internal recoil” in the sense of its influence on the situation in both the states. It is understood that this influence was considerably different in India and in Pakistan. The position of Atal Behari Vajpayee government as a strong protector of national interests and security of the country got noticeably strengthened, which was extremely important on the threshold of the forthcoming general elections. The success of BJP during the parliamentary elections in September 1999 confirmed the correctness of this forecast. It could be ascertained that India’s reaction during the conflict was received with understanding and support by a majority of the countries of the world, and India’s international authority was enhanced.

In Pakistan, the condition of the government became highly complicated. It became a subject of attacks and criticism from influential Islamic forces, for the defeat and “betrayal” of Muslims in Kashmir. The Pakistani military leadership manifested extreme disappointment. It had initially supported the Nawaz Sharif government and then accused him of inability to achieve military success in Kargil and of “connivance” with the US President, who exerted great pressure on Nawaz Sharif to convince the Pakistani leadership to withdraw militants and army units from the territory of India. Subsequent developments in Pakistan, split in the army, and then the military coup staged by inspirers and organizers of the Kargil incident, General Parvez Musharraf and Mohammad Aziz, proved that they did not pardon the Prime Minister for his “treachery”. However, many analysts believe that the main reason for the military coup in Pakistan was the internal problems of the country, in the first place being the struggle for power between the army and the elected civilian government and not the differences on the issues related to India. The internal conflict around Kargil became just a cause for manifestation of the differences of a deeper nature.

The Kargil conflict is a lesson going much beyond its own limited framework. It showed convincingly that (as also shown by the latest incidents in Dagestan and Chechnya) how difficult it is for the

conventional military units, even if they enjoy considerable supremacy in number and technology, to fight with militants who use guerrilla methods of war in extremely difficult natural conditions. It is necessary to have specially trained units with relevant equipment and weapons to be used in extreme conditions.

What are the consequences of the Kargil conflict? After the end of the Kargil conflict, the situation on the LoC continued to remain unstable. In the following months, various violations, skirmishes and incidents of cross firing took place. On August 10, 1999 the Indian Air Force shot down a Pakistani reconnaissance aircraft, which according to Delhi had infiltrated deep into the Indian Air Space. In this connection, the Indian armed forces were kept on high alert; a little later, the Pakistanis did the same. At the same time the Indian authorities announced that in the northeastern state of Assam, a ramified Pakistani spy network was unearthed, which was preparing for terrorist acts.

The incidents in Kashmir had a negative influence on the system of international relations at various levels. Bilateral relations between India and Pakistan sharply deteriorated. The negotiation process got snapped and thrown back. The condition of relations between the two leading states in South Asia caused serious concern among the other countries of the subcontinent (Bangladesh, Sri Lanka). On account of the military coup in Pakistan the SAARC summit to be held in Kathmandu was postponed.

### **THE RUSSIAN PERCEPTION**

The armed conflict in the close vicinity of the CIS border and Russia increased tension in this part of the world, strengthening and proliferating heavily armed Islamist extremist Mujahideen groups determined to carry out *jihad* against non-Muslim countries. During the recent developments in Chechnya, mercenaries from Pakistan, Afghanistan and Saudi Arabia etc. were found to be operating along with the Chechen militants against Russia. Russian circles see this as a destabilising factor in the entire region. The negative influence of this and similar other incidents in 1999 gave rise to new difficulties in the

## ***INDO-PAK ARMED CONFLICT IN KARGIL***

---

process of nuclear-missile non-proliferation. All this is a matter of serious concern to Russia and creates certain problems from the point of view of its security. Therefore, Russia, since the beginning, adopted a clear position calling for immediate secession of fighting in Kargil, favoured the withdrawal of all armed infiltrators and Islamic militants from the territory of India, preservation of inviolability of the LoC, and supported resolution of all differences between India and Pakistan through bilateral negotiations. Normalisation of bilateral relations between India and Pakistan will pave the way towards improving the situation in South Asia, towards a positive approach vis-a-vis secession of arms race, including that of mass destruction weapons, and improvement of socio-economic condition of the billion strong people of South Asia. The international community and leading powers could assist this process, but not by interfering in it. It seems that one of the ways could be the development of economic ties between India and Pakistan, and expanding co-operation in different areas including within the framework of SAARC. And the main condition for normalization of Indo-Pak relations would also be through the reaffirmation of democratic principles in various spheres of life in Pakistan.

### **REFERENCES**

1. Jasjit Singh, "Pakistan's Fourth War," *Strategic Analyses*, New Delhi, August 1999.
2. BBC Interactive. *News*. South Asia, 16 July 1999. Online Network.
3. Pamela Constable and Kamran Khan, "Islamabad Shies From Encouraging Wider War," *International Herald Tribune*, Zurich, 16 August 1999.
4. India says Kashmir strikes "effective", 26 May 1999. New Delhi, India. *CNN, World News. Asia: India*. Indian Attack on Kashmir Guerillas Raises Alarm in Pakistan, 26 May 1999. *Ibid*.

5. India Says its 2 Downed Jets were in Indian Airspace. Pakistan says planes came down in Pakistani territory, 27 May 1999. New Delhi, India, CNN. *CNN Interactive, World News. Asia: India.*
6. Interview - Kashmir Groups Say Fight in Final Phase. Reuters, 10 June 1999. *CNN Interactive. World News. Asia: India.*
7. Pamela Constable, "US Makes Breakthrough In India-Pakistan Conflict. But Both Leaders will Face Protests at Home". *International Herald Tribune, London.* 6 July 1999.
8. *Mainstream* (New Delhi), no. 31, 24 July 1999, p.349. *Nezavisimoye Military Observer*, no. 31, 13-19 August 1999, p. 2.
10. *Ibid.*
11. "Kashmir Fighters Will Be Asked to Redeploy, Pakistan Army Chief Says," *International Herald Tribune*, 7 July 1999.

---

## **THE UNITED NATIONS COMMISSION ON HUMAN RIGHTS (55th SESSION) : A REPORT**

*Sharad K. Soni*

The UN Commission on Human Rights convened for the 55<sup>th</sup> time on March 22, 1999 at the Palais des Nations in Geneva, for a period of about six weeks ending on April 30, 1999 to review and discuss the state of human rights and fundamental freedoms all over the world. Since 1947 when it held its first session, the Commission on Human Rights has been preparing studies, making recommendations and drafting international human rights instruments, besides undertaking special tasks assigned to it by the UN General Assembly or the Council, including the investigation of alleged human rights violations. It also provides a positive atmosphere for the coordination of human rights activities in the United Nations system.

Opening the 55<sup>th</sup> session of the UNCHR, the High Commissioner for Human Rights, Mary Robinson called for greater emphasis on protection and prevention in a world where armed conflicts “are so grave in their effects, and so vast in their scale, that they create a sense of powerlessness.” As regards the creation of an International Criminal Court, she said that there was a need for such a court and the decision to establish the institution represented a commitment by governments to end past cycles of impunity and to establish individual criminal responsibility. She also urged States to ratify the Rome Statute so that the court could begin its job. “The human rights community should advocate public reporting of massacres of civilians and other serious human rights violations; carry out accurate and timely investigations to dispel propaganda and rumours; illuminate the underlying causes of conflicts and human rights violations; deploy human rights monitors when necessary; and strengthen the establishment of national institutions and protect and promote human rights in the post-conflict phase,” stressed Mrs. Robinson.



Anne Anderson of Ireland was elected Chairperson this year who replaced Jacob S. Salebi of South Africa. Shambu Ram Simkhada of Nepal, Romans Baumanis of Latvia and Luis Alberto Padilla Menendez of Guatemala were chosen as Vice-Chairmen and Raouf Catty of Tunisia was elected to perform the job of Rapporteur. In his address the outgoing Chairman reviewed the progress made in the past session, such as the absolute priority given to the human rights of women and children and the role played by the Bureau of the Commission on the right to development, the right to education, and rights of those living in extreme poverty, besides the appointment of a Special Rapporteur on Afghanistan. Salebi called for more efforts to increase contributions to important voluntary funds such as those for preventing racism and torture. He also praised the recent decision by United Nations Secretary-General Kofi Annan to divert additional resources towards the activities of the office of the High Commissioner for Human Rights. In her opening statement the newly elected Chairperson, Anne Anderson called on the group to focus, among other things, on development, racism, extreme poverty, rights of women, of children, of indigenous people and other vulnerable groups. "The task was to apply a clear human rights perspective to these issues, working in a steadfast way to strengthen the protection and promotion of the full range of rights," she added.

Later in his address to the Commission, United Nations Secretary General Kofi Annan made it clear that human rights were a priority in every United Nations programme and mission, and said that it was his belief that human rights were at the core of the sacred bond between the United Nations and peoples of those Nations. However, he stated that the United Nations' work was never done, for with every proclaimed right, hundreds of abuses were committed every year. "For every freedom secured, more were threatened," he said. "Thousands suffered from discrimination or violence, and children were denied the right to education and a peaceful childhood". Mr. Annan saluted the Commission on Human Rights' determination to ensure a firm foundation for the rights of future generations, and said that its work in

### ***UNCHR (55th SESSION) : A REPORT***

---

combatting violations of human rights and establishing norms to protect them made history and helped save lives. “The Commission on Human Rights could claim with pride to have been an architect of the international structure of rights, having created an international code of human rights,” he added.

Various issues deliberated at the 55<sup>th</sup> session of the UNCHR included the Right of Peoples to Self-determination and its Application to Peoples under Colonial or Alien domination or Foreign occupation; Racism, Racial Discrimination, Xenophobia and all forms of Discrimination; the Right to Development; Question of the violation of human rights and fundamental freedom in any part of the world; Economic, Social and Cultural Rights; Civil and Political Rights including the question of Torture and Detention, Disappearance and Summary Executions, Freedom of Expression, Religious Intolerance; Violence against Women; Rights of the Child; Human Rights of Migrant Workers; Rights of Persons belonging to National or Ethnic, Religious and Linguistic Minorities; Mass Exoduses and Displaced Persons; Contemporary Forms of Slavery; Rights of the Indigenous People; Report of the Sub-Commission on Prevention of Discrimination and Protection of Minorities; Status of the International Covenants on Human Rights; the question of Human Rights Education; the question of Human Rights and the Environment etc. Besides, this session also provided an opportunity for the members of the Commission to discuss the annual Report of the United Nations High Commissioner for Human Rights and consider the follow-up to the 1993 World Conference on Human Rights held in Vienna.

A number of countries outlined their efforts to respect fundamental freedoms, cited problems encountered and reviewed issues of concern internationally. S. Palihakkara of Sri Lanka reiterated the need for the Commission to further develop areas of cooperation, consultation and consensus building measures in the context of enhancing its effectiveness. Supporting the view of Sri Lankan representative, H.K. Singh of India stressed that it was essential that agreement be first arrived at on a process which would enable all states to contribute

effectively to such a discussion. Iftekhar Chowdhary of Bangladesh stated that lack of adequate consultation or dialogue tended to lead to situations of non-compliance and in extreme cases to intransigence – a vicious cycle of confrontation and non-cooperation. Bap Kenang of Bhutan was of the view that the Commission should seriously consider the proposal put forward by the Indian representative which called for the establishment of an open-ended inter-sessional working group to consider the report of the Commission Bureau on rationalisation of the Commission's mechanisms and activities and its related submissions. The representative from China, Qiao Zonghuai said that there should be respect for the rights of each country as members of the international community. "As there were different states of development, naturally there were different priorities in promoting and protecting human rights," he said. "There was a need to resolve differences through dialogue on the basis of equality and to oppose confrontation." Zonghuai stressed that special attention should be given to redress the imbalance towards the right of subsistence and the right to development.

On the role and activities of the office of the High Commissioner for Human Rights, a series of national delegations spoke before the Commission outlining measures taken to improve the situation of women and children as emphasized under policies set by the office. Other activities of the High Commissioner that drew praise from national representatives were advice and support offered to national institutions for human rights, monitoring activities carried out around the world, and bolstering of regional human rights efforts. Introducing her annual report, High Commissioner for Human Rights Mary Robinson noted that alongwith the rights of women and children, planning and preparation for the upcoming World Conference against Racism and Racial Discrimination merited special attention. Savitri Kunadi of India emphasised that the principal task of the office was to promote human rights through capacity building, human rights education and vigorous advocacy of a culture of human rights and tolerance. "Given its limited resources, this was the most cost-effective way for the office to fulfill its mandate, she added. Liu Xinsheng of China commended the High

Commissioner for Human Rights for providing more balance to the various human rights by emphasizing economic, social and cultural rights, besides making useful attempts at advisory services with the cooperation of countries.

### **The Right of Peoples to Self-determination**

One of the main agenda items discussed this year was the right of peoples to self-determination and its application to peoples under colonial or alien domination or foreign occupation. The Commission had before it the latest report on the question of the use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination (E/CN.4/1999/11) introduced by Enrique Bernales Ballesteros, Special Rapporteur pursuant to Commission resolution 1998/6 on the subject. He underscored the lack of an oversight body at the international level, which would have the responsibility and the authority to review the use of private security firms and mercenaries on a case by case basis. Among the recommendations made in the report, there was a call for the Commission “to prioritize international protection against mercenaries and their extreme abuses; to adopt measures and provide financial support to ensure better communication; to prevent and punish violations and abuses (particularly terrorism); and to promote more adherence by Member States to the adoption of the International Convention.”

