

Conflict Transformation in Kashmir

Riyaz Punjabi*

*[*Professor Riyaz Punjabi, President (Hony.), International Centre for Peace Studies, New Delhi, teaches in Centre for the Study of Social Systems, Jawaharlal Nehru University, New Delhi, India.]*

Introduction

The fast changing nature of India- Pakistan relations reflected in the Confidence Building Measures (CBM's), which are evolving smoothly between the two countries at the moment, indicate their resolve to leave the past behind and move on the road to peace and development. The Pakistan President, General Pervez Musharraf as well as Indian Prime Minister Mr. Manmohan Singh have publicly committed that the peace process between India and Pakistan was irreversible. In the meanwhile, the measures which are being taken by both the governments appear to be sustaining the peace process in a big way. It needs to be acknowledged that the civil society, particularly the NGO's, in both the countries played a significant role in prodding their respective governments towards the peace process. In fact, the people-to-people interactions which were conducted on various themes relating to the bilateral problems being faced by both the countries from time to time not only paved the way for initiating the peace process but also impacted the state behavior in both the countries. In the atmosphere of peace generated as a result of CBM's, it appears that a process of conflict transformation is gradually taking place in Jammu & Kashmir state.

The Contours

The contours of this transformation started becoming clear with the visit of journalists from Pakistan and Pakistan Occupied Kashmir (POK) to Jammu and Srinagar under the aegis of South Asia Free Media Association (SAFMA) in October 2004. This visit of the journalists and their interactions with the common people, political leaders and separatist groups in Jammu and Kashmir was a first hand experience for them in comprehending the complexities of the Kashmir problem. That most of the separatist groups in Kashmir did not approve of the visitors from across the border having attended the receptions accorded to them in Jammu and their interactions with "all and sundry" certainly shocked the visiting journalists^[1]. In fact, the journalists from PoK were feeling at home with Jammuites with whom they share a common cultural and linguistic affinity unlike Kashmiris. It may be also mentioned here that most of these journalists had a track record of genuine human rights work in Pakistan and some of them had even faced incarceration in the past at the hands of the authorities there. The reactions of separatist leaders highlighted the complex layers of separatist politics in J&K. Be that as it may, this visit was followed by another visit of Journalists from India and Indian part of J&K to Lahore and POK in November, 2004. The other parallel events of peace marches, conferences

and interactions generated a new atmosphere of goodwill in both the countries. The informal initiatives by the civil society towards peace building and conflict transformation were followed by the formal and concrete measures of the state in both the countries. The cultural exchanges and sports events between India and Pakistan further added the momentum to the peace process.

Peace Bus

The easing of travel between Indian part of Jammu & Kashmir and POK through the Line of Actual Control (LAC) and introduction of a bus service between the summer capital of J&K, Srinagar and Muzaffarabad in POK was a remarkable and a bold decision taken by both the governments. The Bus, which was flagged off by the Indian Prime Minister, Mr. Manmohan Singh accompanied by the ruling United Progressive Alliance (UPA) Chairperson Mrs. Sonia Gandhi in Srinagar, provided a historical moment. It is well recognised that militancy and violence creates its own vested interest which strives for maintaining the status quo. In this case also, a day before the launch of bus service, militants attacked the Tourist Reception Center in which the bus passengers travelling to Muzaffarabad were lodged. In this attack, the one hundred year old historical building of Tourist Reception Center was reduced to ashes. The militants had earlier warned the passengers not to travel in the bus which was named as the 'Peace Bus'. However, this did not deter the people in J&K from travelling in the bus to PoK.

