

2019 no. 4 £6.50 (free to members)



INTERLIB

Journal of the Liberal International British Group

**Sudan Hong Kong Turkey
Democrat Hopefuls, USA**

EVENTS

3rd June LIBG Forum: Where US foreign policy is heading under Donald Trump and why. NLC 6.30pm

4th June March against Donald Trump – Liberal Democrats meet outside the Canadian Embassy: Canada House, Trafalgar Square, London SW1Y 5BJ - 10:30am

24th June NLC Diplomatic Reception

1st July LIBG AGM. NLC 6.30pm

1st July LIBG Forum: Brazil: A Return to Darkness?

5th-6th July 202nd Executive Committee Meeting of Liberal International, NLC - *see over*

14th-17th September Liberal Democrat's Conference. Bournemouth

For bookings & other information please contact the Treasurer below.

NLC= National Liberal Club, Whitehall Place,
London SW1A 2HE
Underground: Embankment

Liberal International (British Group)
Treasurer: Wendy Kyrle-Pope, 1 Brook Gardens,
Barnes,
London SW13 0LY

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Photographs: Gillian Lusk, Chinese Lib Dems,
Stewart Rayment

202nd Executive Committee

Date and Location: 5-6 July 2019,

Venue: National Liberal Club, 1 Whitehall Pl,
Westminster, London SW1A 2HE

Registration: Registration is now open! To
access the registration page use the link:

<https://202ec.eventbrite.co.uk>

*Please note: the password needed to access the registration page has been communicated to the international officer of your party or organisation. Each party can be represented by up to 2 delegates – please consult with your international officer on how many delegates your party is allowed – the remaining members of your delegation must be registered at the guest rate. **Registration will close on Sunday 23rd June.***

Further Details Relating to the 202nd Executive Committee meeting– please check this page regularly <https://liberal-international.org/what-we-do/events/executive-committee-meetings/202nd-2019/>

Kashmir; A Disputed Territory.

Phil Bennion

The recent unilateral constitutional changes made by the Indian government of Narendra Modi have brought the disputed nature of the status of Kashmir back into focus. The extended curfew has been criticised by human rights groups worldwide and the role of the Indian Army in Kashmir has again come under question. Kashmiri activists both at home and in the diaspora have found a sense of unity in raising their voices against human rights abuses such as disappearances and deaths at the hands of the army and the banning of political movements advocating independence. The latter is equally an issue on either side of the line of control as pro-independence politicians are banned from standing for the parliament of the self-styled “Azad” Kashmir occupied by Pakistani military forces. In the area of Kashmir under Indian control political leaders such as Yasin Malik are imprisoned and the Special Powers Act gives the Indian Army the right to be judge and jury over its own actions.

For the purpose of this article I will focus on the history and legitimacy of various claims and propose a tentative solution. The territory of Jammu was annexed from the crumbling Mughal Empire by Ranjit Singh, the Sikh ruler of Punjab in 1808 and Kashmir followed in 1821. He bestowed the territories on his military commander Gulab Singh, who extended his territory into Ladakh and Baltistan. After a war with the British the Princely State of Jammu and Kashmir was set up as part of the British Indian Empire in 1846 with Gulab Singh acknowledged as Maharajah. The northern border was never defined as Gilgit was rarely under stable control.

On British withdrawal in 1947 the Maharajah Hari Singh was minded towards joining India rather than Pakistan, despite the majority of the population of Jammu and Kashmir being Muslim. This resulted in a rebellion in the Punch province in the south west of Kashmir. Singh called on Mountbatten to bring in Indian Dominion troops to put down the rebellion and a hurried verbal agreement was made to the effect that the Maharajah would opt for India with a condition of a confirmatory plebiscite. It seems that the accession agreement was signed by Singh and Mountbatten in October 1947 at the same time as the troops arrived. However requests to see the document were continually denied leading to deep suspicions that it did not exist. Its existence seems to have been confirmed by Freedom of Information activist Venkatasah Nayak only in 2016, who had gained access to the archives and taken photographs. It does show a similarity to the accession agreements of the other princely states, restricting Indian sovereignty to defence, foreign affairs and communications, but there is a clear clause retaining all other sovereignty for the Maharajah and his heirs and declaring that any subsequent constitutional changes in India would not apply.

