The India-Pakistan bilateral composite dialogue intended at implementing normalization measures mainly in the form of Confidence Building Measures (CBMs) and at consolidating a long awaited peace process has maintained a reasonable pace since April 2003. It remains nonetheless that over the years, the State of Jammu and Kashmir’s approximate total population of over 14 million has been kept hostage of the most conservative ideologies, from claims over the entire territory by either Pakistan or India, to forceful annexation, status quo, re-Partition or secessionism in the form of independence or access to Pakistan by force through Jihad. At this point, the Himalayan region’s projected future still takes very different shapes in the minds of various stakeholders and remains a prickly issue between the two countries.

Since 2002, Pugwash Conferences pioneered a number of initiatives contributing to an India-Pakistan rapprochement. Several closed-door sessions in India, in Pakistan and abroad were organized with the intention of offering concerned parties and individuals the chance to creatively exchange their views with frankness in a tension-free atmosphere.

In November 2004, after intense consultations with the governments of India, Pakistan and different parties in Jammu and Kashmir (J&K) across the Line of Control (LoC), Pugwash initiated its first Kashmir specific meeting in Kathmandu, hosting eminent politicians, diplomats, intellectuals and civil society representatives. The experience was very successful in that it resolved to integrate the Kashmiri leadership and society in a framework of semi-official dialogue with a reach to the formal circles of bilateral negotiators. Moreover, both India and Pakistan responded quite positively to the initiative.

On 10-12 March 2006, Pugwash convened an enlarged meeting, principally of Kashmiri representatives from Pakistan and Indian Administered Kashmir entitled “Prospects of Self-Governance in Jammu & Kashmir and the Present Status of Cooperation and Communication across the Line of Control”. About eighty delegates from Pakistan and Indian Administered Kashmir’s mainstream and opposition political parties and members of the civil society, members of the Kashmiri
Diaspora, Indian and Pakistani diplomats, academicians and representatives of both countries’ civil society participated in the meeting. On the eve of President Musharraf’s proposals for formulae of demilitarization, increase of exchanges across the LoC and on self-governance for Kashmir, the meeting held in the Pakistani capital, Islamabad, was considerably enriched by an over two hour exchange of views with Pakistan’s President, Pervez Musharraf.

The Pugwash Conferences express deep appreciation to the governments of Pakistan and India for helping facilitate the meeting. Pugwash also expresses its deep appreciation to all participants for the genuine goodwill they showed in attending the meeting and in making free and exceptionally constructive input. Pugwash is especially grateful to President Musharraf for the warmth and candidness with which he welcomed and interacted with the delegation.

Background

In declaring his intention to order a ceasefire along the Line of Control dividing Indian and Pakistani Administered Kashmir in August 2003, Pakistan’s President made a breakthrough in the dangerously escalating tensions between his country and India. In October the same year, India responded positively to the ceasefire offer and to President Musharraf’s proposal for dialogue by putting a set of 12 Kashmir-specific CBMs on the table. India also announced its readiness to broaden the New Delhi-Kashmir dialogue and make it inclusive of the indigenous separatist leadership. In November 2003 both countries agreed to extend the ceasefire along the India-Pakistan’s International Border (IB), the Line of Control (LoC) and the Actual Ground Position Line (AGPL) in Siachen; a plan that was implemented on 25 November at midnight. Pakistan went an extra mile by announcing it would no longer let its territory be used in support to cross-border terrorism. In spite of opposition at home, President Musharraf also announced that he would consider stepping down from Pakistan’s traditional stand on international platforms demanding the implementation of UN Resolutions 1949.

