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# HIMALAYAN AND CENTRAL ASIAN STUDIES

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**Editor : K. WARIKOO**

**Assistant Editor : SHARAD K. SONI**

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## *Editor's Page*

The United Nations and the Commission on Human Rights have time and again condemned the continued recruitment, financing, training, assembly, transit and use of mercenaries as well as other forms of support to mercenaries, for the purpose of destabilising and overthrowing governments. The UN General Assembly has in its numerous resolutions reaffirmed that the "use of mercenaries and their recruitment, financing and training are offences of grave concern to all states and violate the purposes and principles enshrined in the Charter of the United Nations." The International Convention against the Recruitment, Use, Financing and Training of Mercenaries, which was adopted by the UN General Assembly on December 4, 1989 clearly recognises the fact that mercenaries violate principles of international law such as those of sovereign equality, political independence and territorial integrity of states. The Convention also expresses concern at the linkage between drug traffickers and mercenaries who perpetrate such violent crimes which undermine the constitutional order.

In recognition of the challenges posed by the mercenaries, the UN Commission on Human Rights passed a resolution in 1987 mandating for the appointment of a Special Rapporteur, E.B. Ballestros to examine the question of the use of mercenaries as a means of violating human rights. Ever since, the Commission has been extending the mandate of the Special Rapporteur, taking due note of the problem. Right through his first report submitted in 1988 till his recent one which was placed before the 54th session of the Commission on Human Rights in Geneva (E/CN.4/1998/31), the Special Rapporteur has maintained that the problem of mercenaries continues to be an important factor in generating conflicts and that it violates the territorial integrity of states, their sovereignty and independence and causes destabilisation and overthrow of legitimate governments besides posing direct threat to the life, physical security, property and livelihood in the affected areas.

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However, the Special Rapporteur on Mercenaries has so far confined his attention to the case studies of Africa (Sierra Leone, Congo), Cuba, Latin America and South America (Papua New Guinea). Now the Special Rapporteur needs to examine the role of mercenaries in the conflict situations in South and Central Asia, particularly the Indian State of Jammu and Kashmir, Afghanistan, Tajikistan, Chechnya and even the Xinjiang region of China. In all these areas, the legitimate government, civil society and social order are sought to be destabilised by the lethal combination of Islamic extremism, mercenaries, drugs and arms smuggling. Tajikistan has suffered huge economic losses, death of tens of thousands of people and hundreds of thousands as homeless. Afghanistan continues to be embroiled in a bloody civil war, notwithstanding the *Taliban* claims of controlling three-fourths of its territory. It is not a mere coincidence that with the consolidation of *Taliban*, Afghanistan has emerged as the largest producer of narcotics, largest warehouse of small arms and also a centre of international Islamist terrorist networks. That the Islamic extremists-cum-mercenaries have even fanned across into Uzbekistan, is evidenced by the gruesome killing of some local police and civil personnel in the Namangan area of Uzbekistan sometime back.

It is in this backdrop that this issue carries a paper on the problem of mercenaries in Jammu and Kashmir State of India. Of late, foreign mercenaries mainly from Pakistan and Afghanistan and belonging to such deadly organisations like *Harkat-ul-Ansar*, *Markaz Dawa-al-Irshad* and *Lashkar-e-Taiba* have been unleashing terror in various parts of Jammu and Kashmir and even in adjoining areas in Himachal Pradesh. Given the unequivocal condemnation of such mercenary activities by the United Nations and its organs, it is high time for the Indian state to take firm and punitive steps to eliminate the menace of mercenarism which would otherwise pose serious challenge to the civil society, democratic order, secular and liberal polity based on principles of peaceful coexistence and social harmony.

**K. Warikoo**

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## TURKEY AND ECO

*Gareth M. Winrow\**

The end of the Cold War undoubtedly provides new opportunities and challenges for decision makers in Turkey. With the sudden emergence of newly independent republics in the former Soviet Union, officials in Ankara were especially quick to develop political, economic and cultural relations with the predominantly Turkic states in Central Asia. These states are potentially important markets for basic Turkish goods and invaluable sources of raw materials and energy. Governments in Turkey did not exclusively channel their interest toward post-Soviet Central Asia. The Black Sea Economic Cooperation (BSEC), whose membership includes Russia, Ukraine, Georgia, Azerbaijan, Armenia and Moldova, was originally promoted and sponsored by Turkey and officially inaugurated in 1992. But Turkey has cultivated an important network of bilateral and multilateral ties with the largely Turkic states of Kazakhstan, Kyrgyzstan, Turkmenistan, Uzbekistan and also Azerbaijan. Three Turkic summits have been convened in Ankara, Istanbul and Bishkek since 1992.

When questioned in Turkmenistan in October 1992 about what would be his country's role in the post-Cold War world, the then Turkish Prime Minister, Süleyman Demirel stressed that Turkey would contribute to global peace and would "...serve as a bridge between the 200 million people of Europe and 300 million people of ECO and the Middle East countries".<sup>1</sup> Demirel and other Turkish officials have often emphasised the importance of Turkey's strategic location at the centre of "Eurasia". But governments in Ankara, while attracted to developments to their east, still primarily focus their attention westwards. The priority in Turkish foreign policy remains securing full admission into the EU, thereby consolidating

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and also confirming Turkey's European credentials. Active involvement in Central Asia could boost Turkey's prestige in the West and thus enhance prospects for an eventual Turkish admission into the EU. However, how would Turkey benefit from playing a key role in a more dynamic ECO? Is membership of ECO compatible with Turkey's interest in joining the EU? Unlike BSEC, ECO is not after all a Turkish initiative. Iran was the locomotive behind the founding of ECO in 1985. In addition to possible economic benefits, membership of ECO allows Turkish officials to monitor more closely Iranian interests in Central Asia.

With regard to Turkey's trade relations, it has been argued that on account of its geographical position, the sensible or optimal strategy for Turkish officials to adopt would be to develop ties in several directions through relatively loose regional arrangements rather than concentrate on only one region. According to this argument, full membership of the EU would exclude other options for officials in Ankara because of the need to comply with the EU's common industrial, agricultural and trade policies toward third parties.<sup>2</sup> However, political considerations must also be considered. While possibly benefitting economically in the longer term from ECO's various projects, Turkish officials are also committed to ECO for political reasons. In spite of its title, ECO does have an important political dimension. In this context, the significance of Turco-Iranian relations requires examination.

This paper focusses on the economic and political importance of membership of ECO for Turkey. It should be noted in passing that the media and the academic community in Turkey have paid little attention to Turkey's role in ECO. In contrast, the Turkic Summits have attracted considerable publicity in Turkey. It would appear that ECO is valued more in Pakistan and Iran, the other founder members of ECO. However, in spite of the lack of general interest, it will be seen that membership of ECO does have its uses for Turkish politicians.



FROM THE SAADABAD PACT TO ECO

After founding the Turkish Republic in 1923, Atatürk was eager to promote favourable relations with the republic's neighbouring states. In April 1926, a Treaty of Friendship was concluded between Turkey and Iran. Mindful of the Kurdish problem, the two states pledged not to allow their territory to be used by groups who had hostile intentions towards either of the signatories. In July 1937, as a result of a Turkish initiative, the Saadabad Pact was signed by Turkey, Iran, Iraq and Afghanistan. This was a non-aggression treaty which also reaffirmed the provisions of the Turco-Iranian Treaty of Friendship. The members of the Pact agreed to establish a permanent council and a secretariat. Apparently, the Pact was the product of exaggerated fears of Mussolini's ambitions in Africa and Asia and in practice was of little substance. Nevertheless, it set a precedent, as it was the first example of collective cooperation between states of the so-called "northern tier".<sup>3</sup>

The emergence of the Cold War after 1945, and, in particular, Soviet demands on Ankara with regard to the Straits and Turkey's eastern territories, compelled the Turkish government to seek closer relations with the West. After joining NATO in 1952, the government of Adnan Menderes was eager to boost Turkey's image in the West and thereby hope to enhance further his country's security, by becoming NATO's agent in the Middle East. Hence, Turkey played an instrumental role in the formation of what came to be known as the Baghdad Pact.

The Baghdad Pact was essentially a Cold War creation. The US administration believed that it could be a useful vehicle to contain Soviet expansionism in the Middle East. In February 1955, a Pact of Mutual Cooperation between Iraq and Turkey was signed. This was meant to reinforce the Treaty of Friendship and Good Neighbourliness which the two states had concluded in March 1946. The February 1955 Pact laid the foundation of the Baghdad Pact. According to Article One of the Pact, the two states, in line with Article 51 of the UN Charter, would "...cooperate for their security

and defence". Other states actively concerned with security and peace in the region could join the Pact (Article Five). If four states were to become party to the Pact, a permanent council at ministerial level could be established.<sup>4</sup> Britain, Pakistan and Iran would join the Baghdad Pact later in 1955 and the US would be granted observer status. The Baghdad Pact was essentially concerned with military issues. Officials in Ankara believed that the security of Turkey would be bolstered through membership of the Pact. Members of the Baghdad Pact soon also committed themselves to promoting economic cooperation. As part of the institutional development of the Pact as early as November 1955 the establishment of an Economic Committee was agreed upon. This committee was meant to be responsible for encouraging joint projects between the Pact members in the fields of industry, communications and trade. At the second official meeting of the Baghdad Pact in Tehran in April 1956 it was noted that subversion thrived where defence was weak and economies underdeveloped.<sup>5</sup> A definite link was thus established between defence and economic interests. In line with the general thrust of Menderes' policy, Turkey was actively involved in all the activities of the Baghdad Pact.

Following a military coup, Iraq withdrew from the Baghdad Pact in March 1959. The Baghdad Pact was officially renamed CENTO (Central Treaty Organisation). The Headquarters and Permanent Secretariat of the Baghdad Pact had already been transferred to Ankara. Turkey's key role in what was still largely an anti-Soviet military organisation thus became more obvious. However, like its predecessor, CENTO had an Economic Committee. Admittedly, the major projects undertaken by CENTO also had important defence implications. With British and American financial support, work began on developing and improving telecommunications and radio links and railway and highway connections between Turkey, Iran and Pakistan.

Arguably, for Turkey participation in CENTO in practice was only of limited value. Bilateral defence agreements with the US and membership of NATO were far more crucial for Turkish security interests. Officials in Ankara were unable to secure support from

other CENTO members with regard to the Cyprus question<sup>6</sup> - the same could be said of NATO though! However, in the late 1960s the Turkish authorities insisted that CENTO should be maintained when Pakistan and Iran were complaining about the lack of support with reference to their rivalry with India and Iraq respectively. It appears that officials in Ankara believed that CENTO did provide an element of stability in the Middle East and South Asia.<sup>7</sup>

Interested in furthering economic, technical and cultural cooperation, in July 1964 in Istanbul the Heads of State of Turkey, Iran and Pakistan announced the formation of the Organisation of the Regional Cooperation for Development (RCD). Originally a by-product of CENTO (though without full British membership and associate American membership), it was decided that the RCD would in time become an organisation separate from CENTO and would continue to work on economic projects CENTO had initiated. In practice, CENTO's importance largely lay only in those areas which complemented the RCD's programmes.<sup>8</sup> According to the so-called Istanbul Accord of July 1964, the RCD members pledged *inter alia* to promote the "free or freer movement of goods" and promised to formulate and implement joint projects, especially in the fields of air and transport services and shipping, rail and road links.<sup>9</sup> With the Secretariat of CENTO already based in Ankara, it was decided to locate the RCD's Secretariat in Tehran. The Treaty of Izmir of March 1977 mapped out more clearly the aims and objectives of the RCD. The Treaty referred to the RCD as an organisation responsible for promoting economic, technical and cultural cooperation (Article Two). The aim of the RCD was to set up a free trade area within ten years through the gradual reduction of tariff and non-tariff barriers to intra-regional trade (Article Three). The RCD could become involved in other areas of cooperation if all members agreed (Article 18). Other "regional states" could apply to join the RCD (Article 36).<sup>10</sup> The RCD's successor, ECO, would be based on the principles and objectives outlined in the Treaty of Izmir.

Writing in the early 1970s, two analysts noted that as Turkey was interested in joining the EEC, Turkey was "...probably the most lukewarm of RCD's members..."<sup>11</sup> In a later assessment made by

Osman Cetintas, the representative of the Turkish Ministry of Foreign Affairs at ECO, it was observed that the RCD had been unable to get off the ground. Cetintas referred to the failure to liberalise and expand trade and the lack of industrial collaboration among the RCD members.<sup>12</sup> Certainly, in spite of their common RCD membership Turkey and Iran were unable to construct an oil pipeline to connect their territories. In contrast, twin oil pipelines were built to connect Turkey and Iraq. It appears that Turkey was reluctant to be involved in joint ventures organised by the RCD where foreign firms also participated on an equal basis. Apparently, Turkish officials were concerned that those various firms could somehow interfere in regional affairs. Iran and Pakistan were eager to secure the collaboration of foreign companies because of the lack of capital.<sup>13</sup> What was clear was that the Turkish authorities were in reality opposed to the establishment of a free trade area among RCD members in spite of the promises made in the Treaty of Izmir. It was thought that the abolition of all tariffs between RCD states would run counter to Turkey's hopes of securing full membership of the EEC. Thus, one scholar contested that Turkey participated in the RCD primarily for political and not economic reasons. According to this argument, Turkish officials were eager to check Pakistan's "flirtation" with China and to demonstrate that Turkey was no longer merely an agent of the West in the Middle East but was an important regional power in its own right.<sup>14</sup>

CENTO was formally dissolved in 1979 with the withdrawal of Pakistan which had been pursuing a more independent foreign policy for some time and Iran which was in the throes of an "Islamic Revolution". By 1979 the RCD had also in effect virtually expired. There had been little progress made in reducing tariffs. Far from being complementary, the economies of Turkey, Iran and Pakistan were instead competing to export their agricultural products. In practice, it seems that many so-called RCD economic development projects had been actually previously planned by individual countries without joint collaboration.<sup>15</sup> Turkish officials could maintain reasonably close bilateral relations with both Pakistan and Iran

without the membership of CENTO and the RCD. However, the governments of Turkey, Pakistan and Iran soon reassessed their policies and again acknowledged the potential value of regional cooperation. Consequently, in January 1985 it was announced that ECO had been formed as a successor organisation to the RCD.

### **TURKEY'S ROLE WITHIN ECO**

Officials from Turkey, Iran and Pakistan attended a meeting of the so-called High Council in Tehran in January 1985 to "reactivate and expand multilateral economic cooperation". The aim was to reactivate the RCD which would now formally be referred to as the Economic Cooperation Organisation (ECO) although this would "...not alter the legal, financial and technical aspects of the Treaty of Izmir..."<sup>16</sup> A new rudimentary institutional structure for ECO was agreed. The statement announcing the formation of ECO was brief and made with little publicity. The prospects for ECO at the time were far from bright. It seems that Iran was largely responsible for launching the new organisation in an effort to avoid international isolation and counter the Western economic boycott at a time when the Iranian economy was also suffering as a consequence of the Iran-Iraq war.<sup>17</sup> Shortly before the announcement of the formation of ECO, one American scholar argued that the then Turkish Prime Minister Turgut Özal was pushing for the reactivation of the RCD.<sup>18</sup>

In the mid-1980s Turkey was continuing to enjoy warm relations with Pakistan and had expanded trade considerably with Iran. In 1982 Turkey and Iran concluded a barter agreement which led to a substantial exchange of Turkish agricultural products for Iranian oil. Between 1981 and 1985 Turkish exports to Iran totalled 3.9 billion US dollars, although Turkey still ran up a trade deficit of 1.4 billion US dollars in these years. In 1979 Turkey had exported goods to Iran worth only 12 million dollars.<sup>19</sup> There was thus no immediate economic or political imperative for Turkey to join ECO. On the other hand, there was no pressing reason why Turkey should not become a member of the new organisation.

After its establishment Turkish officials soon became critical of the operations of ECO. At the fifth session of the ECO High Council in Ankara in March 1988 the Turkish Foreign Ministry Under-Secretary, Nuzhet Kandemir complained about the "substantial proliferation" of ECO activities and the failure to concentrate on particular concrete projects. Kandemir reported that there were problems of coordination, with new areas of cooperation identified without adequate preparations. Nevertheless, the ambassador hoped that ECO would eventually succeed to set up an effective preferential trade system.<sup>20</sup>

ECO assumed much more importance for officials in Ankara after the break-up of the Soviet Union and the emergence of newly independent states in Central Asia. By November 1992, ECO had expanded its membership to include Afghanistan, Azerbaijan, Kazakhstan, Kyrgyzstan, Tajikistan, Turkmenistan and Uzbekistan. ECO was revitalised. The enlargement of ECO was possible according to Article 36 of the original Treaty of Izmir of March 1977 of the RCD which remained valid for ECO. The admission of seven states opened up new opportunities for expanded regional cooperation. What role did Turkey play in the admission of new states to ECO?

The standard line is that the government in Tehran was largely responsible for the enlargement of ECO in order to broaden Iran's contacts with the outside world and in particular establish close links with the Central Asians. According to this argument, Turkey was already developing close bilateral ties with the newly independent Turkic states of Central Asia and so there was less need for Turkey to promote their admission to ECO. Certainly, Ankara was the first to recognise the independence of Azerbaijan and the Turkic states of post-Soviet Central Asia, and was already in the process of developing close political, cultural, social and economic relations with these states. Indeed, the West was urging the Turkish authorities to expand its contacts with these newly independent states in order to counter the possible spread of supposed Iranian-inspired Islamic fundamentalism in the region. Officials in Ankara also sought to

develop relations multilaterally with the newly independent Turkic states. By the end of 1992 Turkey convened the first Turkic summit in Ankara attended by the heads of state of Azerbaijan, Kazakhstan, Kyrgyzstan, Turkmenistan and Uzbekistan.<sup>21</sup> The first summit in Ankara in October 1992 was a disappointment for the Turkish authorities who had been hoping for example to establish a Turkic Development and Investment Bank. However, the second summit in Istanbul resulted in more concrete agreements to regularise meetings of ministers of culture, education and foreign affairs and develop parliamentary cooperation between the Turkic states.

In early 1992, though, it seems that the Turkish authorities, like their Iranian counterparts, were keen to promote the admission of the newly independent Turkic states to ECO. Officials in the Turkish Ministry of Foreign Affairs have argued that it was the policy of the government in Ankara to lobby on behalf of the Turkic states to secure their participation in various international organisations and fora, and that once admitted to these bodies Turkish officials would then advise their Central Asian counterparts with regard to the rules of procedure and conduct in these institutions. The possible admission of new states to ECO was on the agenda of the ECO ministerial meeting held in Turkey in early February 1992. At that time officials in Ankara had yet to issue a call for the convening of a Turkic summit. Perhaps Turkish officials were forced to tow the line with regard to Iranian enthusiasm for the admission of new members to ECO. Most probably, the authorities in Ankara would have preferred to deal with the Turkic states of Central Asia exclusively through their own sponsored multilateral mechanism, i.e., regular Turkic summit meetings. However, the newly independent Central Asian states themselves were eager to diversify and expand their ties with all interested states. Hence the Central Asian states and Azerbaijan were keen to join ECO and thereby strengthen their ties with Pakistan and Iran as well as with Turkey. The landlocked Central Asians are keen to improve their communications and transport links with the founder members of ECO which each have outlets to the sea. The enlargement of ECO has undoubtedly revived what was in danger of becoming a stagnating

ECO. Given the enthusiasm of other member states, the authorities in Ankara have been obliged to assume more interest in what has become a much more institutionalised organisation.