The opening of the travel route between the two Kashmirs which had remained closed since 1953 brought a considerable change in the strife ridden J&K in general and the Kashmir valley in particular. In order to strengthen the peace process, the Government of India gave a major concession of dispensing with the legal requirement of travelling on Passports to the passengers in J&K for their travel to the other side in POK. A new procedure of travelling on *local documents* was adopted instead. This initiative has gone a long way in lowering the levels of tension between India and Pakistan. This initiative also facilitated the travel of separatist groups, which have formed a coalition called All Parties Hurriyat Conference (APHC), to POK on the invitation of the Pakistan government. The visit had the objective of providing an opportunity to the separatist groups to interact with the political leaders and members of civil society in POK. The separatist leaders from Kashmir, however, did not confine their visit to POK but travelled beyond POK to Pakistan and held meetings with the political leaders including Pakistan President and the Prime Minister. Later, the APHC Chairman, Mirwaiz Umar Farooq said that the "Government of India did not create any hurdles in the way of our trip to Azad Kashmir (POK) and Pakistan".[2] Be that as it may, the decision of travelling to POK on the part of APHC had its own controversial dimension because it was not endorsed by all the separatist factions. The separatist group led by the former Jamaat-i-Islami Chief, Syed Ali Shah Geelani, who broke away from APHC to form his own party, Tehrik-i-Hurriyat-e-Kashmir, not only rejected the invitation from Pakistan government to join the APHC delegation, but also opposed the decision of APHC to travel to POK and Pakistan. His decision was endorsed by the POK based Chief of Hizbul Mujahideen, (a militant outfit ostensibly with large recruits from both the Kashmirs), Syed Salahuddin. The latter announced that the militant operations of his outfit in J&K would continue. This holds a big challenge to the peace process in J&K. It may be mentioned that the efforts of Pakistan officials in uniting the warring factions of APHC did not yield the desired results. In fact, the APHC leader, Mirwaiz Umar Farooq had confessed that his efforts in bringing about unity in the Hurriyat ranks had met with little success. However, he had

mustered courage in asserting that “peace process could not be made a hostage to this unity or disunity.”[3] Aware of the challenge that ongoing militancy can pose to the peace process, Mirwaiz Umar in the same statement also proposed that militants and political leadership should work in tandem. However, the position taken by the Hizbul Mujahideen in refusing to meet with the visiting APHC leaders in POK demonstrates that the main militant outfit in J&K is pursuing its own course of action. It is interesting to note that APHC which claims to represent the aspirations of the people of Kashmir is a conglomerate of 23 different separatist groups. These groups have their own separate ideologies and the differences among them which far outweigh the commonalities or common political aims they seek to uphold. However, the breaking away of Ali Shah Geelani faction from APHC has further widened the schisms in the separatist camp in J&K. In an interesting acrimonious debate on Pakistan’s Geo T.V., the senior leaders of the APHC made serious allegations, even the imposing of leaders on the APHC at the behest of Pakistan, against each other.[4] These episodes reveal the complexities in seeking a resolution to the Kashmir problem.

Flexibility and Accommodation

The government of India has shown flexibility in sustaining the peace process and strengthening the initiatives of conflict transformation in J&K. In pursuance of this policy, the three main demands of the separatist APHC conglomerate have been accommodated so far which are leading to the conflict transformation in J&K gradually. One, the road between J&K and POK should be opened. Two, the formality of travelling on passports from both the sides should be dispensed with. Third, they should be allowed to travel to POK and Pakistan to hold discussions there. All these demands have been conceded. It may be pointed out that the governments of India and Pakistan have devised a new mechanism of accommodating the persistent demand of including the Kashmiris (read APHC) in a tripartite dialogue seeking the resolution of Kashmir. The APHC leaders have already held meetings with the Indian leaders during the previous NDA dispensation and are awaiting the opportunity of meeting the leaders in the present UPA government. The government of India has also been facilitating their meetings with the Pakistani leadership during their visits to New Delhi. During the Pakistan President, General Pervez Musharraf’s visit to India in April, 2005, the APHC leaders held a long meeting with the Pakistan President. The President is reported to have conveyed to them that “if they were able to meet him in New Delhi, it was New Delhi that played a pivotal role in giving permission for such a meeting. This itself meant that they were participating in negotiations.”[5]

Scene in Pakistan

As the conflict transformation is gradually taking place, Pakistan President, General Musharraf has been articulating the possible solutions to Kashmir problem. He has been pleading to think ‘*out of box*’ and come out with a possible solution acceptable to India, Pakistan and people of Jammu and Kashmir. He maintains that UN resolutions on Kashmir have lost their relevance, although at times he invokes this very rhetoric, perhaps to address his political constituency at home. He has made a significant statement by asserting that Kashmir issue can not be resolved from religious perspective. However, his approach remains one-sided because he does not mention about POK and Gilgit-Baltistan (designated as Northern Areas by the Pakistan

Government) while debating about the resolution of Kashmir problem. This is being resented in POK as well as in Gilgit-Baltistan.