Multi-track bilateral diplomatic exercises ensued with India and Pakistan resuming talks on major issues such as the construction of dams, the opening of roads, bus and rail services, visa regulations, economic cooperation, energy policies, nuclear safeguards, borders security, terrorism and drug trafficking. These diplomatic exercises were occasionally accompanied by goodwill gestures and resulted in the implementation of several CBMs including the opening of bus services between the two parts of Kashmir. In a joint statement at the United Nations General Assembly in September 2004 Prime Minister Manmohan Singh, who had taken office in May, and President Musharraf delivered a joint statement where they addressed the issue of
Kashmir and “agreed that possible options for a peaceful, negotiated settlement of the issue should be explored in a sincere spirit and purposeful manner”.

After the earthquake of October 2005 that devastated mostly regions of Azad Jammu and Kashmir (Pakistan Administered Kashmir) and was one of the most colossal human tragedies in decades, Pakistan seldom accepted Indian helping hand in relief operations. On the other hand, reports of the Pakistan Army’s dependence on banned Jehadi groups for relief operations, the following resurgence of violent political killings in Indian Administered Kashmir (IaK) and the Delhi bombings of 25 October 2005 which killed over 60 people, made India more elusive in negotiations.

The bilateral normalization process was not derailed but India and Pakistan could ultimately only agree on opening five crossing points on the LoC. For people in Kashmir, on both sides of the LoC, it was felt as ‘so little, so late’.

By December 2005, two rounds of India-Pakistan composite dialogue had been completed, a third round started on January 17, 2006.

In the framework of bilateral dialogue with India, the question of Jammu and Kashmir remains central for the Pakistani establishment which, for various reasons, cannot deceive its local constituencies on its decades’ pledge to sympathise fully with the people of Kashmir on the other side of the LoC as much as it can hardly redraw national security paradigms and compromise on established national security issues, including non-military security. In international circles the question of Kashmir is increasingly perceived as a matter of regional security with worldwide implications, a view shared by most decision-makers in New Delhi but for different reasons. New Delhi has come to the realization that if there is no reason to avoid addressing the issue of Jammu and Kashmir with Pakistan, for both countries the matter is confined to security constraints and the two should abide by the rules of – and respect for – each country’s sovereignty while the thrust of conflict resolution lies with the traditional and emerging Kashmiri leaderships of all parts of Kashmir. In Kashmir, on both sides of the LoC, the process is viewed as extremely slow, lacking inclusiveness and lacking perceptible positive effects. Disenchantment towards both countries increases by the day while several key concerned parties, often holding diametrically opposite ideologies, hardly dare stepping down from their maximalist positions.

In an all inclusive effort, Pugwash’ meeting in Islamabad offered a platform to major Kashmiri, Pakistani and Indian schools of thought, as varied and opposed as they can be.
The meeting in Islamabad opened with a plenary session, followed by a closed-door session of Kashmiri representatives. In parallel, Indian and Pakistani delegates deliberated on how to reconcile the bilateral peace process of negotiations with the needs and aspirations of the diverse Kashmiri groups and their representatives. What are the self-governance formulae that would reconcile Indian and Pakistani constraints with Kashmiri aspirations? What are the measures that each country needs to take to grant “free political space” for Kashmiri peoples to express themselves and contribute positively to shaping the future of the State? The meeting reconvened and concluded in plenary session

General debate

On the political front, some delegates noted that there could be no quick fix for the State since a major feature of J&K is its geographic, ethnic, religious and cultural diversity rooted in different historical realities and presently evolving in varied political systems. On the other hand, some delegates warned against the danger of further dividing the State on the basis of its diversity. To view diversity in terms of convergence versus divergence was encouraged by some delegates. There are different models that need to be studied and discussed in order to suitably ascertain the will of the people and implement an appropriate form(s) of self-governance. Some delegates noted that the Kashmiri mainstream and emerging leaderships, irrespective of them belonging to Indian Administered Kashmir (IaK) or Pakistan Administered Kashmir (PaK), remain deeply divided on both the projection of a possible settlement or on measures that could ease tensions and improve the current situation.

