



**Pugwash Workshop on
Prospects for Self-Governance in Jammu
& Kashmir**

22-24 July 2007, Colombo, Sri Lanka

The July 2007 Pugwash workshop in Colombo is the 4th Pugwash initiative since December 2004. The meeting was attended by eminent delegates from India, Pakistan and Kashmir; intellectuals, former diplomats, Kashmiri leaders, mainstream Kashmiri political parties' and civil society's representatives from both side of the LoC. The last Pugwash workshop had been held in Islamabad in March 2006.

Since then, on December 5, 2006, in a significant departure from Pakistan's traditional position on Kashmir, President Musharraf, announced a "Four Point Formula" for the resolution of the Kashmir dispute. This formula envisages soft borders across the LoC for the free movement of people, self-governance on both sides of J&K, phased demilitarization and joint supervisory mechanisms. President Musharraf's proposal builds on the basic understanding reached between him and Indian Prime Minister Dr. Manmohan Singh that although the Kashmir status quo must change, there can be no redrawing of boundaries and yet, the LoC could become "irrelevant". Even if the three first points raise a number of crucial questions in terms of their contents and implementation-capacity bilaterally and by each country respectively, the fourth issue of joint supervisory mechanisms may be the most contentious.

In 2006-2007, the two countries have had a sustained dialogue and progressed on significant issues, including the opening of five crossing-points between IaK and PaK; protocols and agreements on trade links. Protocols and agreements on movement of people across the Loc; the Wullar Barrage and Kishangaga power project, the Baglihar Dam on the Chenab River and the question of joint mechanisms in order to monitor and fight against the spread of terrorism in the region have also been discussed.

In 2007, President Musharraf and Prime Minister Manmohan Singh declared on several occasions that the peace process had become "irreversible" even if the restoration of trust between the two parties will take some time and remains a cornerstone for genuine improvement both in terms of bilateral relations and on the issue of Kashmir in particular. In India, Prime Minister Manmohan Singh initiated the

creation of five Round Table Working Groups where all parties, including opposition leaders to Indian rule, are invited to participate. The WG are intended to develop a consensual approach on major issues of public interest and cross-border relations and include: Confidence Building Measures across Segments of Society in J&K (IaK in this case) – Strengthening Relations across the Line of Control – Economic Development in J&K (IaK) – Working Group on ensuring Good Governance in J&K (IaK). Both factions of the Hurriyat Conference and other secessionist leaders have so far declined to participate.

With the ceasefire on the LoC holding since August 2003, a noticeable decrease in terrorist violence in the state, a popular mood in favour of reconciliation and major parties including the Hurriyat Conference (Mirwaiz Umar Farooq-lead APHC) making declarations to the effect of supporting the peace process, positive ingredients have now been injected for the dividends of normalization to be progressively generated. In the context of Kashmir nonetheless, even if there is a more constructive debate taking place, the processes of implementation of Kashmir-specific CBMs need urgently to be reinforced and put into motion.

General Debate

Pugwash Colombo workshop mainly concentrated on the present status of Kashmir-specific CBMs and on the necessary institutional arrangements that would further promote India's and Pakistan's efforts of normalization. The participants recognized that functional and sustainable institutional arrangements were essential in addressing the main issues of relief for the Kashmiri population, economic development of the entire state and political inclusiveness of all parties concerned. As often reflected upon, Kashmir has the full potential to be a bridge of good neighbourliness between India and Pakistan rather than remaining a potentially highly dangerous zone of conflict that impacts on a large range of regional and international issues.

Participants at the Colombo workshop also reiterated that violence or a military solution to the Kashmir issue could definitely not offer any avenue for the resolution of the conflict. It was strongly stated that, in spite of slight improvements, there is still much violence in the State which is a major impediment to the implementation of Kashmir-specific CBMs.

The participants agreed that, at the bilateral level, there had been noticeable progress particularly in terms elaborating on and implementing low risk CBMs of mutual interest such as some aspects of security, trade and people-to-people contact. In the regional context, the SAARC vision 2020 spells out medium-long term

recommendations for regional development and cooperation, especially in terms of economic, physical, infrastructural, people-to-people and cultural connectivity as well as specific development projects and the role of civil society in the development of SAARC. It was suggested by some participants that making India and Pakistan, including on the question of Kashmir, fully aware and active in developing their country perspective in view of achieving the benchmarks of SAARC 2020, would go a long way in supporting and facilitating a significant rapprochement between the two countries as well as greatly benefiting the situation in Kashmir.

While agreeing on this prospect, other participants were of the opinion that there are low risk security issues, Sir Creek and Siachen in particular that could be easily resolved but suffered so far from unnecessary delays.

