

DELHI POLICY GROUP AND CENTER FOR DIALOGUE & RECONCILIATION

“JAMMU & KASHMIR - BUILDING PEACE ON THE GROUND”

THIRD MEETING

October 8-9, 2004

Litehouse One, Habitat Center

Report

Summary

This was the third meeting of the DPG-CDR series exploring ways to build peace on the ground in Jammu and Kashmir. This initiative now comprises two separate sets of activities: one, a regular review of progress in the peace process that aims to come up with constructive ideas on next steps. The other, an internal dialogue between civil society groups and local leaders from the different regions and communities of Jammu and Kashmir, to be held under the aegis of the “Forum for Regional Voices.”

This meeting reviewed the current stage of the peace process in relation to conditions on the ground, and outlined a series of ideas on what next steps could be on the various different tracks of establishing trust and improving daily lives. We should stress that, as with the previous meetings, the ideas summarized below represent individual views rather than institutional or political positions.

A. Review of India-Pakistan Talks and Confidence-Building Measures

The India-Pakistan talks are going well overall, and the fact that Prime Minister Manmohan Singh has asked General Musharraf for workable ideas on a Kashmir solution is promising. However, the lack of progress on key confidence-building measures, especially those relating to re-opening routes between divided Jammu and Kashmir, is disheartening.

The re-opening of routes is a priority, both for building confidence on the ground in Jammu and Kashmir, thus contributing to a further decline in violence, and for finding a long-term solution to the problem. As was stressed in later sessions of the meeting, the people of Jammu and Kashmir – in all their diversity – will need to engage in the peace process if any long term solution is to hold. We would like, therefore, to ask the governments of India and Pakistan to:

(1) **Ensure that People from all Parts of Divided Kashmir Have Access**

In our first meeting, of June 19-21, 2004, it was suggested that the two governments consider adding routes between divided Jammu, and Ladakh and the Northern Areas, to the Srinagar-Muzaffarabad road that is already agreed on. We were disappointed to see that though the Indian foreign office suggested re-opening the Jammu-Sialkote rail link, the Pakistani foreign office turned the request down, and urge that it be put back on the agenda.

There are also other routes that could be reopened, such as the Poonch-Plandri, Mendhar-Kotli and Jhanger-Mirpur roads, which would not run into the Pakistani objection to the rail link. Moreover, these roads are relatively short and could be renovated at not much cost; reopening

even one of them would satisfy the aspirations of divided families, most of whom are in the Jammu region, for easier routes to meet.

Secondly, the suggestion of re-opening the Kargil-Skardu road is one that is supported by most people in Gilgit, Baltistan and Ladakh. Gilgit and Baltistan have suffered the abuse of human and political rights; they are additionally fearful of erosion of their identity through in-migration from Pakistani provinces. Re-opening the Kargil-Skardu route will assuage their fears and allow this trans-Himalayan region to resume its cultural continuities, as well as improve economic conditions through local trade.

In the same vein, though involving different government permissions, the people of Ladakh would also like the Kailash-Mansarovar route between Ladakh and China to be re-opened. This request could perhaps be added to the India-China border talks, especially given the recent discussions of opening trade routes to Xinjiang. The resultant increase in “pilgrim tourism” would certainly benefit both regions.

(2) Don't Let Travel Documents Be An Obstacle

While the use of passports might be the simplest and most reliable security guarantee in a situation of ongoing violence, insistence on it could raise suspicions that India is trying to legalize the de facto partition of Jammu and Kashmir. This would make it difficult for the more alienated sections of society to join the peace process. Travel permits, to be used with local photo-IDs, remain the most acceptable travel documents for now. Though their use could constitute a security risk for India, there are a number of ways in which that risk could be reduced, such as:

- A “local host/sponsor” who would guarantee the visitor would not misuse the permit to travel outside the specified area. This would be akin to the system in practice between India and Pakistan thus far, where visas require local sponsors.
- Validation of permits/IDs by local authorities, interior ministries and/or consulates of each country (taking care that this does not make permits more difficult or cumbersome to get).
- A joint guarantee by India and Pakistan that they would take action against anyone misusing the permit system.