During the debate on this agenda item, a number of speakers from Member States and NGOs made their statements. As at previous session, several remarks dealt with the question of when the right to self-determination was appropriate, and whether self-determination required independent statehood or could be satisfied by other conditions, such as the ability to enjoy one’s own culture, speak one’s own language and practice one’s own religion within the framework of a pluralistic democracy. Meanwhile, the representative of the Russian Federation, Serguei Tchoumarev stressed the need to redefine the principle of the right to self-determination and link it to the principle of

the right to integrity of territory so that it was not seen as a way to threaten the stability of States and encourage those with separatist tendencies. Underlining the Chinese point of view, Wang Min stated that respect for the right of peoples to self-determination “first of all called for opposing any foreign aggression, interference or control, thus safeguarding national sovereignty, independence and territorial integrity, so that peoples of all countries could choose their own political and social systems, economic models, and paths of development. Secondly, the right could not be interpreted as authorising or encouraging any actions that dissolved or violated the territorial integrity and political unity of sovereign States.” The representative of Azerbaijan, Tofik Moussaev said that self-determination in United Nations documents had been treated as a principle that did not afford grounds for encroaching upon another fundamental principles- the sovereignty, territorial integrity and political independence of States. “The contradiction in this interpretation was used for justification of territorial expansionism under pretext of care for relative ethnic groups in other States, especially in multi-ethnic ones,” he said. “In such cases, the use of force to realise the right to self-determination by one ethnic group led to depriving the majority of the population of fundamental right, including the right to freely determine their political status and freely pursue their economic, social and cultural development.”

### **Racism, Racial Discrimination, Xenophobia and all forms of Discrimination**

While opening up a general debate on this agenda item, the Commission on Human Rights had before it a report of the High Commissioner for Human Rights (E/CN.4/1999/12) on racism, racial discrimination, xenophobia and all forms of discrimination. The report contained the objectives of the World Conference against Racism and, among others, a review of the progress made regarding this matter. It also outlined recommendations on improving the effectiveness of United Nation’s programme and national, regional and international measures to ensure the availability of financial resources for combatting racial discrimination and xenophobia. It concluded that “despite progress

## *UNCHR (55th SESSION) : A REPORT*

---

achieved, racism and racial discrimination have not disappeared and are assuming new forms. Efforts need to be intensified in combatting these abuses, including emphasizing education and awareness-arousing as well as promoting universal and unconditional accession to the International Convention on the Elimination of All Forms of Racial Discrimination.

There was also the latest report (E/CN.4/1999/15) by Maurice Glele-Ahanhanzo, Special Rapporteur on Contemporary Forms of Racism, Racial Discrimination, Xenophobia and Related Intolerance. The report included information on the activities of his field trips; replies from Governments of Cyprus, Croatia, Cuba, Finland, Lebanon, Mexico, Portugal, Turkey, the Federal Republic of Yugoslavia; and contemporary manifestations of racism, racial discrimination, xenophobia, and related intolerance. Introducing his report Glele-Ahanhanzo welcomed the effective measures taken by the Governments which replied to his requests. He also expressed a hope that by attacking the problem of racism, racial discrimination and xenophobia from various angles in a context of globalisation, society could enter the third millennium without worrying about cultural, ethnic and racial conflicts.

The discussion under this agenda item centred mostly on preparations for the World Conference Against Racism and many speakers pledged to support the planned conference to make it effective. A number of delegates cited the efforts made in their own countries against racism and racial intolerance. As regards the possible measures to fight discrimination, various things were identified which included programmes to educate and sensitize the public to racial issues, the use of the media, the use of the internet, and the institution of governmental bodies to oversee and enforce measures to curb racial injustices. Speaking on behalf of the European Union, Wilhelm Hoynek of Germany stated that the central and eastern European countries associated with the European Union-Bulgaria, the Czech Republic, Estonia, Hungary, Latvia, Lithuania, Poland, Romania, Slovakia, Slovenia and Cyprus believed that diversity was one of the foundations

on which the European Union had been built. “Racism, xenophobia and intolerance were the antithesis of what the project of the European Union meant in its essence”, he added. The Indian representative A. Gopinathan stressed that the Programme of Action of the Third Decade against Racism must be re-energized and adequately funded from the United Nations regular budget; and the World Conference must lead to a renewal of a global commitment to address the problem of racial discrimination.

However, several speakers noted the rise of new forms of racism, as well as the distressing re-appearance of old forms in developed countries, long since considered dealt with. Besides, the relationship between racism and States was also raised and deplored by many participants. Meanwhile, Tatiana Shaumian of the International Institute for Peace stated that the end of the cold war has given way to numerous racial issues and abuses. “People who had coexisted peacefully for generations were now demanding identifiable space based on their particular ethnic or religious backgrounds,” she said. “Problems cited were religious battles between sects in Pakistan, ethnic cleansing in Indian Kashmir and ethnic problems between Afghanistan and Pakistan.” She called on the Commission to urgently set into motion a plan of action designed to investigate the constitutional and legal structures and the educational environment in different states whose structures of governance sanctioned discrimination.

**The Himalayan Research and Cultural Foundation (HRCF)** too presented its view before the Commission. Expressing full solidarity with the organisation of the World Conference against Racism, Firdous Syed Baba of the HRCF stated that though the international community was committed to address the problems related to racial discrimination and xenophobia as defined in the International Convention on the Elimination of All Forms of Racial Discrimination, it was felt that the international community should go a step ahead and remain more vigilant in identifying new and changing forms of xenophobia. He said that in the second half of the twentieth century, new patterns of warfare which in some specific cases were engineered and financed by the most

powerful and democratic countries, had been witnessed. “The emphasis that had been put on methods of education to promote the elimination of racial discrimination and xenophobia was noted, but contrary often occurred,” he added.

### **Right to Development**

While considering this agenda item, the Commission had before it a report of the High Commissioner for Human Rights, submitted in accordance with Commission resolution 1998/72. The report (E/CN.4/1999/19) comprised of, among other things, the activities of the office of the High Commissioner for Human Rights relating to the implementation of the right to development, as well as interagency coordination within the United Nations system for the implementation of relevant resolutions of the Commission. The Commission also took up a report on the right to development by the Secretary General, submitted in accordance with Commission resolution 1998/72. In the report (E/CN.4/1999/20), the Commission reaffirmed the importance of the right to development for every human person and all peoples in all countries. Besides, a note by the Secretariat on the provisional work programme of the Independent Expert on the right to development (E/CN.4/1999/118) was also tabled before the Commission.

Defining the concept of right to development Arjun Sengupta, the Commission’s Independent Expert on the Right to Development stated that national economic policies could no longer be separated from its political policies and that private aid as well as official overseas development assistance (ODA) to the globe’s poorer countries should be augmented. “Aid had to be propagated by every person who believed the right to development approach and expanded on it. Aid should be used to liberate capital,” he added. He also suggested that the international law concerning the right to development should include the right to food, primary education and primary health.

During the debate a number of developing countries urged the Commission for increase in official development aid, more extensive



relief for debt-burdened nations, and stronger emphasis on development issues by the international community. They stressed for international efforts to redistribute the benefits of global economic expansion. A representative of Nepal, Shambhu Simkhada said that Nepal firmly believed in the universality and indivisibility of all human rights, and felt the right to development was integral. "The new democratic Constitution of Nepal guaranteed this and all other human rights; but of course the country was small and landlocked and faced many challenges, including lack of human, material, and technological resources," he said. "Eliminating obstacles to development in the world's poorer countries and increased aid to those countries was critical," he added.

Indian representative H.K. Singh stressed that democracy, transparent and accountable governance and the full enjoyment of political and civil rights were fundamental to the realisation of the right to development. "Development when seen as a process empowered people which enabled them to achieve human dignity and to assert as well as enjoy their rights meaningfully," he said. "It was absolutely essential for ensuring human rights." He pointed out that the need of the hour was to adopt a "development approach" to human rights. "Development was the most powerful tool that the international community had at its disposal for effective empowerment of people and the realisation of their human rights," Singh added. Ren Yisheng of China said that Overseas Development Aid (ODA) from developed countries was falling and now it was at its lowest level since 1973. "Some developed countries drew no distinction between the right to development and civil and political rights and in fact downplayed development." Yinsheng stressed that "recognizing development as an important component of human rights constituted the basis for promotion of human rights; redressing the imbalance between economic and development rights and civil and political rights was urgent; the Commission should make contributions to realization of the right to development; and international cooperation was necessary in order to create favourable conditions for realization of the right to development."

*UNCHR (55th SESSION) : A REPORT*

---

Bangladesh's representative Ismat Jahan noted that globalisation was said to hold out the promise of prosperity, yet it appeared to be contributing to a new process of uneven development and increased inequality both among and within nations. "Effective international solidarity and cooperation was crucial for supplementing national development efforts," she remarked. The representative of the Russian Federation, Serguei Tchoumarev stated that it was essential to recognise the right to development as an integral factor in the eradication of human rights abuses. "It was a factor in ensuring peace and stability and needed to cover all aspects of all areas of human development," he said. "Development must be considered a major consideration in the north / south dialogue." Mexico's representative Arturo Hernandez-Basave pointed to an urgent need of addressing problems such as financial need, the external debt, low and unstable prices of commodities, and the expenditure of huge amounts of money on the arms race. "There had to be an end to the use of human rights as an instrument for trade protectionism," he added. While the representative of Indonesia, Harry Purwanto called for a more open development-oriented and non-discriminatory system of economic relations which would ensure broader and stronger participation of the developing countries in the international economic decision-making process, Myanmar's representative underscored the growing gap between the developed and developing countries and stressed the need for developed, resource-rich countries to direct their efforts towards providing further help to States in need, and to do so in a spirit of goodwill and free of conditions.

Several NGOs too presented their views on this agenda item before the Commission. Brenela Mofya of Pax Romana was of the view that debt-relief measures should focus on sustainable development, in particular a bias towards investment in primary health care and education. Mohamed Arif of Afro-Asian People's Solidarity Organisation said that opportunities for individuals and communities to move along the path of progress must be guaranteed. However, he noted that developed countries continued to do business with States

sponsoring terrorism. “The concept of development implied the overall realization of the potential of human beings, and peace and security were the essential prerequisites for this,” Arif said and urged the Commission to take steps against terrorist organisations. T. Ramanna of the International Institute for Peace said that peace and security were essential ingredients for an environment in which the developmental process could proceed unhindered. “Democracy, as the best guarantor of the right to development and democratic principles, was today under threat from movements that shunned modernity and development,” Ramanna said. “The right to development was being held hostage by groups who believed that a land and a people should remain barren so that their own ideology would succeed.”

Meanwhile, noting that the right to development had a great bearing on the lives of the people of the Third World, Firdous Syed Baba of the **Himalayan Research and Cultural Foundation** (HRCF) stated that no human right could be realised in the absence of a favourable environment. He said that the experience revealed that ‘terrorism and fundamentalism’ posed the main challenge in realising the right to development, since terrorism was shattering the infrastructures and devastating the economies. Jammu and Kashmir witnessed a large scale terrorist violence sponsored by Pakistan for more than eight years; this violence brought about a large-scale economic destruction and it would take decades to rebuild the economy. “Today, when the political and democratic order has been restored in the State, and people are participating in the initiatives on social and economic development, Pakistan is sending mercenaries to disrupt peace in the State,” he said. “It has become a routine that dozens and scores of people living in villages and hilly areas are massacred by mercenaries from Pakistan.” He asked that in such circumstances, when the very existence of people was under peril, and the human person, who was the central subject to development was under threat of death, how could the right to development be realized? He called upon the international community and the Commission to bring pressure upon Pakistan to allow the people of Jammu and Kashmir to realize their right to development.

**Question of the violation of human rights and fundamental freedoms in any part of the World**

This was one of the most contentious agenda items of the Commission on Human Rights. Under this item, the Commission had before it several reports by the Special Rapporteurs on the situation of human rights in specific countries including a note from the Secretary General (E/CN.4/1999/40) concerning the situation in Afghanistan. The Special Rapporteur on the situation of human rights in Afghanistan Kamal Hossain did not present a written report to the Commission. However, he spoke before the Commission stating that the most fundamental of the human rights violations had been to reduce the people of Afghanistan for such a long period to becoming virtual hostages or refugees in their own land while externally armed forces sought to rule Afghanistan without the effective participation or consent of its people. Hossain maintained that among the realities of the Afghanistan challenge to peace-building also included over 2 million internally displaced persons. He concluded that the transition process toward building peace through an inclusive participatory process, involving continuing consultations with all segments of the Afghan people, aimed at establishing a broad-based, multi-ethnic and fully representative government. The international community, he added, “must use its resources to support that process and commit itself to actions, among others, as follows: the process must be human-rights focussed; the Secretary General should ensure that all United Nations activities in Afghanistan were carried out taking into account the principle of non-discrimination against women and girls; and all parties of the Afghan conflict should be urged to reaffirm publicly that they were committed to safeguarding internationally recognised human rights and to take measures to prevent human rights abuses.

