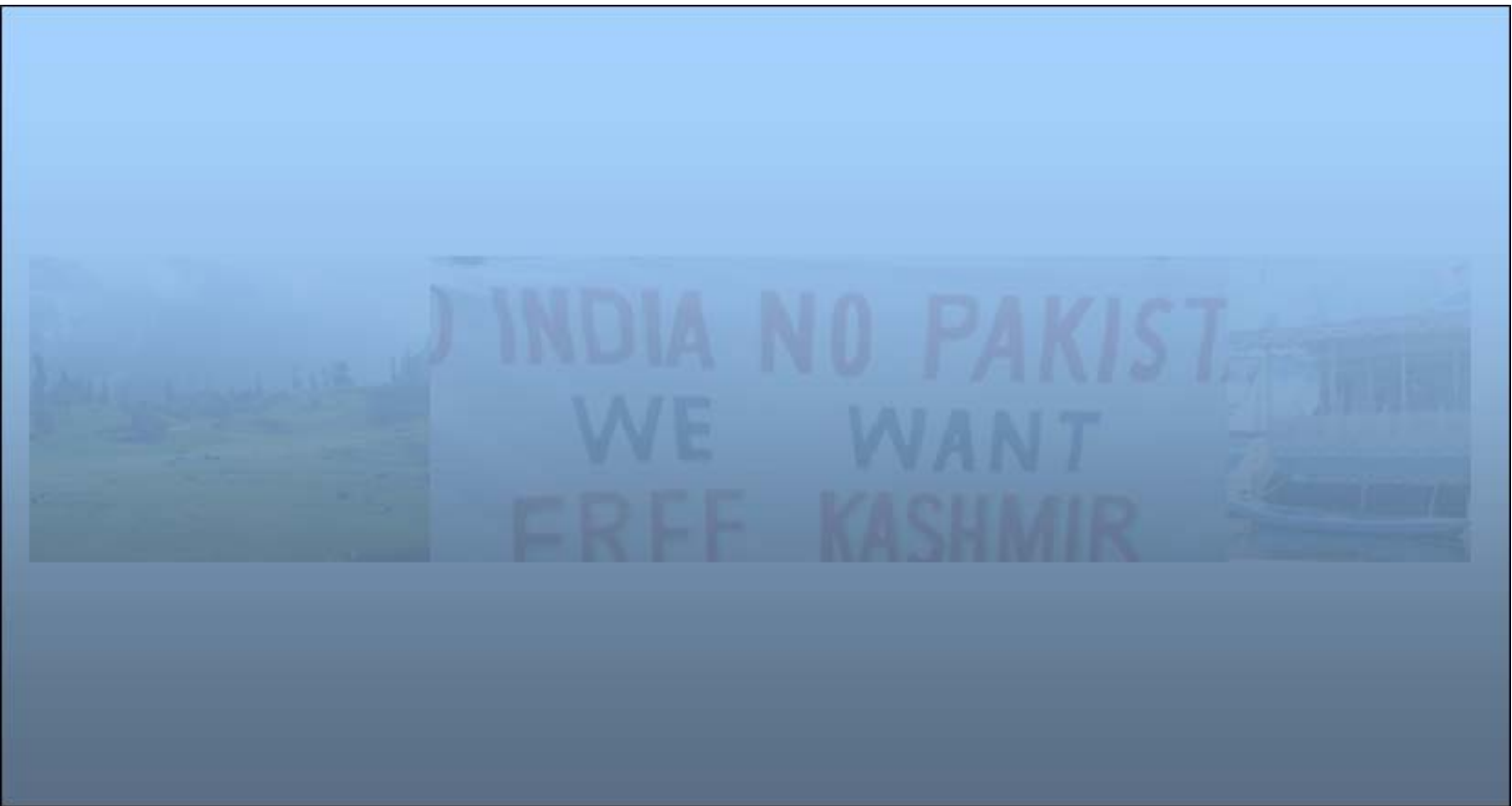


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**Kashmir and The Process Of
Conflict Resolution**

Moonis Ahmar

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Kashmir and The Process Of Conflict Resolution

Moonis Ahmar^{±1}

Introduction

Kashmir as a major source of conflict in Indo-Pak relations is now passing through a process of transformation. From a bilateral issue the conflict of Kashmir is now changing its shape and witnessing the gradual involvement of people of Jammu and Kashmir (J&K) in a process of conflict management and resolution.