If necessary, a phased approach could be adopted to ease communications across the LOC. Phase one could comprise meeting points on the LOC (see below); phase two could try issuing permits on a limited basis, to divided families and senior citizens. If the system is found to work, phase three could comprise opening up all three sets of routes.

(3) Consider Additional Measures For “People to People” Contact

In addition to re-opening travel routes, the two countries could also consider a series of other measures to encourage “people to people” exchanges, such as:

- Establish peace zones along the LOC, where people from both sides could meet each other, and over time trade with each other. Such zones could quite easily be set up under the aegis of the Indian and Pakistani border guards and they do not involve knotty negotiations.

- Allow student exchanges between the different parts of the former state, especially those areas that were divided, such as Poonch, Rajouri, Gilgit, Baltistan and Kargil.

B. Reducing the Violence

One of the most difficult problems in tackling the violence in Jammu and Kashmir is that different regions experience the violence differently, and thus different on the ground policies are required to tackle violence. At the overall level, there are only a few points to make:

- (1) The LOC fencing is working relatively well in reducing illegal crossings, partly because of the India-Pakistan cease-fire from November 2003. However, topographical requirements combined with India's need to build the fence on this side of the LOC, have caused hardship in many areas, such as Gurez, where the fence runs through people's landholdings (with access only in daylight hours), thus weakening their ownership rights. This problem can be solved through consultations between security forces and community leaders, and the resentment it has caused could have been avoided if community leaders had been consulted while the fencing plans were drawn up.
- (2) A general decline in the rule of law and civil administration has contributed to the flow of weapons, drugs and black money. While the dawning cooperation between Indian and Pakistani border security forces should curtail some cross-border smuggling, the central and state governments also need to take action to revitalize administration, especially policing and the judiciary. The army, too, could perhaps conduct an internal enquiry to ascertain the truth or otherwise of allegations of corruption or laxness in border security. In general, however, regular troop rotation (every 9 months to one year, rather than the present two years) is the best way to insure against laxness in security.
- (3) Security considerations need to be adjusted so as to bring "security with a human face" on the ground. While the relationship between security forces and local people is relatively smooth in some places, it is very bad in others. Human rights training for security forces could include the injunction to every jawan that he should make one local friend during his tour of duty.

Reducing the Violence – Jammu

Broadly speaking, the brunt of violence in Jammu is born by the border regions of Poonch, Rajouri and Doda. Here the big threat comes from militant groups, for whom there is little or no local support, and militants employ brutal methods of murder, intimidation and revenge, such as throat-slitting, rape and nose-cutting. Human insecurity is at its most acute in the upper reaches of the border areas, from which most of the young men have fled in order to avoid being forced to act as porters and guides by the militants. Those that remain have taken to leaving their homes at sundown to seek the comparative safety around army pickets, but these are too few and far between to serve the entire population of the border areas.

The relationship between security forces and local communities is relatively smooth in the Jammu region, especially after the army's "Sadbhavana" program. This makes it easier to take steps to improve security in the vulnerable and mostly deserted upper reaches, through combining:

- Better coordination between security and police forces, civil administration and local communities.

- More and expanded police presence and civil administration in border areas.
- Employment generation programs that will bring the displaced back to these regions (on the principle that well-populated regions are a bar to the free movement of militants).

The best way would still be for both governments to work for a cease-fire by militant groups, but that does not seem to be in the offing. We would nevertheless urge that efforts to secure a comprehensive cease-fire be kept up by both countries' governments as well as local administrations on both sides of the LOC.

Reducing the Violence – the Kashmir Valley

Improving the security situation in the Kashmir valley is more difficult. Unlike Jammu, militant groups in the valley have begun to re-urbanize, i.e., establish cells in the towns and cities. They are also better trained, their operations are more sophisticated, and though their numbers are lower than before – around 1300 – they are turning into a *fidayeen* force. It appears, moreover, that the “waiting list” of recruits for militant operations is sufficient to ensure that their numbers are kept constant for a number of years to come.