In his address to the second ECO summit held in Istanbul in July 1993, President Süleyman Demirel spoke of the need to "...create a legal framework and a physical infrastructure which would allow for the free movement of people, goods and services among the member countries". He emphasised the importance of bolstering the private sector.<sup>22</sup> Turkish politicians believe that the Central Asians could benefit from the recent Turkish experience with regard to the transition of an economy from one dependent on state planning to one more based on the free market. One should note in passing here that the RCD had given little encouragement to the development of the private sector among its member states.

Has Turkey's trade turnover with ECO member states increased as a result of common membership of ECO? Trade turnover with the newly independent states of post-Soviet Central Asia has tended to gradually expand since 1992 (see Table 2). Turkey exports basic consumer goods and manufactured articles to Central Asia receiving in turn mostly agricultural products. There has been no increase in trade turnover between Turkey and Pakistan and Turkey and Iran in recent years. The latest official figures for Turkish imports and exports from Afghanistan were not available at the time of writing, but most probably trade turnover remains insignificant. In contrast, Turkey's trade turnover with Russia - obviously not an ECO member - has dramatically expanded since 1992. In reality, it is more likely that bilateral relations affect trade turnover rather than common membership of ECO. However, Turkish officials have underlined that they are committed to expanding trade with other ECO member states by making use of the organisation. The Turkish authorities successfully lobbied for the ECO Trade and Development Bank to be established eventually in Istanbul. The principal role of this bank will be to promote trade among ECO member states. And, in theory at least, the coordination by ECO of the construction of oil and gas pipelines, road, railway and shipping links between member states could also increase trade turnover. For example, Turkey could thus



diversify its imports from Central Asia, and the export of oil and gas could enable the Central Asians to generate hard currency to buy more Turkish goods. However, as will be discussed later, Turkey, Iran and Pakistan may also be regarded as competitors rather than partners concerning the development of energy and transportation links.

The political importance of membership of ECO for Turkey will be discussed in the following sections with regard to relations between Turkey and Iran and the significance of Turkey's continued efforts to secure full membership of the EU. The Cyprus question deserves a passing mention here though. It has been previously noted how officials in Ankara were disappointed at their failure to secure support within CENTO over Cyprus. There were reports that at the first ECO summit in Tehran in February 1992 Turkey attempted without success to secure the admission of the "Turkish Republic of Northern Cyprus (TRNC)" to ECO.<sup>23</sup> It appears that at the Islamabad ECO ministerial gathering held in November 1992 the TRNC was granted special observer status enabling its representatives to participate in committee meetings and sessions of the regional planning council without securing the right to vote. At the fourth ECO summit held in Ashkabad the delegation from the TRNC was allowed to take part in some of the proceedings and were referred to as representatives of the "Cypriot Turkish Moslem Community".<sup>24</sup> It is highly unlikely that in the foreseeable future Turkish officials will urge other ECO member states to accord the TRNC full membership given that these states are opposed to granting diplomatic recognition to the TRNC.

#### **TURKISH-IRANIAN RELATIONS AND ECO**

As noted above, Turkey and Iran have become important trade partners since the early 1980s. In addition to meeting a large portion of Turkey's oil consumption needs there is the possibility that Iran may also export large amounts of natural gas to Turkey in the near future. In May 1995, the two states agreed in principle to a deal by which over the next 23 years Iran would supply gas to Turkey via a pipeline to be built between Tabriz and Ankara.<sup>25</sup> Difficulties

concerning the financing of the pipeline have held up the implementation of the deal hitherto. Turkish officials are reluctant to become too dependent on their traditional rivals, Russia and Iran, for Turkey's energy needs. This explains Ankara's eagerness to tap into Turkmen gas and Kazakh and Azeri oil. In recent years there have been problems in Turkish-Iranian relations. The secular government in Ankara is suspicious of the theocratic regime in Tehran. The Iranians have accused Turkey of harbouring opposition groups hostile to the government in Tehran, while the Turkish authorities have reason to believe that Islamic extremists active in Turkey are sponsored by Iran. Ankara also suspects that the Kurdish rebels of the PKK are receiving support from Iran. And Western commentators are referring to a competition between Turkey and Iran for influence over the newly independent states of Central Asia and the Transcaucasus.

It seems that Iran was the chief driving force behind the founding of the RCD and the establishment of ECO. Officials in Tehran also actively worked for the reactivation of ECO in 1992. The late Shah had at one time pressed for the formation of an Asian "Common Market" under Iranian helmsmanship in order to strengthen Iran's influence in neighbouring states such as Pakistan and Afghanistan.<sup>26</sup> In recent years it does appear that the authorities in Tehran are determined to secure Iranian membership of various multilateral initiatives in order to avoid international isolation and improve the image of Iran as perceived externally.<sup>27</sup> In February 1992, the Iranian government announced the formation of a Caspian Sea Cooperation Organisation consisting of Iran, Azerbaijan, Kazakhstan, Russia and Turkmenistan. This seems to have been a response to the Turkish initiative to establish a similar body for Black Sea Cooperation, later the BSEC. With its headquarters in Tehran, the Caspian Sea Cooperation Organisation was intended to deal *inter alia* with trade activities, shipping and environmental issues in the Caspian. By 1995 the organisation had yet to set up a permanent headquarters and staff.<sup>28</sup> And Russian officials in effect have attempted to exploit this Iranian initiative to establish an

organisation under Russian control which would be responsible for overseeing the common use of the natural resources of the Caspian Sea. In order to boost Iran's international image officials in Tehran have been careful to pursue a pragmatic policy toward Central Asia and the Transcaucasus. The Iranians are interested in stability in these areas in order to conduct business. However, the role of religion has not been completely dispensed with. At the ECO Summit in Tehran in February 1992, President Hashemi Rafsanjani declared, "This is the meeting of a large Islamic family".<sup>29</sup> Iranian officials have referred to the possibility of creating an Islamic Common Market through ECO. Turkish officials have reacted to these overtures. For example, the then Turkish Foreign Minister Hikmet Cetin publicly remarked that ECO was not a Muslim bloc but an economic union.<sup>30</sup>

It would seem that one important reason for Turkish membership of ECO is to forestall Iran from possibly acquiring a dominant influence in the organisation. One scholar has shrewdly commented that ECO largely serves as a forum where Turkey and Iran can make public their interest in regional cooperation, and, "perhaps more importantly, where the two countries can keep a watchful eye over another".<sup>31</sup> ECO also provides a setting where the Turkish and Iranian heads of state may discuss pressing bilateral issues. For example, immediately prior to the fourth ECO summit in Ashkabad in May 1996, Demirel and Rafsanjani were able to alleviate tensions in Turco-Iranian relations which had come about as a result of a supposed spy fracas. Once apprehended, a Turkish Islamic extremist had alleged that eight Iranian diplomats based in Ankara were involved in terrorist activities in Turkey. When the Turkish government requested information from Tehran, Iranian officials retaliated by charging that four Turkish diplomats working in Iran were involved in spying. Demirel and Rafsanjani defused the crisis by withdrawing the diplomats from Ankara and Tehran. The two leaders also discussed the Kurdish issue and the recent military cooperation agreement concluded between Turkey and Israel. Significantly, after the meeting Demirel noted that "...the Iranian reality must be carefully

re-evaluated. The Central Asian reality must be carefully re-evaluated."<sup>32</sup>

In addition to referring to the need to establish a so-called Islamic Common Market, Iranian officials have also urged member states to scrap outright tariffs in their commercial transactions with each other. In practice, this would be extremely difficult. The authorities in Ankara are openly in favour of establishing a preferential trade arrangement between ECO member states, but are not prepared to support the formation of a free trade area or customs union let alone a common market because of Turkey's commitment to becoming a full member of the EU. Turkey's interest in promoting the development of the private sector in ECO member states has also led to a clash with Iranian representatives. At the third ECO summit in Islamabad in March 1995, the Iranian delegation was angry over Turkey's decision not to sign the agreement to establish ECO Air and the ECO Shipping Company. President Demirel argued: "As a state we cannot be a partner in any company when we are selling state enterprises at home". At Turkey's insistence a provision was included in the above agreement which would enable private companies to join ECO Air and the ECO Shipping Company as partners. Iranian delegates levelled the accusation that Turkey had refused to become a member of the two companies because they would be based in Tehran. Prime Minister Benazir Bhutto was forced to close hurriedly the post-summit joint press conference after Iranian journalists pressed Demirel to account for Turkey's reluctance to cooperate with Iran-based ECO projects.<sup>33</sup>

Iranian officials have attempted to expand the sphere of activities of ECO. Presently, ECO is a body primarily involved in economic cooperation and to a much lesser extent in social and cultural cooperation. The Iranian government has endeavoured to politicise ECO - the references to common Islamic ties should also be regarded in this context - and also provide the organisation with a security component. For example, it was suggested that ECO should perform some sort of mediating role in the Nagorno-Karabakh conflict. On the other hand, Turkish officials are eager to focus on economic cooperation. Evidently,

when the future direction of ECO was being discussed at the fourth Ashkabad summit, the Turkish delegation had unsuccessfully lobbied to dispense with even the social and cultural dimensions of ECO's work. It would seem that with regard to post-Soviet Central Asia, instead of ECO Ankara would prefer the Turkic summits to address social, cultural and political issues. At the Ashkabad summit in May 1996, Rafsanjani's condemnation of Israeli policies in Lebanon almost led to an irreparable rift between ECO member states. In a furious outburst President Islam Karimov of Uzbekistan, who had been cultivating closer relations with Israel, declared that ECO should not be used as a political forum where attacks could be made against non-member states. Karimov threatened to withdraw from the organisation if political issues were to be placed on the agenda. The Presidents of Kazakhstan, Kyrgyzstan and Tajikistan supported Karimov. President Demirel apparently intervened to mediate. According to Demirel, although ECO was an economic body, it also offered a forum for regional leaders to exchange views on political issues.<sup>34</sup> The Turkish President also took this opportunity though to side with the Central Asians against Iran. He was quoted as saying: "I am sure that we all agree that our motives should remain non-political and solely economically inclined".<sup>35</sup>

Undoubtedly, Turkey and Iran are competing to enhance their influence and prestige in Central Asia and the Transcaucasus. However, this competition is within certain bounds. Bearing in mind the Turkic and Persian-oriented populations in Central Asia especially, neither side is willing to threaten to destabilise the region by playing the so-called Pan-Turkic or Pan-Iranian cards. Interestingly, at what was in effect an unofficial ECO summit in Ashkabad in May 1992 - although Azerbaijan and Tajikistan did not attend - Demirel had denied that Turkey was competing with Iran in Central Asia, arguing rather that it was his country's moral duty to help Muslims in the former Soviet Union. In contrast, at the same meeting Rafsanjani proclaimed that there was competition for influence in the region between Turkey and Iran and that this competition should be "honest and healthy".<sup>36</sup> This rivalry has a significant economic dimension. Both states are determined to develop transportation links and secure the passage of

oil and gas pipelines across their territories from Central Asia and the Transcaucasus in order to benefit from the economic spin-offs. The twenty two point Ashkabad Declaration issued at the fourth ECO summit in May 1996 had specifically called for cooperation in the priority areas of transport and communications and trade and energy. However, officials in Ankara have often complained of the Iranian authorities hindering the passage of Turkish trucks attempting to transport goods to Central Asia. Only days before the Ashkabad summit, while touring Uzbekistan, President Demirel expressed his annoyance at the fact that Turkish-Uzbek trade was suffering on account of the holding up of trucks along the Turkish-Iranian border.<sup>37</sup>

With regard to transportation links with Central Asia, Iran has an obvious geographic advantage over Turkey. The opening up of new airline connections and the installation of advanced telecommunications systems between Turkey and Central Asia can only partially offset this advantage. The Ashkabad Summit Declaration of May 1996 welcomed the inauguration of the Tedzhen-Sarakhs-Mashad railway "...linking the Central Asian ECO Member States with the Iranian ports in the Persian Gulf and Oman Sea as well as with Europe through Turkey".<sup>38</sup> Had Turkish pressure led to the inclusion of the final phrase in the text? Immediately before the Ashkabad summit the world media had emphasised that with the opening up of the rail-link between Turkmenistan and Iran the Central Asians had acquired their first direct access to the sea via the Iranian port of Bandar Abbas. In practice, a rail-link to Turkey and then on to Europe from Central Asia will not be possible until a railway by-pass is completed around Lake Van in Turkey - a point which was actually indirectly noted in the ninth point of the Summit Declaration.

In May 1996, Kazakhstan and Iran agreed to a swap deal which involved Iran procuring crude Kazakh oil while an equivalent amount of Iranian oil would be exported via the Gulf. There was talk of constructing a new oil pipeline between Kazakhstan and Iran as part of the deal. Turkish officials must be very much concerned that this should not eventually divert large amounts of oil from the Tengiz oilfield in Kazakhstan which could otherwise be transported to the

Turkish Mediterranean port of Ceyhan if a new oil pipeline was constructed across the Transcaucasus and Turkey. At the unofficial ECO summit in Ashkabad in May 1992, Turkish officials had apparently blocked a scheme to build an oil pipeline from Central Asia across the Caspian Sea to Bandar Abbas with a possible spur connecting Tabriz and Turkey.<sup>39</sup> The Turkish authorities have suggested that Turkmenistan could export large quantities of its gas to Turkey and to Europe via a new pipeline under the Caspian Sea and via the Transcaucasus thereby by-passing Iran.<sup>40</sup> But in September 1995, Turkmenistan and Iran concluded an agreement to build within two years a 140 km gas pipeline linking Turkmenistan with the network in northern Iran. And at the fourth Ashkabad ECO summit in May 1996, it was "noted with satisfaction" that priority would be given "...to the construction of a gas pipeline from Turkmenistan to Europe via Iran (*my emphasis*) and Turkey...."<sup>41</sup>

If stability could be restored in Afghanistan, Pakistan may then also become a competitor for Turkey with regard to providing trade outlets for the landlocked Central Asian states. The oil companies UNOCAL (US) and Delta (Saudi Arabia) are extremely interested in building a pipeline to transport Turkmen gas to a terminal in Pakistan on the Indian Ocean. At the Ashkabad summit in May 1996, Turkmenistan, Uzbekistan and Afghanistan signed a memorandum of understanding about the construction of such a pipeline.<sup>42</sup> But the civil war in Afghanistan would have to be terminated before work on such a pipeline could commence. Turkish businessmen and officials have pointed out that the Turkish Mediterranean coast is much closer to the European markets than ports along the Persian Gulf or the Indian Ocean.

### **TURKEY, ECO AND THE EU**

As noted earlier, the priority of Turkish government has been to secure full admission to the EU. In September 1963, an Association Agreement was concluded between the then EEC and Turkey. By the terms of the Additional Protocol of November 1970, the then EC agreed to lift customs duties on imports from Turkey in 1973 but quotas on textiles remained. Turkey agreed to abolish its customs duties for EC member states within 22 years and then apply a common

customs tariff. Turkey's official application to join the EC in April 1987 was turned down two years later although the EC did not rule out the possibility of future Turkish membership. On January 1, 1996, the customs union between Turkey and the EU started to be implemented. This involves the lifting of all customs on industrial goods between Turkey and the EU. Turkey will also apply a common external tariff - based on the EU's common tariff rates - with regard to imports from third countries. There will be a harmonisation of a common commercial policy between Turkey and the EU which will include the phasing out of non-tariff barriers. As a result of these measures there will likely be an increase in trade turnover between Turkey and the EU. The Turkish textile industry will most probably boost its exports to EU markets. More EU investment in Turkey is also likely. Prior to 1996, Turkey and the EU had become major trade partners. Between January and September 1995 about 52% of Turkish exports, consisting largely of textiles, food and agricultural products, machinery, chemicals, and leather products, went to EU member states. In the same period over 46% of Turkish imports, mainly machinery, chemicals, metal products and vehicles, came from the EU.<sup>43</sup>

Officials in Ankara appear to hope that Turkish involvement in Central Asia and the Transcaucasus will raise Turkey's international stature and improve the prospects of finally securing admission to the EU. The Turkish authorities have stressed how Turkey is an important intermediary between the EU and post-Soviet Central Asia. Western companies are encouraged to use Turkey as a joint investment and re-export base for the Middle East, the Black Sea and Central Asia. With regard to Central Asia, Turkish businessmen are keen to stress their knowledge of the local culture, familiarity with the language, and the fact that they could provide cheap, skilled labour to match Western capital in joint ventures in the area. There are now direct links between the EU, Turkey and Central Asia through Turkey's participation in the EU's technical assistance programme to the region (the TACIS programme). This has led to the creation of a Regional Bank Training Centre jointly funded by the European Bank for Reconstruction and Development



and Turkey to train Central Asian bankers. A branch has been established in Tashkent to cover Kyrgyzstan, Turkmenistan and Uzbekistan.<sup>44</sup>

Turkey's current and future role in ECO and the disagreements between Turkey and Iran over the aims and objectives of the organisation must be understood in the light of Turkey-EU relations. Given Turkey's membership of the EU customs union, Ankara is thus opposed to the establishment of a customs union or free trade area between ECO member states. Turkish officials, though, are in favour of lowering tariffs between ECO member states in order to increase trade turnover. It is interesting to note that in an international conference in 1993, Cem Duna, the then Permanent Representative of Turkey to the EC, in reply to the question, how would Turkey's position vis-a-vis third countries be affected by the completion of the Turkey-EC customs union, had noted that one should not confuse the words "integration" and "cooperation". Turkey was seeking to integrate with the EC and cooperate with other states: "One will only enhance the other, there will be no disparities, there are no contradictions, and we see no problem whatsoever".<sup>45</sup> In an implicit reference to Turkey's obligations to the EU, point 11 of the Ashkabad Summit Declaration of May 1996 stated that the possibility of the "progressive removal of trade barriers within the ECO region" should take into account *inter alia* "...international commitments undertaken by the member states".<sup>46</sup>

In May 1992, the then Prime Minister Demirel noted how Turkey was the only country which was a member of the European Economic Space (created in effect by the EC and EFTA - the European Free Trade Association), ECO and the emerging BSEC. He underlined that Turkey had a historic responsibility to contribute not only to intra-regional but also to inter-regional cooperation.<sup>47</sup> In Istanbul at the second ECO Summit in July 1993, Demirel noted that "ECO should not compete with other regional organisations but be complementary", and then proceeded again to refer to Turkey's membership or connections with other organisations such as BSEC and the EC.<sup>48</sup> At the time of the fourth ECO summit in

Ashkabad in May 1996, Turkish newspapers described Turkey as a "dynamic bridge" between the EU and ECO, noting that Turkey could play an important role in the development of trade, communications and energy cooperation between the two organisations.<sup>49</sup> At the third Turkic summit in Bishkek in August 1995, President Demirel declared that the Turkic countries would benefit from the implementation of the customs union deal between Turkey and the EU, and referred in particular to the increase in business ties and investment that would apparently ensue.<sup>50</sup>

Evidently, the other founder members of ECO, i.e., Pakistan and Iran are not enthusiastic about Turkey's preference for the EU over ECO. For example, at the third ECO summit in Islamabad in March 1995, the media reported how public opinion in Pakistan believed that Turkey was so much interested in securing entry to the EU that Ankara was not taking its membership of ECO seriously enough. In this context, reference was made to Turkey's failure to sign up to ECO Air and the ECO Shipping Company.<sup>51</sup> It is not clear how the Central Asian members of ECO view Turkey's interest in acquiring full membership of the EU.