This paper attempts to examine the process of conflict resolution between India and Pakistan in the light of the Kashmir conflict. For Pakistan, without the resolution of the Kashmir conflict, there cannot be peace and stability in Islamabad-New Delhi relations. Whereas for India, Kashmir may be a major issue negatively affecting Indo-Pakistan relations, but is certainly not the core issue as repeatedly stated by Pakistan. The hard line positions taken by India and Pakistan on the Kashmir conflict resulted into stalemate in their relations, heavy defence expenditures and ineffectiveness of regional cooperation in South Asia. The holding of composite dialogue between India and Pakistan to discuss various critical issues, including Jammu and Kashmir, is a positive development as far as the process of conflict resolution in that troubled region is concerned. The gradual softening of Line of Control (LoC) and the holding of ceasefire between India and Pakistan along LoC since November 2003 account for the step-by-step management of the Kashmir conflict. Four important themes, which will be examined in this paper, are as follows:

1. *Obstacles and pitfalls in the process of conflict resolution in Kashmir*
2. *Alternative architectures of peace and conflict resolution between India and Pakistan on the Kashmir conflict*
3. *The relevance of alternate architectures of conflict resolution in resolving the Kashmir conflict*
4. *Future prospects of conflict management and resolution of the Kashmir conflict*

Background of the Problem

The Kashmir conflict is the outcome of a process of neglect, discrimination, suppression of Kashmiri identity and the pre-eminence of power centric approach held by the successive regimes of India and Pakistan. Regretfully, the end of the cold war at the superpower level couldn't bring any qualitative change in the mindset of people at the helm of affairs in New Delhi and Islamabad. On the contrary, Indo-Pak tension over Kashmir reached new levels after the outbreak of an uprising in the Indian controlled Valley of Kashmir in the late 1980s. The question is not the failure of the past initiatives for conflict de-escalation, management and resolution in Indo-Pak relations but *how* an alternate structure of peace and conflict resolution could be created and *what* can be done at the state and society level to fill the gaps in the

¹ The author is thankful to the University of Pennsylvania Institute for the Advanced Study of India New Delhi for the assistance provided to write the initial draft of this paper

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approaches and perceptions of parties involved in the Kashmir conflict? Can such a structure for peace be acceptable to New Delhi, Islamabad and the Kashmiri leaders or will the contradictions which exist among them further delay the process of conflict resolution in the region?

Conceiving a plausible solution of the Kashmir conflict within the parameters of maintaining the state structures, order, fairness and justice is an uphill task. For around 57 years, the people of Jammu and Kashmir (J&K) have been suffering from a set of issues: injustices, insecurity, violence, terrorism and identity crisis. For the people of J&K this is compounded by a longer term threat to their survival because of an uncertain future, the region of South Asia, particularly India and Pakistan is also a victim of “conflict process” and “violence process” in Kashmir. These two processes are primarily the outcome of the failure of New Delhi and Islamabad, the two major players in the Kashmir conflict, to create conditions for peace and providing people of J&K relief from years of bloodshed and killings.

Three critical realities which grip India, Pakistan and J&K relate to the forces who are against altering the territorial status quo; those who want to change the map of J&K to their own advantage and those who want to seek a middle path and resolve the Kashmir conflict through a process of dialogue. The first two forces, who since the partition of the Indian Sub-continent in August 1947, have followed the paths of confrontation, intransigence and belligerence in dealing with the Kashmir conflict are now exhausted thus giving an opportunity to the third force to play a more meaningful role and reverse the process of violence.

Conceptually, the conflict in Kashmir has four important dimensions impacting on Indo-Pak relations and the future of South Asia as a whole. First, the role of state actors, second centrifugal forces who at the present are out of the power structure, third the question of security and insecurity engulfing the people of Jammu and Kashmir and fourth the broad question of religion and ethnicity. If all the four dimensions are analysed the process of conflict resolution in Kashmir could be understood in a better manner. As far as the state actors are concerned, to a large extent, the position taken by Pakistan and India on the issue of Jammu and Kashmir has remained intransigent and devoid of much flexibility. After the offering of a hand of friendship by the then Indian Prime Minister, Atal Behari Vajpayee to Pakistan on April 18, 2003 and Islamabad’s positive response, one can see some change in the positions taken by India and Pakistan on the Kashmir conflict. The meeting which took place in the sidelines of 12th SAARC summit held in Islamabad on January 6, 2004 between Vajpayee and President Pervez Musharraf resulted in the holding of a composite dialogue so as to resolve various issues, including the one related to Jammu and Kashmir, through negotiations. With the unleashing of the Indo-Pak normalization process from early 2004, one can see some progress as far as the resolution of Kashmir conflict is concerned.

As far as religion and ethnicity are concerned, both foment the identity crisis of the people of J&K. But, here the question is not of a unified Kashmiri identity vis-à-vis New Delhi or Islamabad but the existence of an identity crisis within the diversified regions of Jammu and Kashmir. The Muslims of Kashmir Valley, who are at the forefront of the movement for self-determination, do not share much of their cultural heritage with the Muslims of Jammu nor those of Pakistan administered Azad

Kashmir, nor the Northern areas of Gilgit, Hunza and Baltistan. On this account, ethnicity is not a source of identity among the people of Jammu and Kashmir. The same is true in the case of religion, because the Buddhist community living in Ladakh do not share a faith with the Muslims, Hindus or Sikhs living in other regions of Jammu and Kashmir. As rightly said by an American expert on South Asian security affairs, Robert Wirsing,