During discussions on this agenda item numerous national representatives and NGOs urged the Commission to ask countries around the world to end human rights violations and impunity. Addressing the meeting, Indian representative Savitri Kunadi said that India took pride in its multi-cultural character and the Government

fostered policies respecting the country's many languages, ethnicities, and religions. She stressed that approaches under the current agenda item would be most successful if they were balanced and favoured dialogue and persuasion over mere criticism. "It was wise for the Commission to take more cooperative approaches to situations involving open and democratic societies where domestic remedies were available in ample measure," Ms. Kunadi added. The representative of Afghanistan, Humayun Tandar said that the right to life and security continued to be flouted by the Taliban regime and that people from other religious and ethnic minorities continued to be brutally persecuted. "It was crucial that an investigation be carried out into the cases of many Afghans held in Taliban jails, most of whom were not prisoners of war—they were civilians, and many had been held for two years without trial or sentence," he said. "The Taliban was trying to return to the Middle Ages; its adherents were also practicing domestic and international terrorism and were growing and marketing illegal drugs."

Meanwhile, Giafranco Rossi of International Association of Religious Freedom stated that totalitarianism linked to religious extremism was a cause of great concern. He said that all great religions preached tolerance, but many extremists were not tolerant. In Afghanistan, the extremists of the Taliban were violating women's rights in unimaginable ways. "Also of concern were situations of religious extremism in Jammu and Kashmir, Iran, Saudi Arabia and Sudan," he added. Surya Lal Amatya of World Federation of Trade Unions noted that Pakistan supported numerous terrorist groups which, among other abuses, used drug money to underwrite their activities. The Taliban regime in Afghanistan was an example of this pattern, he said and added, "its activities had horrified civilised society." Amatya urged the Commission to ensure that the activities of Pakistan did not afflict other countries.

Elke Kessler of the National Council of German Women's Organisations read a letter by an Afghan woman who wished to remain anonymous. She spoke of the plight of women of Afghanistan who had nothing left to hope for beyond their mere existence and a lifelong

ordeal of pain and misery. All governments and United Nations agencies were asked to urge respect of women's human rights in Afghanistan as part of all their work and criteria for assistance. Besides, the Special Envoy to Afghanistan were urged to include women's human rights as an issue in those negotiations. The issue of human rights violations in Afghanistan, Pakistan and Kosovo was raised by Sybille Rupprecht of the International Institute for Peace as well. She said that these violations were perpetrated at the hands of bigoted groups which used the language of religion as a basis for their actions. "The Taliban forces in Afghanistan had committed a large number of political as well as other extra-judicial killings," she said. "Whether it was the Taliban or *Harkat-ul-Ansar* or the *Laskar-e-Tayba*, the entire spectrum of such groups that were mushrooming in Pakistan displayed a common ideological pattern consisting of bigotry and the use of weapons and terror to demolish all norms of civil society." She urged the Commission to address these abuses and call upon the countries to desist from encouraging the forces of extremism, terrorism and obscurantism.

### **Economic, Social and Cultural Rights**

While considering this agenda item, the Commission had before it a report (E/CN.4/1999/48) by Anne-Marie Lizin, the Independent Expert on human rights and extreme poverty. Introducing her report Ms. Lizin said that some 1.3 billion people were affected by extreme poverty, most of whom were women. She stressed that better understanding of poverty and better efforts to eradicate it required research and also an improved ability to work hand-in-hand with those who suffered from it. "International cooperation clearly had to be strengthened in confronting this scourge," she continued. "Greater resources and better channelling of resources to health, social and educational concerns were necessary", she added. Ms. Lizin's report outlined the issues and actions taken by the United Nations and individual nations and also provided a list of recommendations on various issues including, among others, the urging of the 54 States which have not yet ratified the International Covenant on Economic, Social and Cultural rights to do so and the organization of a meeting to draw

up the basic elements of a preliminary draft declaration on human rights and extreme poverty.

Also before the Commission was a report (E/CN.4/1999/50) prepared by Fantu Cheru, the Independent Expert on the effect of structural adjustment policies on the full enjoyment of human rights. He stated that the ultimate responsibility for managing national economies and promoting human development rested on the shoulders of national Governments. He said that “there were many reasons for the Third World debt crisis and it would be wrong to put all the blame on either the debtor Governments or creditor institutions.” In his report, he explored the links between structural adjustment programmes and the realization of economic, social and cultural rights. His recommendations included debt cancellation for the heavily indebted poor countries; instituting human rights conditionally in future lending; establishing international mechanisms to retrieve money stolen by corrupt leaders; reform of the international economic, financial and trade systems; and natural resource preservation.

The Commission also considered a progress report (E/CN.4/1999/46) presented by Fatma-Zohra Ksetini, the Special Rapporteur on the adverse effects of the illicit movement and dumping of toxic and dangerous products and wastes on the enjoyment of human rights. The report concluded that it was vital that bilateral, regional and multilateral cooperation should be strengthened in order to achieve the enumerated objectives which included, among others, reducing transboundary movements of hazardous wastes and toxic products; prohibiting the export of such products to developing countries; providing assistance; and preventing illegal traffic and transboundary movements.

A report (E/CN.4/1999/49) from the Special Rapporteur on the right to education, Katerina Tomasevski was also taken up by the Commission. Introducing her report, she said that convergence between human rights and development was increasingly affirmed in rights-based development. Highlighting the mainstreaming of gender throughout, she

***UNCHR (55th SESSION) : A REPORT***

---

stressed that aid to education in developing countries was vital. “The very basis for education, including in the United Nations, was not always based on human rights,” she said. “A human rights criteria should be applied to education.” The report called for a clear definition of the nature and scope of the right to education and a commitment to an indepth study of identified issues. Besides, there was a note (E/CN.4/1999/47) by the Secretariat which announced the appointment of Reinaldo Figueredo as Special Rapporteur on the effects of foreign debt on the full enjoyment of human rights. Figueredo stated that a serious foreign-debt problem continued to perpetuate inequalities within and among countries and to cause its greatest distress among children. “In spite of some positive initiatives, the international community had not done enough to alleviate the ‘debt-hangover.’ It was an acute factor adversely affecting economic and social development as well as living standards in many developing countries,” he added.

Before the Commission there was also a report (E/CN.4/1999/45) from the High Commissioner for Human rights which dealt with the right to food and provided a review of the progress made in the definition of the right to adequate food in international law. The report stated that efforts should be made to better develop indicators and benchmarks concerning the achievements and shortcomings in the realization of food and nutritional rights and called for the organization of a seminar with international financial and trade institutions on these issues.

During the debate several speakers called for a recognition of the fact that economic, social and cultural rights were among the most basic human rights, and urged the international community to help protect them by undertaking a global effort to eradicate poverty. They also condemned unilateral coercive measures and stressed the need to take greater account of the adverse impact of structural adjustment policies on the realization of economic, social and cultural rights. They also underlined that the debt burden of many least developed countries, combined with declining levels of aid and foreign investment, was too much for many poorer countries.



Zephirin Diabre, Associate Administrator of the United Nations Development Programme (UNDP) stressed that poverty eradication was the programme's mission. He said that UNDP was convinced that the world had sufficient resources to do this in less than one generation, but asked if it had the will. Lesley Miller of the United Nations Children's Fund (UNICEF) noted that his agency had dedicated this year's state of the world's children report to the right to education, and said that the right to education meant the right to experience citizenship, yet for countless number of children around the world, citizenship remained distant and unknown. He indicated that a child-friendly education system, which was child centred, relevant, inclusive, gender sensitive, inspired and developed within the framework of the Convention on the Rights of the Child, would increasingly become a tangible reality for children.

Savitri Kunadi of India underlined that economic, social and cultural rights and the right to development were mutually reinforcing concepts. She agreed with the Independent Expert who had called for poverty eradication to be consolidated as an absolute priority throughout the United Nations system, for urgent transfer of resources through international cooperation and for donor countries to reverse the decline in their official development assistance to developing countries and to commit themselves to the agreed target of 0.7 per cent of the gross national product. She also supported the efforts made by Special Rapporteur on the right to education in outlining a range of issues in the field of education that would benefit from a human rights approach. "India strongly urged support of her endeavours to elaborate such a perspective to the right to education," she added.

Wang Min of China said that foreign debt situation of many developing countries was becoming a huge obstacle to their efforts to improve the situation of their citizens. He further stated that many developing countries were looking to the Commission to play a big role in realizing economic, social and cultural rights, but the reality was disappointing. "Of 84 resolutions adopted last year, only a very few were related to such rights, and only a few of the Commission's Special

***UNCHR (55th SESSION) : A REPORT***

---

Rapporteurs and Independent Experts were dealing with these rights,” Min added. Bangladesh’s representative Ismat Jahan outlined that human rights were about freedom from both fear and want. She stated that globalisation of the world economy had indeed provided some with new opportunities, but brought in daunting challenges for many others. While Hasnudin Namzah of Malaysia viewed that the mandate of the Independent Expert should not be confined to extreme poverty only but to the issue of poverty at large, Farhad Mamdani of the Islamic Republic of Iran stressed that full realization of civil and political rights without the enjoyment of economic, social and cultural rights was impossible.

A number of NGOs also called for greater debt relief for the globe’s poorest nations, more intensive international efforts to alleviate poverty, and more practical steps to help all countries reap the benefits of global trade and financial activity. Joseph Rajkumar of Pax Romana contended that poverty was becoming “the new slavery,” and that the globalisation of finance had seriously affected the role of the nation state, causing many countries in effect to lose their sovereignty. Cynthia Neury of Centre Europe-Tiers Monde raised the issue of the foreign debt of the countries of the South and the East, and said these countries should refuse the debt-repayment demands of the World Bank and the IMF because the policies of those financial organisations were contrary to the interests of the people of such countries. Horacio Ravenna of Permanent Assembly for Human Rights pointed to the problems created by neo-liberalism, and said a liberalised State merely created a market for companies, wiping out possibilities for development and having a negative impact on such human rights as health. Mohammad Anwar of Interfaith International expressed his organisation’s concerns over ensuring recognition of economic, social and cultural rights for all people, including the largest national ethnolinguistic minority in Pakistan, the Mohajirs in Sindh province. He said that there were several important questions regarding these rights of the Mohajirs in Pakistan which needed to be resolved through the democratic process and not suppression. Tatiana Shaumian of

International Institute for Peace stated that progress in economic, social and cultural rights within a country often was dependent on the activities of other countries—a case in point was the sad situation under the Taliban regime in Afghanistan. She said that a new global ethos was needed encompassing capable responses to extremism, terrorism, abuse of freedom of expression and disrespect for the faiths and traditions of people. Ludovica Verzegnassi of European Union of Public Relations pointed out that the threat to life today emanated from the ever-dangerous phenomenon of terrorism. Verzegnassi stressed that international terrorism and its impact on human rights should always be included as a separate agenda item of the Commission.

It was during the debate on this item that Prof. Riyaz Punjabi of the **Himalayan Research and Cultural Foundation (HRCF)** highlighted that the International Covenants on Human Rights envisaged the ideal of a free world where human beings were free from fear and want, but that was only true if an environment was created where human beings enjoyed their economic, social and cultural rights along with civil and political rights. Appreciating the initiatives taken by the Commission with regard to the appointment of Independent Experts and Special Rapporteurs to look into extreme poverty, hunger, illiteracy, and the effects of structural adjustment policies, he also underlined that the report of the Independent Expert on structural adjustment policies was inadequate. “It left out a large number of countries whose economic, social and cultural rights had been put in jeopardy due to structural-adjustment regimes,” he said. “The violations of these rights could not be quantified without data generated at the grass roots level.” Prof. Punjabi stated that one had to understand the power structure prevailing in a country that had been created on communal lines. He said that the fundamentalist-extremist outfit, *Lashkar-i-Toiba*, responsible for the massacre of 20 innocent Hindus in Jammu and Kashmir on the eve of the Lahore summit, did enjoy official patronage in Pakistan. “In presence of this official patronage it is not possible to allow the people to realise their economic, social and cultural rights in South Asia,” he said. “Ironically, while the incidents of vandalism and

violence unleashed by fundamentalist-extremist groups during the Lahore summit were witnessed by entire world, it has hardly been condemned,” he added. He urged the Commission to take note of these challenges to the economic, social and cultural rights and devise appropriate mechanism to deal with them.

### **Civil and Political Rights**

A number of topics falling under this agenda item included torture and detention; disappearances and summary executions; freedom of expression; independence of the judiciary and administration of justice; religious intolerance; states of emergency; and conscientious objection to military service. Before beginning a general debate on this item, the Commission had before it a report (E/CN.4/1999/54) by the Secretary General on the question of torture and detention and the status of the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment; a report (E/CN.4/1999/55) by the Secretary General on arbitrary deprivation of nationality which called on all States to refrain from taking measures or from enacting legislation that discriminated against persons or groups of persons on grounds of race, colour, gender, religion, or national or ethnic origin; a report (E/CN.4/1999/57) by the Secretary General on the question of independence of the judiciary, administration of justice and impunity, and a report on the question of torture and detention (E/CN.4/1999/59) from the Chairman-Rapporteur of the Working Group on the draft optional protocol to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment.

There was also a report (E/CN.4/1999/61) on the question of torture and detention prepared by the Special Rapporteur, Nigel Rodley. The report concluded that the most difficult area was with regard to the incidence of torture and similar cruel, inhuman or degrading treatment or punishment. It recommended, among other things, that all States should ensure that they have in place legislation that would permit them to take jurisdiction over perpetrators of human rights crimes, including torture, genocide, crimes against humanity and

war crimes. Besides, there was also a report (E/CN.4/1999/61/Add.1) of the Special Rapporteur on torture, Nigel Rodley on his visit to Turkey. In his report Rodley says that Turkey is not immune from the turbulent and religious forces prevalent in the region and cites the Kurdistan Workers' Party (PKK) as an example of acts of terrorism which has been widely and rightly condemned.