In terms of conflict resolution most participants expressed their appreciation for the India-Pakistan peace process – or process of normalization - but when it comes to Kashmir, for a majority of the participants the process is viewed as sluggish and both India and Pakistan are perceived as diluting their good will declarations in actual negotiations. Some delegates pointed at the historic reality that if it is essential to acknowledge the centrality of the people of Kashmir this does not lessen the importance of the role India and Pakistan have and should play in resolving their disputes and in creating sustainable political, social and economic space for Kashmiris on both sides of the LoC.

On the question of Kashmir specific CBMs, many delegates noted that although some valuable CBMs had been agreed upon by both countries, most of these were still too restrictive and inaccessible to the common man. The lack of engagement of the civil society creates increasing disillusionment and alienation. If this perception is not immediately levelled out within the Kashmiri society, it holds the risk, in a medium-long run, to be counter-productive to the peace process. It is essential for the CBMs to be successful that they carry the benefit of a trickle down effect making a qualitative
difference to the common man’s personal life in terms of security, humanitarian relief and economic improvement. On the other hand it should be remembered that CBMs are not an end in themselves but stepping stones. In the course of negotiations, India and Pakistan seem to be halted by much apprehension of each other and of the Kashmiri people as demonstrated in the aftermath of the earthquake. Kashmiri delegates at the meeting made the pressing demand that both countries should demonstrate their good will by acting more positively and visibly on the ground.

**Status quo not acceptable:**

Most delegates agreed that the present status quo within and towards the State was unacceptable. For most delegates, the State of Jammu and Kashmir has the potential to become a bridge of friendship between India and Pakistan rather than a bone of contention. To this end, delegates expressed the view that both India and Pakistan have to overcome their distrust towards the people of Kashmir. Simultaneously, outside and within J&K, on both sides of the LoC, responsible leadership should demonstrate genuine political will to make the State recover from the deep trauma of years of violence and insecurity that has affected up to the remotest parts of the State. It was recognized by a majority of participants that the settlement of J&K holds a key to durable peace, security and prosperity in the region. Most participants also agreed that for the people to decide their future by free will in a democratic participatory process they should be essentially freed from violence and intimidation. Mature and able leadership should vigorously engage in bringing to the fold those who still believe in violent means.

In the course of the first plenary session, the participants’ input also mainly contributed to reviewing the situation as perceived from different parts of the State.

In the **Valley** of IaK, there is still a high level of violence where the confrontation between terrorists, armed militias and mighty state security forces claims innocent lives daily. Beyond human rights violations committed by both the militants and the various security agencies, such climate of destruction and insecurity impedes any meaningful socio-economic and even political development in a context where societal conditions have only degenerated over the years. A large majority of the participants therefore resolved that an immediate end to all forms of violence is a cornerstone for political progress and social reconstruction. It was also felt that an end to all forms of violence was crucial for people to regain confidence in their institutions, and for them to contribute constructively to a genuine intra-Kashmiri rapprochement inclusive of all communities of J&K within and across the divide.

Short of its demand for becoming a Union State Territory within India, **Laddakh** for its part, has achieved a certain modicum of autonomy where both its regions (Laddakh
and Kargil) are represented in all democratic institutions of governance including at the national level. Although Laddakh has not suffered from violent confrontations in a direct fashion (barring the 1999 Kargil episode) the collateral damage in Laddakh is strongly felt in socio-economic terms. Would the peace process and meaningful CBMs lead to serious reduction of high risk tensions between India and Pakistan, Laddakh would welcome the reopening of its traditional trade routes to Gilgit, Skardu and Central Asia. Concerned participants underlined that divided families in the Laddakh-Baltistan sector should be given equal humanitarian consideration and called for the opening of the traditional Skardu-Kargil route. It was suggested that a healthy development meanwhile would be to allow the Laddakh/Kargil Hill Development Councils to visit the NAs and meet with the Northern Areas Legislative Council. On the other hand, while Laddakh is by and large a self-administered territory, to create a regional dynamic that would have a genuine trickle down effect and bear considerable benefits for the peoples of the region, self-governance would have to be equally applied to the contiguous territories of the Northern Areas.