*“the multiple and conflicting religious identities of Indians, Pakistanis, and Kashmiris are deeply and unavoidably implicated in the Kashmir dispute. The Kashmir dispute’s roots simply cannot be described entirely or even mainly in secular terms. Like it or not, the Kashmir dispute is, in no small part, a dispute over religion.”*²

From any standpoint, ethnic and religious contradictions in J&K make the process of conflict resolution in that part of the world quite complicated and challenging. But, the All Parties Hurriyat Conference (APHC) led by Mirwaiz Umer Farooq is unwilling to accept division of Kashmir on religious or ethnic lines. Talking to journalists at the end of his third visit to Pakistan, Mirwaiz said the:

*“APHC envisioned J&K as one entity in any situation even if the former princely sate were divided into several regions for self-governance. Kashmir be addressed as one unit as it existed at the time of partition of British India. For the first time since 1947, Kashmiri people’s voice is being recognized to some extent and ---- (their) centrality has come to the fore.”*³

Whether other regions of Kashmir, like Jammu, Ladakh and the Northern Areas of Pakistan, accept the authority of Srinagar in unified Jammu and Kashmir is a critical question, which is raised by different quarters in India, Pakistan and J&K. If external exploitation is replaced by internal colonization, the outcome may be the outbreak of a new phase of violence in those regions of J&K where the perceived domination of Srinagar may become a major impediment to a unified Jammu and Kashmir.

CR Process and Kashmir

Is the Kashmir conflict an ethnic, religious or social conflict or is a conglomeration of all these conflicts? If seen from a theoretical perspective, the Kashmir conflict is a classical case of a distinct ethnic and religious community (Muslims) feeling socially and politically deprived. The J&K conflict may be classified as a “protracted social conflict” because of feelings among Kashmiris of “economic and technological under-development, and unintegrated social and political systems, including distributive injustice, economic, social and extreme disparities in levels of political privilege and opportunity.”⁴ As substantiated by Edward E. Azar, “protracted social conflicts universally are situations which arise out of attempts to combat conditions of perceived victimization stemming from the following:

1. A denial of separate identity of parties involved in the political process.

² Robert G. Wirsing, *Kashmir The Shadow of War Regional Rivalries in a Nuclear Age* (New York: M.E. Sharpe, 2003), p. 10.

³ For further information see, “APHC rejects division of Kashmir,” *Dawn* (Karachi), April 5, 2006.

⁴ Edward E. Azar, “Protracted International Conflicts: Ten Propositions,” in John Burton, *Op.cit.*, p. 145.

2. An absence of security of culture and valued relationships.
3. An absence of effective political participation through which victimization can be remedied.”⁵

For Azar, the best possible solution for dealing with the protracted social conflict is the de-centralization of political structures so as to provide the discriminated group its identity and fulfilling its political needs. Decentralization, if introduced, can promote local participation and self-reliance and give a sense of control to marginalized groups over their affairs.⁶ Three things can be taken into account while examining Azar’s protracted social conflict theory in the context of the Kashmir situation. First, the question of identity; second the issue of security of culture; and third the absence of an effective political participation. The culture of violence and insecurity in J & K has been created because people living in that region faced a discriminatory attitude from state actors and the heavy centralized structure of governance further deepened the state of conflict. If a solution to the Kashmir conflict is reached based on securing the identity of the people of J&K, ensuring them basic security, cultural protection and political participation in a viable democratic process, it is possible that militant and terrorist elements will not be able to sustain the environment of fear and violence. Protracted social conflict can only be dealt with with the proper involvement of the parties concerned and providing them a stake with which to encourage them to reach a plausible solution in a decentralized state structure.

Dynamics of the Kashmir conflict

The Kashmir conflict is not only limited to the internal contradictions of J&K, its dynamics include historical, political, economic, cultural and security aspects. External factors also contribute to shaping the dynamics of the Kashmir conflict. According to Madhumita Srivastava,

*“the Kashmir conflict is primarily and fundamentally an ethnic conflict, though some forces in India as well as in Pakistan are trying their best to make it a communal one because of the identity of Kashmir people from the rest of India and Pakistan. That the Kashmir problem has always been a problem of ethnic identity Kashmiriyat and its resolution may be found in upholding, rejuvenating and establishing the Kashmiriyat in an acceptable framework in the larger freedom and political order”*⁷

On the other hand, Sumantra Bose argues that,

*The Kashmir conflict has multiple dimensions and is defined by a complex intersection of an international dispute with sources of conflict, internal to the disputed territory and its Indian and Pakistan – controlled parts. Any approach to resolving this multi-layered conflict must necessarily involve multiple, but connected and mutually reinforcing, tracks or axes of engagement and dialogue.*⁸

⁵ *Ibid.*, p. 147.

⁶ *Ibid.*, p. 151.

⁷ See Madhumita Srivastava, *International Dimensions of Ethnic Conflict A Case Study of Kashmir and Northern Ireland* (New Delhi: Bhavana Book & Prints, 2001), p. 80

⁸ Sumantra Bose, *Kashmir Roots of Conflict, Paths to Peace* (Cambridge: Harvard University Press, 2003), p. 207.