The Commission also took up a report (E/CN.4/1999/39) by the Special Rapporteur on extrajudicial, summary or arbitrary executions, Asma Jahangir. The report stated that there is no indication that violations of the right to life was decreasing. There is an increase of killings perpetrated by Government-controlled security forces and paramilitary units. Ms. Jahangir recommended the abolishment of capital punishment. The report further says that States are obliged to conduct exhaustive and impartial investigations into allegations of violations of the right to life, identify and prosecute those responsible and stop the practice of engaging children under the age 18 in armed conflicts. The Commission also considered a report (E/CN.4/1999/62) of the Working Group on enforced or involuntary disappearances. It called on all Governments to pay attention to the full implementation of the Declaration on the Protection of All Persons from Enforced Disappearance for the prevention and the termination of this human rights violation. The report emphasized that the continued cooperation from non-governmental organizations concerned with the problem of disappearance was essential, and stressed that impunity was one of the main causes of enforced disappearance.

The Commission also heard from Abid Hussain, Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, who introduced his latest report on the subject (E/CN.4/1999/64). He noted that while more and more countries had accommodated more freedom of expression, there were still countries where people were placed half way between freedom and suppression of rights. He cautioned that since human rights advocacy was a powerful political weapon, care had to be taken to see that in advancing its cause, it was not inadvertently allowed to be exploited

***UNCHR (55th SESSION) : A REPORT***

---

or manipulated by the powerful in order to advance hidden agendas against the less powerful.

In addition to the above mentioned documents, the Commission had before it also a report (E/CN.4/1999/60) by the Special Rapporteur on the independence of judges and lawyers, Param Cumaraswamy. The report concluded by calling on all governments and relevant organisations at the national and international levels to assist the continuing work of the Special Rapporteur. Besides, Cumaraswamy appealed to the government of Pakistan to provide immediate security and protection to the prominent lawyer Asma Jahangir in Lahore, whose client had been shot dead at point blank range. He said this murder illustrated another kind of threat that lawyers were subjected to in the discharge of their professional duties.

Yet, another report (E/CN.4/1999/58) which the Commission considered was prepared by Abdelfattah Amor, Special Rapporteur on religious intolerance. He identified a number of factors important in combatting and preventing intolerance and discrimination based on religion or belief. These included increase in financial factors and human and technical resources. He recommended a more neutral and encouraging title, such as “Special Repporteur on freedom of religion or belief” instead of reference to religious intolerance. “To lay foundations of prevention at the earliest opportunity, it is a priority to attack the dual scourge of extremism and discrimination against women,” he added.

As the Commission began discussing its agenda item on civil and political rights, several countries and NGOs spoke from the floor on topics grouped under the item. A number of Government representatives spoke on various aspects of these rights, including measures taken to uphold them. Citing the violations by the Taliban against religious minorities as reported by the former Special Repporteur on Afghanistan, Choong Hyun Paik, the representative of Afghanistan, Humayun Tandar said that numerous atrocities committed by the Taliban included violations of religious intolerance. He brought

to the notice of the Commission that over 200 political prisoners identified by Amnesty International had been detained under the control of the Taliban, and many of them were community leaders, intellectuals, children and politicians. Li Baodong of China said that the realization of civil and political rights required attention to the balance between rights and obligations. "As there were no obligations that did not lead to rights, there also were no rights that did not have obligations," he said. "It required building civil and political rights on a platform of economic development, and it required patience, as the process was long and gradual," Baodong added.

An extensive series of NGOs raised allegations of torture, disappearances, instances of religious intolerance and abuses of judicial standards in a number of countries and regions. They also said that the Commission and international community needed to do more to combat impunity - that serious human rights violations would continue as long as perpetrators were sure that they would not be punished. Masooma Ali of Afro-Asian People's Solidarity Organisation stated that traditional secularism was threatened by terrorist groups espousing a fundamentalist version of Islam in Pakistan - a reflection of the ethos that the military dictators of Pakistan and their successors had established. "The trend towards community identification based on religion carried with it the virus of ever increasing violence," Ali noted. She said, "Respect for religions and equality for minorities were essential ingredients of any democratic polity". Genei Shinoji of World Federation of Trade Unions stressed that it was important to assure freedom of expression and that the Commission should study the current Pakistani Government treatment of the Jung group of newspapers. He said that freedom of expression could be guaranteed only when multiple channels of communication were allowed to operate. Nazima Munshi of the European Union of Public Relations charged that although Pakistan was a democracy, a particular community, the Ahmadiya, were denied their civil right to believe in and practice their religion. Munshi urged the Commission to call for a halt to such activities by the Government of Pakistan, the militant mobs, and the

judiciary, which had ganged up together to totally exterminate the Ahmadiya community.

The **Himalayan Research and Cultural Foundation (HRCF)** too presented its view before the Commission on this agenda item. S.K. Tickoo of the HRCF said that despite a recorded history of 5,075 years of the Kashmiri Pandits, they had been hounded, hungered, dispossessed, deported and persecuted by Islamist extremists abetted by external forces. "The world had not awakened to this, despite 10 years of the Kashmiri Pandits living in a wilderness of pain, destitution and homelessness," he said. "They continued to be persecuted for the fact that they were not Muslims, and were therefore an impediment to the goal of the total Islamization of Kashmir." He stated that with the world poised to enter new millennium, the right of the Kashmiri Pandits to habitat, life and cultural heritage was being usurped by an unacceptable view of existence—that ethnicity, culture and nationhood issued from religion. He declared that a right to live in his habitat with all its personal, social, cultural, intellectual and historical memories was as fundamental a human right as the right to life, livelihood and dignity. "In spite of the fact that today all my above rights stand violated, I solicit the support of the Commission in my struggle for restoration of my right," he urged the Commission.

### **Integration of the Human Rights of Women and the Gender Perspective**

Under this agenda item the Commission considered a report by the Secretary General (E/CN.4/1999/67) which dealt with the question of integrating the human rights of women throughout the United Nations system and presented steps taken by human rights treaty bodies and by human rights mechanisms and procedures and action taken by the Commission. There was also before the Commission a note from the Secretariat on the integration of the human rights of women and the gender perspective (E/CN.4/1999/67/Add.1) which drew attention to the joint work plan prepared by the Division for the Advancement of Women and the office of the High Commissioner for Human Rights



*Sharad K. Soni*

---

(E/CN.6/1999/2). However, the most significant document under this item was that of a report (E/CN.4/1999/68) on violence against women in the family submitted to the Commission by Radhika Coomaraswamy, Special Rapporteur on violence against women and its causes and consequences on the integration of the human rights of women and the gender perspective. The report concluded that states are failing “overwhelmingly” in preventing, investigating and prosecuting violence against women in the family; that women continue to be viewed and treated as second class citizens with a secondary rights status; and that violence against women is overwhelmingly viewed as a “women’s rights issue” rather than as a serious crime which affects a large percentage of every country’s population. Introducing her report Ms. Coomaraswamy spoke of the evolving recognition of women's rights, as well as the evolving recognition of the multiple nature and the extent of violence in the home, as practiced against women, in countries as varied as Indonesia and the United States. However, she said that International awareness was growing and this was a positive development.

During debate on this agenda item a number of country delegates as well as NGOs raised the issue of violence against women, especially within the home, the negative effects of globalization and external debt on women, sexual crimes in armed conflict, practice of female genital mutilation and other discriminatory practices. Speakers also commented upon the feminisation of poverty as a negative development. Besides, the plight of women at the hand of Islamic extremists in Afghanistan, Iran and India was also discussed. A number of speakers stressed the importance of education of women which would help promote their position in society and prevent violations against them. The upcoming General Assembly special session called “Women 2000; gender equality, development and peace for the 21st century” was also welcomed by delegates.

Patricia Flor, Chairperson of the United Nations Commission on the Status of Women, said that she was deeply satisfied by the Commission on Human Rights’ establishment of a separate agenda item

***UNCHR (55th SESSION) : A REPORT***

---

on the integration of the rights of women and a gender perspective. Ms. Flor said that the Commission on the Status of the Women had a major accomplishment to report : an optional protocol to the Convention on the Elimination of Discrimination against Women (CEDAW) had been adopted that would allow women to file complaints specifically under the Convention. She appealed to all states that had not yet done so to ratify the CEDAW. Angela King, Special Advisor on Gender Issues and Advancement of Women, said that a sharpened focus on the forms of human rights violations suffered by women had revealed that women's equality and non-discrimination were not automatic results of the overall protection and promotion of human rights. Explicit and systematic attention needed to be paid to the gender dimension of human rights and their violations. She emphasized that continuing cooperation in the area of training, capacity building and technical and advisory services had set the frame work to ensure that all activities were informed by a gender perspective at all stages.

The Vice-Chairperson of the Committee on the Elimination of All Forms of Discrimination against Women, H.B. Schopp-Schilling, said that some 163 states had ratified or acceded to the Convention on the Elimination of All Forms of Discrimination against Women, making it second only to the Convention on the Rights of the Child as the most widely accepted human rights treaty. However, there still remained 23 states and two observers which had not ratified or acceded to the Convention. She urged them to do so without delay.

Savitri Kunadi, the representative of India said that there was still much to be done to bridge the gap between established standards on women's rights and the actual goal of gender equality. India was doing its best to reach the goal. She stressed that violence against women continued to be a matter of serious concern, and legislation against the social evil of demanding dowries had been strengthened; pre-natal sex-determination tests had been banned to prevent female foeticide; and guidelines had been formulated to prevent sexual harassment in the workplace.

Chiara Steindler of Transnational and Transdivisional Radical Party said that although Afghanistan was a party of the Convention on the Elimination of All Forms of Discrimination against Women, the situation of women in Afghanistan continued to deteriorate. “The ruling Taliban declared that it wished to restore Islamic purity and fundamentalism and used a particular interpretation of Islam as a pretext for its unprecedented discrimination against women”, Steindler said. “The Commission must pay due attention to the unbearable situation of the Afghan women and approve a resolution condemning the abusive practices in Afghanistan.”

Highlighting the gender specific State violence, Carin Benninger-Budel of World Organisation Against Torture (OMCT) said that in Pakistan, rape and other acts of sexual violence in custody of the police or other security officials was one of the most persistent human rights violations occurring in the country. While in Iran, since Khatami had been President, at least seven people including four women had been stoned to death in public, in Afghanistan, the Taliban tortured women in public generally by beatings and flogging. “These acts were the most striking contemporary example of violence against women in order to prevent women from entering the public sphere”, Benninger-Budel added.

Tatiana Shaumian of the International Institute of Peace stated that violence against women was a world-wide phenomenon and that women were sold as prostitutes and as bonded labourers. They also suffered a high level of domestic violence due to widespread patriarchal system. She stressed that feudalism, police brutality, extra judicial killings, religious persecution, and legalised state terrorism were some of the factors that had brutalised and marginalized societies in many Afro-Asian countries including Pakistan. “In Pakistan, the local leadership generally decided who the women were to vote for”, she added. “For most women, that was where their political participation begun and ended.”

Ruby of the Afro-Asian People’s Solidarity Organization said that the scars inflicted on the psyche of women as a capable individual

worthy of respect and on her emotional make up as a mother was evident in Afghanistan which had reduced the women in Afghanistan to captivity without chains. She said that the marauding Taliban had made sure that future generations of women were created ignorant, their male children had become gun fodder while the girls had been deprived of even a modicum exposure to modernity and science. Nazima Fauzia Munshi of the European Union of Public Relations pointed to the fear of the women of Pakistan that one day the Taliban would return to Pakistan and impose an Afghanistan like regime in Pakistan. However, “the influence of this fundamentalist group was already being felt, and Pakistani women were raising their voices against this threat”, she added.

Elishabeth Batha of Freedom House, stated that in Pakistani courts, the evidence of a Christian woman was valued at one-quarter that of a Muslim man and her value in compensatory damages in a murder case was just one-eighth of his. “Evidence of a Christian woman was not admissible in cases filed under the Sharia law, although such women were subject to its jurisdiction”, she said. “The Commission should urge Pakistan to uphold equality before the law for women and minorities; abolish the Haddood Ordinance and reform laws relating to rape and adultery to ensure that perpetrators were brought to justice and victims treated with respect; ensure integrity of the marriage-registration system; and expand the system of women’s police stations and safe-houses”.

Highlighting the plight of women in situations of armed conflict, Zaheer Kazmi of Al-Khoei Foundation said that the continued acts of oppression against women by Taliban authorities in Afghanistan and the dangers now apparent and evident with respect to the Serbian conduct in the conflict in Kosovo testified to the scale and scope of the problem. In Afghanistan, the Taliban continued to carry out all manners of human violations on political, ethnic, religious and gender grounds. “Such acts as were directed against women were wrongly legitimised with recourse to Islamic rulings”, he added.