### CONCLUSION

The future relevance of ECO is far from clear. Kazakhstan, Kyrgyzstan and Uzbekistan have been attempting to develop their own intra-regional cooperation in the economic, political and even military spheres. This need not directly affect ECO. Potentially much more significant are the future relations between Russia and post-Soviet Central Asia. Moscow has been attempting to enhance its influence in the region by promoting further CIS integration. The March 1996 Treaty on Deepening Integration in the Economic and Humanitarian Spheres between Russia, Belarus, Kazakhstan and Kyrgyzstan was one important manifestation of this more recent Russian policy. In the long run this may create tensions in Turco-Russian relations concerning the Turkic states of post-Soviet Central Asia. However, it is interesting to note that Turkey and Russia have already clashed over ECO and Moscow's interest in re-establishing close ties with Central Asia. In July 1993, the Russian First Deputy

Prime Minister Alexander Shokhin had stated that the mainly Muslim ex-Soviet republics had to choose between joining an economic union planned by the Slavic states of the CIS, or maintain their membership of ECO. Shokhin added that the Central Asians could not simultaneously participate in two tax unions.<sup>52</sup> The Turkish Foreign Ministry swiftly and brusquely responded in an official statement. It was pointed out that Shokhin did not understand that ECO was neither a customs union nor a common market and that at the time only Turkey, Pakistan and Iran (and not the Central Asian members) had signed a protocol promising to reduce by 10% customs duties on certain goods.<sup>53</sup>

Various scholars have proposed that Turkey should adopt a more realistic and less ambitious policy toward Central Asia and the Transcaucasus. Given its limited budgetary resources it has been suggested that Turkey could not afford to aspire to become a major regional actor.<sup>54</sup> In this context, would Turkey's increasingly closer ties with the EU - rather than with ECO - compensate for the shortcomings in the Turkish economy? Officials in Ankara should also perhaps play down the supposed importance of common Turkic ties. One commentator has contended that it would be preferable for Turkey and the Turkic states if Ankara were to assume the role "...of a catalytic agent in the establishment of regional regimes". Turkey could thus gradually create "...a network of regional functional regimes that would inextricably link the various Central Asian states to each other and to important extra-regional political actors and institutions, thus reducing the incentives for violent approaches to conflict resolution".<sup>55</sup> According to this line of argument, Turkey's relations with ECO and the EU could thus prove invaluable as a stabilising element in the region while the Central Asians could also continue to develop ties between themselves and the Russian-dominated CIS. However, it seems that for the foreseeable future it is extremely unlikely that the authorities in Ankara will downplay the ostensible significance of common Turkic ties. Nevertheless, Turkey will remain an important member of ECO in order to maintain an eye on Iranian activities, and also to attempt to ensure that Turkey will have a say in the development of major transportation and energy projects in Central Asia and the Transcaucasus.

TABLE I  
TURKEY'S TRADE TURNOVER WITH ECO MEMBER STATES  
AND RUSSIA, 1987-1991 (Million US \$)

	1987		1988		1989		1990		1991			
	Exp.	Imp.	Total	Exp.	Imp.	Total	Exp.	Imp.	Total	Exp.	Imp.	Total
Afghanistan	2.8	0.1	2.9	2.6	-	2.6	2.7	-	2.7	1.4	0.1	1.5
Azerbaijan												
Iran <sup>1</sup>	440	948	1488	546	660	1206	561	233	794	495	492	987
Kazakhstan												
Kyrgyzstan												
Pakistan <sup>1</sup>	35	8	43	63	3	66	41	4	45	48	84	132
Tajikistan												
Turkmenistan												
Uzbekistan												
Russia												

Key : 1. Figures for Pakistan and Iran are rounded up.

Source : Figures for 1987-1994 are the official Foreign trade statistics by the Turkish government. Figures for 1995 are from *Eurasian File* (Ankara : Turkish International Cooperation Agency) April 1996/2, no. 55, p.2.

TABLE 2  
TURKEY'S TRADE TURNOVER WITH ECO MEMBER STATES  
AND RUSSIA, 1992-1995 (Million US \$)

	1992			1993			1994			1995		
	Exp.	Imp.	Total	Exp.	Imp.	Total	Exp.	Imp.	Total	Exp.	Imp.	Total
Aghanistan	0.8	0.2	1									
Azerbaijan	102.2	35.1	137.3	68.2	34	102.2	132.1	8.9	141	161.3	21.8	183.1
Iran <sup>1</sup>	455	365	820	290	667	957	250 <sup>2</sup>	692 <sup>2</sup>	942 <sup>2</sup>			
Kazakhstan	19.4	10.5	29.9	67.8	43.8	111.6	131.8	32.3	164.1	150.8	86.7	237.5
Kyrgyzstan	1.8	1.4	3.2	17	3.5	20.5	17	4.3	21.3	38.1	5.5	43.6
Pakistan <sup>1</sup>	44	44	88	43	116	159	57 <sup>2</sup>	37 <sup>2</sup>	94 <sup>2</sup>			
Tajikistan	0.7	7.8	8.5	4.8	6.8	11.6	14.6	3	17.6	6.1	6.3	12.4
Turkmenistan	7.5	21.2	28.5	83.9	76.9	160.8	84.1	65.6	145.6	56.3	111.9	168.1
Uzbekistan	54.5	21	75.5	213.6	32	245.6	64.6	78.6	143.2	138.5	61.5	200
Russia	441.9	1040.9	1482.8	504.7	1542.3	2047	820.2	1046.1	1866.3	1238.2	2082.4	3320.6

Key : 1. Figures for Pakistan and Iran are rounded up.

2. Provisional Figures.

Source : Figures for 1987-1994 are the official Foreign trade statistics by the Turkish government. Figures for 1995 are from *Eurasian File* (Ankara : Turkish International Cooperation Agency) April 1996/2, no. 55, p.2.

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## ADVANTAGES OF CITY STATES FOR CULTURAL AND SOCIAL DEVELOPMENT WITHIN WIDER AREAS

### *The Classical Greek and the Modern Experience*

Nick Constantopoulos\*

The similarities and differences in the organization and the *raison d'être* of the Greek city states of the 4th century BC-the golden era of civilization-and the cities of Samarkand, Bukhara and Khiva are worthy to be studied extensively. The Greek city states-Athens, Sparta, Theba, Korinth, Mycenae, Delphi, Nemea, Pylos, Nicopolis, etc.-are the centre stone of the Aristotelian philosophy that refers to the roots of democracy.

*Ta Politika* of Aristotle, *I Athinon Politeia* (The Athenian State) also by Aristotle, *The Crises of Culture* by Hannah Arendt, and *The Greek City and the Creation of Democracy* of Kornilios Kastoriades of much later years give the theoretical and philosophical background how and why these cities were established.

The small size of their populations, the existence of slaves for carrying out the menial jobs, the establishment of Agora-the birthplace of Democracy-the few but powerful institutions of voting and selection of leaders, the voluntary offer of funds by benefactors and, last but not least, the existence of the first clearly written and presented laws and their implementation were the fundamental components for the establishment of a more equitable society.

The consequent prosperity of Athens, Theba and other cities, notwithstanding the protracted and destructive wars among themselves, allowed most of them, a different level of sophistication and social activity. Sports encounters of the type well known to

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have taken place in Olympia, in Marathon and Eleusis, several artistic festivals celebrated on the occasion of *pagan* or religious feasts, the celebration of victory after protracted wars and the sponsorship of all sorts of social and art activities elevated considerably the level and quality of life of these city states and the geographic areas where they were located.

The climax of these cultural and political developments was the establishment of Amphiktyonias, the regular meeting of city representatives in a third natural area for the purpose of exchanging experience, negotiating possible common problems and seeking solution to their hurdles. These Amphiktyonias are said to be the precursor of the League of Nations, the United Nations Organisation, and other international fora which allow for equal presence and participation for all international actors, whether in time of peace or in time of war.

This was the glory of the Golden Era and the firm and permanent institutions that it managed to create. It allowed the breeding of such noble ideas and values like the relative equality before the law, the equitable distribution of chores and responsibilities, the election of state leaders, the allocation of public or state duties to more and more functionaries and, last but not least, the creation of state funds out of individual contributions (or even of vassal states) for the betterment of life, and the enlightenment of the spirit.

A natural consequence of this was a regionally limited but nevertheless equally valid radiation of this influence. The city states of Athens, Sparta, Mycenae and later on Vergina, and Pella in northern Greece (Macedonia) allowed for a number of cultural zones of influence. Colonies in Thraki (Thrace), southern Italy, Cyprus, Alexandria in Egypt, Nubia, Cyrenaica, and even as far as Corsica, Marseilles, Burgas, Constanza, Odessa, Mariupol and the Caucasus were at some point or another under the cultural influence of the Metropolis.

This helped a lot in the unification of the language (written Greek), in the transfer of local folks and crafts from place to place, and finally in the elevation of the standard of life to more noble and sensitive levels. Not only the architecture, sculpture, mosaics, rudimentary paintings, dance but also theater, music, singing (relics

of which evidently we cannot cherish in our days), arts and crafts started looking similar or the same, and for some time somebody could say that they all lived in the same cultural universe.

But, of course, history is not a linear continuum and new and novel and more powerful currents come and go and shape the face of civilization. Nevertheless, the classical Greek cultural experience and the conditions under which it was generated and spawned can teach us a lot of practical lessons.

It is also true that throughout the centuries many other centers of political power have managed to create at the same time an aura of cultural influence. Constantinople in the Byzantium; Bologna, Florence in Italy; Avignon, Chartres in France; Vienna, Budapest in the Austro-Hungarian Empire; Baghdad, Cairo, Damascus in the Islamic world; Tehran, Shiraz, Isfahan in Iran; Benares, Agra in India; Bali, Borobudur, Angkor Wat in Southeast Asia are some of these successful examples. Nevertheless, what are actually the basic factors that sustain this cultural influence? What are the ingredients that allow the existence and evolution of cultural traits which progress and expand and bring about more and more power and prosperity? We will try to offer such a structural explanation.

There are basically two approaches as to how centers of cultural influence are established and sustained in time.

- a) The self-sustained approach whereby all elements are existent in one location and the total sum of which creates the ideal conditions for developing cultural power and influence. A classical case in this approach is Florence in Italy as well as Constantinople in the Byzantine era.
- b) The regional radiation approach in which the elements of a cultural capital derive from several locations around it, coexist with them and all together contribute to an indisputable sum. This refers to the more colonial capitals throughout history (like Paris, Berlin, Madrid) but also to smaller regional capitals which have assured the active participation of their region. Such cases can be said to be most of the Arab capitals of Baghdad, Cairo, Damascus, Isfahan,

and also the Christian capitals of Alexandria, Kiev, etc.

The truth is, whatever the genesis of these towns, they managed to maintain their cultural influence for a long and protracted period of time, they expanded it through the participation of the adjacent territories, they upgraded it as time went by, and ultimately they achieved to create and pass on to the next generations some of the most beautiful cultural monuments and relics in the world history.

These cultural centers acted in a diligent and enlightened way as they attracted the interest of artists and intellectuals, they initiated novel actions in art and culture, they passed through education and learning their tradition to several generations and finally they managed to keep and uphold their language, philosophy, artistic styles, schools of thought, musical traditions, art inspiration and works of art.

Hannah Arendt and Kornelius Kastoriades recognize that the culture of ancient Greek city polis had many elements of quality and innovation. All aspects of art were then nurtured and encouraged. Sponsors and rich patrons were always available to support their cost. Religious tradition was allowed to permeate most human inspiration but never to control it. And finally, culture of the Greek city polis had a competitive character. Everybody was writing, composing, sculpting, acting, performing or dancing in an effort to do better than his fellow colleagues.

Another element of the culture of the Greek cities, further away from the philosophical and organizational aspects of them, was that they knew how to respect their environment. Both Aristotle and the classical geographers of his time made references and revered the natural environment around their towns and seemed to know how to respect it.

What happened now to the city-states of Central Asia, the Caliphates and the Khanates of the Islamic Middle Age. Although I am not an expert of this period, I dare say that through a consistent and careful study of the 2500 years that have passed, the Khanates of Bukhara, Khiva and Samarkand can definitely demonstrate to have had the basic elements of centers of cultural creation and

influence that most cultural hubs of the Western world managed to rally.

In other words, these city states.

- a) Had an adequate and wise intellectual elite which governed them throughout their history.
- b) They maintained a high level of religious and civic education, through *madrassas* and later on other schools.
- c) They managed to collect, preserve and reproduce a lot of written documents on the history of Islam, on science and technology, on medicine as well as on rich and unsurpassed literature (local legends and stories).
- d) They maintained roads of communication, either through the much appraised classical Silk Road, or through the mountain paths on the Kuen Lun, Tien Shan and the Himalayas.
- e) They benefitted from a benevolent authority-Kings, Emirs, Caliphs and Khans who throughout their rule wished to encourage the creative activity and leave an outstanding inheritance to the following generations.
- f) They had transient, migrant and visiting populations who through their regular pilgrimages would come through the glorious cities of Bukhara, Samarkand and Khiva. These in turn would carry the knowledge, the art and the inspiration on the neighbouring as well as far away territories and lands.
- g) They had an area of influence. Their administrative, political, religious or military domain extended over big stretches of land, cities and populations who were willing to submit themselves to this radiant culture.
- h) Last but not least, they cultivated and ultimately preserved the element of permanence. Just as the classical Greek city states, the city states of Central Asia endeavoured, created, upgraded and perfected knowledge and art which had inherent in them the element of eternity, the element of permanence.

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## ISLAMIST MERCENARIES AND TERRORISM IN KASHMIR

K. Warikoo\*

Whereas the success of the Khomeini revolution in Iran and the dissemination of the ideology of Islamic revolution did influence the Muslim peoples in Asia, the Soviet armed intervention in Afghanistan (December 1979) brought home to them the threats still looming over the Islamic countries. It was in these circumstances of Islamic victory and despair, that the *Jamat-i-Islami* and other Muslim fundamentalist groups of Kashmir like *Students Islamic Federation*, *Islami Jamiat Tulba*, *Muslim United Front*, etc. through their sustained efforts of indoctrination and preaching in mosques, madrassahs, Friday congregations and social and political assemblies ignited the Islamic passions among the majority of Kashmiri Muslims and built the "youth cadres to achieve the objective of Islamicisation of Kashmiri society".<sup>1</sup> The situation was ripe for Pakistan and its wily President, General Zia-ul-Haq to launch the operation of fomenting insurgency and subversion against India in Jammu and Kashmir, what has come to be known as the 'Operation Topac'. The Islamic fundamentalist indoctrination of Kashmiri Muslims was channelised against India and anything that symbolised Indian culture, society and polity. Now slogans of *jihad* (holy war) against the secular and democratic order of India and for the establishment of *Nizam-i-Mustafa* (system based on Islamic Shariah laws) were raised in Kashmir. Thus started the first phase of insurgency and terrorism in Kashmir in 1989. Pakistan, having failed to wrest Kashmir from India by means of direct armed conflicts in 1947-48, 1965 and 1971, now opted for a low cost proxy war against India, by sponsoring terrorism in Jammu and Kashmir.

During the past nine years, the phenomenon of terrorism in Jammu and Kashmir has manifested in coercive intimidation of civil population, introduction of radical Islam in society and culture, violation of human rights and fundamental freedoms of religion.

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expression and life, destruction of properties, ethnic-religious cleansing of Hindu minorities, hostage-taking, attacks on security forces, mines and bomb-blasts, subverting the legitimate civil and political authority in the State and undermining the democratic and pluralistic socio-political order based on the principles of equality and peaceful co-existence.

During the first phase of militancy in Kashmir which started in 1989, the Islamist militant groups strived to “bring structural changes at cultural levels of Kashmir society”,<sup>2</sup> seeking to Islamicise the socio-political set-up in the valley to bring it in tune with the Islamic state of Pakistan and the Muslim *Ummah*. There were open calls for establishment of an Islamic order. The liquidation of central government officials, Kashmiri Pandits, liberal and nationalist intellectuals, social and cultural activists which followed, was described necessary to rid the valley of its un-Islamic elements. Simultaneously, all cinema houses, beauty parlours, wine shops, bars, video centres, use of cosmetics etc. were banned by the militant groups. *Al Barq* issued a ban order on selling of cigarettes.<sup>3</sup> The *Peoples League* asked Kashmiri girls not to take part in any cultural programmes outside the valley.<sup>4</sup> *Allah Tigers* threatened to throw bombs on houses where women would refuse to wear veils.<sup>5</sup> The militants through terror of their gun, coerced the local newspapers to highlight their activities. The *Hizbul Mujahideen* imposed a ban on the circulation of national and Jammu newspapers in Kashmir valley. The *Wahdat-e-Islami* even banned the entry of Mark Tully, the former New Delhi Bureau Chief of the BBC into the valley, asking the people to “stop listening to the BBC”.<sup>6</sup> Offices of daily newspapers like *Aftab*, *Alsafa* and *Srinagar Times* were attacked with bombs and even set on fire. Several prominent mediapersons including Mohammed Shaban Vakil, editor of *Alsafa*, Lassa Kaul, Station Director of Doordarshan, Srinagar were gunned down for not toeing the militant line. The militant groups used both terror tactics and Islamist ideology to control the local press, which now projected the Islamist viewpoint on society, politics, governance, laws etc, as superior to the so called corrupt and anarchaic practices in the democratic and secular order. Various Islamist groups like *Jamat-i-Islami* and its militant wing *Hizbul*



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*Mujahideen*, women's wing *Dukhtaran-i-Millat*, *Jamiat-ul-Mujahideen*, *Allah Tigers*, *Jamiat-ul-Ulemmi Islam* etc. proclaimed the objective of their struggle as Islamicisation of socio-political and economic set-up, merger of Kashmir with Pakistan, unification of *Ummah* and establishment of an Islamic Caliphate<sup>7</sup>.

The Islamist orientation of insurgency in Kashmir became more pronounced. The extremist and terrorist organisations like *Hizbul Mujahideen*, *Jamiat-ul-Mujahideen*, *Harkat ul Ansar*, *Lashkar-e-Taiba*, *Markaz Dawal-al-Irshad*, which launched a religious crusade against the non-Muslim minorities, have been publicly taking pride for killing Hindus in the name of *jihad*. The Muslim extremists launched a malicious campaign against the Kashmiri Hindus through periodic write-ups in local newspapers and through sermons in mosques. And final ultimatum was given to this minority community through press on 14 April 1990 asking them to leave the valley within two days or face retribution and death.<sup>8</sup> About one thousand members of the Hindu minority community were brutally murdered and the entire community of about 300,000 forced out of their hearths and homes. The terrorists resorted to most brutal means of killing by hangings, strangulation, beheadings, skinning alive, blowing the bodies by tying dynamites, slitting of throats, nailing and gunning down the innocent victims. This minority community which is lying scattered in camps in Jammu, Delhi and other parts of India, is agonising in its ninth year of displacement from its indigenous habitat in Kashmir. Terrorism and religious extremism has had devastating consequences for the socio-psychological, physical, health and demographic profile of these displaced persons. More than 30,000 houses belonging to Kashmiri Pandits, hundreds of their business establishments, educational, cultural and religious institutions have been destroyed or burnt with the object of decimating all traces of the 5000 years old history and culture of this non-Muslim minority in Kashmir.<sup>9</sup>

The forced displacement of almost entire Kashmiri Pandit indigenous minority, who were terrorised, killed and hounded out by the Islamist terrorists and mercenaries, presents a classic case of ethnic-religious cleansing with long term implications for the composite

socio-cultural set-up and secular polity in Kashmir. The Islamist mercenaries have even resorted to targetted killings of the few remnants of Kashmiri Pandits who could not move out of the valley due to various constraints. On March 21, 1997 seven such Kashmiri Pandits were forcibly taken out of their hearths in Sangrampura village of Budgam district and gunned down. Recently, 23 members of this miniscule minority including 10 men, 9 women and 2 infants were huddled together in dark cold night of 25 January 1998, at Wandhama village in Ganderbal and mowed down by the Islamist terrorists and mercenaries sponsored by Pakistan, with a clear objective of ensuring that the Indian State of Jammu and Kashmir is cleansed of non-Muslim minorities and the State is not allowed to restore its secular and composite socio-cultural set-up, even after the democratic order has been restored there following the successful organisation of Parliamentary (1996,1998) and State Assembly elections (September 1996).