Therefore, to a large extent, “Kashmiris simply wanted basic democratic rights, including representative, accountable government and a voice in determining the destiny of their homeland. But, the Indian State appeared to interpret popular opposition to Pakistan as further licence to continue trampling on those very rights.”⁹ Nonetheless,

*“the politics of Kashmiri identity was transmitted into ethnic nationalism, associated with a distinct Islamic tinge and a transfer from India to Pakistani loyalty. The ruling elite of Pakistan, unreconciled with the idea of the loss of Kashmir readily responded to this historic opportunity. Kashmir became one of the worst tragedies of international politics, degenerated into a pawn in Indo-Pak rivalry. The unfortunate victim of this process has been the people of Kashmir.”*¹⁰

The dynamics of the Kashmir conflict could be divided, as stated by Iffat Malik into two distinct phases. The first phase starting from 1987-1989 can be considered as the period of “build-up” to “insurgency.” The second phase beginning in 1989 until the present day is the period of actual full-scale insurgency. The major difference between these two, as pointed out by Iffat Malik is: first the intensity of public alienation from India and second, militant activity in Kashmir. Both have become much greater in later part. However, one could argue that, recently, a third phase relates to the internationalisation of the Kashmir conflict. This phase involves the escalation of hostilities from Indian Kashmir based conflict, between Kashmiri Muslims and Indian security forces, to direct conflict between India and Pakistan.¹¹

She further argues that, “Kashmir today is in a state of conflict. It has been so since 1989.” Initially, the Kashmiri grievances were primarily of three types: first, New Delhi’s policy to undermine the Kashmiri identity by violating article 370 of the Indian constitution which guaranteed special status to the territory of J&K. Autonomy for the people of Jammu and Kashmir was guaranteed by the Indian Government when in October 1949 India’s Constituent Assembly inducted Article 306A in India’s constitution, affirming that New Delhi’s jurisdiction in the Indian Jammu Kashmir would remain limited to three categories of subjects specified in the Instrument of Accession, i.e. Defence, Foreign Affairs and Communications. However, when India became a Republic on January 26, 1950, Article 306 A became the basis of Article 370 of the Indian constitution, which guaranteed autonomy to J&K within the Indian Union. The forces opposed to granting autonomous status to J&K gained strength in Delhi resulting into the issuance of a constitutional order in May 1954, which replaced the 1950 constitutional order. While the 1950 constitutional order had guaranteed the autonomous status of J&K, the 1954 order gave the Indian Central Government the right to legislate in the Indian Kashmir to the majority of subjects on the Union list.

Second, the economic backwardness of J&K led to unemployment and lack of adequate economic opportunities because no viable industrial infrastructure was created by New Delhi in that state. The tourist industry in J&K was not developed in a professional manner and moreover, it was not a substitute for proper employment

⁹ Sumantra Bose, *The Challenge in Kashmir* (New Delhi: Sage Publications, 1997), p. 35.

¹⁰ Sunanjan Das, *Kashmir & Sindh Nation Building, Ethnicity and Regional Politics in South Asia* (London: Anthem Press, 2001), p. 77.

¹¹ Iffat Malik, *Op.cit.*, pp. 281-282.

opportunities. Third, political suppression resulting in arrests and detention of those who were critical of the Delhi supported government in Srinagar and their backers in Delhi. State sponsored manipulation in the J&K assembly elections also created political alienation among people against India. For instance,

“the response of the Indian Government to the rising popular unrest and militant activity following the 1987 elections was highly significant because there was still a chance then that political concessions by New Delhi given to Kashmiri people could have controlled the insurgency. If in 1987 there was a chance that conflict could have been prevented, by 1990, Indian policies made it a certainty.”¹²

All the three grievances contributed to the escalation of conflict in J&K and the transformation of political and civil rights’ movements among Kashmiris to the rise of extremism and fanaticism.

Viewed as a complicated but tragic conflict, J&K is a souring point in Indo-Pak relations. The people of that region have suffered endlessly but are unable to get relief. The story of their sufferings is quite old as both India and Pakistan vied to seek a legitimate status of that territory, but seldom took the feelings and aspirations of Kashmiri people into account. That led to the widening of the conflict and deepening of sharp mistrust and suspicions among the Kashmiri people about the intentions and policies of New Delhi and Islamabad. Unfortunately, as pointed out by Wirsing,

“the end of the cold war has brought neither peace dividend nor peace of mind to the South Asian region. It has, on the contrary, made unmistakably plain the enormous differences in the capabilities of India and Pakistan, elevated the importance within each of them of the armed forces, and given an enormous push in each to the acquisition of advanced weaponry, both conventional and nuclear.”¹³

Is the prevailing positive trend in Indo-Pak relations a healthy sign for the just and early resolution of the Kashmir conflict, or like in the past will it be similar to other missed opportunities? The changing dynamics of the Kashmir conflict tend to put the people of J&K in a very critical situation because of two main reasons. First, if their leadership fails to play the cards well, they can again be cheated and get a raw deal. It has happened in the past and can also happen in the present and future. Second, if an element of conflict fatigue is prevailing over India and Pakistan, then it will become easier to think in terms of providing a just and fair settlement of the Kashmir conflict. What is predictable in view of the futility of resolution efforts, is management of the Kashmir conflict.

