**India and Pakistan back to 2003 cease fire agreement and emerging questions**

[Dr Syed Nazir Gilani](https://dailytimes.com.pk/writer/dr-syed-nazir-gilani/%22%20%5Co%20%22More%20Articles%20by%20Dr%20Syed%20Nazir%20Gilani)

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It is a good news for the people of India, people of Pakistan and the people of Kashmir thatfrom midnight Wednesday 25 February 2021, the military command of India and Pakistan have decided to return to the cease fire of 2003. India has accused Pakistan of more than 10,500 incidents of cease fire violations and Pakistan has accused India of 9,500 such incidents of cease fire violations between 2018 and end of 2020. Dialogue has remained the ultimate instrument of civilised societies to settle a dispute. India and Pakistan could not be an exception to this rule.

The question that escapes notice of the people in India, Pakistan and the world, is the habitat where the two armies are stationed and the people who suffer from these violations. These are the inhabitants of the State of Jammu and Kashmir living on both sides of a cease fire line existing between the two armies. It has been stated at the 773th meeting of the Security Council held on 20 February 1957 that, “…pending the holding of a plebiscite, neither India nor Pakistan can claim sovereignty over the State of Jammu and Kashmir”. Therefore both armies should end the illegal use of fire power that continues to cause loss of life and disrupts the life in these areas. In addition the erring armies should pay damages and reparation to the victims.

It is not enough that the army command has negotiated to return to the cease fire agreement of 2003. The people of Jammu and Kashmir are suffering under the repression of 900,000 Indian soldiers and a no holds barred exchange of fire power across the cease fire line further add to the misery and suffering of the people. In fact as pointed out at the 539th meeting of the UN Security Council held on 30 March 1951, the two countries need to return to “Resolutions of 13 August 1948 and 5 January 1949”. And if the parties are unable to reach agreement, there are provisions for arbitration and the panel of arbitrators shall have to be appointed by the International Court of Justice. India cannot continue with its non-compliance.

The way out for Pakistan is to take the people of Kashmir on board and convince them about the credentials of these actors who are passing through “back-door channels” in the name of the people of Kashmir

We should not remain averse to the merits of this ‘surprise agreement”, except make sure that the raison detreof this agreement is a genuine desire to build peace and not any quid pro quo that wrongs the right of self-determination of the people of Jammu and Kashmir. There is a rumour that there have been back-door efforts to return to 2003 cease fire agreement. Back-door channels and the credentials of the people in Pakistan who have walked through these doors are a matter of concern. Who are these people? What is their stake in Kashmir? How much do they know about the jurisprudence of Kashmir case? Who do they measure up to on the other side of the table? These are very important questions.

After the unlawful action by India on 5 August 2019, the cease fire of 2003 or return to it has no merit. Indian army has aggressed against the people of Jammu and Kashmir and has stripped them of their constitution, assembly, status, honour, dignity and what not. India has to return to the position of 5 August 2019 and let the process continue towards holding a UN supervised “Plebiscite” to decide their right of self-determination. A return to 2003 cease fire agreement has a merit, only, if the action of 5 August 2019 is vacated by the Government of India.

India would need Pakistan to blink on the cease fire line so that her 900,000 army has a free hand to decimate every vestige of honour, dignity and life in the Valley. Pakistan has to consider this Kashmiri concern without delay. We do not want a clash of armies. We just want them to back off from releasing their fire power on a people, that both claim to be subject of their respective claims and interests in the future.

Pakistan has many challenges at hand and many questions to consider, before it engages with India through “backdoor contacts”. India has offered a cease fire to the militants of Kashmir, offered sky as the limit and formed five working groups to encourage them to enter into a direct dialogue with India and ignore Pakistan. The people of Jammu and Kashmir refused all Indian offers and advocated for the presence and participation of Pakistan as a party. They have readily let go all offers of a bilateral settlement with India and have ensured that Pakistan is not left out. It would be a tragedy for all and a disaster for Pakistan, if Pakistan decides to nudge pass the people of Kashmir and is seen attempting to settle for a quid pro quo with India.

These actors who have taken upon to walk through “backdoor passage” with Indian actors, should know and be warned that Kashmiris in all the three administrations of the State, India, Pakistan and all over the world have experts of highest order and capable to enter into a “backdoor dialogue” with India severally or collectively with both India and Pakistan. If Pakistan goes for a “back-door channel” choice to reach out to India, there would be many parallel moves in India that would encourage a “back-door” dialogue with Kashmiris. Therefore, we should not wrench out the last drops of faith existing between the people of Jammu and Kashmir and Pakistan.

India would like to put Pakistan on the spot and convince the people of Kashmir that Pakistan has lost its nerve and is ready to strike a quid pro quo with India. Even if Pakistan does err in this respect, it would not mean that the people of Kashmir, would wrap up and let India be the colonial master. People of Kashmir will re-set the compass of their struggle against Indian rule and occupation. Pakistan will earn the historic blame.

India will pursue her Parliament Resolution of February 1994 about Azad Kashmir. India will activate its assets in Azad Kashmir, GB and all over the world and shake Pakistan out of its delusional ease. By then Pakistan may have lost or badly harmed its constituency in Jammu and Kashmir and in the Diaspora. Pakistan does not have a reliable constituency either.

The way out for Pakistan is to take the people of Kashmir on board and convince them about the credentials of these actors who are passing through “back-door channels” in the name of the people of Kashmir. Vajpayee has accused Pakistan as a country of U-Turns. We sincerely hope that there would be no more U Turns on Kashmir and Vajpayee is proved wrong.

Pakistan has submitted at the UN Security Council that if the people of Jammu and Kashmir accede to India, they will be “signing their death warrant”. India succeeded to hold back Pakistan from raising Kashmir at the Security Council for 32 years. A return to 2003 cease fire agreement and the use of ‘back-door contacts’ ‘need to be explained in the context of Indian action of 5 August 2019. We support peace and wish Pakistan well. However, if Pakistan leaves us in the wilderness, we have a right to re-set our compass. People of Kashmir have a UN template for a UN supervised vote and negotiating them through ‘back-door’ contacts would be unlawful and a sin.

*The writer is President of London based Jammu and Kashmir Council for Human Rights – NGO in Special Consultative Status with the United Nations*