It was also suggested and generally agreed that a final solution for Kashmir would emerge from genuine progress made on the ground. On one hand, party politics cannot be overruled, but they should not prevail to a point where they obstruct progress. A people-centric approach on both sides of the LoC and at the national level would help a great deal in finding common ground rather than leaving India, Pakistan and the Kashmiris in a stalemate. A great scope for improvement would come from looking at feasible cross-border infrastructural development in sharing of energy resources for example. Investing in the human capital that exists on both sides aimed at developing cooperative and institutionalized socio-economic activities would also go a long way. Some delegates pointed at the fact that there is an urgent need to restore the confidence of the people with very concrete and pragmatic initiatives not only in socio-economic terms but in making the civilian institutions functional on both sides of the LoC and with a commitment to a timeframe for implementation.

Specific Issues

1.1 People- to -People Contact

The Srinagar-Muzaffarabad bus service agreed upon in February 2005 and resumed soon after that, was considered to be a great achievement in itself and was expected to generate positive inter-action between people from across the LoC. Mainly, delays in the issuance of permits due to a lengthy and complex administrative process, both in India and in Pakistan, has considerably lessened the constructive impact expected from this service.

The security situation, which has to some extent improved but has not yet reached a point of normalization and still proves to be a serious challenge to law and order and protection of the civilian population in the State was evoked by some delegates as a reason for lack of expediency measures in delivering crossing permits. Some other

delegates remarked that those involved in illegal and violent activities would not wait for the bus service to be in place. On the other hand, when the bus service was announced and began to run across the LoC, people on both sides began repairing houses, setting up shops, etc. with the expectation that this was a chance to improve their livelihood. The disappointment is shared on both sides of the LoC, all the more so that at present the issuance of permits has been scaled down to family reunion only. Several delegates remarked that there needs to be a vision and a realization that people-to-people contact would be a fundamental asset for the peace process. The scope of connectivity should be enlarged to tourism, sports, professional, cultural, educational, religious, and other exchanges.

At present, neither Pakistan nor India have overcome the complexity of issuing permits to J&K residents from both sides of the LoC. The process should be simplified, possibly making State institutions and district authorities operative in this matter. The creation of an appellate body in case of rejection may also have to be considered. Some delegates also suggested that instead of having to obtain the permit for each visit, the permit should be valid for a reasonable period of time (one year or more). Other delegates also suggested that once the permit obtained, the visitors should not be restricted to visit Kashmir alone but allowed access to the rest of the country both in Pakistan and in India.

In order to facilitate the screening process, it may be possible to use modern technology to issue identification cards to J&K residents.

In spite of the difficulties faced by the common person in obtaining the permit, it should be noted that there have now been several Intra-Kashmir Dialogue sessions. Even if it was difficult at the beginning, this has now become almost a routine exercise where permits are more easily obtained. There is thus scope for improvement on this front.

Communications and Technology

Most delegates agreed that civilian technology and communication systems are not a threat to security. Those involved in illegal activities, including terrorism, have easy access to sophisticated modern technology and the monitoring process is now well developed by the authorities. The common person should not be deprived of most common commodities, such as land lines and mobile phones services across the LoC, in the name of security. On the other hand, the connectivity between the two sides of Kashmir could highly benefit from video conferences systems in the educational sector for example.

Routes and Access Points

While five crossing points have been opened across the LoC, there could be more border posts open to permits (ID cards) holders. Moreover, the Northern Areas of Kashmir are still very isolated. There is an urgent need to reopen the Kargil-Skardu road and broaden the scope for more connectivity between Laddakh and the Northern Areas.

1.2 Economic Cooperation

The delegates developed a consensual approach to J&K's economic development and cross-border cooperation, stating that the people of the State cannot wait for a political solution to be reached before improving the economic situation on both sides of the LoC. It was also recognized that socio-economic development would contribute to create peace constituencies across the State.

Whereas both countries' bureaucracy have been either reluctant or simply slow in identifying the type of products that could easily be traded between them, the opening of trade routes across the LoC can be cost-effective. It would open the scope for regional and much needed local economic development.

The Pakistan-India and J&K Chambers of Commerce have been identified by the delegates as the most appropriate bodies to develop schemes and prospects for economic cooperation. It was noted that people's representatives, political parties and the civil society should also support and press for developing substantial economic cooperation.

Kashmir's cross-border trade could be integrated in the overall process of India-Pakistan trade, possibly using the SAARC's South Asia Free Trade Agreement (SAFTA) framework.

Both sides of Kashmir have much to offer in terms of local production. While one trade route has so far been identified, there should be the scope of opening more border points that would also expand the potential for bilateral trade between India and Pakistan. The computerisation of check points may be worth considering in view of accelerating the process of cross-border trade.

Kashmir also has a huge potential to generate hydroelectric power and yet due to the lack of cooperation between Pakistan and India and Pakistan's apprehension that India could use the water supply as leverage against Pakistan, no progress has been made in developing the necessary infrastructure for power generation. In winter the power generation goes down approximately 80%. If both countries and the Kashmiri industrial sector could outline a way of cooperating in the form of joint ventures for

example, the prospect of intra-Kashmir economic cooperation would also find a market in mainland India and Pakistan.