Pathways to Resolution

There is no short cut to the resolution of such an intricate conflict as Jammu and Kashmir. Realistically speaking, all pathways to the resolution of J&K conflict could be blocked if the basic principle of fairness and justice is not taken into account. The stark reality of the Kashmir conflict is its asymmetrical nature. Kashmiris being a weaker party are conscious of their disadvantaged position vis-à-vis India. And,

¹² *Ibid.*, p. 286.

¹³ Robert G. Wirsing, *Op.cit.*, p. 221.

considering asymmetry, there is also a sharp imbalance in the power configuration of India and Pakistan. For that purpose, it is not wrong to argue that the only party which enjoys an edge vis-à-vis Kashmiris and Pakistan is India. Any viable settlement on J&K must be backed by New Delhi. The question is how India and Pakistan can find a path for the resolution of the Kashmir conflict? Sumantra Bose argues that,

*The key to breaking the deadlock in Kashmir lies in the metropolitan capitals of India and Pakistan. Concerted sustained intergovernmental cooperation between India and Pakistan is the essential basis of any Kashmir process. If such intergovernmental cooperation were to occur the other dimension of the Kashmir problem might turn out to be surprisingly tractable. In its absence, however, no lasting, substantial progress is possible on those other fronts, and the Kashmir question will continue to be a prime source of international tension, regional instability, and violent internal conflict.*¹⁴

According to Bose, the longer-term Kashmir settlement necessitates that the LoC be transformed from an iron curtain of barbed wire, bunkers, trenches, and hostile militaries to a linen curtain between self-governing India and Pakistan regions of Jammu and Kashmir. Self-rule framework for Pakistan and Indian controlled Jammu and Kashmir must be complimented by cross-border institutional links between the regions under Indian and Pakistan sovereignty.¹⁵ A self-rule framework for Indian and Pakistan J&K would require, as suggested by Bose, cross border Jammu and Kashmir Ministerial Council which will include Ministers from Indian and Pakistan controlled J&K so as to give impetus to cross border cooperation as a path to resolve the Kashmir conflict. The issues to be dealt with by such a council would be, *inter alia*, intra J&K trade and commerce, intra J&K waterways, cross border transport, environmental protection and preservation, agriculture, cultural matters and tourism. Such institutional links would also include cooperation between the elected members of Indian and Pakistan controlled J&K so as to transform the myth of soft border into a reality. Other matters like foreign affairs, external defence, currency and macro economic policy and some aspects of communication would be controlled by the governments of India and Pakistan.¹⁶ However, any agreement on Kashmir must be ratified by the participants of India and Pakistan, as well as by other relevant bodies in the two countries. It should also be put to popular referenda, conducted separately in the Indian and Pakistani parts of J & K.¹⁷ Bose in his road map for the resolution of the Kashmir conflict focuses on two things: first, not disturbing the territorial status quo and second involving the people of J&K in a proactive process of economic and political interaction resulting in the de-escalation of tension and development of a better understanding at the popular level on the issue of soft border.

On the other hand, Robert Wirsing suggests that,

¹⁴ Sumantra Bose, "Kashmir Roots of Conflict, Paths to Peace (Cambridge: Harvard University Press, 2003), p. 223. Bose further states that "in order to promote a sustained and fruitful peace process, the intergovernmental framework needs to take an institutionalised form. It cannot remain ad hoc, limited to periodic, high profile events such as meetings between the two countries or between career officers of the two foreign services. *Ibid.*, p. 224

¹⁵ *Ibid.*, p. 263

¹⁶ *Ibid.*, p. 264

¹⁷ *Ibid.*, p. 265.

“there must be a formal commitment by India and Pakistan to the establishment of a joint commission on Jammu and Kashmir responsible for the LoC’s administration, liaison with UNMOGIP, prevention of violations, over sights of such measures of demilitarisation of LoC as may be eventually agreed. By endorsing such principles, India and Pakistan would be committing themselves to the creation of a permanent, internationally monitored and routinely functioning instrument for the bilateral management of security cooperation in J&K. Vital to the successful adoption and implementation of the above principles is the formal and simultaneous commitment by the five permanent members of the UN Security Council to the formation of a suitably empowered international agency, perhaps a revived UN Commission on India and Pakistan (UNCIP II), responsible for negotiating the terms of India and Pakistani acceptance of these principles.”¹⁸

Wirsing’s proposal for resolving the Kashmir conflict involves the international community, including the UN, which may not be acceptable to India but will have support in Pakistan. India has bitterly opposed the involvement of a third party or any other international participation in J&K conflict, even if such initiatives support the bilateral track of negotiations, but may agree to form a joint commission composed of India and Pakistan for bettering the conditions in that region.