In the Jammu region, the question of minorities (principally Sikh and Hindu) has to be taken into consideration. Minorities should be duly represented in any breaking-ground development and be part of the process leading to self-governance. The question of internal migration across the State also deserves closer attention. Most Muslim or Hindu families who left the Valley in the wake of unbearable violence have lost most of their possessions but also much of their cultural and social roots. These communities’ voice must be heard and they should participate meaningfully in a process of self-governance and reconstruction.

In Azad Jammu and Kashmir, on the Pakistan side of the divide, some delegates expressed the view that the fact that there is no political violence or active armed resistance does not mean that people have reconciled with their status. This part of the State contributes positively to Pakistan’s national economy but remains highly dependent on Pakistan. Left in isolation the region is drawn towards increasing backwardness. Administratively, autonomy is only nominal. The true decision-making process is taking place at the Ministry of Kashmir Affairs in Islamabad. In humanitarian terms, people deeply resent the lack of accessibility across the LoC. Many families and communities are divided by the LoC and people feel culturally and emotionally amputated. In the aftermath of the devastating October 2005 earthquake a climate of deep insecurity and lack of trust in the federal government has surfaced in most of the region. Some delegates expressed serious concern at the vacuum left by the Federal agencies in relief operations, a vacuum filled by banned Jehadi groups.

Several delegates were concerned that the Northern Areas, a geographically strategic territory of almost 1.5 million inhabitants, remained status-less either as a part of Kashmir or vis-à-vis Pakistan since 1947. Some delegates expressed concern at the
model of governance applied in the Northern Areas (national representation, dispensations for local administration, economic dispensations). The issue of infiltration of organized Jehadi elements post 9.11, modifying the traditional peaceful fabric of society in the NAs was also evoked with concern. The delegates generally agreed that if a model of self-governance were to succeed in reflecting peoples’ aspirations and in enhancing regional cooperation, this model should apply equally to all parts of Kashmir even if some specificity can be conceded on the basis of ground realities and necessities. In the meantime, there was a large consensus amongst the participants urging for developing contacts and communication between the Northern Areas and the contiguous IAK region of Laddakh.

**Key concepts**

Delegates to the Islamabad meeting generally agreed on the following principles and recommendations:

**Self-governance:**

- The modelling and implementation of self-governance cannot possibly take place in a context of violence. Violence is incompatible with any form of democratic process where the people of Kashmir’s dignity and integrity would be restored and where they would regain overdue political, economic and social space to their own benefit.

- Ideally, in a simultaneous top-to-bottom and bottom-up approach, the process leading to self-governance should be brought about by consensus building mechanisms.

- The principle of self-governance is not necessarily based on a concept of constitutional change but on genuine and sustainable political, social and economic devolution in a harmonized legal framework that truly empowers local institutions and sustains a process of cooperation amongst the different actors concerned by the group(s) empowered. States’ sovereignty and peoples’ sovereignty are not necessarily conflicting concepts.

- Good governance within self-governance should be a fundamental resolve.

**Self-governance - Kashmir specifics:**

- Trust has to be restored amongst the people of Kashmir, irrespective of their shade of opinion. A climate of trust amongst all parties concerned (J&K-India-
Pakistan) has to prevail in order to move forward and meaningfully improve the political debate as well as peoples’ lives.

- The concept of self-governance is so far ill defined. In view of the diversity of the territory and the specificity of certain regions of J&K, either by definition of their own populations or in the eyes of India and Pakistan, some ground realities need to be taken into consideration in terms of self-governance and devolution of power.