Having cleared Kashmir of the Hindus, brought the media to heel and crippled the administrative and political structures, the terrorists now started bringing the local Muslims under their control. Thousands of young Kashmiri Muslims were coerced to cross the LOC (Line of Actual Control) to undergo training in arms and sabotage in various training camps set up in Pak-occupied Kashmir, Pakistan and Afghanistan. Select groups of such recruits were taken for advanced training to camps on the Pak-Afghan border and inside Afghanistan. Thousands of local youth who resisted, were tortured and even killed. In this phase of militancy, it were the local Muslims who bore the brunt of atrocities by the Islamist terrorists and mercenaries. Thousands were killed in this process.

**Death Toll in Terrorist Violence in Jammu and Kashmir<sup>10</sup>**  
(1988-94) = 10,032 persons

1988	1989	1990	1991	1992	1993	1994
31	92	1,177	1,393	1,909	2,567	2,863

According to official estimates, 3,625 persons including 21 foreigners, 128 politicians, 307 government officials and 145 women

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were kidnapped by the terrorists since 1989 till the end of March 1998.<sup>11</sup> Out of them, only 862 persons were released after keeping them hostage for varying periods and after extortions, torture, rape and exchange of militants.<sup>12</sup> More than 107 million of rupees were reported to have been looted by the militants in 720 incidents during the same period whereas most such cases went unreported.<sup>13</sup> More than 1,271 government buildings, 765 educational institutions, 344 bridges, 1,685 shops, 10 hospitals and about 10,000 private houses were destroyed by the terrorists.<sup>14</sup> Series of assassinations and bomb attacks on social and political activists belonging to nationalist and liberal sections of Muslim society in Kashmir were enacted in a bid to destroy the established political structures and to thwart the process of restoration of democracy in the State.

The brutal killings, extortions, kidnappings, rape of women, destruction of properties and holy shrines, both Hindu and Muslim, by the Islamist terrorists and mercenaries caused revulsion among the common masses in Kashmir against the *Jamat-i-Islami* brand of fundamentalism. This was more so because the Islamist groups like *Jamati-i-Islami* and *Jamiat Ahl-e-Hadith* directed their efforts to eliminate the traditional social and religious practices prevalent among the Kashmiri Muslims. These Islamist groups exhorted the Kashmiri Muslims to banish such un-Islamic practices as visiting ancient holy shrines of Sufis and Rishis. The people of Srinagar even resisted the attempts by some militant groups to stop the celebration of annual *Urs* at Batmol Rishi.<sup>15</sup> Then followed the burning down of a part of Baba Rishi shrine near Tangmarg. In Aish Muqam, there was a bloody clash in which a few people got killed, when "militants tried to prevent the local villagers from celebrating the *Urs* of Baba Zainuddin Rishi".<sup>16</sup> And on May 11, 1995 the Islamist mercenaries from Aghanistan and Pakistan led by Mast Gul, destroyed the ancient holy shrine of Sheikh Nooruddin Rishi at Chrar-e-Sharif, 35 kms. from Srinagar.<sup>17</sup> This shrine had been a centre of pilgrimage for lakhs of devotees both Hindus and Muslims, over the past six hundred years. More recently in early July 1998 the terrorists made an abortive attempt to blow up the nearly 700 years old shrine of Naqshband Sahib in

Srinagar.<sup>18</sup> Similarly *Hizbul Mujahideen* and other such outfits have been holding out public threats against participation by Hindus of Kashmir and from other parts of India in the annual pilgrimage to holy Amar Nath cave. These holy shrines of Kashmir have been targetted by the Islamist terrorists and mercenaries in order to obliterate the indigenous ethno-cultural and spiritual heritage of Kashmir and the traditional ethos of religious tolerance, harmony and peaceful co-existence, and to usher in the fundamentalist and radical Islamic practices.



*The destroyer of Chrar-e-Sharif. Infamous foreign mercenary 'Mast Gul' being welcomed in a mass meeting in Pakistan.*

All these circumstances stirred the traditional Kashmiri Muslim society and the initial euphoria over *jihad* started withering away. Now local Muslims even ventured to resist the coercive tactics employed by the terrorists. May 1996 witnessed the successful conclusion of parliamentary elections in Jammu and Kashmir despite the general atmosphere of scepticism and fear generated by the

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mercenaries and pro-Pak secessionist groups. Undeterred by the threats of violence by terrorists and calls for boycott by the All Party Hurriyat Conference and other militant groups, people came out in unexpectedly substantial numbers to elect their representatives to the Indian parliament. Encouraged by the success of the parliamentary elections, the Jammu and Kashmir State went to its 87 member Assembly polls in September 1996. The active and spontaneous participation of people of J&K in these elections symbolised an act of defiance against the militancy and cult of gun. The militant and secessionist groups like APHC could not muster support to their poll boycott calls. Even the APHC leader, Shabir Ahmed Shah had to admit that there was "increasing discontent among the people against it".<sup>19</sup> Interestingly, there was unusually high turnout of about 80 per cent in Charar-e-Sharif and adjoining areas of Chadoora etc. The inhabitants of these areas came out in large numbers to exercise their franchise giving vent to their anger and anguish at the burning of the historic shrine of Sheikh Nooruddin Noorani by Afghan mercenaries in May 1995. By the successful and peaceful conduct of Assembly polls after a gap of nine years, the people of the State elected their own representatives and achieved self-governance bringing an end to the seven years of President's rule. Similarly parliamentary elections were again held in Jammu and Kashmir alongwith other parts of India in early 1998. This time, there was even greater mobilisation and participation of Kashmiri political activists and groups of various hues. In fact, opposition candidate scored victory over the official National Conference candidate in Anantnag constituency and in Baramulla the opposition candidate scored second largest number of votes. But the Islamist terrorists and mercenaries did their best to thwart this democratic process by killing or injuring hundreds of political activists belonging to National Conference, Congress, Janata Dal, Awami League and CPI (M). They were only following the dictats of their Pak sponsors. The Amir of *Lashkar-e-Taiba*, Hafiz Mohammad Khan went on record saying : "Democracy is among the menaces we inherited ... These are all useless practices and part of the system we are fighting against. If God gives us a chance; we will try to bring in the pure concept of an Islamic Caliphate."<sup>20</sup>

The possibility of establishing a new Islamic Caliphate running from Kashmir to Pakistan through Afghanistan, Iran and Central Asia was being discussed by the Islamist extremist groups in Kashmir at a time when the Soviet troops had withdrawn from Afghanistan and the Muslim Central Asian Republics emerged as independent states following the disintegration of U.S.S.R. They were echoing the ideas of the Amir (Chief) of *Jamat-i-Islami*, Pakistan, Qazi Hussain Ahmed, who speaking on Kashmir Solidarity day in Rawalpindi in February 1992 declared that "a great Islamic state, spreading from Kashmir to Central Asia would emerge after the independence of Kashmir."<sup>21</sup> Soon after new groups like *Tehrik-i-Ahyay-e-Khilafat* (the movement for revival of Caliphate) and *Tehrik-e-Khilafat-e-Islamia* (the movement for Islamic Caliphate) announced their presence in Kashmir.<sup>22</sup> They propounded the ideology of transnational Islam and the Caliphate. TKI asserted that "Islam did not recognize nationalism or territorial patriotism. The slogans based on ethnicity, race, gender or nationalism were false... The real Islamic ideology was the ideology of Caliphate... The slogan that future of Kashmir would be decided by Kashmiris has given rise to an evil, which was distorting the Islamic identity of present movement, and reducing it to a mere democratic movement".<sup>23</sup> It is against this backdrop that there emerged close linkage between the Islamist insurgents from Kashmir and the Afghan Mujahideen, with the pan-Islamic ideology binding them together. That thousands of such Kashmiri militants exfiltrated to Pakistan and Afghanistan to undergo training in arms and guerilla warfare, with some of them later fighting alongside the Afghan Mujahideen, lent new dimensions to the ongoing militancy in Kashmir. Now the insurgency in Kashmir was not only losing its indigenous character, but was also being simultaneously taken over by the Islamist radicals and Afghan and Pak mercenaries as part of the new Pakistani strategy.

The marginalisation of Kashmiri militant outfits like JKLF, was deftly brought about by Pakistan after failing to sustain the euphoria among Kashmiri Muslims about their movement against India. This was achieved by propping the radical Islamist terrorist groups like *Hizbul Mujahideen*, *Harkat ul Ansar*, *Markaz Dawaa-al-Irshad* and its armed wing *Lashkar-e-Taiba* in Kashmir, their cadres being drawn

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from heavily armed and battle hardened Afghan, Pakistani and other Islamist mercenaries all maintaining close linkages with the *Jamat-i-Islami* in Pakistan and Kashmir.

*Hizbul Mujahideen* (HM) which was established in late 1989 as the militant wing of the *Jamat-i-Islami*, Kashmir, soon gained prominence after the *Jamat-i-Islami* and *Islami Jamat-e-Tulaba* of Pakistan-occupied Kashmir provided liberal arms, funds and cadre support to the HM. This pan-Islamic group gained exclusive control over the terrorist operations in Kashmir in 1990 by diluting the influence of JKLF, by eliminating such Kashmiri secessionists considered inimical to the pan-Islamic ideology and interests of Pakistan, by maintaining hegemony through sufficient arms strength and by utilising the infrastructure and apparatus of *Jamat-i-Islami* in Kashmir, Pak occupied Kashmir and Pakistan. The HM has been following the technique and model of Afghan insurgency against the Soviets, and its cadres are mainly drawn from foreign Islamist mercenaries particularly from Afghanistan and Pakistan, mostly veterans of the Afghan war. The Afghan Mujahideen loyal to the *Hizb-e-Islami* of Gulbadin Hekmatyar were first to join the HM in mid-1991. And following the fall of Najibullah regime and the establishment of Islamic state of Afghanistan by the Mujahideen, the influx of Afghan mercenaries into Kashmir increased. Mercenaries from other Islamic countries like Saudi Arabia, Egypt, Sudan, Algeria etc. have also joined them. The HM and its mercenaries who are specialised in improvised explosive devices, laying mines, ambush, operating heavier weapons like rockets (anti-aircraft guns) and other lethal weapons, have fanned out in the Jammu region and even in some parts of India to stage acts of terrorism.

*Harkat-ul-Ansar* (HUA) is another deadly radical Islamist terrorist group with its headquarters in Islamabad. HUA was established in late 1993 in Pakistan and soon after in Kashmir after the merger of two pan-Islamic outfits *Harkat-ul-Jihad-e-Islami* and *Harkat-ul-Mujahideen*, and with the sponsorship of *Jamat-ul-Ulema Islam* and *Tableeg-ul-Islam* - the Pakistani Islamic fundamentalist groups. HUA which aims at 'liberating the Muslim majority areas and establishing the supremacy of Islam, has its operations extending to Kashmir and other parts of India besides Bangladesh, Pakistan and the Central Asian

Republics. This organisation has been recruiting students from Muslim theological schools for arms training being given in Elaka Gair and Khost areas of Afghanistan. The HUA strategy is to achieve its Islamist objectives by means of *Tableegh* (religious discourses), publicity and *jihad* (holy crusade). Most of the *Harkat-ul-Ansar* mercenaries infiltrated into Jammu and Kashmir have been esconsed in the hilly areas of Baramulla, Anantnag, Udampur, Kishtwar and Doda from where they extend their reach to adjoining Himachal Pradesh as well. The HUA cadres have been conducting their operations against Indian security forces besides targeting the Hindu minorities in Kashmir and Jammu region, in tandem with the *Hizbul Mujahideen*. Being equipped with heavy and long range weapons and sophisticated wireless communication system, the HUA mercenaries have played the key role in terrorist activities including gruesome massacres of Hindu minorities in Jammu and Kashmir since 1997.

*Markaz Dawat-ul-Irshad* (MDI) which was established in 1980s in Muridke near Lahore in Pakistan is an international Islamist fundamentalist and terrorist centre, maintaining close links with *Al-Gamaa-al Islamiya* of Egypt, the *Ikhwan-ul-Musalmeen* and the Islamic radical groups of Algeria. MDI took active part in the Afghanistan war against the Soviet troops. After the successful culmination of *jihad* in Afghanistan, the MDI focussed its attention to Kashmir and started recruiting Islamist volunteers from various Muslim countries including Afghanistan and Pakistan for *jihad* in Jammu and Kashmir. *Markaz Dawat-ul-Irshad* has been propagating pan-Islamic Wahabi ideology, and it receives support from centres in Sudan and Saudi Arabia. During the sixth annual convention of MDI held at Muridke, Lahore from November 3-5, 1993, Hafiz Mohammad, its chief declared that Kashmir was not the final destination of the Mujahideen of the Markaz but only a gateway to India. He asserted that *jihad* would be extended to entire India.

*Lashkar-e-Taiba* which is the armed wing of the *Markaz Dawat-ul-Irshad*, has of late been trying to establish a foothold in Jammu and Kashmir. Few hundred foreign mercenaries owing allegiance to the *Lashkar* are reported to be active in the State, engaging Indian security forces in long drawn clashes and indulging in subversive activities.



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Two to three thousand Islamist terrorists are reported to be active in Jammu and Kashmir. Of these, the *Hizbul Mujahideen* accounts for around 1000, *Harkat-ul-Ansar* for another 600 to 700 and the *Lashkar-e-Taiba* for another 300.<sup>24</sup> Foreign mercenaries sent by Pakistan are estimated to be around a quarter of the *Hizbul Mujahideen*, more than half of the *Harkat-ul-Ansar* and nine-tenths of the *Lashkar-e-Taiba*.<sup>25</sup> These foreign mercenaries mainly from Afghanistan and Pakistan have been supplied sophisticated weapons like AK 47/56/74 Assault and Sniper rifles, UMG/GPMG, rocket launchers, pistols, SAM-7-anti-aircraft missiles, explosives, anti-tank and personnel mines, state of the art communication equipment and night vision devices. An exhibition of such weapons and equipment recovered by Indian security forces from these mercenaries, was recently held in Delhi in July 1998.

#### **Weapons Recovered by Indian Forces<sup>26</sup>**

1.	Rifle AK-47	13,115
2.	UMG/LMG	818
3.	Sniper rifles	454
4.	Sten guns	26
5.	Pistols	4,922
6.	SB/DB guns	755
7.	Anti personnel mines	5,331
8.	Anti-tank mines	349
9.	Hand grenades	31,663
10.	RPG's	814
11.	Explosives	9,809
12.	Radio sets	1,240
13.	Ammunition	262,5027

And to facilitate the infiltration of Islamist mercenaries, Pakistani forces resort to firing at Indian pickets along the LOC, to divert attention and to provide cover to the armed intruders. As per Indian Army estimates, Pakistani troops are reported to have fired more than 10,50,000 small arms rounds, 17,000 artillery rounds, 2000 anti-aircraft rounds and 1000 rocket propelled grenades in the first six months of 1998 alone.<sup>27</sup> Credible reports estimate that battle-

hardened Afghan war veterans are paid Pakistani Rs. 200,000 for one year job in Kashmir, which is raised to Rs. 500,000 if they remain there for two years.<sup>28</sup> In the event of their being killed in the operations, their families are given compensation. Besides, minimum monthly stipend and rewards are given to the militants for major actions. These funds are provided by Pakistan and its Inter Services Intelligence agency through its own budget, the narcotics and hawala trade and currency counterfeiting. That Pakistan's Information Minister, Mushahid Hussain, Punjab province Governor, Shahid Hamid and other provincial ministers visited the headquarters of *Lashkar-e-Taiba* in Muridke, near Lahore in April 1998, confirms the reports of continued and active Pakistani involvement in training, sponsoring armed Islamist mercenaries for sabotage and terrorism in Kashmir.<sup>29</sup> Hussain hailed the activities of the *Markaz Dawa-al-Irshad* stating that the true concept of Islamic *jihad* was being taught by the *Markaz*.<sup>30</sup> Punjab Governor appreciated the role of *Markaz* in the Kashmir struggle<sup>31</sup>, thereby giving official Pakistani sanction to export of mercenaries and terrorism to Kashmir.

The pattern of Islamist mercenary activities in Jammu and Kashmir during the past few years suggests that their infiltration and terrorist operations have increased both in breadth and intensity, with the corresponding decline in the local support and popularity of militant groups in Kashmir. Restoration of the democratic process and establishment of the duly elected government in the State in September 1996, delivered a big blow to Pakistan in its proxy war in Kashmir. Now Pakistan intensified its efforts to induct mercenaries into Kashmir to carry out sabotage, targetted killings and attacks on security forces. The Pak-sponsored mercenaries have been employing the local *Hizbul Mujahideen* cadres for securing hide-outs, logistics and also to act as local guides in their terrorist operations. These Islamist mercenaries enacted series of gruesome massacres of about 200 civilians all belonging to the Hindu minority in various parts of Jammu and Kashmir, during the first seven months of 1998.<sup>32</sup>



*Massacre of Kashmiri Pandit.  
at Wandhama (23 January 1998)*

**CIVILIANS KILLED (Jan. - July 1998)**

Date	Place of Killing	No. of People killed
26 January 1998	Wandhama	23
31 January 1998	Kishtwar	8
23 February 1998	Doda	2
17 April 1998	Prankote	29
19 April 1998	Dessa	13
7 May 1998	Surankote and Doda	13
19 June 1998	Chapnari	25
13 July 1998	Heidi Dhoke	4
28 July 1998	Doda	16

That the Islamist mercenaries have extended their operations from Kashmir to Poonch, Mendhar, Rajouri, Doda, Kishtwar and lately to Chamba in Himachal Pradesh, signals the new Pak strategy of terrorising and forcing out the Hindu minorities from these hilly areas and to Islamicise the entire State. Pakistan also seeks to acquire control over the strategic and high altitude areas in Jammu and Kashmir for carrying out its future offensive against the Indian forces in the State. By pushing in mercenaries and simultaneously shelling the border areas along the LOC, Pakistan has sought to project Kashmir as a flashpoint in South Asia bringing it into the focus of world attention.

## FOREIGN MERCENARIES ARRESTED\* IN J&amp;K

	1991	1992	1993	1994	1995	1996	1997	1998**	Total
Pak/POK	2	8	22	17	22	6	8	11	96
Afghan	-	1	-	5	-	5	10	1	22
Lebanese	-	-	1	-	-	-	-	-	1
Bahrain	-	-	2	-	-	-	-	-	2
Tajikistan	-	-	-	-	1	-	-	-	1
Bangladesh	-	-	-	1	-	-	1	-	2
U.K.	-	-	-	1	-	-	-	-	1
Others	-	-	-	-	-	2	-	-	2
<b>Total</b>	<b>2</b>	<b>9</b>	<b>25</b>	<b>24</b>	<b>23</b>	<b>13</b>	<b>19</b>	<b>12</b>	<b>127</b>

\* The arrests include those Afghan and Pakistani mercenaries who surrendered before Indian security forces.

\*\* These figures are for the period ending July 1998.