Currently the strategy of militant groups has three clear prongs: (a) *fidayeen* attacks on security forces; (b) no targeting of civilian areas, such as markets or bus stops, as was frequent earlier; (c) continued political assassinations as a means of intimidation of present or future Kashmiri leadership. This threefold strategy has further divided security forces from the local public, brought the focus onto human rights violations (especially by former militants), and imposed silence on Kashmiri leaders.

This situation provides few incentives for security reforms, yet reforms would reap rich dividends. Kashmiris want peace – as they told the recent delegation of Pakistani journalists – and even though adherence to the rule of law by government will not re-establish a full peace, it will give Kashmiris, in administration as well as in civil society, the confidence to act against militancy. What follows is within this context, of partial reforms, through specific steps to rebuild trust and improve security on the ground.

(1) Security and Justice System Reforms

- Bring Special Operations personnel (such as the SOG) to justice when they engage in revenge killings or commit human rights abuses.
- Appoint an army Ombudsman in Jammu and Kashmir, to look into, act on, and reply to complaints of human rights violations by security forces.
- Work towards a situation in which security forces can re-deploy out of heavily populated areas, especially Srinagar. For that to happen police restructuring and retraining will have to take place. Kiran Bedi has offered help in prisons reform – another vital area for improving security – and could also be asked if she might consider working on police retraining.
- The State Human Rights Commission is largely toothless, it should be made autonomous and have the powers over state government that the central Human Rights Commission has with

national as well as state governments. A full enquiry into disappearances, with findings made public, will also help build trust.

(2) Investigating and Punishing Political Assassinations

Despite the opening of a peace process between India and Pakistan, political assassinations continue to disrupt efforts to resume democratic functioning in Jammu and Kashmir. While a few of the perpetrators have been caught, most of the political assassinations remain partially investigated or unpunished, and their details are not known publicly. An investigation into political assassinations, beginning with those listed by the Indian Home Ministry, with access for investigators to Pakistani sources where necessary, would help restore faith in the democratic process, as well as dispel the cobwebs of suspicion which are a feature of life in the valley.

(3) Enhancing Human Security for Minorities, Especially Kashmiri Pandits

Even after the 2002 elections and the formation of a new coalition government in Jammu and Kashmir, conditions for Kashmiri Pandits continue to deteriorate. Of the 10,000 Pandits that remained in the valley in 2002, another 3,000 or so have left since. Kashmiri Pandit organizations have repeatedly asked for measures that would enhance their confidence, such as employment generation in the areas where they live as well as community-based common security systems rather than the individual security that some of them are provided with. There is also the issue of Pandit returns to the valley, which again the state government is mishandling by creating vulnerable “settlements” rather than small clusters of houses that would re-integrate them with the Muslim majority. Two immediate steps can be taken:

- An area-wise dialogue between local Muslim leaders and Kashmiri Pandits to ensure human security for their return, under the aegis of the state government, so that the administration can help work out guarantees.
- Involvement of Pandit representatives, especially amongst the potential returnees, in planning for returns.

C. Broadening the Talks Process

Partly because of recent political assassinations, as well as comparatively slow movement on the government-Hurriyat dialogue, and partly because the heat always rises on the ground in Jammu and Kashmir when an India-Pakistan dialogue begins, this may not be the right moment for government-separatist talks to resume officially. Yet government-separatist talks would give substantial momentum to the nascent peace process. Unofficial and back channel engagement should be maintained, and considerably increased, so that talks can begin as soon as possible, and confidence-building with separatists could include grant of passports as per the rule of law.

In the meantime, government needs to begin a wide-ranging dialogue with leaders and groups from Jammu, Kashmir and Ladakh, in order to:

- (1) Work out the most effective steps to build peace on the ground and involve local people in implementation.
- (2) Consult with the people of the state on how to move forward in the talks with Pakistan (where they relate to Jammu and Kashmir).