- It remains nonetheless that all regions of Kashmir, across the LoC should benefit simultaneously from the process of self-governance. In order to promote cross-LoC civilian exchanges in the form of relief and humanitarian exchanges or in the form of trade, economic cooperation, political freedoms and other forms of expression, the process of self-governance needs to be harmonized in all regions of J&K.

- It should be taken into consideration that certain groups of people on either side of the LoC hold the view that their future lies with India or with Pakistan. The expression of different views on the solution to the J&K problem – if conveyed by non violent and democratic ways - should not prejudice the cooperation amongst citizens on both sides of and across the LoC with the purpose of improving living conditions and define the parameters of a healthy political debate on the future status of the State. Neither should the debate be discriminatory on the basis of class, religion, origin or gender.

- There has been ample proof that there is no military/paramilitary solution to the question of J&K. The concept of self-governance also includes the dimension of security. In the process of implementation of self-governance it could be considered that it would be the local authorities/institutions’ responsibility to guarantee the security of all citizens, including minority groups who should be guaranteed their full, equal rights.

**Transitory measures towards self-governance**

- Until and after an institutionalized model of self-governance is put in place in all parts of the State, the military establishments of both India and Pakistan should reduce considerably their interference, either directly or indirectly, in the governance process of the State under their respective administration.

- In view of the recent CBMs agreed upon by India and Pakistan on the opening of crossing points on the LoC, people to people contacts should be encouraged and facilitated.
• The facilities offered by the CBMs should be made accessible to Kashmiri individuals.

• Kashmiri civilian institutions, including educational bodies, parliamentary bodies, cultural groups, pilgrims, traders, media, etc. should be encouraged and facilitated access across the LoC.

• Communication, infrastructure, laws and regulations should be adapted both within the whole of J&K and at national level in India and in Pakistan to address the potential of cross-LoC initiatives in areas such free movement of people, goods and capitals, free flow of information, humanitarian relief, tourism (including pilgrimages), sharing of energy resources, preservation of the environment, etc. In the light of emerging privatization and the development of liberal economic models both in India and in Pakistan, institutional mechanisms could be put in place for the Kashmiri legislators, leadership and entrepreneurs to be consulted and take part in the decision process on these matters as they should become the main beneficiaries of these measures.

**Elimination of violence, reduction of military force**

• There should be increased cooperation between India and Pakistan to end terrorism and violence in all its forms and manifestations.

• India, Pakistan and the local J&K authorities on both sides of the LoC should ensure respect of the law and the condemnation of all illegal activities on either side of and across the LoC.

• The reduction of military force should result from negotiations; it should avoid key areas to be rendered more vulnerable by either of the protagonists and be motivated by the resolve to de-escalate tensions between the two countries as well as creating a sustainable safer environment for the citizens of J&K.

• India and Pakistan should consider a significant reduction of troops on the LoC and in civilian areas on both sides of the LoC, maintaining the minimum necessary troops to ensure the security of the citizens and prevent any unilateral adventurism.

• Reduction of force should be simultaneous and reciprocal on the part of India, who still maintains a high level military presence in its part of the State and Pakistan whose territory is still used by armed groups infiltrating IaK and also maintains large army contingents in key civilian areas on its side of the LoC.
- Resolving issues like Siachen, Wullar/Tulbuk and Sir Creek would not impede either country’s position on Kashmir and would be greatly helpful in creating an atmosphere conducive to enhancing the peace process.

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Although no clear-cut consensus was achieved at the end of the Islamabad meeting, most delegates expressed their support for the peace process between India and Pakistan and urged India and Pakistan to create mechanisms whereby Kashmiris would have a voice in the peace process.

On the side of the meeting, a considerable number of bilateral meetings took place between the Kashmiri representatives from both sides of the LoC as well as with personalities at the highest echelons of power, including with General Musharraf and other Pakistani officials.

The meeting was viewed by most of the delegates as a unique opportunity for leaders and individuals to interact usefully.

A large majority of the participants at the Islamabad meeting suggested there should be more opportunities of the kind.