The military action by Indian troops reached a stalemate at what is now the line of control and most of Punch province is now the semi-independent “Azad” Kashmir occupied by Pakistani forces, which soon regularised the militias during 1948/49. The matter was referred to the United Nations which resolved that following the suggestions of both Mountbatten and Nehru the accession to India should be subject to a plebiscite. The UN went further by introducing an option to join Pakistan. After two further wars between India and Pakistan the Line of Control is still in place.

The current situation is defined by a number of pertinent issues:

- 1) Suspicions regarding the veracity of the Accession Agreement and the restrictions on its scope of application
- 2) The unmet promise of a plebiscite for the Kashmiri people to decide its fate
- 3) The human rights abuses by Indian forces and restriction of political rights in Azad Kashmir
- 4) The genuine belief in India that Kashmir is an integral part and similarly in Pakistan that Kashmir should have been given the choice
- 5) The growing support for independence as a non-partisan solution.

The suspension of autonomy by India is a clear breach of the Accession Agreement, even accepting that it is

a genuine document. Large numbers of Kashmiris do not accept that they are an integral part of India and hence did not agree with any of the constitutional provisions in the first place. Direct rule is not going to encourage the dissidents (and no-one can say whether they form a majority or not) to adhere to the state of India.

The claims of Pakistan may have some moral authority but calling on the UN to implement resolutions over 70 years old is unrealistic and refusal to withdraw Pakistani forces was a contributory factor in the failure to hold the plebiscite. India as a nascent superpower would in any case refuse to cede Kashmir to Pakistan. Additionally it is questionable whether Pakistan as an Islamic Republic, has a constitution fit for purpose in ruling over a religiously diverse territory such as Jammu and Kashmir. Many Muslims in the territory also favour a secular constitution. Pakistan has been accused by India in the past of sponsoring terrorism in Kashmir, but the signs are that under Imran Khan, Pakistan is taking a more responsible line. The people of Kashmir are divided over allegiance to India, Pakistan or an independent Kashmir. However they are united in the view that partition along the Line of Control is a bad thing and that they want movement restrictions lifted.



Phil Bennion speaking at rally in Birmingham on 31st August

I would like to propose the examination of the idea of a Joint Protectorate whereby a treaty is drawn up allowing India and Pakistan a continued military presence in their current areas of control for external security purposes, but full autonomy is restored to a Kashmiri Regional Government operating across the Line of Control, with authority over all domestic policy. A secular constitution would be appended to the treaty. In this way all parties would give up some of their aspirations but all would see their key requirements fulfilled. Jammu and Kashmir would not be an integral part of India; Pakistan would relinquish all sovereignty claims on the territory, Kashmiris from the

Muslim majority would have to accept that they would never be joining Pakistan. But India and Pakistan would have the rights enshrined to protect their external borders; a cooperative future would ensure access to water and electricity resources for both; the ending of conflict would bring much needed investment particularly in tourism; the Kashmiri people would be largely reunified and have rights protected by a secular constitution and India and Pakistan could see an expensive and dangerous pressure point de-escalated. Ideally such an agreement should include Gilgit-Baltistan, but I see no chance of China coming on board regarding Aksai Chin.

This maybe a pipe dream, but India and Pakistan need to start talking about Kashmir with no advance red lines. Modi has 5 years before he needs to face the electorate again and Imran is bold enough to make the first move.

Phil Bennion

Phil Bennion is a former chair of LIBG and is a MEP for the West Midlands

Jammu and Kashmir

Dinesh Dhamija

In 1947 when India gained independence from the British, there were over 600 princely States in India. They were asked, if they wanted to join Pakistan or India, after the partition of India, into India and Pakistan.