- (3) Build a constituency for peace that will encourage separatists to join the search for a peaceful negotiated solution.

Ideally, talks would take place on the following tracks:

- Between elected representatives of the state and central governments.
- Between civil society groups and community leaders, with occasional government/elected representatives' interaction.
- Between the government and separatist groups.

The advantage of these sets of discussion (which could be issue-based) is that that they would assuage fears of any group or region being “left out,” while creating a constituency for peace that could back separatists in seeking a peaceful negotiated solution to the problems in Jammu and Kashmir. Their aim would be to build a local and national consensus, including “all-party talks” to agree a solution.

D. Internal Reconciliation and Development

This is a subject we did not dwell on at this meeting, because it will be the focus of a meeting in Jammu later this year, under the aegis of the Forum for Regional Voices. The issue of internal reconciliation – and measures that range from devolution to return of the displaced and economic recovery – has, however, been discussed at our first two meetings, and was broadly touched upon in this meeting. One new addition emerged from the discussion:

- Both administration and economy have improved significantly since Ladakh and Kargil acquired devolution as Hill Development Councils. Moreover, Ladakh has rebuilt its ties to the Kashmir valley, and the state of Jammu and Kashmir, since devolution, thus showing that devolution prevents fragmentation or “trifurcation” rather than encouraging it. Ladakh is a powerful example of how devolution could work across Jammu and Kashmir to satisfy different regional and local aspirations while preserving the state’s diversity. Given how tense the issue of devolution is in some parts of the state, the performance of devolved units in Ladakh also indicates that one way of tackling the issue would be to deal with devolution as a means of development rather than a reflection of competing political sentiments.

Radha Kumar
Rapporteur
October 15, 2004

List of Participants

1. Professor P.N. Dhar
2. Shri Wajahat Habibullah – Secretary Textiles, Govt. of India
3. Dr. Syeda Hameed, Member Planning Commission
4. Shri Kuldip Nayar, Former Rajya Sabha MP, Journalist
5. Shri. Manmohan Malhoutra, Rajiv Gandhi Foundation
6. Shri Gopi Arora, Delhi Policy Group
7. Shri Prem Shankar Jha, Journalist
8. Shri Surinder Singh Oberoi, Journalist
9. Smt. Jyotsna Singh
10. Shri M.K.Kaw, All India Kashmiri Pandit Samaj
11. Shri Wangchoo, All India Kashmiri Pandit Samaj
12. Shri Balraj Puri, Journalist, Human Rights Activist
13. Professor Zahu-ru-ddin, University of Jammu
14. Shri. K.K.Kapoor, Retd. District Education Officer, Poonch
15. Shri . Nisar Rahi, Journalist, Human Rights activist, Rajouri
16. Shri Nilambar Sharma, former President Dogri Sabha, Jammu
17. Shri Imtiaz Mir, Advocate, Doda
18. Shri. A.R.Hanjura, Chairman, J&K Yateem Trust
19. Professor Nusrat Andrabi, Member Waqf Board, Former Principal Women's College, Srinagar
20. Smt. Syeda Afshana, Teacher, Dept. Mass Communication, Kashmir Uni.
21. Shri Motilal Bhat, President, Hindu Welfare Society, Srinagar
22. Dr. Manzur Ahemad Bhat, Teacher, Govt. Degree College, Kulgam, Anantnag
23. Mrs. Dilafroze Kazi, Director, SSM, College of Engineering, Parihaspura
24. Shri Madad Khan, Former SSP Karna, District Uri
25. Shri P. Narboo, MLA, Ladakh
26. Shri Asgar Karblai, Chairman, Kargil Hill Council
22. Mrs. Renuka Mishra
23. Shri Umang Narula
24. Shri Mohan Panda
25. Ms. Sushobha Barve
26. Ms. Radha Kumar