## FOREIGN MERCENARIES KILLED IN J&amp;K

	1991	1992	1993	1994	1995	1996	1997	1998**	Total
Pak/POK	2	12	27	39	28	44	55	43	250
Afghan	1	6	62	53	39	48	38	20	267
Egyptian	-	-	1	-	-	-	-	-	1
Sudanese	-	-	2	1	1	2	2	-	8
Yemen	-	-	-	1	-	2	-	1	4
Bahrain	-	1	-	-	-	-	-	-	1
Tajikistan	-	-	1	-	-	-	-	1	2
Turkish	-	-	-	-	1	-	-	-	1
Bangladesh	-	-	-	-	-	1	-	-	1
Algeria	-	-	-	1	-	-	-	-	1
Saudi Arabia	-	-	1	1	-	-	-	-	2
Iraq	-	-	-	-	-	-	-	1	1
Nepal	-	-	-	-	-	-	1	-	1
Others	-	-	3	29	50	97	162	99	440
<b>Total</b>	<b>3</b>	<b>19</b>	<b>97</b>	<b>125</b>	<b>119</b>	<b>194</b>	<b>258</b>	<b>165</b>	<b>980</b>

## **ISLAMIST MERCENARIES AND TERRORISM IN KASHMIR**

### **TERRORIST TRAINING CAMPS IN AFGHANISTAN**

1. Al Badar
2. Asadabad
3. Chehrabagh (Heavy Weapons Trg.)
4. Ghazni
5. Hekmatyar Camp
6. Jaibar (Heavy Weapons Trg.)
7. Jalalabad (Heavy Weapons Trg.)
8. Kabul
9. Kandhar
10. Kantara (Adv. Trg.)
11. Khalid Markaz
12. Khost (Multan)
13. Kunar (Adv. Trg.)
14. Markaz-e-Taiba
15. Pakhtia (Paktya)
16. Pashshad (Kunar)
17. Pharsi Gund, Khost
18. Sarkanar
19. Shalfia Markaz
20. Tremangal(3months spl.course)
21. Yawar (3 months spl. course)

### **TERRORIST TRAINING CAMPS IN PAKISTAN**

1. Abbottabad
2. Alipur Chatha
3. Attock
4. Awan Sharief
5. Ayubia Camp
6. Bajaur, NWFP
7. Battal
8. Chakwal
9. Chirat Fata
10. Dera Ghazi Khan
11. Dera Ismail Khan
12. Elaqa Gair (Miram Shah)
13. Fatehjang
14. Ganjo Takkar (Hyderabad)
15. Garhi Habibullah
16. Gujranwala
17. Gujrat
18. Gujrat (Teh Falia)
19. Hasalpur (Multan)
20. Hyderabad (Sindh)
21. Isa Khel
22. Islamabad (Near Airbase)
23. Jabori
24. Jabri, (Near Lora)
25. Jhari (Hospital Camp),Islamabad
26. Jhelum
27. Kahuta
28. Kakul
29. Karachi (Bandar Road)
30. Karachi (Haji Camp)
31. Karachi (Maskan)
32. Khost
33. Kohala
34. Kohat
35. Kotli
36. Lahore
37. Lahore (FIU House)
38. Lahore (Gulbarg)
39. Lahore (Rainawala)
40. Landi Kotal (Miram Shah)
41. Larkana (Sindh)
42. Manshera Forest
43. Mansura Multan
44. Mardan (Peshawar)

**K. Warikoo**

- |                             |                                |
|-----------------------------|--------------------------------|
| 45. Muree                   | 46. Narowal (Punjab)           |
| 47. Naqibabad Forest        | 48. Oghi Village               |
| 49. Ojheri Camp             | 50. Pabbi Forest               |
| 51. Para Chinar             | 52. Planchi                    |
| 53. Peshawar                | 54. Quetta                     |
| 55. Rawalpindi              | 56. Rawalpindi (Chandni Chowk) |
| 57. Rawalpindi (Chaklala)   | 58. Rawalpindi (Fatehabad)     |
| 59. Rawalpindi (Musum Town) | 60. Saidgali                   |
| 61. Sargodha                | 62. Shaukat (Near Khost)       |
| 63. Shekhupura              | 64. Shinkiari                  |
| 65. Sialkot                 | 66. Tando Alaiya (Hyderabad)   |
| 67. Trubella                | 68. Thal                       |
| 69. Thandiani               | 70. Thang                      |
| 71. Uthal, Baluchistan      | 72. Warsak, NWFP               |

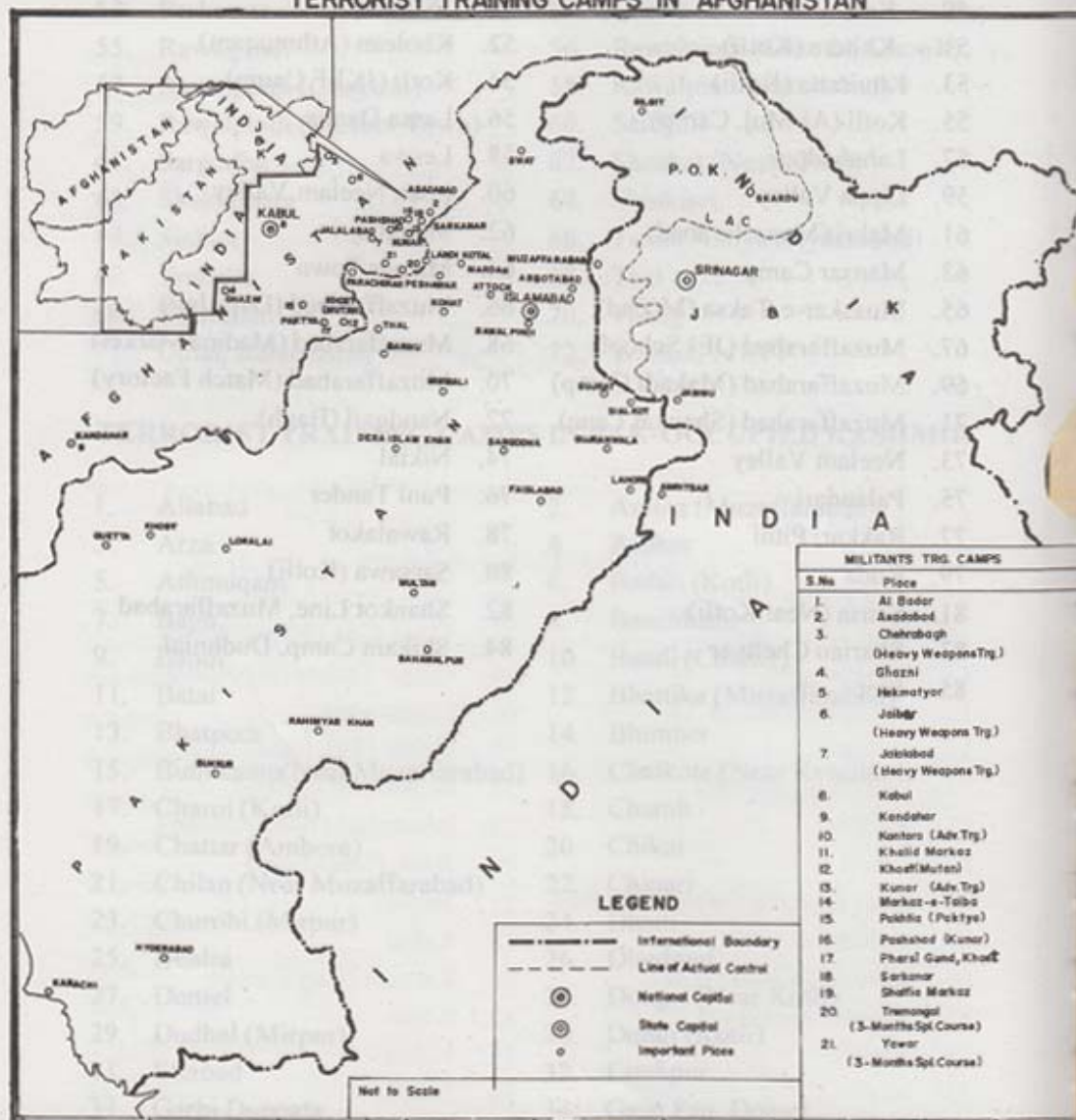
**TERRORIST TRAINING CAMPS IN PAK-OCCUPIED KASHMIR**

- |                                  |                              |
|----------------------------------|------------------------------|
| 1. Aliabad                       | 2. Amina (Muzaffarabad)      |
| 3. Arza                          | 4. Ashkot                    |
| 5. Athmuqam                      | 6. Badali (Kotli)            |
| 7. Bagh                          | 8. Banchhatar                |
| 9. Bandi                         | 10. Bandi (Chatter)          |
| 11. Batal                        | 12. Bhattika (Muzaffarabad)  |
| 13. Bhatpora                     | 14. Bhimber                  |
| 15. Buthicamp(Near Muzaffarabad) | 16. Chalkote (Near Rawalkot) |
| 17. Charoi (Kotli)               | 18. Chamb                    |
| 19. Chattar (Ambore)             | 20. Chikar                   |
| 21. Chilan (Near Muzaffarabad)   | 22. Chinari                  |
| 23. Churohi (Mirpur)             | 24. Dhani                    |
| 25. Dehira                       | 26. Dhudnial                 |
| 27. Domel                        | 28. Dongri (Near Kotli)      |
| 29. Dudhal (Mirpur)              | 30. Dungi (Kotli)            |
| 31. Eftabad                      | 32. Fatehpur                 |
| 33. Garhi Dupkata                | 34. Gaso Pan, Domel          |
| 35. Gilgit                       | 36. Gojra Fort               |
| 37. Gulpur (Kotli)               | 38. Gultari                  |
| 39. Hajira                       | 40. Hatian                   |
| 41. Holland Jungle (Near Kotli)  | 42. Jabakhan                 |

***ISLAMIST MERCENARIES AND TERRORISM IN KASHMIR***

- |                                 |                                  |
|---------------------------------|----------------------------------|
| 43. Jari Khas                   | 44. Jatta (Mirpur)               |
| 45. Jhallan (Near Dhani)        | 46. Kamri                        |
| 47. Kamsar                      | 48. Kanchhatra                   |
| 49. Kel                         | 50. Kharian                      |
| 51. Khitera (Kotli)             | 52. Kholean (Athmuqam)           |
| 53. Khuiratta (Kotli)           | 54. Kotli (JKLF Camp)            |
| 55. Kotli (Al-Muj. Camp)        | 56. Lassa Danna                  |
| 57. Lahabadpur                  | 58. Leswa                        |
| 59. Lippa Valley                | 60. Loat, Neelam Valley          |
| 61. Makri (Muzaffarabad)        | 62. Mangbajri                    |
| 63. Mansar Camp                 | 64. Mirpur Town                  |
| 65. Muaskar-e-Taksa (M/Bad)     | 66. Muzaffarabad (Dapi Jail)     |
| 67. Muzaffarabad (JEI School)   | 68. Muzaffarabad (Madina Market) |
| 69. Muzaffarabad (Makadi Camp)  | 70. Muzaffarabad (Match Factory) |
| 71. Muzaffarabad (Shaukat Lane) | 72. Nandgail (Bagh)              |
| 73. Neelam Valley               | 74. Nikial                       |
| 75. Palandari                   | 76. Puni Tander                  |
| 77. Rakkar, Pithi               | 78. Rawalakot                    |
| 79. Ruda                        | 80. Sarsawa (Kotli)              |
| 81. Sensa (Near Kotli)          | 82. Shankot Line, Muzaffarabad   |
| 83. Sharian Chettyar            | 84. Shikara Camp, Dudhnial       |
| 85. Siot                        |                                  |

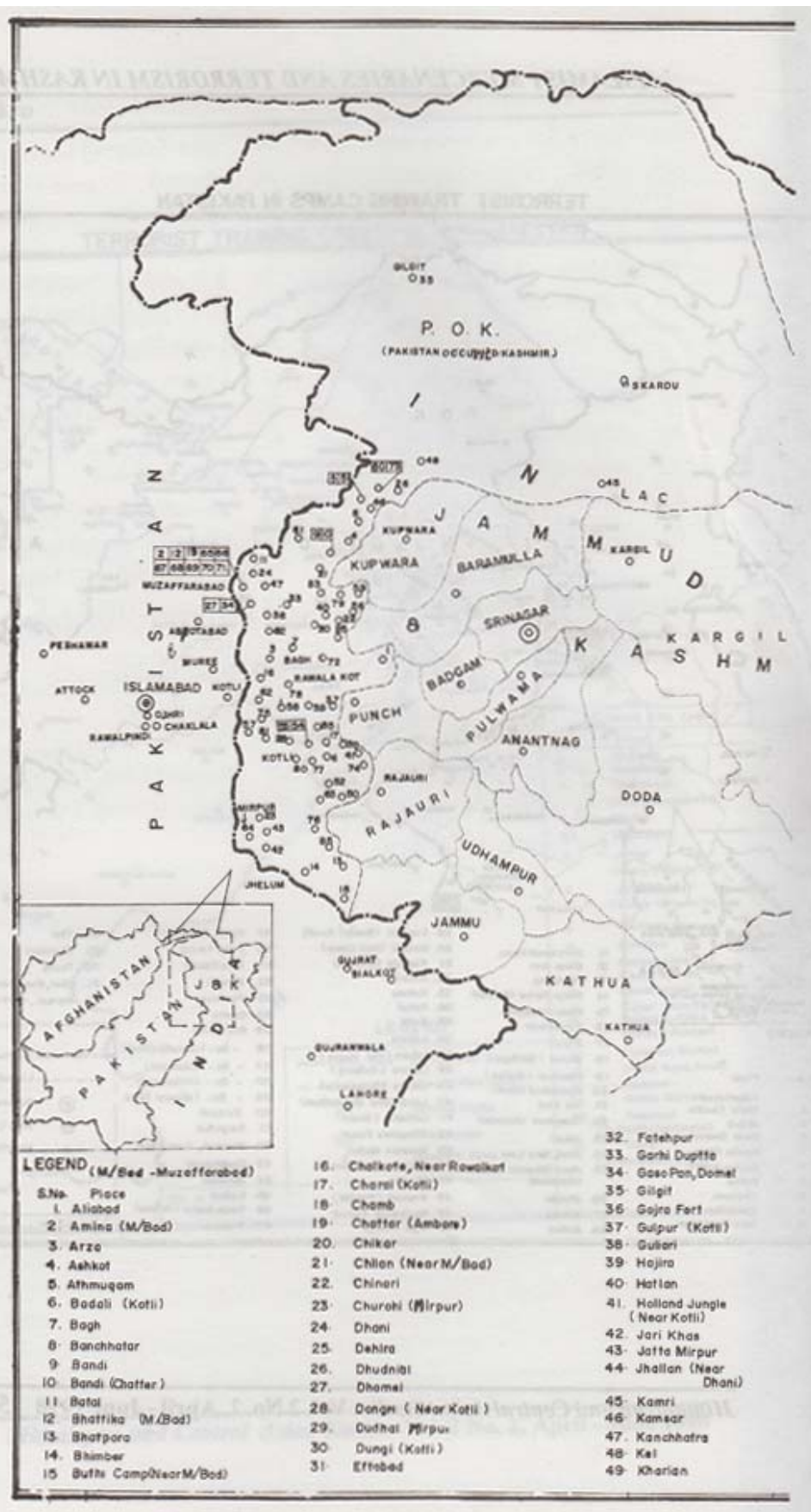
TERRORIST TRAINING CAMPS IN AFGHANISTAN



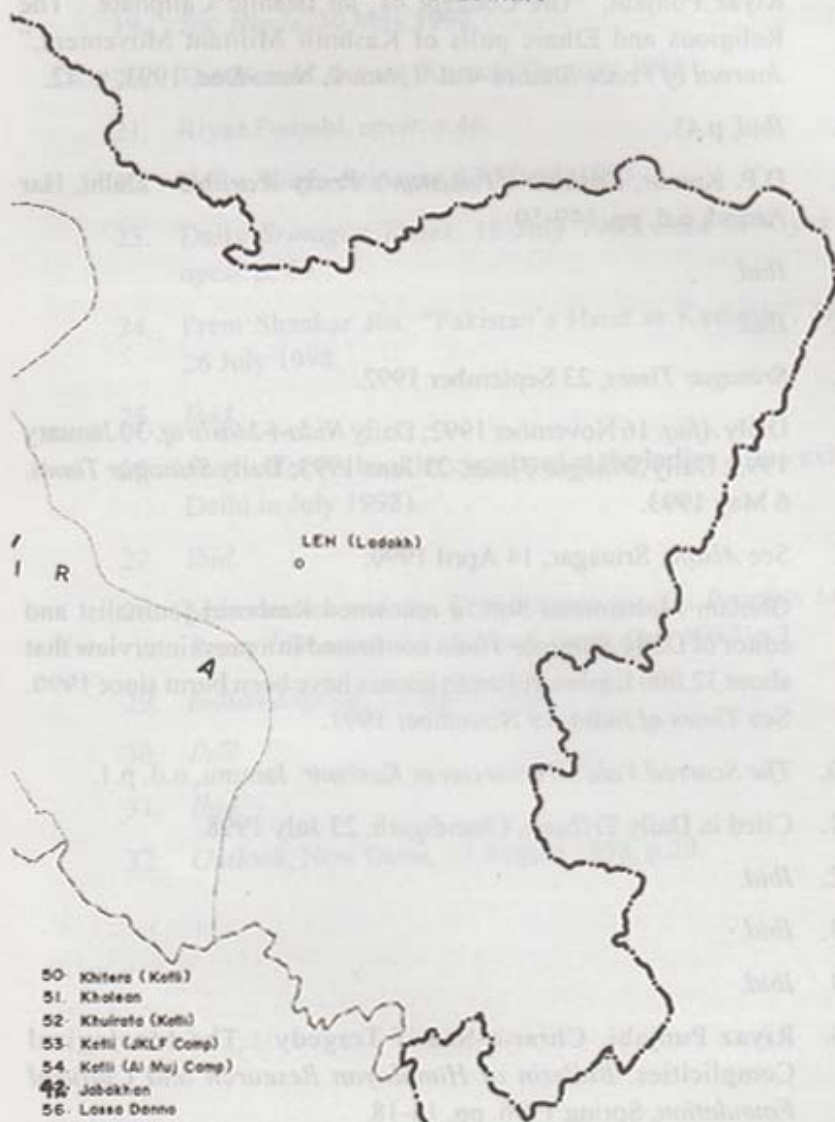


**ISLAMIST MERCENARIES AND TERRORISM IN KASHMIR**





# TERRORIST TRAINING CAMPS IN PAK-OCCUPIED KASHMIR



- |                          |                          |
|--------------------------|--------------------------|
| 50. Khitero (Kotli)      | 74. Nikial               |
| 51. Kholean              | 75. Palandri             |
| 52. Khulrafo (Kotli)     | 76. Puni Tander          |
| 53. Ketti (JKLF Camp)    | 77. Rakkor, Pitki        |
| 54. Ketti (Al Muj Camp)  | 78. Rawalakot            |
| 55. Jobakhon             | 79. Ruda                 |
| 56. Lasso Denno          | 80. Sarawa (Kotli)       |
| 57. Lohabadpur           | 81. Senso (Kotli)        |
| 58. Laxwa                | 82. Shankot Line (M/Bad) |
| 59. Lippo Valley         | 83. Sherian Chettyar     |
| 60. Loal, Neelan Valley  | 84. Shikore Camp         |
| 61. Makri, Muzaffarabad  | 85. Shimini (Mannal)     |
| 62. Mangajri             | 86. Siat                 |
| 63. Mansar Camp          |                          |
| 64. Mirpur Town          |                          |
| 65. Muskar-e-Tal (M/Bad) |                          |
| 66. M/Bad (DAP I Jait)   |                          |
| 67. M/Bad (Jai School)   |                          |
| 68. M/Bad (Medina Mkt)   |                          |
| 69. M/Bad (Makadi Camp)  |                          |
| 70. M/Bad (Match Feet)   |                          |
| 71. M/Bad (Shouket Lane) |                          |
| 72. Nandgall (Bogh)      |                          |
| 73. Neelan Valley        |                          |

(Boundaries)

- International
- State
- Line of Actual Control
- o Important Place

Not to Scale

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## The United Nations Commission on Human Rights (54th Session) : A Report

Sharad K. Soni\*

The UN Commission on Human Rights convened for the 54th time on March 16, 1998 at the Palais des Nations in Geneva, for a period of about six weeks ending on April 24, 1998 to review and discuss the situation of human rights and fundamental freedom all over the world. This annual session of the Commission coincided not only with the commemoration of the 50th anniversary of the Universal Declaration of Human Rights, but also with the five-yearly review of the follow up to the World Conference on Human Rights. It was for the second time that the opening speech at the Commission's session was made by the UN Secretary General, the first time being by the then UN Secretary-General, Boutros Boutros Ghali at the 52nd session of the Commission in 1996. In his opening speech Kofi Annan, the UN Secretary General stressed the importance of the Universal Declaration of Human Rights as a model for domestic constitutions and law, regulations and policies, and practices of governance that protect human rights. He stated that the 50th anniversary motto of "all human rights for all" summed up the challenge the world faced today. "The Declaration served as the common proclamation of human rights," he said. "Yet Human Rights violations remained a wide-spread reality which the world had not been able-nor in some cases-willing to stamp out". Mr. Annan said that the next century must be the age of prevention since one could no longer claim that a lack of available resources prevented the international community from action in time. "Today's human rights violations were the causes of tomorrow's conflicts. This vicious circle of violations and conflict, leading to new violations, can and must be stopped," he added.