The kingdom of Jammu and Kashmir, chose at the time (1947), to go with India. There was a Muslim majority, but the King, Hari Singh, who was Hindu, signed with India. Similarly, the Navab of Junagarh who was Muslim, but with a Hindu majority, signed to go with Pakistan. (There were 2 Pakistan's formed: West Pakistan and East Pakistan. In 1971, East Pakistan became Bangla Desh, a separate country.)

Jammu and Kashmir, under this accession agreement, gave up to India, its right to Defence, Foreign affairs and Communications. (Art. 370 of the Indian Constitution)



Subsequently a UN resolution was passed to hold a plebiscite, agreed, by Pakistan and India, if the State of Jammu and Kashmir, would like to remain with India or join Pakistan. Admiral Nimitz of the US was put in charge, by the UN. The plebiscite could not happen, as the Pakistani army refused to move back, to the border of Kashmir and Pakistan. (See video below.) Thus, the plebiscite was cancelled by Admiral Nimitz, of the UN. (Video 1)

There were 2 wars fought between India and Pakistan, on this issue. All gains and losses were exchanged subsequently. Militant cells were established by Pakistan, in Pakistan occupied Kashmir (POK), to create trouble in Jammu and Kashmir, including bombings in crowded markets etc. From 1990, Hindu's in Jammu and Kashmir (Kashmiri pundits) were targeted, over 3 or 4 years, by Muslim militants, some died, some had their properties destroyed. (See video 2)

The result was 400,000 left their homes, and the state. The central government was very weak then, and could not protect them. Some saw this as the total Islamisation of J and K. The Northern part of Jammu and Kashmir, is called Baltistan and Gilgit. (See map below)

This province was predominantly Hindu, as the invading Muslim armies, over the centuries, bypassed it, to get to the riches in Delhi etc.

This province of Jammu and Kashmir, was annexed by Pakistan around 1990, and people from the rest of Pakistan could buy land and invest. On the other hand, Indians from the rest of India were not allowed, in the Indian part of Kashmir, under Art 370.

Pakistan also ceded a part of Kashmir called the Shaksgam valley, to China. If Jammu and Kashmir are disputed territory, this was an illegal act, by Pakistan.

Jammu and Kashmir, is under the control of 2 other countries: Pakistan and China. (Pakistan and China. The Chinese area is called Aksai Chin) - see map below.

If Jammu and Kashmir have to become one, all 3 parts should be merged again.

According to the accession agreement, the whole state should be put under article 370, and India should have Defence, Foreign Affairs and Communications.

China, having a veto, in the Security Council, will never agree to this. Nor will Pakistan.

Art 370 was supposed to be temporary, as written in the Indian Constitution. So, abrogation after 72 years, of Art 370 on the 5th August 2019, fulfilled the term "temporary".

Human Rights abuses have been highlighted by the UN, by the Indian side, but not by the Pakistani and Chinese side.

My gut feel is, that there must have been some, done by all.

Indian Army's presence, is needed in Jammu and Kashmir, for 2 main reasons:

Protecting India's water security interests, and

Defending territory from any Chinese or Pakistani incursions or invasion.

Extended Curfew, and loss of communications: I have no clue, why.

The Indians must have some method in their madness! Time will tell.

Dinesh Dhamija

Dinesh Dhamija is a MEP for London, Deputy Treasurer of the Liberal Democrats & Vice Chair of their Federal Board

PS Some dates above are approximately.