Addressing a closed door symposium organized by the *India Today Conclave 2004* via satellite from Islamabad on March 13, Pakistan’s President Pervez Musharraf referred to his initiative to resolve the Kashmir dispute. According to him:

1. Centrality of the Kashmir dispute should be accepted.
2. Talks should commence to resolve that dispute.
3. All solutions not acceptable to either of the three parties be taken off the table.
4. The most feasible and acceptable option be chosen.¹⁹

One major problem with Musharraf’s proposal is that India doesn’t accept the centrality of the Kashmir conflict and calls it one of the issues negatively impacting on India-Pakistan relations. Otherwise, the last three points do not conflict with the Indian position on J&K conflict. As far as the Kashmiri groups are concerned, they have no problems with the road map proposed by Musharraf for resolving the Kashmir conflict.

During 2006 and early 2007, two initiatives were taken by Pakistan President General Pervez Musharraf and the APHC Chairman, Mirwaiz Umer Farooq that departed from the traditional stance. In his path breaking speech in November 2004, Musharraf pursued a non-traditional approach on Kashmir by seeking an interim solution to that conflict, while not talking about the UN Security Council resolutions calling for plebiscite. Speaking at a conference organized by the Washington based think tank, Pugwash, President Pervez Musharraf said

“his country’s proposals for demilitarisation and self-governance offered a practical solution to the Kashmir dispute. An ultimate solution to the problem on these lines would make the LoC irrelevant. And such a solution would neither

¹⁸ Wirsing, *Op.cit.*, p. 225.

¹⁹ See news item, Jawed Naqvi, “Peace rests on resolution of Kashmir issue: Musharraf proposes cut in defence expenses, end to extremism,” *Dawn* (Karachi), March 14, 2004.

require redrawing of borders, nor make Line of Control irrelevant. The demilitarisation would be a great confidence-building measure and provide relief to Kashmir. This will also help discourage militancy.”²⁰

Four important points, which form the basis of Musharraf’s new approach on Kashmir, are as follows:

1. Step by step demilitarisation of Jammu and Kashmir.
2. Self-governance.
3. Soft borders.
4. Joint management of J&K

In an interview given to CNN-IBN news channel, President Pervez Musharraf proposed joint management by India and Pakistan of the disputed region of Jammu and Kashmir. That arrangement would leave India and Pakistan with reduced sovereignty over the territories, which they presently control in J&K. He further said in that interview that,

“he did not agree with India’s claim that there already was self-governance in the held Kashmir, and claimed that most of the people there do not accept the Indian government. If India believed there was self-governance, we keep sticking to this position, we will never move forward because we do not agree. Therefore, if you want to move forward, we have to leave stated position.”²¹

APHC Chairman, Mirwaiz supported the ideas embodied in a four-point proposal for an interim solution of the Kashmir conflict. He also endorsed the idea of the demilitarisation of Jammu and Kashmir.

The ‘Pakistan yatra’ of Mirwaiz in January 2007 is considered as a milestone in the process of conflict resolution because for the first time, he called for giving up armed struggle to pave the way for fruitful negotiations for a lasting settlement of the Kashmir dispute. According to him,

We have already seen the results of our fight on the political, diplomatic and military fronts, which have achieved any thing other than creating more graveyards. Some people involved in the struggle could still have some reservations, but as far as the APHC was concerned we are not prepared to sacrifice any more of our loved ones.”²²

Mirwaiz’s call to give up armed struggle was immediately rebuffed by Syed Ali Gilani, the head of a faction of APHC. He termed this stance as a betrayal of the Kashmir cause and a hasty act without realizing the inflexible position of New Delhi on J&K. The commander of *Hizb-ul-Mujahideen*, Syed Salahuddin, also criticized the Mirwaiz’s APHC faction of going too far by giving up armed struggle without waiting for the withdrawal of Indian forces from J&K, the release of Kashmiri leaders

²⁰ See, Musharraf renews demilitarising autonomy proposals,” *Dawn* (Karachi), March 11, 2006. India’s response to Musharraf’s proposal on Kashmir has not been supportive. New Delhi rejects any proposal, which calls for redrawing of borders or the withdrawal of forces from J&K.

²¹ “Musharraf floats joint management plan for Kashmir,” *Dawn* (Karachi), January 10, 2007.

²² See, “Time to give up armed struggle, says Mirwaiz,” *Dawn* (Karachi), January 20, 2007.

from Indian prisons and ending serious violation of human rights by New Delhi. But Mirwaiz and other likeminded Kashmiri leaders who accompanied him on his Pakistan visit must have got the green light from Islamabad before calling to give up armed struggle against India. The reasons given by Mirwaiz for giving up armed struggle against India prove two things. First, the APHC wants to put New Delhi in a defensive position as the presence of around half a million Indian military and para-military forces in J&K would lack rationality when some Kashmiri groups want a peaceful resolution of conflict. According to Mirwaiz, armed struggle has failed to accomplish the desired results because India has not been forced to quit Kashmir, nor has such a struggle been able to get any meaningful international support. Even Pakistan, which long since believed in the active assistance of Kashmiri resistance groups, has amended its position and announced it's reluctant to back armed struggle. Yet, Ali Gilani says that Kashmiris will continue their armed struggle against India even without the support of Pakistan. Second, abandoning armed struggle will help the process of inter and intra-Kashmir dialogue and promote meaningful people to people interaction on both sides of line of control.