On behalf of the **Himalayan Research and Cultural Foundation**, Ravinder Kaul drew attention of the Commission to efforts being made by Islamist terrorists and mercenaries in the Indian State of Jammu and Kashmir to take the State back to the medieval times. He said that the main target of their retrograde actions are the women of Kashmir, who day in and day out, are being compelled to carry out the dictates of these mercenaries. “Coercing the women to wear veil, discouraging the girl children from going to school, forcing women into wedlock with terrorists against their wishes and giving the women the status of second class members of their community are some of the ways of subjugation of women adopted by them”, said Mr. Kaul. “The incidence of abductions and killings of women by the foreign mercenaries and terrorists have increased of late in the border areas of Baramulla, Kupwara, Poonch and Rajouri, as a result of the increased activity of these terrorist groups in these areas.” Pointing to the worsening plight of the women of Kashmir he said that another grim side of the picture is the increase in number of widows whose spouses have been killed by the mercenaries over the past few years. “It was thus clear that the Islamist mercenaries and terrorists are subjecting women in Kashmir to worst and most brutal crimes known to the humanity,” he added.

### **Rights of the Child**

Under this agenda item the Commission on Human Rights considered a report by the Secretary General on the status of the Convention on the Rights of the child (E/CN.4/1999/70). It contained information regarding the progress made by the Convention since its inception. The report also stated that the Committee on the Rights of the child has continued its work on the promotion and protection of the rights of children, notably in the cases of displaced children, child soldiers, children with disabilities and children at risk of sexual abuse. The Commission had also before it a report of the Special Rapporteur, Ofelia Calcetas-Santos on the sale of children, child prostitution and child pornography (E/CN.4/1999/71). She recommended, among other things, that the sale and trafficking of persons must be

***UNCHR (55th SESSION) : A REPORT***

---

unequivocally condemned as being an affront to human dignity; international standards with regard to sale and trafficking should be set; bilateral and multilateral cooperation is imperative if the problem of trafficking of children is to be addressed; all law enforcement agents, border police, customs and immigration officials, and members of the judiciary in the countries affected should be sensitized to issues of trafficking and the rights and needs of the victims; priority should be given to the ratification and the effective and accelerated enforcement of existing Conventions and instruments on trafficking of persons and on slavery and slavery-like practices; and other sanctions aimed at deterring the sale or trafficking of children should be considered.

Also before the Commission was a note (E/CN.4/1999/72) by the Special Representative of the Secretary General on the impact of armed conflict on children, Olara Otunnu. He wished to propose a special agenda for responding to the needs of child refugees fleeing Kosovo. He said that there were signs of severe trauma among the refugee children, and so trauma counsellors were needed besides toys, games and balls. He stressed that continuity of schooling should also be provided for the refugee children. Throughout the world, Otunnu said, it was a time to implement protection for children during armed conflicts.

During the debate on this agenda item various countries and NGOs raised issues such as child prostitution, child pornography, trafficking in children, and child soldiers. They urged the Commission to adopt child protection measures to ensure the safety of children worldwide. Many voiced support for raising the minimum age of participation in armed forces to 18 years. They also spoke of the need to implement children's rights to education, health and safety. They identified poverty as the main cause of the scourges affecting children. Several speakers also noted the importance of the right to a childhood, since not only does this contribute to the happiness of children, but also teach them to interact with others and to grow up healthily. Besides, the role of family in providing children with a stable background was also highlighted before the Commission. It was urged that the family

needed to be protected in order to protect children because without the family, children were most vulnerable to all forms of exploitation.

Prof. K. Warikoo, the Secretary General of the **Himalayan Research and Cultural Foundation** drew attention of the Commission to the worst manifestation of the phenomenon of exploitation of children in the State of Jammu and Kashmir, where foreign mercenaries and terrorists in blatant disregard of UN Conventions and resolutions on this issue, are forcing the children to become gun runners and human bombs. He said that the children and youth had been coerced to enrol themselves for arms training and also to serve as messengers and conduits for carrying arms and explosives. "The children and youth are even kidnapped by these gangsters for the sake of ransom which they forcibly extract from their parents," said Prof. Warikoo. "A number of such children were rescued before being pushed across the border into Pakistan and they have narrated their traumatic experiences." He said that childhood had become a nightmare in the Kashmir Valley, where more than 30,000 orphans were suffering denial of normal childhood and were growing up in an atmosphere of deprivation and discrimination. The children were even forced to attend religious seminaries run by fundamentalist organisations like *Jamat-e-Islami* etc, where nothing but obscurantism, hatred and intolerance were preached. The atmosphere of communal hatred, terror and violence unleashed by Islamist terrorists and mercenaries had created a situation of turmoil and conflict in Jammu and Kashmir, thereby depriving the children and youth an atmosphere of peace, security, social harmony and co-existence. He urged the Commission to do everything possible to bring the terrorist activities in Jammu and Kashmir to a halt in order to protect and promote the rights of children and youth there.

Noting that women and children accounted for over three-quarters of the victims of armed conflicts in over 50 countries, Tatiana Shaumian of the International Institute for Peace stated that the use of weapons of high destructive power had devastating consequences on women and children in such places as Afghanistan, Rwanda, Chechnya and Bosnia.

She said that Kashmiri children had become the victims of militants and mercenaries, while Kosovo children had been attacked and massacred because of their ethnicity. “There were alarming increases in the participation of children in armed conflicts, and too many were being killed and maimed by land mines,” she added.

A. M. Ali of the Afro-Asian People's Solidarity Organization, stated that a large number of children remained deprived of the guarantees, protections and benefits of human rights not only due to lack of economic resources but also because of lack of political will or pressure from the international community and national Governments. “Pakistan had no federal law for compulsory education and neither the federal nor the provincial Governments provided sufficient resources to assure universal education,” she said. “There were several madrasas (religious school) where children had been illegally confined and kept in unhealthy conditions, and a boy had been killed while escaping from a madrasa in 1997 near Multan.” She urged the Commission to take note of the causes which ultimately led to children growing up to be fundamentalists, mercenaries and terrorists; and intervene to halt this process in the interests of the rights of the child.

Helga Jurt of the European Union of Public Relations said that children were thrown into the employment market both to subsidize their families and to learn a trade in the rush of countries to industrialize. She referred to a report by the Lawyers for Human Rights and Legal Aid stating that girls and women from neighbouring countries had been brought to Pakistan for purposes of prostitution. Pakistan had continued the practice of using bonded labour or “haris”, who were subject to exploitation, and a number of tragic cases had been cited in spite of the country’s Abolition of Bonded Labour Act. She stressed that conditions be created in which young generations would be able to live and enjoy their fundamental rights.

**Specific Groups and Individuals, including Migrant Workers, Minorities, Mass Exoduses and Displaced Persons, and other vulnerable groups and individuals**

Before a general debate started on this agenda item, the Commission had before it a report of the Secretary General on the protection of



human rights in the context of the HIV and AIDS (E/CN.4/1999/76). Another important document was the report of the Secretary General on the status of the International Convention on the Protection of the Rights of all Migrant workers and Members of their Families, and the efforts made by the Secretariat to promote the Convention (E/CN.4/1999/77). The report stated that the Convention has been ratified or acceded to by many governments, and its profile has been raised due to a global campaign. The Convention will enter into force in countries three months after ratification or accession. The Commission also considered a report (E/CN.4/1999/80) of the Working Group of intergovernmental experts on the human rights of migrants by its Chairman - Rapporteur, Jorge A. Bustamante. Introducing the report Bustamante said that the numbers of international migrants had grown considerably. He recommended that all individuals, wherever they live, are entitled to the full enjoyment of all the rights enshrined in the Universal Declaration of Human Rights. "States protect the right of migrants to freedom of association as a means of overcoming their vulnerability", he said. "Since the informal economy harbours a significant proportion of irregular migrants, States should be encouraged to extend the basic human rights to this sector and to enforce them, and assist enterprises to improve their economic capacity". He stressed that at the international level, an in-depth analysis was needed of the obstacles to the enjoyment of the human rights of migrants, and an international mechanism to deal with human rights issues affecting different groups of migrants should be created.

A report (E/CN.4/1999/79) by Francis M. Deng, the Representative of the Secretary General on internally displaced persons was also put before the Commission. The report detailed the normative framework for the protection and assistance of internally displaced persons, the institutional framework, the country focus, and an agenda for research. Deng concluded that much has been accomplished since his mandate was created and the international community's response to the global crisis has advanced considerably. However, he said, in any situation of internal displacement, the primary responsibility for providing protection rested with the State, and yet the State often was the principal source of insecurity and deprivation. He told the Commission that he had developed a series of guiding principles on internal displacement which provided practical guidance on how the law should be interpreted and applied in

all phases of displacement.

During discussions on this agenda item, several speakers focussed on the rights of migrants and ethnic minorities in other countries as well as discrimination against those who were infected with the HIV/AIDS virus. They said that the minorities often underwent forced displacement and mass exoduses. Therefore, democratic structures were best suited to the protection of minority rights whether they pertained to religious, ethnic or racial minorities. The plight of refugees, whether from a conflict or from a negative economic situation, was also discussed. The issue of the illicit trafficking in persons was raised by a number of NGOs, as was the frequent ensuing violation of their human rights.

Emphasizing that the problem of mass exoduses and internal displacement continued to engage serious attention of the international community, Prof. K. Warikoo of the **Himalayan Research and Cultural Foundation** stated that the number of such internally displaced persons had already crossed 25 million. He reiterated that for the past few years the Himalayan Research and Cultural Foundation had been highlighting in the Commission the atrocities committed by Islamist mercenaries and terrorists on the indigenous Hindu minority community in the Indian State of Jammu and Kashmir, with the aim of forcing them to leave their centuries-old places of habitat. He noted that despite world wide condemnation of such terrorist acts, the terrorist outfits are strengthened, armed to teeth and pushed in for waging so called *Jehad* against the religious and ethnic minorities in Jammu and Kashmir. “Clearly the lunatic terrorists sought to derail the process of bilateral dialogue and confidence building measures between India and Pakistan, by resorting to terrorism and brutal killing of Hindu minorities in Jammu and Kashmir”, he said. “After forcing 400,000 Kashmiri Pandits to leave their homes and hearths in the Kashmir Valley and move to live in inhuman conditions in tents at Jammu, Delhi and elsewhere in India, these terrorists have been training their guns on the members of the minority Hindu community living in the Doda, Udhampur, Rajouri and Poonch districts of the Jammu province of the Jammu and Kashmir State”. Prof. Warikoo stated that the merciless massacres had already forced more than 5,000 inhabitants of the villages around Prankot, Narkot, Dhakikot, Challad, Jaz, Bagli, Chhanna, Shikari and Kanthi to flee their homes and take shelter elsewhere. He said that the atrocities of the Islamist

mercenaries and terrorists against ethnic and religious minorities in order to ensure their mass exodus had been going on for too long. “It is high time that the world community rises to the occasion and utilises all its persuasive skills and moral pressure to stop Pakistan from aiding and abetting terrorism in the Indian State of Jammu and Kashmir and from cleansing the State of its ethnic and religious minorities and establish an extremist Islamist order there”, he added.

Prof. Kashinath Pandita of Interfaith International expressed his organisation's concern over the issue arising from ethnic-religious persecution and discrimination of minorities and other groups living in situations of internal and external conflicts. He noticed that at some places, extremist religious groups whose primary intention was to establish an exclusionist society of their own choosing, embarked on an adventure of ethno-religious cleansing and demographic change in a society. “In the process, a new dimension of forcing exodus of vulnerable minorities has surfaced in more recent times,” he said. He reminded the Commission about the repeated massacre of the members of Pandit religious minority in Kashmir by the external religious militias leading to the exodus of the entire community of 300,000 persons; massacre of nearly 8 thousand ethnic Hazaras and Uzbeks in Afghanistan by the religious militias of Taliban; and the forced expulsion of hundreds of thousands of ethnic Eritreans from Ethiopia. He said that the number of internally displaced persons world over had crossed 30 million mark, but their precise legal status has yet not defined. He stressed that their voice goes unheard in law making and law-administering institutions. They remain as disempowered groups, and their input in the overall development of the State goes a waste.

A. M. Ali of the Afro-Asian Solidarity Organization, stated that the evolution of state structures in distinct identity of minorities was a function of awareness brought about through education. She said that in Pakistan, the spectre of sectarian violence threatened the very fabric of society and specific communities like the Mohajirs continued to be forced to adopt a siege mentality. “The fault lay in the manner in which constitutional and legal structures had been framed, for they discriminated against specific minorities, and Pakistan permitted the mushrooming of educational institutions that seemed to revel in fashioning youth to persecute

*UNCHR (55th SESSION) : A REPORT*

---

minorities,” she added. “Violence in the context of oppression of minorities could not be used to curb violence. It only increased the number of dead, mostly innocent people.” She said that her organization condemned the use of violence in all situations and encouraged the world community and nations to fashion their instruments of governance and education so that the concept of equality for all becomes instant reaction for future generations.

Suryalal Amatya, of the World Federation of Trade Unions, said the Ahmediya was a small community in Pakistan of about 100,000 persons. He noted that in Pakistan, the Ahmadiyahs were declared non-Muslims by a constitutional amendment during the Prime Ministership of Zulfikar Ali Bhutto. “Persecution and repression of Ahmadiyahs began systematically and persistently since the promulgation of the 1984 Ordinance of un-Islamic activities and two more additions to the Penal Code the same year,” he said. “The persecution of Ahmadiyahs continued unabated. The change of government in Islamabad did not materially change the situation. According to recent reports, the situation of all minorities was getting worse in that country.”