Videos can be accessed from our online edition at www.libg.co.uk (where you will also find all of the other issues of interLib published (only the Autumn conference issue appears in print)

<https://drive.google.com/file/d/0B76ydQOye-oCQjZ6a1JaUGlFN0RHVTNXWUhLQVc0WEhMOFJZ/view>
[VID-20190811-WA0037.mp4](#)

<https://drive.google.com/file/d/0B76ydQOye-oCa1hqV2toQ0lsREJYb04zRUMyNy1IZ0MwN21V/view>
[VID-20190831-WA0019.mp4](#)

The text of the Mission to Pakistan and Azad Kashmir, of 27 July to 3 August organised by the Jammu & Kashmir Self Determination Movement International (JKSDMI) in collaboration with the Pakistani Ministry of Foreign Affairs, appears as an appendix to the online edition.

How British liberals should advocate for the human rights of the citizens of Jammu and Kashmir.

Imaduddin Ahmed

The 72-year history of Kashmir since the British Raj dissolved is fraught with unconfirmable contentions and theories and riddled by complex problems. For a start, the issue of self-determination of the people of the various parts of Kashmir under Pakistani, Indian and even Chinese administration is not straightforward: self-determination by whom, given migrations since 1947? The wider stakes at play for the two nuclear powers in dispute over the region is multifaceted, including the way by which sectarian Pakistanis and Indians identify their nationhood; revenge for the partition of Pakistan in 1971; and water security. The Raj, a coterie of deep state officials in Pakistan, non-state actors from Pakistan, the Governments of India



Kashmir under the Raj - 1904... what a mess we made...

and even China have all played their part in the troubled decades that Kashmiris, particularly in Jammu and Kashmir, have had to endure. With all this in the background, it is important to not lose focus of the need for action against the most immediate and pressing concern for human rights in the region.

On August 5th and 6th, the Government of India revoked the special status accorded to the state of Jammu and Kashmir under Article 370 of the Indian Constitution. Under Article 370(1) of the Constitution of India, such a revocation may only be affected with the “concurrence” of the state government of Jammu and Kashmir.

Jammu and Kashmir have not had a government in months, and so the revocation under the President’s direct rule and the federal Government abrogated the spirit of Article 370.

Accompanying these actions, the Government of India escalated military presence in Jammu and Kashmir, already perhaps the densest in the world, enforced curfews, enforced a media blackout and blocked all communications. Further, under a draconian public safety law, the Government of India detained and arrested Kashmiri politicians without issuing warrants. Reports of the torture of civilians are now coming through the BBC³.

Civilian casualties over the past 12 months were already at a decade high. 100 civilian deaths in 2018¹. The Office of the UN High Commissioner for Human Rights found in its 2018 report² the Indian state to be guilty of ‘excessive force that [...] led to unlawful killings and a very high number of injuries’, and to be guilty of denying access to justice to Kashmiris. The report recommended measures to reduce the impunity with which security forces were able to act and improve accountability for human rights violations of the state, as well as for the self-determination of Kashmiris in both Pakistan and Indian administered Kashmir.

Instead of adopting its recommendations, the Government of India's recent actions will worsen the situation.

British liberals, being committed to fair, free and open societies, will be itching to intervene. However, British involvement in the bilateral (but asymmetric) issue between Jammu and Kashmir and India could reek of colonial tones given the UK's history in South Asia. The best outcome would be for the Indian Supreme Court to quickly find the Government of India's actions unconstitutional, and to reinstate the special status of Jammu and Kashmir under Articles 370 and 35A. Given that the Supreme Court will not start hearing the petitions against the revocation of these articles until October, and that the citizens of Jammu and Kashmir are effectively under house arrest, to mitigate against the accusation of being colonial, British liberals should agitate for the UK government to work multilaterally within the European Union, United Nations and Commonwealth of Nations.

The first priority should be for the comity of nations to reset affairs to the status quo as of 4th August, and to use instruments at their disposal to achieve this outcome. First, the media and communications blackouts in Jammu and Kashmir must be lifted and politicians and party workers detained without warrants for arrest must be released. Second, the original conditions of accession of Jammu and Kashmir to India (ie. those laid out in Articles 370 and 35A) must be recognised.