In a conflict resolution process, the willingness of the parties concerned to unleash the process of negotiations is the key. As long as there is stubbornness and conditions attached in order to be able to start negotiations, the prospects for a plausible resolution of any conflict are remote. The same requirement applies in the case of J&K conflict.

Some of the obstacles and pitfalls, which could be identified in the conflict resolution process in Kashmir are as follows:

- A. State policies
- B. Marginal role of civil society
- C. Hard line and extremist groups
- D. Zero sum game approach
- E. Role of external elements
- F. Failure of international community to side with the Kashmiri struggle of self-determination
- G. Missed opportunities for peace

The architecture for peace and conflict resolution in J&K, which has existed till now, ignored two fundamental realities: first, the participation of the people of J&K in the process of peace and conflict resolution and second, adopting a flexible position on issues which have created a stalemate and impeded reaching a solution for a long time. It primarily focused on either maintaining or changing the territorial status quo without considering the basic fact that political will, commitment and seriousness exercised on their part could have made things better, not only for the people of J&K, but also of people of South Asia.

Some of the major processes, which may be relevant to an alternate architecture for peace and conflict resolution process in Jammu and Kashmir are as follows:

1. Process of dialogue
2. Process of constructive cooperation
3. Process of constructive settlement

4. Process of protecting minority rights in Indian and Pakistan controlled J&K
5. Process of regional autonomy in Indian and Pakistan controlled J&K
6. Process of healing wounds through compensation
7. Process of socio, economic uplift of people through better education, health, employment and other basic facilities
8. Process of mutual tolerance
9. Process of neutralizing hard line elements
10. Process of creating a constituency of peace
11. Process of creating awareness about CR
12. Problems and challenges in creating an alternate architecture for CR process
13. Methodology to unleash the processes

Any viable process of CR in Kashmir needs to take into account the inclusion of processes mentioned above. The foremost requirement is the process of dialogue with a clear-cut agenda on Kashmir, which must be unleashed by India, Pakistan and the Kashmiri leaders. If such a process is launched with seriousness and commitment, it may lead to constructive cooperation among the parties concerned in the Kashmir conflict, resulting into a viable settlement in which all the three parties may benefit and secure win-win positions. The process of launching two-pronged talks involving the Kashmiri groups and India on the one side, and India and Pakistan on the other side has begun. Talks between the moderate faction of APHC and the Indian Government are going on.

The vision of a constructive settlement would include not only meeting the grievances of the people of Jammu and Kashmir, but also taking care of the rights of minorities in Indian and Pakistani controlled J&K. Unless the minorities, whether Hindu, Muslim, Sikh or Buddhist, in different regions of J&K feel safe and secure in any future settlement on J&K, it will become impossible to guarantee the success of conflict resolution. However, the question arises, what incentives should be given to India to pursue a flexible approach on Jammu and Kashmir? Pakistan has made it clear that it can pursue a flexible approach on J&K provided India reciprocates. From a realistic standpoint, the biggest incentive for India, and for that matter also Pakistan, for the peaceful resolution of the Kashmir conflict is an end to around six decades of hostility, the diversion of huge resources from human development to defence expenditures and the hope of bettering the lives of millions of people, not only India and Pakistan, but also the whole of South Asia.

As far as regional autonomy is concerned, the process must include maximum decentralization of the affairs of J&K, whether under the Indian or the Pakistani control. According to an American Professor of Indian origin, “at the national level, New Delhi must move toward restoring Kashmir’s compromised autonomy.” Most of the grievances of Kashmiri people have emanated because they have not been²³ treated properly by the state authorities, primarily those belonging to New Delhi. With minimum central control in the affairs of J&K, a positive change could be brought in that region, creating plausible condition for resolving the Kashmir conflict. This would also require healing of past wounds either by paying compensation to those who were victims of state repression or restoring their self-respect, which was badly

²³ Sumit Ganguly, “An Opportunity for Peace in Kashmir?” *Current History* (Philadelphia), Vol. 96, No. 614, December 1997, p.418.

violated during the era of violence. If the economy of J&K is made vibrant by giving small loans to poor people so that they can be self-employed and use the amount for education and housing, such steps will have a positive impact on the political environment of that region. At some stage, one can also think of establishing a “Truth And Reconciliation Commission” for J&K, which can hope to provide justice to those who suffered as a result of years and years of discrimination and state suppression. That type of an initiative must come from the side of those who have contributed to the sufferings of people and those who have suffered. In that case, New Delhi and the Kashmiri resistance groups can think in terms of such a commission, which will create goodwill, harmony and tolerance in J&K.