Mr. Jacob Selebi of South Africa was elected Chairman this year who replaced Miroslav Somol of the Czech Republic. in his

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address the outgoing Chairman described the present session as a milestone during the commemoration of the 50th anniversary of the Universal Declaration of Human Rights. He also stressed the need to overcome a number of problems facing the human rights organ, including one of the major and almost permanent problems, i.e. a certain overpoliticisation of its work. In his opening statement, the newly elected Chairman, Selebi appealed to the delegates not to use the Commission to advance political agendas and confrontation but to promote a genuine spirit of cooperation towards the realization of all human rights. One special feature of this session was a discussion on the Bench Marks of Human Rights organised by the Centre of Human Rights. The discussion was chaired by the Chairperson of the UN Commission on Human Rights, Mary Robinson. The presentations by the experts were illuminating and they indicated the expanding universe of human rights regime.

A number of issues deliberated at the 54th session of the UNCHR included the Realization of the Economic, Social and Cultural Rights and Right to Development; the Right of Peoples to Self-determination and its Application to Peoples under Colonial or Alien domination or Foreign occupation; Rights of all Persons subjected to any form of Detention, Torture, Enforced Disappearance; Further Promotion and Encouragement of Human Rights and Fundamental Freedoms; Human Rights and Mass Exoduses; Status of the International Convention on Human Rights; Human Rights of Migrant Workers; Report of the Sub-commission on Prevention of Discrimination and Protection of Minorities; Rights of Persons belonging to National or Ethnic, Religious and Linguistic Minorities; Implementation of the Declaration on the Elimination of all Forms of Intolerance and of Discrimination based on Religion or Belief; Rights of the Child etc. Besides, the Commission heard a number of reports presented by the Special Rapporteurs on the latest country situations. While discussing how to realize economic, social and cultural rights in all countries as well as the rights to development and self-determination, the Commission also considered the human rights of persons subjected to any form of detention with particular

focus on torture and other cruel, inhuman or degrading treatment or punishment and enforced or involuntary disappearances. A relatively new question on the Commission's agenda was that of conscientious objection to military service. This session also provided an opportunity for the members of the Commission to consider the follow up to the 1993 World Conference on Human Rights held in Vienna.

Various countries raised the issue of politicisation of Human Rights. Savitri Kunadi of India stressed the need to avoid politicisation, double standards and selective targetting in the work of the Commission. Wu Jianmin of China wanted the Commission to give adequate attention to economic, social and cultural rights as well as right to development. Kamal Kharazi, Minister for Foreign Affairs of Iran said that the question of human rights, during most of the cold war rivalry, had been utilized as a political tool against opponents. "Bloc formations and confrontations reigned as the leading powers persisted on accusing their rivals of violating human rights, while protecting themselves and their allies from slightest notions of criticism, that should have ended with the demise of the cold war", he said. "But hopes of a better, less politicised approach to human rights faded as East - West rivalry was quickly replaced by the North - South divide." He stated that to bridge that divide was the most significant challenge of the present historic juncture. He also emphasized that economic and social rights were inseparable from civil and political rights and that alleviation of poverty and provision of decent standard of living required as much attention and scrutiny as protection of freedom of thought and expression.

Masahiko Koumura, State Secretary for Foreign Affairs of Japan regretted that the human rights enumerated in the Declaration had not been universally and fully guaranteed inspite of the international community's efforts. Tarja Halonen, Minister of Foreign Affairs of Finland stressed the need for more constructive and open dialogue between the South and the North keeping in view their different national priorities and concerns. Kamal Thapa, Minister for Foreign Affairs of Nepal pointed out that for people living below subsistence



levels and struggling everyday to find bread and shelter, attainment of basic human needs was the first and foremost human right. Thapa added that "Nepal believed it was counterproductive to promote human rights selectively and to use them for extraneous purposes, including their imposition as conditionalities in aid, trade and other economic transactions."

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

It was one of the main items discussed this year. 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 rights of peoples to self-determination (E/CN.4/1998/31), introduced by the Special Rapporteur, Enrique Bernales Ballesteros. He observed that mercenary activities lead to abuses and serious crimes, such as attempts on the lives of selected persons, terrorist attacks against installations and drug and arms trafficking. The report recommended that "considering that mercenary activities have become diversified and are undergoing a transformation and acquiring characteristics that make them far more of a threat to the enjoyment of human rights, the Commission should reaffirm its condemnation of these activities and should suggest to all states that they should incorporate practical measures in their national legislation to prohibit the use of their territory for the recruitment, training, assembly, transit, financing and use of mercenaries".

During the discussion on this agenda item, a number of Member States and NGOs made their statements. In his statement the representative of Ukraine emphasized that the principle of self-determination did not automatically imply the right to territorial secession. Ukraine believed that the right to self-determination should be exercised with strict observation of adherence to the principles of democracy, protection of human rights and the rights of national minorities, recognition of inviolability of state borders, and peaceful means of solving disputes. However, the representative of Russian Federation, B.S. Krylov said that in contemporary

international law, self-determination was not admissible to the detriment of other principles. "Self-determination could not be separated from the principle of territorial integrity," he added. The Chinese representative Xie Bohua observed that "respect for the right of peoples to self-determination required the rejection of all forms of foreign aggression, interference, safeguarding of national independence, sovereignty and territorial integrity, and the unobstructed choice by the people of each country of their own political, social and economic systems. It meant in essence the right of the oppressed nations to resist imperialism and colonial domination and to pursue their national independence and liberation". The representative of Azerbaijan, Tofik Moussaev underlined that self-determination should not be used to justify territorial expansionism under the pretext of care for relative ethnic groups in other States. "It could not be used to justify military aggression against an independent State and annexation of its territory," he added.

#### **Implementation of the Programme of Action for the Third Decade to Combat Racism and Racial Discrimination**

This item attracted wide attention of the Commission as it had before it the latest report (E/CN.4/1998/79) of Maurice Glele-Ahanhanzo, the Special Rapporteur on contemporary Forms of Racism, Racial Discrimination, Xenophobia and Related Intolerance. Ahanhanzo said that despite measures by some governments to combat racism and racial discrimination, the situation in this area remained alarming and required further action nationally and internationally. He recommended the convening of a world conference on racism, racial discrimination and xenophobia. He also proposed action at the international level by beginning studies and research on the use of the Internet for purposes of incitement to hatred, racist propaganda and xenophobia, and to draw up a programme of human rights education and exchanges over the Internet.

While considering the subject, the Commission also had before it the report of the Secretary General on the Seminar on Immigration, Racism and Racial Discrimination held in Geneva from 5 to 9 May

1997 (E/CN.4/1998/77/Add.1). The seminar had called on all governments to establish suitable, efficient and accessible recourse procedures for victims of racism, racial discrimination and xenophobia, as well as to provide victims with legal assistance. Besides two other documents, the report of the expert seminar on "The Role of the Internet in the light of the Provisions of the International convention on the Elimination of all Forms of Racial Discrimination" held in Geneva from 10 to 14 November 1997 (E/CN.4/1998/77/Add.2) and the report of the Secretary General on racism, racial discrimination, xenophobia and related intolerance (E/CN.4/1998/78) were also put before the Commission.

During the discussion on this agenda item, several speakers from Government delegations and NGOs condemned rising racism, racial discrimination and xenophobia in all their forms, including through the Internet.

**Status of the International Covenants on Human Rights; Effective Functioning of Bodies Established Pursuant to United Nations Human Rights Instruments**

These two items were dealt together. The Commission had before it a report of the Secretary General on the question of the realization in all countries of the economic, social and cultural rights contained in the Universal Declaration of Human Rights and in the International Covenant on Economic, Social and Cultural Rights, and a study of special problems which the developing countries face in their efforts to achieve these rights (E/CN.4/1998/25). A note by the Secretary General on the effective functioning of bodies established pursuant to United Nations human rights instruments (E/CN.4/1997/74), containing the report of the independent expert Philip Alston on enhancing the long-term effectiveness of the United Nations human rights treaty system was also before the Commission. Besides, the Commission considered the annual report of the Executive Director of the United Nations Population Fund to the Economic and Social Council on operational activities of the United Nations for international development cooperation (E/1997/72).

The Commission heard statements by both the member states as well as NGOs during debate on these items. Several speakers called for further efforts to abolish capital punishment and an increase in technical assistance to states seeking to improve their human rights situations. The HIMALAYAN RESEARCH AND CULTURAL FOUNDATION (HRCF) too presented its view before the Commission. Prof. Riyaz Punjabi of the HRCF said that the International Covenant on Human Rights and subsequent resolutions passed by the Commission for its effective implementation and observance had a great bearing on civil, political and fundamental rights of human kind, particularly on women, children, ethnic and religious minority groups. Referring to the situation in South Asia Prof. Punjabi pointed out that "a gross violation of Human Rights is taking place there. The main reason is that these states are not signing the Covenants and Protocols on Human Rights, which gives them the license to violate human rights with impunity. Pakistan provides an illustration to the point". According to Prof. Punjabi, in the process of gross violations of human rights, Pakistan continues to suppress the Sindhis for demanding the Right of Self-Determination and butchering Mohajirs because they are demanding the restoration of fundamental human rights. Besides, hundreds and thousands of people have been massacred in Karachi and thousands of children have been rendered orphans and a large number of women have become widows. "In reference to Pakistan, there is not only urgency to pressurize the state in signing the Covenant and Protocols, but there is equally a great need to monitor the observance of the Covenant and Protocols," he urged the Commission.

#### **Realization of the Economic, Social and Cultural Rights; the Realization of the Right to Development**

Before opening up a general debate on these agenda items, the Commission on Human Rights had before it the final report on the question of the impunity of perpetrators of human rights violations (E/CN.4/Sub.2/1997/8), prepared by El Hadji Guisse, the Special Rapporteur. The report suggested holding of periodic high level

meeting to stimulate broad discussion of the question of the impunity of perpetrators of violations of economic, social and cultural rights, in association with institutions affiliated to the United Nations. There was also a progress report submitted by Fatma-Zohra Ksentini, Special Rapporteur on the adverse effects of the illicit movement and dumping of toxic and dangerous products and wastes on the enjoyments of human rights (E/CN.4/1998/10 and Add.1 and 2). In her report, she concluded that exports of toxic and dangerous wastes from industrialised countries had been stepped up despite bans now existing in the legislation of developing countries. According to her, trade in the recycling of toxic and dangerous waste was increasing, and there was a trend to moving polluting industries from industrialized to developing countries. She urged for prevention of such trends in order to address the problem.

A report of the High Commission for Human Rights (E/CN.4/1998/21) put before the Commission proposed among other things, that the Commission of Human Rights should explore ways in which it could advance, at the political level, the right to adequate food among its members as well as in the United Nations system. The Commission also considered reports by the Secretary General on Women's real enjoyment of their human rights (E/CN.4/1998/22) and on the importance of continuing to implement immediate, effective and durable actions for alleviating the debt and debt - service burden of developing countries in the frame work of realizing economic, social and cultural rights (E/CN.4/1998/24).

The Commission had before it a report of the Secretary General submitted in accordance with Commission resolution 1997/72 on the implementation of the provisions of the resolution relating to the right to development. A report of the Chairman - Rapporteur of the inter-governmental group of experts on the right to development by Antonio Garcia Revilla of Peru was also placed before the Commission. The group held its second session in Geneva from 29 September to 19 October 1997 (E/CN.4/1998/29). Revilla recommended that civil society groups representing vulnerable

*Sharad K. Soni*

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groups should be given effective roles and channels to communicate their interests in arenas of local and national decision-making. Followup mechanisms recommended by the group of experts included the need to coordinate and mainstream human rights and the right to development in the work of various United Nations organs.

During the general debate, as in previous years, several speakers demanded that economic rights be given the same emphasis and prominence around the world as civil and political rights. They criticised the practice of imposing international economic embargoes. A number of developing countries urged the Commission for international assistance to help non-industrialized countries realize their right to development, especially during the current process of globalization. NGOs too pointed out the specific violations of the right to development, the potential dangers posed by transnational corporations and globalization and the effects of embargoes and sanctions. In general, the Commission heard a flurry of requests for greater emphasis on development issues, especially in poorer countries, and for reduction of external debt burdens where they were keeping nations from meeting the basic needs of their citizens. The UNICEF representative Rana Flowers told the Commission that cut backs in aid flows must be reversed and that economic globalisation should not become a pretext for abandoning the world's most disadvantaged and destitute families.

Meanwhile, Firdous Syed Baba of the HIMALAYAN RESEARCH AND CULTURAL FOUNDATION stated that all aspects of human endeavour, be they in the fields of politics, economics or social development, could not be successful unless the right to development is ensured, particularly in developing countries. Recalling that Kashmir has been traumatised by violence for the past nine years, he pointed out that "the process of development is facing challenges in the form of insurgencies and terrorism". He said that the disenchantment of Kashmiris, which was essentially related to issues of political and socio-economic development of their state, was cleverly channeled by Pakistan to

settle scores with India. He lamented that Kashmir has seen the worst kind of economic devastation at the hands of the mercenaries. Thousands of schools have been destroyed; private and public property worth millions of dollars destroyed; whole communities of Kashmiris massacred even forests have been denuded and world famous lakes polluted. "The designs of Pakistan have set the state back by fifty years and it will take decades to restore the state and its people to their former glory", he said. "The mercenaries of the *Harkat-ul-Ansar* and *Lashkar-e-Taiba* still cast their shadow over our land and their presence poses a challenge to the aspirations of our people." He argued that how can the people of Kashmir realise their right to development when their very lives remain threatened? He urged the international community on behalf of the people of Jammu and Kashmir to exert pressure on Pakistan to leave them alone and to put an end to the death and destruction that had ravaged their land. "Allow us to once again channel the Kashmiri genius into productive pursuits", he added. "Then alone can one say that the Kashmiris are finally beginning to realise their most fundamental rights-the right to life and the right to development".

**Human Rights of Migrant Workers; The Rights of Persons belonging to national or ethnic, religious and linguistic minorities; Implementation of the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief.**

While considering these three agenda items together, the Commission had before it reports of the Secretary General on violence against women migrant workers (E/CN.4/1998/74) and on the status of the International Convention on the Protection of the Rights of all Migrant Workers and Members of their Families (E/CN.4/1998/75). In addition, a report of the Secretary General on the issue concerning the rights of persons belonging to national, ethnic, religious and linguistic minorities (E/CN.4/1998/90), was also taken up by the Commission. Besides, there was a report by Jorge Bustamante of Mexico, the Chairman - Rapporteur of the working group of inter-governmental experts on the human rights of migrants (E/CN.4/1998/76). The report came out with a finding that more than one third of States surveyed by the group expressly

recognized the existence of problems of prejudice, xenophobia or racial discrimination against migrants in their respective territories. This was interpreted by the group of experts as an empirical indication of awareness of widespread violations of the human rights of migrants.

The Commission also considered the latest report by Abdelfattah Amor of Tunisia, Special Rapporteur on the elimination of intolerance and discrimination based on religion or belief (E/CN.4/1998/6). In his report Amor said that action to promote religious freedom, tolerance and non-discrimination is closely linked to action to promote democracy and development. He also noted that religious extremism produces situations which are difficult to control and can imperil the human right to peace. He recommended that the necessary resources be made available to enable him to initiate studies of the problem of sects and new religious movements. He also urged States to take all necessary action to combat hatred, intolerance and acts of violence, intimidation and coercion motivated by intolerance based on religion or belief, including practices which violate the human rights of women and discriminate against them. Maurice Verfaillie of the International Association for the Defence of Religious Freedom pointed out that there were still some states that had not taken legislative or other measures to combat intolerance or other discrimination based on religion. Citing the case of Pakistan, Verfaillie said, "two Christians were in jail because they had been seen reading the Bible and accused of 'blasphemy'. Laws of blasphemy have been part of Pakistan's penal code since 1996"

Expressing his organisation's grave concern over the problems created by trans-border terrorism in the Himalayas and adjoining region, Prof. K. Warikoo, the Secretary General of the HIMALAYAN RESEARCH AND CULTURAL FOUNDATION said in his intervention that the extremist Taliban movement had unleashed atrocities against national, ethnic, religious and linguistic minorities in Afghanistan as well as violated rights of women and children, thus sharpening the internal divide that caused instability in Afghanistan. He stressed that similarly, the induction of Islamic extremism, terrorists and mercenaries by Pakistan in the Indian State



of Jammu and Kashmir has imparted a death blow to its composite societal character and secular polity. "In Kashmir, these Islamic extremists and mercenaries have indulged in ethnic-religious cleansing of the indigenous minority of Kashmiri Pandits", he said. "The continuation of such terrorist onslaught against the remnants of Kashmiri Pandit presence in the valley of Kashmir as was witnessed in the gruesome carnage at Sangrampura (March 1997) and Wandhama (January 1998), underlines the intensity of genocidal campaign against this ancient and indigenous minority community". Prof. Warikoo lamented that even the formal declaration of Pakistan based *Harkat-ul-Ansar* as the terrorist organisation by the United States, has not deterred this extremist terrorist outfit and its associates from continuing with its campaign in Jammu and Kashmir and elsewhere in Afghanistan and Central Asian countries. He urged the Commission to take serious note of the violations of basic rights of life, property, liberty, faith and language of the ethnic, religious and linguistic minorities in Jammu and Kashmir who have become victims of organised violence by the terrorists and mercenaries.

During the discussion, a number of country representatives and NGOs pointed to persistent religious intolerance and to ill-treatment of migrant workers in host countries. They spoke of the need for States to ratify the International Convention on the Protection of the Rights of All migrant workers and members of their families in order to make it enter into force. Besides, violence against migrant workers was mentioned repeatedly, along with concern over the safety and security of women migrants and over trafficking in women. While a representative of Ireland appealed for greater religious tolerance, NGOs raised the issue of religious discrimination including killings in a number of countries. The representative of Austria, Michael Desser said that many conflicts around the world bore the mark of unresolved minority issues which could threaten the stability and peace of entire regions, and it was in the interests of all to take appropriate action to diffuse potential conflicts well in advance.