The secondary priority should be to improve the human rights conditions for Kashmiris from what they were on 4th August, per the recommendations of the UN High Commissioner for Human Rights. Chief amongst these recommendations should be interventions that end the legal use of lethal and arbitrary force by Indian security forces and that improve accountability of the security forces' use of force. This means calling for a. the repeal of the Armed Forces (Jammu and Kashmir) Special Powers Act, which prohibits the prosecution of security forces personnel unless the Government of India grants a prior permission to prosecute, and allows any army officer to use lethal force against any person contravening laws or being in an 'assembly of five or more persons'; and b. extending the competence of the Jammu and Kashmir State Human Rights Commission to investigate all human rights violations in the state, including those allegedly committed by central security forces.

Iman Ahmed

Imad Ahmed is an infrastructure investment economist at University College, London & a member of LIBG.

¹ 2018 is the worst year in a decade in Kashmir. Next year could be worse, by Joanna Slater & Ishfaq Naseem. Washington Post 23.12.2018

² Report on the Situation of Human Rights in Kashmir: Developments in the Indian State of Jammu & Kashmir from June 2016 to 24th April 2018, and General Human Rights Concerns in Azad Jammu & Kashmir and Gilgit-Baltistan. Office of the United Nations High Commissioner for Human Rights. 14.06.2018

³ "Don't beat us, just shoot us": Kashmiris allege violent army crackdown, by Sameer Hashmi, BBC News, Kashmir 29.8.2019

An emergency policy motion has been submitted to the Liberal Democrat's Autumn Conference.

LIBG members attending the conference are encouraged (helping out at the stall aside) to support international emergency motions - their party has got to think beyond Brexit, even if the British Parliament can't!

reviews



Matt on Brexit, by Matt
Orion 2019 £7.99 isbn 9781409192251

Matthew Pritchett, Matt, is The Daily Telegraph's pocket cartoonist (I thought the term was Osbert Lancaster's but it appears to have become generic). Usually to be found on the front-page, Matt's cartoons are one of the few things worth buying the Torygraph for these days. Brexit has soured it as a paper and when I bought a copy a few weeks ago the gloat over the election results (as with international news, their coverage used to be the best) I found it rather unpleasant. Matt does not have to follow the political line of the Telegraph, so his cartoons often have a sanitising effect.

Brexit has been a gift to cartoonists of all hues; almost daily, Matt has been able to express something in his archetypal Tory man and

woman (rather old, I note). Since many of these views reflect my findings on the doorstep and outside the polling station, Matt surely follows a rich vein and will be much visited by historians of the crisis.

Speaking at Chris Beetles' Gallery at the opening of his exhibition, Matt told us that on the fatal night of 23rd June 2016, the editorial team of the Telegraph had decamped, as usual, to a Chinese restaurant to await events, David Cameron had phoned them to say that Remain had won convincingly 55:45%, so they settled in for another round of dim sung, only to find, as the exit polls became available, that there was a somewhat different result, and that he had to rethink his cartoon completely, a Leave result having not been anticipated. Since we were ostensibly leaving on 29th March 2019, Matt's publisher had planned the book accordingly; he now anticipates a second, or third, or as we all chimed, fourth volume. Neither of these are in the first volume, so please consider them your Brexit bonus...

Matt's work was displayed at Chris Beetles Gallery until 22nd June – probably much longer for some of it, but can be viewed online at <https://www.chrisbeetles.com/artist/35/matt-matthew-pritchett-mbe> attractive £250.00 unmounted, £350.00 framed.

Stewart Rayment



The originals can be purchased for an

The Sarawak Report Reader's Offer

Following Howard Henshaw's review of The Sarawak Report (interLib 2019-01) the publishers are delighted to arrange a special offer for readers of interLib of 25% off the price of the book. To take it up, they should simply find the book on the Central Books website:

<https://www.centralbooks.com/sarawak-report-the.html> and use the coupon code SARAWAK25