Two important benefits which India can secure by following a flexible approach on J&K conflict are: first, for an emerging power like India, the solution of the Kashmir conflict will positively elevate its image at the international level. If India aspires for a permanent seat at the UN Security Council then it needs to improve its relations with its neighbours and also seek a peaceful resolution of the Kashmir dispute. Second, its relations with Pakistan may substantially improve, thus having a positive impact on the process of regional cooperation in South Asia. As far as Pakistan is concerned, the ruling establishment will have to reconcile itself to the fact that it cannot take Kashmir by force and any solution of the Kashmir conflict must be within the domain of larger autonomy. The benefits for Pakistan if the Kashmir conflict is resolved will primarily relate to reducing its defence expenditures, improving relations with New Delhi and getting more recognition and support from the international community.

Problems and challenges in creating an alternate architecture for conflict resolution in Kashmir are numerous. First, the forces that have benefited from the decades of violence in J&K will create maximum obstacles to the process of reconciliation, peace and conflict resolution. So far, the vested interest groups have succeeded in subverting efforts for purposeful dialogue and settlement. It is yet to be seen how the present positive trends in Indo-Pak relations, which have raised hopes for the resolution of the Kashmir conflict will help neutralize such forces. Second, false egos and stubbornness of the parties involved in the Kashmir conflict will also make things difficult for either establishing or strengthening an alternate architecture for conflict resolution process in Kashmir. Until the time, there is an element of maturity, prudence and sincerity among those who matter in the Kashmir conflict, it will be difficult to change the paradigms of conflict and remodel these on pragmatic and realistic lines. According to Iftikhar H. Malik, a scholar of Pakistani origin based in the UK,

*In any realistic resolution of the Kashmir conflict, the larger interest of the Kashmiris must receive priority. For a long time, rather than being the focal point, they were simply regarded as a side issue. Yet, it is the Kashmiris who, for generations, have continued to suffer from decisions made about them without consultation.*²⁴

Now the question is how the alternate architecture for conflict resolution can help resolve the Kashmir conflict? Following points could be examined in this regard:

²⁴ Iftikhar H. Malik, *Continuing Conflict in Kashmir Regional Détente in jeopardy* (London: Regional Institute For a Study of Conflicts and Terrorism, March 1993), p. 18

- A. Mutual stakes of the conflicting parties to resolve the conflict
- B. Proper unleashing of processes and the simultaneous monitoring of progress
- C. Building of trust and confidence
- D. Benefits of peace and cooperation
- E. Learning from past failures
- F. Stabilization in political, economic and security relations.
- G. Involvement of people in the process of CR

Building of trust is the key in order to secure benefits of peace and cooperation. If the parties in a conflict are unable to learn lessons from the dynamics of conflicts, failures and successes, it becomes difficult to stabilize political, economic and security relations among parties who are in the process of resolving the conflict and cementing peace in the post conflict environment.

Most important, the involvement of different segments of society in India and Pakistan is essential for the success of CR process in Kashmir. If the Indian Prime Minister Dr. Manmohan Singh and President Pervez Musharraf are able to strike a deal on Kashmir but if it is not supported by people, particularly those who represent various political forces and groups, it will be difficult to guarantee the smooth sailing of such a deal. BJP has raised its objection on Congress led government's undermining of cross border terrorism while dealing with Pakistan. The BJP's argument is that during January 6, 2004 meeting between President Musharraf and Prime Minister Vajpayee, the centrality of stopping cross border terrorism from the side of Pakistan was acknowledged, a fact not emphasised by the government of Manmohan Singh. It is true that India and Pakistan have secular and Islamic identities but it should not mean that the people of Jammu and Kashmir should be denied their own identity. Therefore, taking people into confidence before reaching a settlement on the Kashmir conflict is necessary. One is aware of the fact that various extremist groups in India and Pakistan will not miss any opportunity to oppose the peace process. It is that segment of society, which must be neutralized for a successful launching and implementation of the CR process on Kashmir. While talking to media persons in Lahore, Mirwaiz said that,

“now that the resolution of the Kashmir dispute seem to have entered a decisive phase, the APHC would like to involve political parties of the two countries to be part of the Pak-India composite dialogue. APHC will hold talks with political organizations on both sides of the political divide to lend their support to the dispute.”²⁵

For the just and fair resolution of the Kashmir conflict, an alternate architecture for peace is essential. The question is: has the time for such an initiative arrived and if not then what can be done to create conditions in this regard? Only through a process of purposeful dialogue can the Kashmiris, Indians and Pakistanis ensure a better world for themselves and also for the people of South Asia. There is no other way to defeat the forces of darkness who have kept South Asia's poor and underdeveloped by not abandoning the path of confrontation and following the path of reconciliation and cooperation.

²⁵ See, Mirwaiz supports Musharraf's ideas,” *Dawn.*, January 19, 2007.