In a latest development, leaders of the All Parties National Alliance of Azad Kashmir (POK) and Gilgit and Baltistan have filed a writ petition in the POK High Court challenging Pakistan Government's refusal to give electoral rights to those who have been opposed to the accession with Pakistan, and are demanding the reunification of entire Jammu and Kashmir. The leader of the Alliance, Mr. Arif Shahid, addressing a Press Conference said that "Hurriyat (APHC) leaders are not the true representatives of Kashmir and they had been hobnobbing with the secret agencies, their real sponsors and patrons, of Pakistan"[6]. In another development, Sardar Sikander Hayat Khan, Prime Minister of Azad Kashmir (POK), addressing POK Legislative Council members said that the APHC members who recently toured Azad Kashmir (POK) did not represent whole of Jammu and Kashmir. He said that they lacked unity and unanimity among themselves and lacked representation of all the regions of the state[7]. It may be mentioned that Jammu & Kashmir Liberation Front leader, Mohammad Yasin Malik, while addressing the POK legislators during his visit on June 3rd had said that leaders sitting in POK were romanticising militancy in Kashmir which was responsible for the killing of about 80,000 people in J&K. It had created a furore in the Assembly.

Pakistan President, General Musharraf, appears to be facing the ire of political parties as well in Pakistan regarding his policy on Kashmir. These parties have been demanding a debate in the Parliament on government's Kashmir policy. In an All Parties Conference (APC) on Kashmir convened by the Muslim League (Nawaz), the political parties which included the major political parties, viz; Pakistan Peoples Party, Jamaat-I-Islami, Jamiat-I-Ulema Islam (JUI-F) and Pakistan Tehreek-I-Insaf, "rejected the Kashmir policy of the government and declared that no solution to the dispute would be acceptable that did not reflect the aspirations of people of Kashmir and the sentiments of the people of Pakistan".[8] Commenting on the resolution, Afzal Mahmood writes:

"As is customary with opposition parties in Pakistan, the APC has taken a rejectionist stand without providing an alternative and viable Kashmir policy. The PPP and the PML-N, being mainstream political parties, should act more responsibly on Pakistan's Kashmir policy. In India, there has been a consensus between the government in power and opposition parties on the salient features of Kashmir policy. We should try to evolve the same process in Pakistan and create a consensus on a viable Kashmir policy."[9]

APHC Stance

During his visit to Pakistan and POK, APHC Chairman, Mirwaiz Umar Farooq, was candid enough to project the irrelevance of UN resolutions on Kashmir. On his return, he made interesting statements. He said that J&K state was not a homogeneous state. According to him, "We are a state with different cultures, religions, languages and histories prior to 1846 (When Kashmir came under the suzerainty of Jammu Raja Gulab Singh). In that sense, the state of Jammu and Kashmir is a picture of *'unity in diversity'*. There is no doubt in my mind that we have to preserve this character of our state".[10] This is the first time that the leader of a separatist grouping has recognised the diversities in J&K state in this manner. Narrating his experiences in POK, Mirwaiz writes: "One thing I felt in Azad Kashmir (POK) was that in spite

of my language, eating habits, culture and lifestyle being different from that of the people living there, there was unconditional love for us”.[11] Mirwaiz strongly advocates the unity of the divided Kashmirs. Recognising the diversities in J&K state, Mirwaiz proposes that: “We visualise a future for Kashmir where each *unit* (emphasis added) has its own culture, language and way of governance *within a given structure* (emphasis added). This would also best accommodate the viewpoints of India and Pakistan”.[12] In a way, Mirwaiz is proposing a possible solution to Kashmir imbroglio. However, Mirwaiz does not provide logic and basis for his formulation. It may be pointed out that POK is culturally, linguistically and religiously a homogenous unit, which the J&K state is not. The J&K state is governed internally by a Constitution drawn up by the people of the state from 1951 to 1957. This Constitution provides due recognition to the linguistic and cultural identities in the state. This recognition is reflected in the creation and demarcation of districts in the state. Moreover, the J&K state has introduced a new experiment of creating Hill Development Councils of Leh and Kargil in Ladakh. There is a growing demand to create more Hill Councils in the state for better governance, devolution and empowerment at the grass roots. What is the better way of each ‘*unit*’ in having its own culture, language and way of governance, as advanced by Mirwaiz, than the existing one. Is Mirwaiz proposing to re-define the existing units? In that case he has to explain the basis of this re-definition. There is a scope for further efficient functioning of the existing units or expansion of the area of their empowerment. This can be debated further. It is equally not clear as to what is the ‘*given structure*’ as proposed by the Mirwaiz. In the present circumstances, the J&K state is functioning within the structure of the Indian Constitution. On the other hand, POK has yet to evolve its own system of governance. It has long been governed by the 1974 amendment of Constitution of Pakistan. It seems that Mirwaiz has been impressed by the ‘*region based*’ solution of Pakistan President, General Pervez Musharraf. However, it is too premature to propose the solutions. The emphasis should remain on processes rather than solutions.