### **Report of the Sub-Commission on Prevention of Discrimination and Protection of Minorities**

Under this agenda item the Commission reviewed the report and activities of its principal subsidiary body, the Sub-Commission on Prevention of Discrimination and Protection of Minorities. The Sub-Commission's work of the last session held from 4 to 29 August 1997 was also considered by the Commission. The Chairman of the Sub-Commission, Jose Bengoa of Chile, summarized the results of the last session which were recommended to the Commission for adoption. The Sub-Commission's report (E/CN.4/1998/2) enumerated the draft decisions on issues such as, indigenous issues, prevention of discrimination against and protection of minorities; privatisation of prisons; freedom of movement; and human rights and their relationship to terrorism, states of emergency and scientific and technological developments.

An analytical report of the Secretary General on minimum humanitarian standards (E/CN.4/1998/87 and Add.1) was also taken up by the Commission. The report noted that at present situations of internal violence often pose the greatest threat to human dignity and freedom. Although such situations frequently lead to the most gross human rights abuses, there are disagreements and doubts regarding the applicable norms of both human rights and humanitarian law.

During the debate several speakers spoke on this agenda item. The representative of Bangladesh, Shahidul Islam stated that the protection of minorities posed the single most important challenge to a democratic polity, and that without caution and tolerance, majoritarian rule could lead to discriminatory treatment of minorities. He informed the Commission about the 68-point accord signed between the Chittagong Hill Tribes and the Government of Bangladesh, thereby putting an end to two decades of controversy. He said that a regional council would be established to be headed by a locally elected official, having wide-ranging responsibility over such matters as land use, education and judicial operations. Besides,

a land commission headed by a retired justice was being formed to resolve all outstanding land disputes.

Tatiana Shaumian of the International Institute of Peace expressed distress of her organisation that the Indian sub-continent had been wrecked by intolerance based usually on religion thereby negating the fruits of economic development. Noting that the United States had declared the Pakistan - based *Harkat-ul-Ansar*, a terrorist organisation, Dr. Shaumian pointed out that this terrorist organisation had been operating from Pakistan and sending its armed cadres to India, Tadjikistan and Myanmar to carry on a *jehad* against the 'infields'. She stressed that the consequences of such a brand of religious fanaticism were quite apparent in the Indian state of Jammu and Kashmir where nearly 300,000 Kashmir Hindus had been driven out of their homes after large numbers of their community were tortured and murdered by these fanatics of the *Harkat-ul-Ansar*.

Ludovica Verzegnassi of the International Progress organization was anguished over the fact that unique heritages and cultures were destroyed to fulfil the ambitions of some states. This was the fate of the people of Jammu and Kashmir, who were held hostage to Pakistan's desire to incorporate the state into its territory, as Pakistan sent bands of mercenaries to destroy the fabric of society in Jammu and Kashmir. "Minorities had born the brunt of the trouble in Pakistan and now that policy was affecting neighbouring countries like Afghanistan", she added. According to her, states which allowed policies of xenophobia and discrimination needed to be educated and modify their instruments of governance so that minorities were given their rights.

Gianfranco Rossi of the International Association for Religious Freedom emphasized the need for the Sub-Commission to pay honest attention to protecting religious minorities from the dangers of majority religious extremism. He related the example of Hindu minority in Jammu and Kashmir State of India who were in the minority and felt threatened, and that thousands of Hindu Pandits had fled the region, living in refugee camps.

Prof. K. N. Pandita of the African Commission of Health and Health Rights Promoters pointed out that UN Special Rapporteur on Terrorism and Human Rights had unnecessarily drawn herself into the controversy over the definition of terrorism by linking it to national liberation struggles or struggles for the right of self-determination. Prof. Pandita stressed that there were adequate legal provisions within United Nations bodies and institutions to combat the menace of terrorism.

#### **Rights of Detainees; Torture; Enforced Disappearance**

Under this item, the Commission had before it a number of documents, which included report of the Secretary General (E/CN.4/1998/33) on security of United Nations personnel; report of the Secretary General (E/CN.4/1998/34) on views and comments received from states on revised draft basic principles and guidelines on the right to reparation for victims of gross violations of human rights and international humanitarian law; report of the Secretary General (E/CN.4/1998/35) on children and juveniles in detention; report of the Secretary General (E/CN.4/1998/36/Rev.1) on the status of the Convention against Torture and report of the Secretary General (E/CN.4/1998/37) and an addendum (Add.1) giving financial details of the United Nations Voluntary Fund for Victims of Torture.

There was also a report of the Special Rapporteur on the question of torture (E/CN.4/1998/38) which listed information reviewed by the Rapporteur from a number of countries. The report underlined that there is a "high incidence of torture in many countries". Another report of the Special Rapporteur on promotion and protection of the right to freedom of opinion and expression (E/CN.4/1998/40) which reviewed issues, activities and country situations, was also before the Commission.

Besides, a report of the Working Group on a draft optional protocol to the Convention against Torture and other Cruel, Inhuman, or Degrading Treatment or Punishment (E/CN.4/1998/42); the tenth annual report and list of states which had proclaimed, extended, or terminated a state of emergency (E/CN.4/1998/19); the report of

the Working Group on Enforced or Involuntary Disappearances (E/CN.4/1998/43) and a report of the Working Group on Arbitrary Detention (E/CN.4/1997/44) were also taken up by the Commission.

The Commission also considered the revised final report prepared by Louis Joinet on the question of the impunity of perpetrators of human rights violations (civil and political) (E/CN.4/Sub.2/1997/20/Rev.1). Joinet drew attention to a number of alarming situations concerning impunity for which he had no solutions to propose. He asked that how it is possible to combat impunity and therefore ensure a victim's right to justice when the number of persons imprisoned on suspicion of gross human rights violations is so large that it is technically impossible to try them in fair hearings within a reasonable time. The report felt that it is vain to imagine that an International Criminal Tribunal offers a solution.

During the discussion, a number of NGOs made their interventions and denounced the persistence of impunity for torture and other human rights violations in a number of countries. Ashok Bhan of the HIMALAYAN RESEARCH AND CULTURAL FOUNDATION stated that the continuous practice of detentions without trial and judicial supervision, being practised by various nations, despite UN programme on prevention of pre-trial detentions and denial of rights of detainees, seriously imperils the right to life and liberty. Bhan stated that the frequent practice of hostage-taking by terrorists and mercenaries had added another cruel dimension to the denial of right to life and liberty. He drew the attention of the Commission to the fundamentalist / terrorist group *Harakat-ul-Ansar*, masquerading as the *Al Furan* terrorist group in Kashmir who had taken four hostages and had killed a Norwegian in 1995. He expressed concern that UN Human Rights Commission in particular, and international community in general has not been able to devise and evolve a meaningful mechanism to protect the life, liberty and freedom of people against terrorism and activities of hostage taking by mercenaries and other armed groups. "In January 1998, 23 innocent Kashmiris were murdered by terrorists and through this carnage the entire Kashmiri Pandit population was subject to

trauma". Bhan urged the Commission and other relevant bodies to initiate stern measures against the countries from where the mercenaries and terrorist organizations publicly operate and proudly proclaim their involvement in violence in other countries. "Countries whose assistance to terrorist groups has been well documented by now and is well known to the international community, should immediately be singled out for a severe censure," he added.

**Further Promotion and Encouragement of Human Rights and Fundamental Freedoms, including the Question of the Programme and Methods of work of the Commission; Internally displaced Persons, Human Rights and Mass Exoduses.**

Under this item, the Commission had before it the report of the Special Rapporteur on Violence against Women, Radhika Coomarswamy (E/CN.4/1998/54). The report discussed, among other things, violence against women in times of armed conflict, custodial violence against refugee and internally displaced women. In her report she urged the States parties to the 1951 refugee convention to adopt guidelines with respect to gender-related asylum claims.

The Commission also had before it the report of the Representative of the Secretary General on Internally Displaced Persons, Francis Deng (E/CN.4/1998/53). In his report, Deng concluded that the internally displaced, owing to internal conflicts, civil strife, violations of human rights and other human-made or natural disasters, are modestly estimated at around 25 million in 35 to 40 countries on all continents. The report also said that the work of the mandate of the Special Representative has in particular laid a sound foundation for developing an effective normative response to the global challenge of internal displacement.

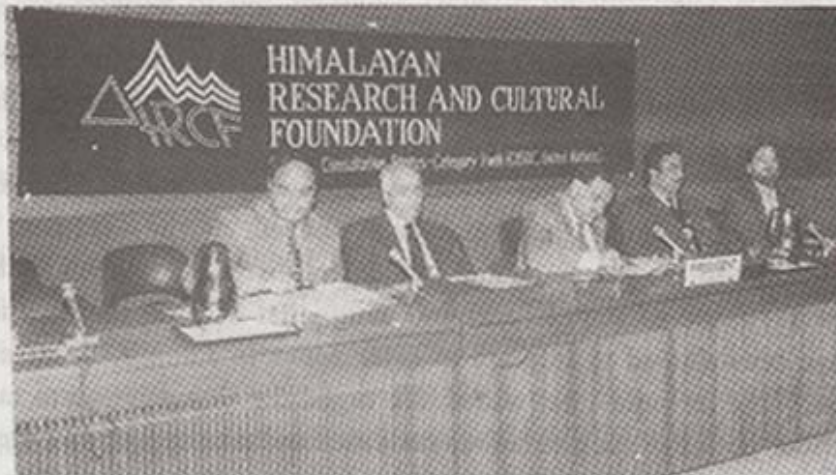
The High Commissioner for Human Rights in his report on Human Rights and Mass Exoduses (E/CN.4/1998/51) placed before the Commission, contended that mass displacement is caused by a wide range of factors among which violations of human rights and of humanitarian law are predominant. He concluded that mass

displacements frequently occur in the context of armed conflict and are result of deliberate acts and policies, often associated with clear patterns of discrimination.

Several member states as well as NGOs participated in the debate and underlined the obstacles to the promotion and protection of human rights worldwide. In was during this debate that Ravinder Kaul of the HIMALAYAN RESEARCH AND CULTURAL FOUNDATION highlighted the plight of internally displaced persons in Jammu and Kashmir. He stated that violence by terrorists and mercenaries, xenophobia and other forms of intolerance against ethnic and religious minorities are the root causes of forced exodus and internal displacement. This problem has assumed even more serious manifestations in parts of South and Central Asia. He drew the attention of the Commission to the devastating consequences of terrorism and religious extremism on the socio-psychological, physical, health and demographic profile of the displaced Kashmiri Hindu minority presently lying scattered in camps in Jammu, Delhi and other places in India. Mr. Kaul said that the recent incidents of spine chilling Sangrampura and Wandhama carnages have been perpetrated by the Islamist terrorists and mercenaries supported by Pakistan, with a clear objective of ensuring that the Indian State of Jammu and Kashmir is cleansed of non-Muslim minorities and the State is not allowed to restore its secular and composite socio-cultural set-up, even after the democratic order has been restored there. "Even the moderate and secular Muslims belonging to Sunni, Shia and Gujjar communities have not been spared, as they refused to subscribe to the extremist and fundamentalist ideology. As such a few thousand of such liberal and nationalist Muslim families too have been forced to migrate to safer zones in Jammu, Delhi and elsewhere in India", he added. He urged the Commission to take serious notice of such atrocious activities and take appropriate steps to ensure that states aiding and abetting such activities are taken to task.

## HRCF CALLS FOR STOPPAGE OF MERCENARY ACTIVITIES IN SOUTH AND CENTRAL ASIA

In an overwhelming show of unified opinion, the participants in the Symposium on the theme **MERCENARIES : CHALLENGE TO DEMOCRATIC ORDER**, organised by the **Himalayan Research and Cultural Foundation** (NGO in Consultative Status with the ECOSOC, United Nations) at the UN Commission for Human Rights, Geneva gave a clarion call to the States and international organisations to make all out efforts to check mercenary activities in South and Central Asia. Expressing satisfaction at the adoption of the Resolution on Mercenaries by the UN Commission for Human Rights on March 27, 1998, which had an overwhelming support of the developing countries of Asia, Africa, South America besides Russia and which identifies mercenary activities as an important factor in the conflicts violating the territorial integrity of states, the Symposium called upon the UN Special Rapporteur on Mercenaries to now focus his attention on the menace of mercenaries and Islamic extremists in parts of South and Central Asia, particularly in Afghanistan, Tajikistan, Uzbekistan, Xinjiang region of China and Indian State of Jammu and Kashmir.



*Panelists at the HRCF Seminar at Geneva.  
From left to right Ashok Bhan, Prof. K.N. Pandita,  
Prof. K. Warikoo, Prof. Riyaz Punjabi and Firdous Syed.*



In his Presidential remarks, Prof.K.Warikoo of Jawaharlal Nehru University and Secretary General of the Himalayan Foundation drew attention to the experiences of Afghanistan, Tajikistan, Chechenya and Kashmir which bore ample testimony to the challenges posed by mercenaries to peace, security, social harmony and democratic process. Warikoo referred to the clear and direct linkages between mercenaries, Islamic extremists, drugs and arms traffickers. He particularly identified such terrorist organisations like *Al Faran*, *Harkat-ul - Ansar*, *Markaz Dawa-ul-Irshad* and *Lashkar -e- Taiba* which have been unleashing terror through their mercenaries in various states in South and Central Asia, thereby posing a serious threat to the democratic order and secular and liberal polity.

Prof. Riyaz Punjabi of the University of Kashmir stated that the mercenaries trained, armed, financed and controlled by some states and their governments to destabilise the democratic order and create chaos in their neighbouring countries could also create, in the long run, trouble in the country of their origin. Citing the example of Pakistan, Prof. Punjabi said that the mercenaries who were created to be used first in Afghanistan and later in Kashmir, were now posing a challenge to the Pakistani society itself. The Afghanistan war being over and Kashmir having returned back to normalcy, there was no place for the mercenaries to go but to create trouble in Pakistan itself, he added. Highlighting the potential of democratic order to realise the objective of self governance of the groups of people, Prof. Punjabi stressed that the concept of 'alien' does not hold good in the plural societies marked by diversities of languages, cultures and ethnicities. Hence, the right to self-determination has to be interpreted to allow the peoples of such societies self-governance and participation in the democratic process. But the mercenaries who have been following a uniform pattern of beheadings and slitting of throats, be it in Egypt, Algeria, Kashmir or elsewhere, are seeking to thwart this democratic process.

## HRCF FILE

Firdous Syed, Member of J&K Legislative Council accused Pakistan of taking advantage of internal disenchantment of the people of Jammu and Kashmir caused due to wrong policies of the government, and trying to settle its score with India by pushing in mercenaries from Pakistan, Afghanistan, Sudan and other countries into Kashmir. Firdous Syed opined that the democratic process was the only key to resolution of socio-economic problems facing the Kashmiri society. He stressed the fact that by overwhelmingly participating in the State Assembly and recent Parliamentary elections, the people of Jammu and Kashmir have demonstrated their faith in the democratic institutions of India and given a strong rebuff to Pakistan and its mercenaries.

Prof. K.N.Pandita, formerly Director, Centre of Central Asian Studies, University of Kashmir pointed out that there is a near consensus among the states that the exercise of the right to self-determination should not impinge upon the territorial integrity and national sovereignty of states. Mr. Ashok Bhan, an Advocate from Kashmir, wanted the national and international laws to be made more stringent so that any violation of human rights by mercenaries and terrorists is punished with impunity.

Earlier, welcoming the delegates, Ravinder Kaul, Secretary, J&K Chapter of the Himalayan Foundation, highlighted the activities of the Foundation in the fields of social sciences, international relations, art and culture and human rights. Other participants in the Symposium included the delegates from Pax Christi International, Centre for South Asian Studies(Geneva), Susila Dharma International, UN Centre for Human Rights, International Association for Religious Freedom, International Association for Democratic Lawyers(IADL), EUPR(Italy), African Commission of Health and Human Rights Promoters, All India Women's Conference, International Institute for Non-Aligned Studies, Indian Council of Education, International Institute for Peace, WHO, WTO, Indo- European Kashmir Forum, Organization for Defending Victims of Violence(Tehran).

**RESOLUTION ADOPTED BY THE UN GENERAL ASSEMBLY ON MERCENARIES (4 December 1989)**

The General Assembly,

*Considering* that the progressive development of international laws and its codification contribute to the implementation of the purposes and principles set forth in Articles 1 and 2 of the Charter of the United Nations,

*Mindful* of the need to conclude, under the auspices of the United Nations, an international convention against the recruitment, use, financing and training of mercenaries,

*Recalling* its resolution 35/48 of 4 December 1980, by which it established the Ad Hoc Committee on the Drafting of an International Convention against the Recruitment, Use, Financing and Training of Mercenaries and requested it to elaborate at the earliest possible date an international convention to prohibit the recruitment, use, financing and training of mercenaries,

*Having considered* the draft convention prepared by the Ad Hoc Committee in pursuance of the above-mentioned resolution and finalized by the Working Group on the Drafting of an International Convention against the Recruitment, Use, Financing and Training of Mercenaries, which met during the forty-fourth session of the General Assembly,

*Adopts* and opens for signature and ratification or for accession the **International Convention against the Recruitment, Use, Financing and Training of Mercenaries**, the text of which is annexed to the present resolution.

72nd plenary meeting

4 December 1989

ANNEX

INTERNATIONAL CONVENTION AGAINST RECRUITMENT,  
USE, FINANCING AND TRAINING OF MERCENARIES

**The States Parties to the present Convention,**

*Reaffirming* the purposes and principles enshrined in the Charter of the United Nations and in the Declaration on Principles of International Law concerning Friendly Relations and Co-operation among States in accordance with the Charter of the United Nations,

*Being aware* of the recruitment, use, financing and training of mercenaries for activities which violate principles of international law, such as those of sovereign equality, political independence, territorial integrity of States and self-determination of peoples,

*Affirming* that the recruitment, use, financing and training of mercenaries should be considered as offences of grave concern to all States and that any person committing any of these offences should be either prosecuted or extradited,

*Convinced* of the necessity to develop and enhance international co-operation among States for the prevention, prosecution and punishment of such offences,

*Expressing concern* at new unlawful international activities linking drug traffickers and mercenaries in the perpetration of violent actions which undermine the constitutional order of States,

*Also convinced* that the adoption of a convention against the recruitment, use, financing and training of mercenaries would contribute to the eradication of these nefarious activities and thereby to the observance of the purposes and principles enshrined in the Charter of the United Nations,

*Cognizant* that matters not regulated by such a convention continue to be governed by the rules and principles of international law,

*Have agreed* as follows:

*Article 1***For the purposes of the present Convention,**

1. A mercenary is any person who:

- (a) Is specially recruited locally or abroad in order to fight in an armed conflict;
- (b) Is motivated to take part in the hostilities essentially by the desire for private gain and, in fact, is promised, by or on behalf of a party to the conflict, material compensation substantially in excess of that promised or paid to combatants of similar rank and functions in the armed forces of that party;
- (c) Is neither a national of a party to the conflict nor a resident of territory controlled by a party to the conflict;
- (d) Is not a member of the armed forces of a party to the conflict; and
- (e) Has not been sent by a State which is not a party to the conflict on official duty as a member of its armed forces.

2. A mercenary is also any person who, in any other situation:

- (a) Is specially recruited locally or abroad for the purpose of participating in a concerted act of violence aimed at:
  - (i) Overthrowing a Government or otherwise undermining the constitutional order of a State; or
  - (ii) Undermining the territorial integrity of a State;
- (b) Is motivated to take part therein essentially by the desire for significant private gain and is promoted by the promise or payment of material compensation;
- (c) Is neither a national nor a resident of the State against which such an act is directed;
- (d) Has not been sent by a State on official duty; and
- (e) Is not a member of the armed forces of the State on whose territory the act is undertaken.