Infrastructural development in terms of roads, pipelines, railways, etc. could be envisaged as cooperative enterprises/joint ventures by both countries. Some delegates suggested that it would also be worth considering a monitoring mechanism for opening J&K infrastructural development to foreign investments and international financial institutions such as the World Bank, the Asia Development Bank, etc.

1.3 Institutional Cooperation

While debating the question of institutional cooperation, delegates pointed at the fact that all issues discussed above, came under the State's political umbrella. While not bypassing India and Pakistan (which would be unrealistic) and in full consultation with New Delhi and Islamabad, political cooperation must develop with a priority given to socio-economic development. It was proposed that a mechanism be put in place for the Legislative Assemblies on both side of the LoC to hold regular consultations with the prime objective of implementing constructive projects within a reasonable timeframe. The creation of a parliamentary commission constituted of legislators from both sides of the LoC could form a consultative body. Alternatively, some delegates suggested that if this mechanism could not be envisaged in a very near future, the Assemblies could host delegates from the Chamber of Commerce, the Bar Association, and other institutions while those would be visiting the other side of the State.

Without undermining the useful potential carried by such initiatives, some delegates pointed at the fact that, in the present context, the legitimacy of elected representatives was not sufficiently inclusive. In IaK, all parties are allowed to contest elections, even if some decide to the contrary. In PaK, there are limitations to the participatory process. On the other hand, the status of the Northern Areas, as it stands now, would exclude people from that region of Kashmir to participate in the exercise, unless as suggested by the Hill Council of Laddakh, there would be meetings and consultations between advisory councils from both sides.

It was generally agreed that the present institutions may not be perfect on either side of the LoC but there is a need to initiate a process. Actions can only be taken at this point of time with the present institutional set up. Another proposal was that of a more linear process of sister institutions to meet bilaterally such as direct consultative exchanges between the Chambers of Commerce, the judicial, educational and other institutions.

Demilitarization

There was a general understanding amongst the participants that the presence of security forces is proportionate to the level of violence on the ground and proportionate to the threat perception.

It was generally acknowledged that the situation on the ground is gradually changing and needs re-assessment. The climate is more conducive to demilitarization of specific areas especially due to the sustained dialogue between India and Pakistan with the backing of world powers and peace constituencies in India, in Pakistan and in Kashmir.

In terms of political will and strategic perception, Pakistan seems to have lowered its reliance on militancy, while not completely closing the option, and India seems to realize that some level of pressure on the common person must be lifted without affecting the operational capability of the security forces in sensitive areas.

The other factor contributing to a more conducive atmosphere is the fact that militancy cannot be sustained without the support of the local population. The approximate turnout of 80% at the elections demonstrated people's good will and desire for a political process with the realization that violence leads to the physical and institutional destruction of the society.

Some delegates indicated that in order to proceed successfully towards demilitarization, there was a need for bringing the militant factions active in IaK on board the political process. They indicated that there were two types of non-state actors' intervention in the state constituted of Kashmiri militants and foreign militants. It should be clearly understood that, from India's point of view, this dialogue can only take place with the Kashmiri factions and that increasing efforts have to be made in this direction. It has nonetheless to be taken into account that those militants who would be inclined to consider a political dialogue are the ones who become the prime targets of rival factions.

Other delegates raised concerns that a decrease in political violence goes hand in hand with a credible political and reconciliation process. There is thus an urgent need for immediate measures to be taken both at State and Central levels in addressing issues such as the rehabilitation of former militants, considering schemes of amnesty, a closer scrutiny and transparency in cases of disappearances and missing persons and other issues that have affected innocent civilians.

On the other hand, a more cohesive approach to cross-border cooperation calls for a review of the civilian-military relations in the governance of PaK. The creation and reforms of the institutions and an extension of the democratic processes to the Northern Areas should also be urgently considered.

Conclusions

- The meeting concluded that a comprehensive framework for economic cooperation across the LoC, making J&K relevant in the SAARC 2020 country strategies would boost the local economy and restore people's confidence in the peace process as much as it would benefit both India and Pakistan.
- Economic cooperation and normalization of relations would greatly benefit from India and Pakistan joint ventures (private and public capital), especially in terms of energy generation, cross-border management of water resources, environmental management, etc.
- People-to-people contact is an essential component to the creation of peace constituencies on both sides of the LoC. It is also an essential component in enhancing and improving economic and institutional cooperation.
- Although the present institutional set up on either side of the LoC would need reforms, there are several options to embark on a process of institutional cooperation that would enhance mutual understanding and capacity-building.
- A demilitarization process, with due consideration for respective national interests and local and national security concerns, would lead to improvements of bilateral relations (India-Pakistan), to substantial upgrading of people's life on both sides of the LoC and the consolidation of principles agreed upon by all parties. Areas that can be demilitarized in IaK should be promptly identified. In PaK the military-civilian mode of governance and the status of the Northern Areas should be reviewed.

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