Stressing that there had been grave violations of the human rights of Afghan refugees in Pakistan, Belquis Ahmady, of the International Human Rights Law Group stated that as a result of ten years of foreign invasion, and another 10 years of civil war, a large number of Afghans had to leave their country to save their lives and to escape poverty. She said that “Afghan refugees, particularly refugee women, had been deprived of the right to education, which had significant implications for their capacity to enjoy other fundamental human rights, such as the right to health and the right to security.” She urged the Commission to monitor the violations of the rights of the Afghan refugee, and use its various mechanisms to ensure they were not violated. “The international community should strengthen assistance to the refugees, particularly in the areas of education and health,” she added.

---

# CHILD LABOUR IN CARPET INDUSTRY OF KASHMIR

*Ali Mohammad Rather*

Child labour is a global phenomenon. In developing countries like India it is more serious. A large number of children in India are still struggling to break from the shackles which bound them to different forms of exploitation and their cries for help fall on deaf ears. In India out of more than 37.54 million children, 17.36 million are working children, 2 million of whom work in hazardous industries. 33% in the age group of 6-14 years do not go to school and 11 million are homeless street children.<sup>1</sup> The handicraft and handloom sectors are the most vital sectors of employment for the children. It is because many families serve as units of production of different handicrafts and handloom articles. However, we find children being economically exploited in many other sectors of economy as well, such as transport, domestic service, agriculture, besides being involved even in begging. All this is done at the cost of their education, health, freedom of choice and particularly at the cost of childhood.

The children of the following categories are involved in the child labour :-

- a. Those who are bonded for labour.
- b. Those who are compelled by financial constraints to work.
- c. Those who are victims of gender discrimination.
- d. Those who are not interested in studies.
- e. Those whose parents, inspite of having no immediate financial concern, put them to work.

In the State of Jammu and Kashmir, particularly in the Kashmir valley the situation is not different. In a study the causes of child labour have been mentioned as follows :

## ***CHILD LABOUR IN CARPET INDUSTRY OF KASHMIR***

---

- i. Poverty,
- ii. Loss of parents,
- iii. Educational backwardness of parents,
- iv. Children's lack of interest in studies,
- v. Learning of skill in early childhood,
- vi. Children's involvement in parents' crafts as middle men,
- vii. Child's age being suitable for weaving with activity and flexibility,
- viii. Children being cheap labourers,
- ix. No incentive being paid to children as apprentice,
- x. Unemployment,
- xi. Non implementation of labour laws and if implemented there is no follow up by enforcing agencies.

The Handicraft and Handloom industry employs a large number of children. According to the Handicraft Census of 1978-79, out of the total work force of 1.6 lakhs engaged in this sector, the number of working children was around 28,348 which is approximately 25% of the total. About 96% of them were engaged in the handicraft industry and rest in handloom sector with about 99% hailing from Kashmir province. Out of the total, 35.61% of the workers were from the age group of 5 to 9 years, while rest were in the age group of 10 to 14 years.

In the handicraft sector of Kashmir, children form a substantial portion of workers particularly in the carpet industry which draws the largest number of child labourers. As per census of 1981, the number of child labour in Kashmir carpet industry was 1.5 lakh.<sup>2</sup> Another study shows that about 80,000 to one lakh children between 6-14 years of age were engaged in the carpet industry. They worked for about 10 to 12 hours every day and earned a total of Rs. 10 to 15 per day.<sup>3</sup>

According to a child survey conducted in 1993 by the Jammu and Kashmir Government in 302 areas of all the districts of Kashmir valley, the total number of child workers in the surveyed area was 11, 281 of which 91.55% were engaged in various handicrafts and carpet weaving works accounting for nearly 92.63% of the total child work force in

the handicraft sector<sup>4</sup>. Another survey carried out in 1998<sup>5</sup> reveals that there are three types of children engaged in labour in the carpet industry. The first category includes children who are employed by others for wages. Second category involves the accompanying children who attend the workshop (*karkhana*) to remain with the parents but perform job related duties. The third category is of the apprentices in the carpet weaving centre. Most of the children come from low income group families of small cultivators, agricultural labourers, artisans, tailors, carpet weavers etc. Children below the age of seven accompanying their elders, sit watching the carpet weaving and get used to the habit by sitting for long hours at one place. Some weaver families, however, tend to induce their children into the weaving at a very young age in order to induce speed and flexibility in their fingers required for weaving.

Children are involved almost at every stage of carpet making process. At the raw material stage, they are associated with making thread balls for weft and in making the warp. They are mainly involved in weaving processes, binding and smoothing the carpet. After several years experience they do script reading as well. A survey of 175 households running carpet weaving *karkhanas* in different parts of the valley was conducted in the sample. Both urban and rural households were taken on random basis. Following information was obtained :

25% of the loom owners employed children in the age group of 6-14 years. Of the total child labourers 28% were boys and 72% were girls. So far as the occupational structure of the parents of the working children was concerned it was as follows :

Agriculturists	:	60%
Carpenters	:	30%
Labourers	:	4%

It is to be noted that 80% of the agriculturists possessed land more than one acre. These people employed girl child in the carpet weaving. Among the children taken in the sample, 60% were found to be working in their own houses, while 40% were working in their

## ***CHILD LABOUR IN CARPET INDUSTRY OF KASHMIR***

---

neighbour's households. The present sample survey as well as various other studies reveal that these children lack many of the facilities required to enjoy the modern social life. Let us discuss some of these:-

**Education :** One of the serious consequences of child labour is that it deprives majority of children in Kashmir of education. In the valley literacy rate is merely 26.17%.<sup>6</sup> According to a policy analyst, Joseph Ghalia, nearly 60% children in the age group of 6-10 years in Kashmir are deprived of education.<sup>7</sup> Further, the Census of 1981 in J&K reveals that 83.54% of the total working children were not attending schools, of which 39.54% were males and 44% females. According to Craft Census of 1978-79, of the total child workers i.e. 28,348 employed in the handicraft / handloom sector of the State, 41% were illiterate, 29% below primary, 24% up to primary, 4% up to middle and 2% were high school pass. Another study conducted in 1998 claims that 65% of the working children were found illiterate and most of them who were literate had been to school only up to primary and middle class level. Some of the children attended schools during daytime and worked at morning and evening. However, during school vacations they devoted full time to weaving.

In the present sample study, in 100% cases parents of these children were illiterate. However, in 49% cases male siblings of the working child were attending the school. Just one percent of the children was primary pass. Also, only one percent of the parents intended to send their children to school as they were under age yet (being 6 years is considered as under age for school).

Thus majority of the children are deprived of education though in 5% cases children are sent to *Madrasas*, which are part time centres. The non-formal education centres are functioning at several places in the valley, but only a small percentage of children attend these centres. In some cases they register their names in the centres but rarely attend these, mostly because the *ustads* (master craftsmen) do not allow them to leave early. Hence these children remain educationally backward and under-developed. They lack the versatility and adaptability to different mental faculties.



**Economy :** Employers are attracted to child labour as it provides cheap labour. Since the carpet industry is labour intensive, the entrepreneurs try to reduce labour costs by employing child labour which is the easiest way. In most cases during apprenticeship nothing is required to be paid to children. When the child acquires the skill, only then he is required to be paid. Earlier studies have revealed that 14-18% children receive Rs. 5 to 12 per day. As per the Handicraft Census of 1979-80, 13% children receive no wages. Next 13% children receive less than Rupee one per day, while 17% receive Rs. 1 to 2 a day, 37% receive Rs. 2 to 2.50 a day, 20% receive Rs. 5 a day. However, the survey conducted in 1998 has revealed that majority of child workers used to earn Rs. 20 per day. But the present sample study shows that when a child acquires skills needed for mastery in the craft, he can earn just Rs. 10 to 13 per day.

The consequences of low wages is that the child labourers even after they achieve maturity in age and skill have to live a life of hand to mouth, if they do not possess any other source of income. Though, 60% possess land for cultivation, the remaining 40% cases, in which 30% are rural and 70% are urban, have no land for cultivation and hence there is no economic security. Therefore, they can not endeavour to live a dignified life. They will ultimately be forced to engage their offsprings in child labour and this way vicious circle will continue.

**Health status :** The investigation further reveals that in 90% cases the working environment is totally hazardous. The rooms where weavers work are dark and poorly ventilated. As the carpet weavers sit in the dark environment, it affects their joints and causes strain on eyes. Hence, these children make complaints of joint pain ailments. It is also witnessed that such children are pale due to anaemia as earlier studies have revealed that school going children have better haemoglobin.<sup>8</sup>

**Moral Degradation.** It has been observed that children employed in carpet weaving pick up bad habits of smoking, gambling etc. at very tender age. Reports of several other abuses have also come

## ***CHILD LABOUR IN CARPET INDUSTRY OF KASHMIR***

---

to light. There were many cases where girls used to elope with their master craftsman (*Ustad*), who developed illicit relationships, while working with them.

### **REMEDIAL SUGGESTIONS**

In carpet industry child labour is prevalent primarily due to low wage structure. Since the adult weavers can not expect to earn more than Rs. 30 a day, they generally avoid this profession and instead send their children for employment. If measures are taken to bring them under the purview of “Minimum Wages Act” and they are able to get substantive income a day, they may stop employing their children in the craft. The main problem with the craft is that it is completely in the hands of the private sector and, therefore, if joint sector companies are involved in it, the child labour problem may be eradicated. In most cases the economically backward section of the society involve their children in this job. If adequate financial support is provided to these people, they will be able to set up their own loom to weave carpets and may be able to get substantive income.

Though legislations have been framed against child labour both at central and state level, these have not been implemented in the State of Jammu and Kashmir. The person engaging child labour must be taken into cognizance and prosecuted under the law of the land.

### **REFERENCES**

1. Ahmad Fayaz, *Child Labour in Carpet Industry - a Case Study of Kashmir*, University of Kashmir 1986.
2. *Ibid.*
3. *Census of India*, 1981; Gani Shah and M.A. Shah, “Child Labour in Carpet Industry” *Greater Kashmir*, May 1998,
4. *Ibid.*
5. Fayaz, *op. cit.*
6. *Ibid.*
7. *op. cit.*
8. Shah, *op. cit.*

## **CHILD LABOUR AND THEIR REHABILITATION : SOME ISSUES**

### *Seminar Report*

A two day National Seminar cum Workshop on *Child Labour and Their Rehabilitation : Some Issues* was organised by the **Himalayan Research and Cultural Foundation** with the support of International Labour Organisation, (ILO), New Delhi and AVA / SACCS (Association of Voluntary Association - an NGO), at India International Centre on 30-31 July 1999, New Delhi. The Seminar was inaugurated by Justice M.N. Venkatachaliah, Chairman, National Human Rights Commission. Dr. L. Mishra, Secretary, Ministry of Labour, Government of India presided over the inaugural function. The Seminar provided a forum to government agencies, policy planners, experts, academics, manufacturers, educational planners, NFE teachers, released children, NGOs and social activists to come together and share their experiences and views. Representatives of UN agencies like ILO, UNICEF, UNDP, World Bank, UNESCO, National Human Rights Commission, Ministry of Labour, Textiles and Education, Giri Institute of Development, Institute of Public Opinion, Delhi besides about one hundred delegates from various NGOs like Project Mala, SACCS, AVA, UPVHA, REHA, Rugmark, Terre Des Hommes, Save the Child, Gramodaya, Mukti Ashram, Peace Trust, CREDA, IGSS, IDEA, VVGNLI etc. actively participated in this Seminar thereby making it a unique venture in bringing all the agencies concerned with the Child Labour issues, together at one platform.

Dr. L. Mishra as the President of the inaugural session, initiated the proceedings and welcomed Hon'ble Justice Venkatachaliah and other guests. He justified the splendid and timely initiative on the part of Himalayan Research and Cultural Foundation (HRCF) to have conceptualized this seminar cum workshop. While justifying the need and rationale of holding such a workshop, Dr. Mishra revealed several

alarming facts about the child labour in India. “Child labour virtually becomes not only coterminus with educational deprivation but it is also co-terminus with the death of a succeeding generation,” he said. “The petals of childhood should not wither away but should bloom and blossom into adulthood,” he added.

Prof. K. Warikoo, Secretary General of the Himalayan Research and Cultural Foundation in his opening remarks introduced his organization and focussed the type of research activities undertaken by the organization. He stated that HRCF has concentrated on activities, in the fields of human rights, children and women issues, refugee and peace studies. He stated that given the magnitude of child labour problem in developing countries, there is a need to promote public awareness of evils of child labour, to promote access to children for formal and non-formal education and to curb poverty. He appreciated the role of NGO groups in providing non-formal education to the children released from especially the hazardous industries.

Dr. B. Zutshi while welcoming the guests and participants familiarized them with the background of the seminar cum workshop. He envisaged a holistic rehabilitation of children, released from hazardous industries. This, he felt, could only be achieved with a proper co-ordination and networking among the concerned parties. He emphasized the need to provide a comprehensive rehabilitation to the affected children and their family. This process should cater to their psychological, physical, educational, emotional, sociological and economic needs and to the needs of their families. He felt that there is a strong need to provide constant supervision, guidance, and imparting of technical skills to the local NGOs in order to achieve the real holistic rehabilitation.