*Article 2*

Any person who recruits, uses, finances or trains mercenaries, as defined in article 1 of the present Convention, commits an offence for the purpose of the Convention.

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### *Article 3*

1. A mercenary, as defined in article 1 of the present Convention, who participates directly in hostilities or in a concerted act of violence, as the case may be, commits an offence for the purpose of the Convention.
2. Nothing in this article limits the scope of application of article 4 of the present Convention.

### *Article 4*

An offence is committed by any person who :

- (a) Attempts to commit one of the offences set forth in the present Convention;
- (b) Is the accomplice of a person who commits or attempts to commit any of the offences set forth in the present Convention.

### *Article 5*

1. States Parties shall not recruit, use, finance or train mercenaries and shall prohibit such activities in accordance with the provisions of the present Convention.
2. States Parties shall not recruit, use, finance or train mercenaries for the purpose of opposing the legitimate exercise of the inalienable right of peoples to self-determination, as recognized by international law, and shall take, in conformity with international law, the appropriate measures to prevent the recruitment, use, financing or training of mercenaries for that purpose.
3. They shall make the offences set forth in the present Convention punishable by appropriate penalties which take into account the grave nature of those offences.

### *Article 6*

States Parties shall co-operate in the prevention of the offences set forth in the present Convention, particularly by:

- (a) Taking all practicable measures to prevent preparations in their respective territories for the commission of those offences within or outside their territories, including the prohibition of illegal activities of persons, groups and organizations that encourage, instigate, organize or engage in the perpetration of such offences;

- (b) Co-ordinating the taking of administrative and other measures as appropriate to prevent the commission of those offences.

*Article 7*

States Parties shall co-operate in taking the necessary measures for the implementation of the present Convention.

*Article 8*

Any State Party having reason to believe that one of the offences set forth in the present Convention has been, is being or will be committed shall, in accordance with its national law, communicate the relevant information, as soon as it comes to its knowledge, directly or through the Secretary-General of the United Nations, to the States Parties affected.

*Article 9*

1. Each State Party shall take such measures as may be necessary to establish its jurisdiction over any of the offences set forth in the present Convention which are committed:
  - (a) In its territory or on board a ship or aircraft registered in that State;
  - (b) By any of its nationals or, if that State considers it appropriate, by those stateless persons who have their habitual residence in that territory.
2. Each State Party shall likewise take such measures as may be necessary to establish its jurisdiction over the offences set forth in articles 2, 3 and 4 of the present Convention in cases where the alleged offender is present in its territory and it does not extradite him to any of the States mentioned in paragraph 1 of this article.
3. The present Convention does not exclude any criminal jurisdiction exercised in accordance with national law.

*Article 10*

1. Upon being satisfied that the circumstances so warrant, any State Party in whose territory the alleged offender is present shall, in accordance with its laws, take him into custody or take such other measures to ensure his presence for such time as is necessary to enable any criminal or extradition proceedings to be instituted. The State Party shall immediately make a preliminary inquiry into the facts.

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2. When a State Party, pursuant to this article, has taken a person into custody or has taken such other measures referred to in paragraph 1 of this article, it shall notify without delay either or through the Secretary-General of the United Nations:
  - (a) The State Party where the offence was committed;
  - (b) The State party against which the offence has been directed or attempted;
  - (c) The State Party of which the natural or juridical person against whom the offence has been directed or attempted is a national;
  - (d) The State Party of which the alleged offender is a national or, if he is a stateless person, in whose territory he has habitual residence;
  - (e) Any other interested State Party which it considers it appropriate to notify.
3. Any person regarding whom the measures referred to in paragraph 1 of this article are being taken shall be entitled:
  - (a) To communicate without delay with the nearest appropriate representative of the State of which he is a national or which is otherwise entitled to protect his rights or, if he is a stateless person, the State in whose territory he has his habitual residence;
  - (b) To be visited by a representative of that State.
4. The provisions of paragraph 3 of this article shall be without prejudice to the right of any State Party having a claim to jurisdiction in accordance with article 9, paragraph 1 (b), to invite the International committee of the Red Cross to communicate with and visit the alleged offender.
5. The State which makes the preliminary inquiry contemplated in paragraph 1 of this article shall promptly report its findings to the States referred to in paragraph 2 of this article and indicate whether it intends to exercise jurisdiction.

### *Article 11*

Any person regarding whom proceedings are being carried out in connection with any of the offences set forth in the present Convention shall be guaranteed at all stages of the proceedings fair treatment and all the rights and guarantees provided for in the law of the State in question. Applicable norms of international law should be taken into account.



*Article 12*

The State Party in whose territory the alleged offender is found shall, if it does not extradite him, be obliged, without exception whatsoever and whether or not the offence was committed in its territory, to submit the case to its competent authorities for the purpose of prosecution, through proceedings in accordance with the laws of that State authorities. Those authorities shall take their decision in the same manner as in the case of any other offence of a grave nature under the law of that State.

*Article 13*

1. States Parties shall afford one another the greatest measure of assistance in connection with criminal proceedings brought in respect of the offences set forth in the present Convention, including the supply of all evidence at their disposal necessary for the proceedings. The law of the State whose assistance is requested shall apply in all cases.
2. The provisions of paragraph 1 of this article shall not affect obligations concerning mutual judicial assistance embodied in any other treaty.

*Article 14*

The State Party where the alleged offender is prosecuted shall in accordance with its laws communicate the final outcome of the proceedings to the Secretary General of the United Nations, who shall transmit the information to the other States concerned.

*Article 15*

1. The offences set forth in articles 2, 3 and 4 of the present Convention shall be deemed to be included as extraditable offences in any extradition treaty existing between States Parties. States Parties undertake to include such offences as extraditable offences in every extradition treaty to be concluded between them.
2. If a State Party which makes extradition conditional on the existence of a treaty receives a request for extradition from another State Party with which it has no extradition treaty, it may at its option consider the present Convention as the legal basis for extradition in respect of those offences. Extradition shall be subject to the other conditions provided by the law of the requested State.

## DOCUMENT

3. State Parties which do not make extradition conditional on the existence of a treaty shall recognize those offences as extraditable offences between themselves, subject to the conditions provided by the law of the requested State.
4. The offences shall be treated, for the purpose of extradition between States Parties, as if they had been committed not only in the place in which they occurred but also in the territories of the States required to establish their jurisdiction in accordance with article 9 of the present Convention.

### *Article 16*

The present Convention shall be applied without prejudice to:

- (a) The rules relating to the international responsibility of States;
- (b) The law of armed conflict and international humanitarian law, including the provisions relating to the status of combatant or of prisoner of war.

### *Article 17*

1. Any dispute between two or more States Parties concerning the interpretation or application of the present Convention which is not settled by negotiation shall, at the request of one of them, be submitted to arbitration. If, within six months from the date of the request for arbitration, the parties are unable to agree on the organization of the arbitration, any one of those parties may refer the dispute to the International Court of Justice by a request in conformity with the Statute of the Court.
2. Each State may, at the time of signature or ratification of the present Convention or accession thereto, declare that it does not consider itself bound by paragraph 1 of this article. The other States Parties shall not be bound by paragraph 1 of this article with respect to any State Party which has made such a reservation.
3. Any State Party which has made a reservation in accordance with paragraph 2 of this article may at any time withdraw that reservation by notification to the Secretary General of the United Nations.

### *Article 18*

1. The present Convention shall be open for signature by all States until 31 December 1990 at United Nations Headquarters in New York.

2. The present Convention shall be subject to ratification. The instruments of ratification shall be deposited with the Secretary General of the United Nations.
3. The present Convention shall remain open for accession by any State. The instruments of accession shall be deposited with the Secretary General of the United Nations.

*Article 19*

1. The present Convention shall enter into force on the thirtieth day following the date of deposit of the twenty-second instrument of ratification or accession with the Secretary General of the United Nations.
2. For each State ratifying or acceding to the Convention after the deposit of the twenty-second instrument of ratification or accession, the Convention shall enter into force on the thirtieth day after deposit by such State of its instrument of ratification or accession.

*Article 20*

1. Any State Party may denounce the present Convention by written notification to the Secretary General of the United Nations.
2. Denunciation shall take effect one year after the date on which the notification is received by the Secretary General of the United Nations.

*Article 21*

The original of the present Convention, of which the Arabic, Chinese, English, French, Russian and Spanish texts are equally authentic, shall be deposited with the Secretary General of the United Nations, who shall send certified copies thereof to all States.

DOCUMENT

USE OF MERCENARIES AS A MEANS OF IMPEDING THE  
EXERCISE OF THE RIGHT OF PEOPLES TO  
SELF-DETERMINATION

(Commission on Human Rights resolution 1995/5 of 17 February 1995)

The Commission on Human Rights,

*Recalling* the purposes enshrined in the Charter of the United Nations concerning the strict observance of the sovereign equality, political independence and territorial integrity of States and the self-determination of peoples, as well as the need for scrupulous respect for the principle of the non-use of force or threat of use of force in international relations as developed in the Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States in accordance with the Charter of the United Nations (General Assembly resolution 2625 (XXV)),

*Recognizing* that mercenaries are used for activities which violate these principles,

*Alarmed* at the continuing trend of unlawful international activities involving mercenaries in the perpetration of violent actions inimical to the constitutional order of States,

*Concerned* at the grave menace that the increasing activities of mercenaries represent in many parts of the world,

*Gravely concerned* at the loss of life, the damage to property and the negative effects on the economies of affected States,

*Recalling* all relevant resolutions adopted by the United Nations General Assembly,

*Recalling* also all its previous resolutions on this matter,

*Recalling* further that the General Assembly, in its resolution 49/150, requested the Special Rapporteur to report to the Assembly at its fiftieth session,

*Convinced* that it is necessary to develop and maintain international cooperation among States for the prevention, prosecution and punishment of mercenary activities,

1. *Reaffirms* that the recruitment, use, financing and training of mercenaries should be considered offences of grave concern to all States;
2. *Urges* all States to prevent mercenaries from using any part of their territory to destabilize any sovereign State;
3. *Calls upon* all States that have not yet done so to consider taking early action to accede to or ratify the International Convention against the Recruitment, Use, Financing and Training of Mercenaries;
4. *Decides* to extend the mandate of the Special Rapporteur for three years;
5. *Also decides* that the Special Rapporteur, in carrying out his mandate, shall seek and receive credible and reliable information from Governments, specialized agencies and intergovernmental and non-governmental organizations;
6. *Requests* the Secretary General to provide the Special Rapporteur with all necessary assistance;
7. *Requests* the Special Rapporteur to report to the Commission at its fifty-second session on his activities;
8. *Urges* all States to cooperate with the Special Rapporteur in the fulfilment of his mandate;
9. *Decides* to consider at its fifty-second session the question of the use of mercenaries as a means of impeding the exercise of the right of peoples to self-determination under the agenda item entitled "The right of peoples to self-determination and its application to peoples under colonial or alien domination or foreign occupation";
10. *Recommends* the following draft decision to the Economic and Social Council for adoption:

The Economic and Social Council, taking note of Commission on Human Rights resolution 1995/5 of 17 February 1995, approves the Commission's decision to extend the mandate of the Special Rapporteur for three years, and requests the Secretary-General to provide him with all necessary assistance.

29th meeting, 17 February 1995

[Adopted by a roll-call vote of 34 votes to 1, with 15 abstentions]

**DOCUMENT**

**THE USE OF MERCENARIES AS A MEANS OF VIOLATING HUMAN RIGHTS AND IMPEDING THE EXERCISE OF THE RIGHT OF PEOPLES TO SELF-DETERMINATION**

*(Commission on Human Rights resolution 1998/6 of 27 March 1998)*

The Commission on Human Rights,

*Noting General Assembly resolution 52/112 of 12 December 1997 and recalling its resolution 1995/5 of 17 February 1995,*

*Recalling* all of its relevant resolutions, in which, *inter alia*, it condemned any State that permitted or tolerated the recruitment, financing, training, assembly, transit and use of mercenaries with the objective of overthrowing the Governments of States Members of the United Nations, especially those of developing countries, or of fighting against national liberation movements, and recalling also the relevant resolutions of the General Assembly, the Security Council, the Economic and Social Council and the Organization of African Unity,

*Reaffirming* the purposes and principles enshrined in the Charter of the United Nations concerning the strict observance of the principles of sovereign equality, political independence, territorial integrity of States, self-determination of peoples, the non-use of force or threat of use of force in international relations and non-interference in the affairs within the domestic jurisdiction of States,

*Reaffirming* also that by virtue of the principle of self-determination, as developed in the Declaration of Principles of International Law concerning Friendly Relations and Cooperation among States in accordance with the Charter of the United Nations, all peoples have the right freely to determine, without external interference, their political status and to pursue their economic, social and cultural development, and that every State has the duty to respect this right in accordance with the provisions of the Charter,

*Alarmed and concerned* about the danger which the activities of mercenaries constitute to peace and security in developing countries, particularly in Africa and in small States,

*Deeply concerned* about the loss of life, the substantial damage to property and the negative effects on the policy and economies of affected countries resulting from mercenary international criminal activities,

*Convinced* that it is necessary for Member States to ratify the International Convention against the Recruitment, Use, Financing and Training of Mercenaries, adopted by the General Assembly in 1989, and to develop and maintain international cooperation among States for the prevention, prosecution and punishment of mercenary activities,

*Convinced also* that, notwithstanding the way in which mercenaries or mercenary-related activities are used or the form they take to acquire some semblance of legitimacy, they are a threat to peace, security and the self-determination of peoples and an obstacle to the enjoyment of human rights by peoples,

1. *Takes note* of the report of the Special Rapporteur on 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.4/1998/31);
2. *Reaffirms* that the use of mercenaries and their recruitment, financing and training are causes for grave concern to all States and violate the purposes and principles enshrined in the Charter of the United Nations;
3. *Urges* all States to take the necessary steps and to exercise the utmost vigilance against the menace posed by the activities of mercenaries and to take necessary legislative measures to ensure that their territories and other territories under their control, as well as their nationals, are not used for the recruitment, assembly, financing, training and transit of mercenaries for the planning of activities designed to destabilize or overthrow the Government of any State or threaten the territorial integrity and political unity of sovereign States, or to promote secession;
4. *Calls upon* all States that have not yet done so to consider taking necessary action to sign or to ratify the International Convention against the Recruitment, Use, Financing and Training of Mercenaries;

## DOCUMENT

5. *Welcomes* the cooperation extended by those countries that have invited the Special Rapporteur of the Commission on Human Rights on the use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination;
6. *Also welcomes* the adoption by some States of national legislation that restricts the use of mercenaries;
7. *Decides* to extend the mandate of the Special Rapporteur for three years and also decides that the Special Rapporteur, in carrying out his mandate, shall seek and receive credible and reliable information from Governments, specialized agencies and intergovernmental and non-governmental organizations;
8. *Requests* the Secretary-General to provide the Special Rapporteur with all necessary assistance;
9. *Urges* all States to cooperate fully with the Special Rapporteur in the fulfilment of his mandate;
10. *Requests* the Office of the United Nations High Commissioner for Human Rights, as a matter of priority, to publicize the adverse effects of mercenary activities on the right to self-determination and, when requested and where necessary, to render advisory services to States that are affected by the activities of mercenaries;
11. *Requests* the Secretary General to invite Governments to make proposals towards a clearer legal definition of mercenaries;
12. *Requests* the Special Rapporteur to report, with specific recommendations, his findings on the use of mercenaries to undermine the right to self-determination to the Commission at its fifty-fifth session;
13. *Decides* to consider at its fifty-fifth session 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 under the agenda item entitled "The right of peoples to self-determination and its application to peoples under colonial or alien domination of foreign occupation".

20th meeting 27 March 1998

[Adopted by a roll-call vote of 35 votes to 9, with 8 abstentions]



**KASHMIR : PAKISTAN'S PROXY WAR**

By **D.P. Kumar**. Har-Anand, New Delhi, n.d..320 pp..

Eversince the partition of and emergence of independent nations India and Pakistan, Kashmir has been in the Pakistan's eye of the storm from day one. So, in order to capture Kashmir by force Pakistan waged three wars, in 1947-48, 1965 and 1971. But in all these efforts, Pakistan failed to wrest Kashmir away from India and suffered major reverses in its encounters with the Indian Army.

Having failed in its design Pakistan since 1988 has been waging a *proxy war* against India, which in technical military terms is called a low-intensity conflict but is equally effective. Infact, it is a low cost war that can be carried on for years to test the patience of adversary and to make it capitulate and succumb. And it is exactly what Pakistan has been doing by remaining itself behind the screen and still waging a war against India. In all its wars and actions, Pakistan has always tried to flaunt its Islamic superiority, arrogance and aggressiveness. The book under review entitled *Kashmir : Pakistan's Proxy War* by D.P. Kumar is a bold initiative in providing as much information as possible about Pakistan's novel and devious design of waging a war by porxy against India. The author has painstakingly gathered the requisite information from the published accounts of the Army Generals who were involved in wars between Pakistan and India, and also from the publications and journals of the Ministry of Defence. This information has been compressed into the book form. The book depicts the current Pakistan's proxy war against India as more barbarous, brutal, cold-blooded, vengeful, pitiless and hellish than a frontal war of attrition.

The book describes that having miscalculated the situation on one occasion in 1965 and having been put to discomfiture in another in 1971 which resulted in the creation of Bangladesh, Pakistan devised a new strategy, easier, less expensive and less risky. Thus, in mid-1988 began the acts of militancy and subversion sponsored by Pakistan in Kashmir. Since then Kashmir has been suffering at the hands of militants and insurgents trained in Pakistan. Pakistani President Zia-ul Haq's

## BOOK REVIEW

well-planned 'operation Topac' was launched to take over the Indian state of Jammu and Kashmir, with full scale terrorism, subversion, insurrection and insurgency all at a time, which was thought to be more effective than the frontal wars. Operation Topac was the beginning of the proxy war against India which has now taken a full shape.

The book further brings into focus the fact that when militancy developed into full-scale terrorism in Jammu and Kashmir, the pro-Pak and pan-Islamic Kashmiri militant organisations were in the forefront spreading fundamentalism in the name of *jehad* (Holy war). Pakistan intensified its efforts to train and indoctrinate young Kashmiris recruited from the valley on a much larger scale and also upgraded the weaponry supply to the militants. Since 1991, there has been no let-up in the infiltration of trained subversives fully equipped with arms from Pakistan and POK. Even terrorists and mercenaries from other countries such as Afghans and Sudanese were encouraged to set up special camps in Pakistan and in Pak-occupied Kashmir at Aliabad, Kalamulla, Nakyal, Gulpur and Khurtta and keep up the terrorist pressure on India. Simultaneously the I.S.I. stepped up pushing arms, dings and other contraband into Kashmir and used terrorists to smuggle the same and narcotics into India on a large scale.

Pakistan's strategy to internationalise Kashmir issue as the issue of human rights has also been dealt with in this book. Since Pakistan is running short of strategies to subjugate India and annex Kashmir, it is resorting to all tactics to gain the sympathy of the west, and is maligning India by levelling false charges of violation of human rights in course of the security forces' operations in Kashmir.

The author concludes that Pakistan has been waging a war by proxy against India without any conclusive result. All that it has succeeded is that it has embroiled India in a conflict that India doesn't want. The people of Kashmir are not with Pakistan except for some misguided Islamist youth. Instead of seeking a solution on rational and humanistic basis, Pakistan has been carrying out a perpetual confrontation with India, by promoting militancy and subversion.

**Dr. Sharad K. Soni**

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**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.

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