The Challenge

The Hizbul Mujahideen militant group, according to its Chief, Salahuddin, has decided to continue with the militancy in J&K. The militant group has also thrown its weight behind the breakaway faction of APHC led by Syed Ali Shah Geelani[13]. This situation is bound to put the peace process under strain and make the processes of conflict transformation feeble. The reasons for Hizbul Mujahideen’s position are not clear. In an interview, the ruling Peoples Democratic Party (PDP) Chief, Ms. Mehbooba Mufti said:

“When the Hizb went for cease-fire in 2000, they had put three conditions for the cease-fire to continue. First, Indian government should accept Kashmir as a dispute, second, be prepared for unconditional talks, and the third to include Pakistan in talks. Our government pursued all the three issues and got the demands accepted. Unconditional talks are being held with Hurriyat. Talks are going on with Pakistan, and Indian government has accepted Kashmir as problem. We paved the way for the Hizb. There is no justification for the gun now. Violence and killing children can not help in resolving the problem. We had promised them dignified return to home. We did that. Unfortunately, we are not getting due reward for our words.”

Conclusion

The objective of the foregoing analysis is to project the complexities of Kashmir imbroglio. The experiences of peace initiatives in different parts of the world reveal that certain problems or conflicts defy instant solutions. Even wars have failed to resolve the conflicts. In these situations, the processes of conflict transformation generate an atmosphere which holds the possibility of evolution of a solution in due course of time. In case of Kashmir, the opening of one route and easing of the travel has been a big CBM. There is a need for opening more routes in J&K including Ladakh. The restoration of traditional and historical routes enabling the people living in different parts to interact frequently would change the situation considerably. Moreover, the present Srinagar-Muzaffarabad route should be used also as a trade route. The people of J&K should be allowed to trade their artifacts and horticultural products with POK and vice versa.

In the same manner, the sharing of water resources in J&K has been a perennial problem between India and Pakistan. The Indus Waters Treaty concluded in 1961 has been effectively dealing with this issue. Yet, the electricity projects in J&K are viewed with suspicion in Pakistan. The issue can be discussed bilaterally. India has already offered to share the electricity generated through these projects with Pakistan. Moreover, there is a debate going on in Kashmir as well that in case macro electric projects in J&K irritate Pakistan, let the state revert to micro projects. The efforts are afoot at different levels to sort out the problems and let the process proceed unhindered. There is a need to sustain these initiatives which guarantee that the peace process remains irreversible. It needs to be well recognised that conflict transformation processes hold the magic of conflict resolution.

Endnotes

1. *Weekly Chattan*, 11-17th October, 2004, Srinagar, Kashmir and Daily, *Nida-I-Mashriq*, 10th October, 2004, Srinagar, Kashmir.
2. Mirwaiz Umar Farooq, "We, the People", *The Hindustan Times*, New Delhi, 25 June, 2005.
3. *Daily Subbah Kashmir*, Srinagar, Kashmir, 22 May, 2005.
4. *The Weekly Chattan*, 16-22nd May, 2005, Srinagar, Kashmir reports: "Mr. Ali Shah Geelani alleged that the other faction of APHC had given a clean chit to the proxy candidates of Peoples Conference who had contested the elections to the state legislature apart from holding a dialogue with the Government of India. To this, the other senior leader of the APHC, Maulana Abbas Ansari said that Mr. Geelani not only contested elections (in the past) but was still drawing Rs.7,000 monthly pension as former legislator from the J&K Assembly. He further said that Mr. Geelani did not allow Mr. Abdul Gani Lone to be the Chairman of the APHC on the plea that the instructions came from Pakistan against it. Mr. Geelani said that Maulana Abbas Ansari was a narrow minded person and had revealed his dirty mentality by making personal allegations against me".
5. *Weekly Chattan*, 25th April-1st May, 2005.

6. *The Asian Age*, New Delhi, 26 June, 2005. The Newspaper which claims to have a copy of the writ petition reports that the petition has been admitted and would come up for hearing after vacations.
7. *Weekly Voice of Kashmir*, Srinagar, Kashmir, 29th June, 2005.
8. Afzal Mahmood, "Kashmir: Need for Consensus", *Dawn*, Karachi 28th May, 2005.
9. Ibid.
10. Mirwaiz Umar Farooq, "We the People", Op.cit.
11. Ibid.
12. Salahuddin's interview with Amir Mir, *Sunday Monitor*, Srinagar, Kashmir, 5 June, 2005.
13. *The Weekly Chattan*, Sriangar, Kashmir, 20-26th June, 2005.