R.K. Khurana from ILO, reaffirmed that the ILO concern for child labour dates back to 1919. He stated that the preamble of the Constitution of ILO called for protection of working children and young persons as an important pre-requisite for furthering its cause of social justice. The ILO has sought to combat child labour through the



*Dr. L. Mishra addressing the audience*



*Dr. Bupinder Zutshi, Convenor of Seminar,  
welcoming the delegates.*



*Sitting on the dias. From left to right:  
Prof. K. Warikoo, Secretary General of HRCF, R.K. Khurana  
of ILO, New Delhi, Kailash Satyarthi, Chairperson, SACCS,  
Dr. L. Mishra, Secretary, Ministry of Labour, Govt. of India,  
Justice M. N. Venkatachaliah, Chairman, NHRC, Prof. Sudesh  
Nangia and Dr. Mondira Dutta, both from JNU.*



*A view of the deliberations at the Seminar*

## **HRCF FILE**

---

adoption and application of International Labour Standards, which are expressed in terms of Conventions and Recommendations. He felt that the holding of this workshop could not have been more timely as at this juncture the International Programme of Elimination of Child Labour (IPEC) in India is already on the verge of initiating an intervention in Mirzapur.

Hon'ble Justice M.N. Venkatachaliah in his inaugural address acknowledged the presence of eminent persons, which he felt augers well for the needed change that was to be embarked upon in this sensitive area. He pointed out that the total child population in India under the age of 14 years is in itself, the sum total of the population of a number of countries. He was convinced that child labour is really the problem of lack of child education. These two are perhaps, the most crucial links in a vicious circle. He felt if they were unhooked, the vicious circle would end ushering in the empowerment of the civil society. He pointed to several glaring disparities in the access to education, access to medical services, public distribution system between two states within India itself. These disparities are as a result of lack of compulsory education. Besides, he exhorted to develop a pattern of co-operation and co-ordination between the NGO groups and the NHRC. He offered that the NHRC could be a connecting cart between the NGO groups and the funding sources. He looked forward to the recommendations from this workshop.

Kailash Satyarthi, Chairperson, South Asian Coalition on Child Servitude, felt that there is a need to work in co-ordination with other NGO groups and governmental agencies for the welfare of the children. Dr. Mondira Dutta, Visiting Faculty of the Jawaharlal Nehru University thanked the chief guests, participants, various international and national agencies, field based NGOs, rehabilitation agencies, educational experts and all others attending the seminar cum workshop.

The Seminar made an indepth assessment of the rehabilitation programmes for the released child labour and discussed the results of Non Formal Education Programmes conducted by various government

and non-government agencies. The Seminar also explored the ways and means of co-ordination between these agencies in the field of providing non-formal education and poverty alleviation programmes among the child labour. After intense deliberations, the Seminar adopted a number of General Recommendations besides those related to i) coordination between government and voluntary sector, ii) generation of employment opportunities, iii) strengthening of NFE and iv) social and economic awareness generation programmes, which are detailed as under :-

- General Recommendations
- Co-ordination to integrate government efforts, with voluntary organisations for the effective utilisation of poverty alleviation programmes and general development programmes.
- Generation of employment opportunities.
- Strengthening, monitoring and evaluation of Non Formal Education in special schools.
- Social and Economic Awareness generation programmes.

***General Recommendations***

1. There is a vicious circle between lack of education and presence of child labour. In view of this it would be important to sensitize the society towards the basic human rights of children. There is an urgent need to provide primary education to all the children.
2. An amendment in Article 83 of the constitution, providing free and compulsory education to every child as one of his/her fundamental right must be implemented. All the identified areas having high proportion of child labour in hazardous industries must be covered with compulsory education programme **immediately**. Required infrastructure for such a step could be mobilized from government funding, corporate funding and by providing incentives to transfer unaccountable money for utilizing them for this purpose. Other areas of the country for compulsory education should be taken up subsequently in a phased manner.



## **HRCF FILE**

---

3. There is a strong need to constitute a National Commission on child labour/ servitude. It should comprise of Supreme Court judge, social activists, Human Rights Commission, NGO representatives, experts from teaching community and education, government representatives and industry representatives. The overall supervision of this Commission should be under NHRC. The Commission must be entrusted with monitoring the rehabilitation program to cater to the psychological, mental, physical, educational, emotional and sociological needs of a child. The programme should also have the budgetary allocations on child labour rehabilitation.
4. Government should create a Child Welfare and Development Fund by permitting the deposit of money in that fund in banks all over the country. No question should be asked about the source from which such money has been deposited into the fund in any banks. A deadline should be fixed for the deposit of money into this fund. The permission may however be granted as and when required to deposit further money into this fund. The depositors of money in the Fund should be paid 5% interest on the amount deposited by them. The corpus of the Fund thus created should be invested at high rate of interest in the industry. The interest earned thereby should be utilized for withdrawal of child labour from identified hazardous industries.
5. The best enforcement machinery is detailed out in the Bonded Labour System Abolition Act, 1975, with the District Magistrate and Sub-Divisional magistrates having wide powers. It is suggested that the same machinery along with the Vigilance Committees appointed in the areas, be used for the disbursement and operation of the money or interest of the Child Labour Fund created. The Vigilance committees should comprise of locally settled retired government officials of the rank of judges, D.Ms, S.D.Ms etc; who have had a good reputation during service. Such officials should be given allowances over and above their retired benefits.

6. Education department must ensure that the primary schools are operational. NGOs need to identify the problems, lacunas associated with the current primary education and sensitize the local population, administration to monitor their working. Role of mass media (newspapers, T.V., dramas, nataks ) is essential in identifying the problems in the current primary education. Respective departments must initiate strict disciplinary measures to ensure that education programme is operational and its quality is improved.
7. Present identification of hazardous industries is highly restrictive and must be expanded by taking the view of the medical experts. A comprehensive inventory of hazardous industry should be built up for elimination of children from hazardous industries.
8. To frame a comprehensive national policy on child labour having well defined rules and regulations for identification, release, rehabilitation, and action against the offenders. The Child Labour Act of 1986 needs further strenghtening.
9. As follow-up action awareness programmes through Seminar/ Workshop and Field Camps must be started in the district headquarters of the identified hazardous areas having high incidence of child labour in the country. Independent academicians and social scientists must be entrusted this job to co-ordinate between local administration, local NGO groups, rehabilitation agencies, elected representatives of the area, elected Panchayat members, religious leaders, women representatives, children and respected members of the society. It was agreed that an independent and national level research-cum-development facilitative NGO-the Himalayan Research and Cultural Foundation (NGO in Consultative Status-Category II with ECOSOC, United Nations) should act as the nodal agency to co-ordinate such awareness programmes at the district, state and national levels.
10. There is an urgent need to conduct research studies identifying the impact of NFE programmes in the identified areas with high

## HRCF FILE

---

incidence of child labour in hazardous industries. The research studies could throw light on the awareness and goals attained and generated by these programmes. It would also examine the responses of the people to such programmes. The study could identify loopholes and lacunas and would make recommendations for their improvement. The Himalayan Research and Cultural Foundation and its project team for children's / women's issues and NFE was exhorted to initiate further action to this end, with the support of ILO, NHRC, Ministries of Labour, Education, Textiles and the Planning Commission.

11. An inventory of NGOs working in the field of child labour rehabilitation for all the regions and areas, needs to be made. This is essential to achieve proper networking and sharing of expertise in the field of rehabilitation programmes. The inventory should include all NGOs both registered as well as non-registered working at macro, meso and micro levels.
12. In the absence of appropriate amendment to the Article 83, Non Formal Education through NGOs should be strengthened. In the present context NFE has a major role to play in the educational rehabilitation of child labour. All the programmes under NFE should be appropriately designed and strengthened to meet the needs of child rehabilitation in a holistic manner. It should cater to the psychological, mental, physical, educational, emotional and sociological needs of a child. The education system should be need based and be relevant in the given socio-economic context.
13. It has been noted that many of the NFE centres have organised education programme in an adhoc manner, not focussing the overall development of child's personality. It would be, therefore, important that NFE have some account of uniformity in terms of curriculum, teaching aids and methods applied to assess the evaluation of levels of understanding achieved. The rehabilitation programme should ensure accountability.

14. There should be income generation projects focussed on the women members of the family, under the rehabilitation programme of child labourers. This is, in view of the patriarchal society of India, where the male members of the family tend to mis-utilise the facilities, or financial support provided by the government or the social development agencies.

***Co-ordination Committee for Convergence of Programs***

1. Co-ordination between government agencies, representatives of NGO, Rehabilitation agencies, National Human Rights Commission, elected panchayat members (representation of women and children) and parents of enrolled children in the NFE special schools is basic pre-requisite to successful implementation of government programmes. **District level committees for convergence of services should be set up for this purpose.**
2. District Collector should head the Committee. Other members should include representatives of related government departments associated with above stated poverty alleviation programmes, representatives of NGOs associated with child labour eradication programmes and Non-formal education programmes, representatives of parents of enrolled children in NFE schools and representatives of village Panchayats. The representatives of village panchayats should include weaker sections and women.
3. The Committee should accord priorities to the affected families under the above stated poverty alleviation programmes.
4. Regular meetings of the Committee must be held before deciding the funding / allocations for poverty alleviation programmes.

***Income Generation and Generation of Employment Programmes***

1. The decrease in income due to the withdrawal of children from looms, has also closed a source of taking loans / advances. Thus job opportunities for adults must be created. There are sizeable number of grown up children and parents having adequate

## HRCF FILE

---

knowledge of the art of carpet weaving. A number of families also possess looms, but they don't have requisite knowledge of acquiring credit facilities and marketing expertise. **Promotion of co-operatives for carpet manufacturing would ensure full employment and higher adult wages.** The study conducted by Raju Damle of RISCBC could provide relevant inputs for operation of co-operatives in carpet manufacturing.

2. Training and financial aid for parents of enrolled children in industrial crafts like sewing and dress making, candle making, machine weaving, tufted carpet weaving, food processing, agro-based activities like dairy farming and goatry should be started in the NFE centres. The training and financial aid should be arranged through government sponsored poverty alleviation programmes. The emphasis should be on self-employment, income supplementation through development plans for informal sector as a part of anti-poverty strategy.
3. Parents of enrolled children should get priority under various poverty alleviation programmes of government. These programmes include, Employment Assurance Scheme (EAS), Integrated Rural Development Programme (IRDP), Jawahar Rozgar Yojana (JRY), Development of Women and Children in Rural Areas (DWCRA), District Primary Education Programme (DPEP), Integrated Child Development Services (ICDS), National Literacy Campaigns (NLCs), School Health Projects (SHP), Training for Rural Youth for Self Employment (TRYSEM), Indira Awas Yojana (IAY), Prime Minister's Rozgar Yojana (PMRY), Mid-day meal scheme, etc.; NGOs must help the parents to get loans and other entitlements under these programmes. This would help in bringing confidence building measures with the community.
4. There is strong need to involve Corporate Banks/ Financial Institutions in funding programmes for the affected families. Banks must form specific schemes for the families of child labour

withdrawn from work. All NGOs must represent to Reserve Bank of India to formulate such schemes.

5. Community contributions must be ensured. NGOs can play very important role in this. Transparency on part of NGOs must be maintained, so that people can repose trust with them. NGOs must encourage deposits in small savings accounts through awareness. People's participation in such ventures must be consolidated. There should be representation from all sections of people, females in such groups.
6. Funding from poverty alleviation programmes of the government must reach grass root levels. Sensitizing the society for this purpose is essential. NGOs must work together with political leaders, religious leaders, senior and respected members of society in this respect.
7. Children face tremendous problems in saving money, which they have earned through their child labour. Banks should come forward to keep the money for the children attending schools / NFE programme in saving accounts in a safe way.

***Strengthening of Non Formal Education Programme through NGOs***

1. The magnitude of villages without schooling facility is high in the carpet-weaving belt. Instead of opening new government schools (which are currently in-effective and incapable of imparting relevant education for the rural needs), more Non-Formal Education schools must be opened by providing funds to the NGOs with proven record of NFE. It would ensure proper educational environment in the carpet-weaving belt and would stop entry of younger children into weaving as well as provide required education to the children withdrawn from carpet weaving.
2. The location of NFE schools should proceed with proper survey for the identification of areas. Areas with high incidence of child labour in carpet weaving must be selected for NFE school location. The site location of the school should consider the

## **HRCF FILE**

---

accessibility of villages to be covered for NFE programme. Location of the NFE School should be central, so that majority of children from surrounding villages could get enrolled in the schools. Other considerations for site location should include areas dominant with scheduled caste/ other backward castes / economically weaker sections and scheduled tribe population. Funding agencies should ensure that sites selected are hygienically sound and appropriate. NGOs should also approach village panchayats for providing land and building facility for the school. Separate classrooms / sitting place for teaching different classes must be provided.

3. To wean away children from work and motivate them to join NFE program, camp schools should be organised for four to eight weeks in the block / tehsil headquarters in a pleasant or child friendly environment, before the academic session. Social workers/ teachers should visit regularly the children in their work place and develop positive relationship with parents before motivating them to send children for such camps. The motivation requires highly oriented, talented and trained staff. These camps should remain full time and should provide books, stationery, shelter and food.
4. Non-Formal Education strategy in the present form will prove ineffective, unless children having completed NFE are not enrolled in formal schools or are not provided apprenticeship training to avail self employment after 14 years of age. Thus children should be either enrolled in formal schools or be retained by these NFE schools till 15 years of age. NGOs must facilitate enrolment of these children in formal schools. Close co-operation with the DIETs must be maintained after the completion of NFE programme. The two/ three years of NFE programme may not be suitable for a child who has entered the schools at the age of 7/8 years.
5. Preference in enrolments in these NFE schools should be given to working children from scheduled castes / scheduled tribes / other backward classes and economically weaker sections.

However, other children or siblings of these children should also be encouraged to get enrolled in formal schools. Adequate steps must be taken to enrol working girl children in these NFE schools.

6. NFE schools must provide multiplicity of functions viz., non-formal education, nutritional diet, medical care, supply of books, stationery (slates, chalks, notebooks etc.). At least one vocational training course should be included along with NFE . The vocational course should be area specific, depending upon local crafts, resources and demand. After the completion of three years of NFE, relevant apprenticeship training and trade training information (including information regarding credit facilities available and further training programmes conducted by government) must be given to the children not enrolled in formal schools.
7. NFE school timings and vocation period should be fixed in consultation with community members. It should be conducive to the agricultural calendar of the area as has been done in the case of Himachal Pradesh. Parents' views also need to be given due consideration. As in rural areas, parents seek children's help during sowing and harvesting season.
8. The teachers of NFE School must undertake adult education programme once in a week for the parents of enrolled children at the time suitable to them. It will create child/teacher/parent rapport, improve children attendance and will discourage drop out rates.
9. The stipend for the enrolled children should be restricted to one child per family, while other children from the same family should be encouraged to join formal schools. The stipend should be converted into a rehabilitation fund to be given only after the completion of NFE programme. The rehabilitation fund must be regularly deposited in bank/post office against the child's name. The rehabilitation fund could be used either for further schooling or for the purchase of equipment for self-employment. The stipend



## **HRCF FILE**

---

value may vary from NGO to NGO, depending upon funds available for the purpose.

10. Transitory rehabilitation centres must be opened in the carpet weaving belt for the released children from bondage on the same pattern as is done in Mukti Ashram in New Delhi (SACCS/BBA). The maintenance and operational funds for this purpose should be collected from the employers (Supreme Court directions must be followed to collect funds). The transitory camp should provide basic NFE and vocational skills for 6 to 12 months. The transitory camp must be run by a reputed NGO under the overall supervision of National Human Rights Commission.
11. A minimum norm of two teachers per NFE school for 50 children must be implemented. Teachers recruited for the NFE program hold the key for the success of programme. To procure talented teachers, salaries of teachers must be increased to minimum of Rs. 2000 per month. Committed teachers (both males and females) preferably from local areas and from dominant social groups of the area must be employed. The teachers even with less formal education level but trained should be recruited. NGOs must ensure that all recruited teachers are provided teaching training programme at the beginning of the session. Regular in-services training up-grades should be conducted by experts from NCERT/ State Educational Training Institutes. The training up-grades should be at least once in a year. Close liaison with State Education Department and DIETs must be maintained for training the teachers. Close networking among NGOs operating in the area can also provide training to other teachers from different NGO groups.
12. The aim of the in-service training is to enhance the quality of the work of teachers/supervisors. The training should be based on “activity based instructions” like providing learning activities, promoting learning by doing, using local environment, creating an interesting class room, preparation of lesson plans, improvisation of teaching aids.

13. The teachers should be given coloured paper, gum, scissors, drawing pins, cardboard, geometrical instruments, in the form of a kit. Each school should sanction Rs.1000 per annum towards supply of teaching material kit. The teachers should also be supplied with teachers handbooks with instructions in mathematics, environmental studies, containing lesson plans, which is prepared by practising teachers and experts.
14. Regular visits to surrounding areas for children enrolled especially to post office, health centre and neighbouring fields, must be encouraged, so that the children become more aware of the environment and community. At times community leaders, policy makers like police officers, doctors etc. should be called at the NFE centres, to have free exchange of views with children.
15. Teachers of several NFE centres should meet once in a month, to exchange their experiences. The participation in these meetings will enrich their knowledge in the process of instruction. It helps them to know about different types of individuals and group activities. They can get their doubts cleared with the help of teachers educators.
16. NGOs should ensure that teachers employ joyful, demonstrative and participative methods to inculcate educational skills to the enrolled children. Rigid and traditional teaching methods must give way to child centred approaches of teaching. The teaching methods should include, out-door environmental trips, demonstrative experiments, cultural programmes, sports activities, songs, drama, painting competitions and testing of skills learnt by the children.
17. The curriculum adopted and subjects to be taught in the NFE schools must follow either State Board Primary Education levels or Minimum Levels of Learning prepared by NCERT. NGOs must monitor and supply monthly targets of curriculum to be completed by teachers. State Education Boards should ease procedures for conducting examination to the children from these NFE schools.

## **HRCF FILE**

---

A set of model question papers should be circulated by NGOs to the teachers, so that those students are well prepared to face the examinations.

18. NGOs, teachers and other workers must make efforts to inculcate general awareness related to moral values, public health, preservation of natural environment, cleanliness, civic and sanitary sense among the children. Presentation of awards for best groups of children projecting and implementing these skills should be promoted.
19. Data of children enrolled regarding their age, sex, caste, previous work occupation, their attendance rate, dropout rates must be regularly maintained by NFE staff. The information should be supplied to the funding agencies as and when required.
20. Funding agencies should conduct regular performance assessment of NFE programme. The assessment committee should be independent not associated with funding agency or NGO. The body should have powers to inspect special schools and take follow-up action. The body should assess the competencies of children enrolled in special schools and also evolve a mechanism to deal with children coming out of such schools for further studies. The mechanism evolved should provide education in primary and secondary schools for further education or provide necessary apprenticeship training. The body should suggest methods to deal with special schools not functioning properly. The release of funds should be automatic on receipt of report from the assessment committee.
21. Release of funds should be regular, so that NFE program is not stopped in between. The stoppage of NFE program by NGOs in between gives wrong signals to the society and can affect the whole NFE program. If NGOs are found effective in imparting NFE by funding agencies, alternate arrangements must be made without stopping the already existing schools.
22. The budget estimates stipulated under various heads should include one time special grant for building infrastructure, purchase

of teaching aids and materials, books for library, sports equipments, vocational training equipments and other necessary infrastructure. The grant released must be utilised for the specified purpose only. Per child per annum expenditure should be raised to Rs. 3000 minimum.

23. Special preference for opening NFE schools in the Peripheral zone and Child Labour Catchment zone should be given top priority. NGOs operating in these areas should be provided with some incentives like additional funds after scrutiny of the existing schools.
24. NFE should be dynamically linked to the current educational facilities, especially the existing institutions of educational training and research such as CRCs, BRCs, DIETs, and SCERTs.
25. Ultimately, the formal school system needs to be nonformalised in order to meet the needs of child labour rehabilitation.
26. NFE must be linked with skill and vocational training which is contextualised in the local environment, so that the rehabilitated child is enabled to carry on a suitable profession or vocation on completion of his study. Such an approach is also required for other children in the formal schools.
27. NFE must include basic literacy, health and hygiene, co-curriculum activities, skill training, citizenship and rights education problem solving and critical thinking.
28. NFE must be linked to the entire needs of the family, whereby not only the rehabilitated child, but his/her parents also participate in the educational system.
29. As far as possible NFE should be accredited appropriately either through the formal system or the open learning system.
30. There is need for focussed and process based media programme, so that message on a particular aspect is not lost (e.g. success stories about individual child through ups and downs, life situation, training of functionaries, engaged in education of child labour etc.).

## **HRCF FILE**

---

*Sanction of funding for opening of NFE schools by local NGOs should be guided by :*

1. Performance of the NGO in creating mass awareness and propagating eradication of child labour.
2. Community rapport created by NGO in the area. The report could be ascertained from local panchayat members, parents of the children and respected leaders of the area.
3. Base level survey conducted by NGO indicating , (children identified as workers, details about family's social, economic position ).
4. Site selection with identification of building to be used for NFE programme ( The building could be either rented / provided by local community or to be constructed)
5. Before final recommendation for sanction of NFE School, a team should visit the site and talk to community leaders. Once satisfied the project should be recommended for financial support.

### *Social and Economic Awareness Generation*

1. The genesis of child labour qualitative differences across regions and different sections of the society - particularly among SC and ST , OBCs and landless families needs to be understood through in-depth studies. The results of these studies need to be publicised among the policy makers.
2. A large number of NGOs in different parts of the country have done commendable jobs in identifying activities, problems of release of child labour and their education. It will be extremely important to document their activities and experiences. A critical appraisal of their activities would be a useful input in future policy making. For the success of the rehabilitation programme at the grass root level it would be important to involve the local population and religious leaders from various socio-economic groups. Popular participation at the designing stage of the project goes a long way for its success.

3. Short term action programs for immediate attention need to be formulated in the context of a long term perspective of 10 to 15 years. These need to be designed by local population in collaboration with NGOs, technical persons, and government departments at the village, village cluster or block levels. These must be integrated with development plans of the region.
4. Social and economic awareness among the households and communities affected by child labour has to be created. An indepth study must be conducted to examine the impact of NFE programs in various areas having high incidence of child labour in the country. Sample surveys need to be conducted in different regions using the available data and their findings should be compared with the data available from secondary sources.
5. Different approach in studying the child labour in cities and metropolitan areas needs to be adopted as the problems faced by child labour in these cities are far more complex and challenging than its counterparts in villages and small towns.
6. There is a need to integrate awareness related to women, child, and political groups.
7. The present awareness among the industrialists in the industry is a welcome step. Measures need to be taken to encourage and enhance this by more frequent interaction between NGO groups and industrialists. Considerable restraint from negative publicity is required for growth of industry and generation of more adult employment.

***The awareness generation strategy should aim at :***

1. Mobilising public opinion for creating community participation for educational environment for children and elimination of full time child labour
2. Sensitising all sections of society, particularly the literate society

## **HRCF FILE**

---

3. Formation of people's committees at various levels.
4. Involve various social, political and cultural movements.

### **The objectives would be achieved by:**

1. Launching a publicity blitz, through electronic and print media, to sensitise society against child labour. Modes of awareness could be posters, stickers, slogans including songs, newspapers, bulletin, calendars, wall hangings, hoardings, banners, wall writings, regular advertisements, cultural shows, rallies, music, padyatras, street corner meetings, formation of human chain, folk songs and dramas, debates, essay competition, quiz competition etc.;
2. To create awareness among parents and children at work about deleterious effect of sending children to work and significance of education.
3. Morality, social and legal consciousness should be generated against employers.

---

**HIMALAYAN AND CENTRAL ASIAN STUDIES** is a quarterly Journal published by the Himalayan Research and Cultural Foundation, which is a non-governmental, non-profit research, cultural and development facilitative organisation. The Journal is devoted to the study of various issues pertaining to the Himalayan and trans-Himalayan region in South and Central Asia or parts thereof, connected with its environment, resources, history, art and culture, language and literature, demography, social structures, communication, tourism, regional development, governance, human rights, geopolitics etc.

While the principal concern of the Journal will be on its focal area, i.e. from Afghanistan to Myanmar including the Central Asian states of Uzbekistan, Kazakhstan, Kyrgyzstan, Tajikistan, Turkmenistan, China, Mongolia, Nepal, Bhutan and the Indian Himalayan states of Jammu and Kashmir, Himachal Pradesh, Sikkim, Uttarakhand and North East states; papers with a broad sweep addressing environmental, social, cultural, economic, geopolitical and human rights issues are also welcomed.

The objective is to make a scientific appraisal of the issues confronting the Himalayan and adjoining region in South and Central Asia or parts thereof, and to make specific policy oriented studies and need based recommendations as the means to promote the human, educational and economic advancement of the peoples of the region besides preserving and enriching their ethno-cultural, literary and historical heritage. Promotion of human rights, social justice, peace, harmony and national integration are the other key areas in which the Himalayan Research and Cultural Foundation has been active.

**CONTRIBUTIONS FOR PUBLICATION AND ANY ENQUIRIES  
SHOULD BE ADDRESSED TO :**

**Prof. K. WARIKOO**

*Editor and Secretary General,*

Himalayan Research and Cultural Foundation,

Post Box- 10541,

Jawaharlal Nehru University Post Office,

New Delhi - 110067

Tele : 0091-11-616 2763, 0091-11-617 9408

Fax : 0091-11-610 6643

*Books for review should be sent to the same address.*



Registered with the Registrar of Newspapers R.No. 67256/97

## **HRCF PUBLICATIONS**

### **AFGHANISTAN FACTOR IN CENTRAL AND SOUTH ASIAN POLITICS**

Edited by K. Warikoo

New Delhi, Trans-Asia Informatics, 1994. 73 pp.

### **SOCIETY AND CULTURE IN THE HIMALAYAS**

Edited by K. Warikoo

New Delhi, Har-Anand Publications, 1995. 316 pp.

### **CENTRAL ASIA : EMERGING NEW ORDER**

Edited by K. Warikoo

New Delhi, Har-Anand Publications, 1995. 352 pp.

### **JAMMU, KASHMIR AND LADAKH : LINGUISTIC PREDICAMENT**

Edited by P. N. Pushp and K. Warikoo

New Delhi, Har-Anand Publications, 1996. 224 pp.

### **ARTISAN OF THE PARADISE : A STUDY OF ART AND ARTISANS OF KASHMIR**

By D.N. Dhar

New Delhi, Bhavana Books & Prints, 1999. 230pp.



### **HIMALAYAN RESEARCH AND CULTURAL FOUNDATION**

Post Box-10541, Jawaharlal Nehru University Post Office,  
New Delhi-110067 (India). BA/1G, D.D.A. Flats, Munirka, New Delhi-110067.

Tele : 0091-11-616 2763, 0091-11-617 9408

Fax : 0091-11-610 6643

---