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Kashmir, Conflict and the (Uncomfortable?) Questions

Violence, deprivation and protracted conflicts are linked and are among the most pressing problems human society confronts today. It is crucial to address them to realize a peaceful and secure world. In this book, I examine them and explore prospects of conflict transformation by focusing on one of the world's most complex conflicts – Kashmir. I examine the prospects of managing the vertical aspect of this conflict, in which the Indian state and the marginalized Kashmiris are engaged in a conflictual relationship. Broadly, my goal is two-fold: to apply a protracted social conflict (PSC) framework in understanding the Kashmir conflict, and to suggest ways to address it.

I have been working on the Kashmir conflict for over a decade. The sustained research has helped me grow personally and professionally. From a personal standpoint, I have become empathetic to the people's everyday struggle to lead a normal life amidst violence. Professionally, I have explored various aspects of the Kashmir conflict. My initial writings attempted to understand Kashmir from a foreign policy perspective. My interactions with the Kashmiris propelled me to look at the problem from the people's perspective. I then explored the internal dimension of the conflict. I documented how the sustained militant movement challenged efforts at managing the conflictual relationship shared by the state and the people. I explored how defective policies paved the way for internal conflict. I have been ruminating on this work for over a decade as several questions troubled me. More so, the humanitarian consequences of violence, traces of which I have witnessed during my residence and field surveys in the region, strengthened my resolve to work on this particular subject – how to address the conflict. This book, hence, is not a mere academic exercise; it is also an attempt to look for alternatives, for solutions.

Reality Check

Why some groups within a state feel alienated and adopt violent methods to fulfill their needs, and how a violent conflictual relationship between a state

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and a group can be managed, have emerged as critical issues in the twenty-first century with resonance throughout the modern world, in which intrastate conflicts have far surpassed interstate conflicts. Micro-level approaches in managing an internal conflict through an intensive engagement of a state and its people in a cooperative framework may prove more sustainable than grand theorizing. The grand theorizing ensured that global discourse on conflicts remained state-centric with least concern for the core needs of social groups. Kashmir is no exception.

The Westphalian state system that emphasizes consolidation of sovereignty and authority shape citizenship in modern states. Sovereignty and independence, major determinants of a modern state, legitimize the use of persuasive as well as coercive state apparatuses to control the citizens. Modern states defy challenge to their existence from their people and use available state apparatuses to extract loyalty. The Indian case in Kashmir is no different from this description. The question arises, can a state expect loyalty from its people when it fails them? When a state denies rights to its people, the discontented people resort to violence. When a state fails to address the core needs of its people, the probability of challenge to its authority is high. The Kashmir conflict is a fit case in this context and it raises several serious questions. Why did the people, who had initially acquiesced to India's rule, demand independence? Despite the investment of huge resources in the form of economic packages, why does anti-India sentiment remain strong in the region? Why the Kashmiri students, studying in others states of India on government scholarships, despise India? Why does India's defeat in a cricket match draw comfort in sections of people on the Indian side of Kashmir? Why do Kashmiri protestors raise anti-India slogans while protesting over local issues such as water or electricity? When for most of the people the concerns of '*roti, kapda aur makaan*' (bread, clothes and a house) remain primary, why do the people of Kashmir spend hours or days, braving harsh weather, cane blows, tear gas and even bullets, in anti-India demonstrations and mourn a slain militant, even if he was a stranger?

In an interview in December 2016, I succinctly presented my perspective on the conflict in Kashmir, which is relevant for this book. I argued that the Kashmir problem has to be addressed at two levels, keeping in view that there are two interlinked dimensions – external and internal. It is unlikely that India will make any territorial compromise on Kashmir. The militancy is posing a challenge to the Indian state. This internal turmoil, sustained with the support

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from Pakistan, discourages Indian leaders from actively pursuing a sustained reconciliatory approach towards the conflict. The conflict in Kashmir could not have gained ground and sustained without active support from major sections of the Pakistan establishment. Notably, the separatist movement is confined to scattered regions of the Indian state of Jammu and Kashmir (J&K). The argument that Kashmiris are agitated or alienated, should not lead to the conclusion that the whole demography within the region is alienated. The militancy is confined to the Kashmir region in J&K and to a few pockets in the region of Jammu. Notably, there are no traces of militancy in the Ladakh region.[1] Hence, the question arises, if the Indian government meted out injustice, through denying meaningful political participation to the whole demography of J&K, why is the alienation confined to select parts? When all the natives of J&K were deprived of their democratic rights why few chose to revolt and demand independence? There are several probable answers. One among them is that the people in the Kashmir region share religious and sectarian ties with Pakistan. Hence, it was not difficult for Pakistan to exploit the persistent democratic deprivation in the region. A substantial population in Ladakh region also share religious affiliations with Pakistan but the sectarian difference exists; which partly explains why the militancy has not taken roots in this region of J&K.

It is the time to introspect and then take concrete steps towards peace building. It would be worthwhile for New Delhi to focus more on the internal situation. Pakistan played a major role in initiating and sustaining the militancy, but India has to look within to address it. If India can set its house in order, it would be possible to effectively deal with the external actors. How to do this? The Indian state first needs to make a clear distinction between the alienated people supporting the violence and those perpetrating the violence. These are two different groups, though there are linkages. The two groups need to be dealt with differently. A distinction between the gun-wielding militants and the alienated people should be followed by charting out specific strategies. The latter group should be the focus of policymaking. Multi-pronged policies need to be adopted to bring this alienated group to mainstream. Mere economic packages cannot address the deep-rooted alienation. New Delhi needs to utilize its resources effectively to nurture a constituency of gainers and, eventually, a constituency of peace. Once the people are convinced that sincere attempts are being made to address their major concerns and the peace initiatives are paying

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rich dividends, the scene is likely to change. Through a gradual but sustained process of accommodation, a path to peace will open.

The time is ripe for a transformation. Occasional violent outbursts notwithstanding, the nuanced and subtle underpinnings need more attention. The people, not the separatist leadership, need more attention. The people in Kashmir continue to remain alienated, but they are also exhausted from living in a situation of protracted conflict. Most Kashmiris continue to distrust New Delhi. At the same, they have also lost faith in the separatist leadership, which claim to represent them. They also no longer trust Pakistan, which claims to be the most genuine and ardent supporter of rights of Kashmiris on the Indian side even while denying the same to the Kashmiris residing within the part it controls, as is consistently apparent from the media reports from Gilgit and Baltistan. Umpteen times the common Kashmiris have emphasized that the separatists and their organizations, including the Hurriyat Conference, are not their true representatives. For them, all these groups are dominated by vested interests, profiting from conflict politics. '*Sab apni apni rotiyan sek rahe hain*' (implying, 'all pursue their own interests') is a refrain that one often encounters while talking to the common people.

The failure of the Kashmiri separatist leadership to agree on the definition of *Azadi* has left common people perplexed. *Azadi* (literally meaning freedom), which is a catchword and used widely during the militancy and during violent protests, has different connotations for different people. What is the meaning of *Azadi*? This question, put to Kashmiris during field and informal visits, has produced responses, which need another book length writing. I remember an informal interaction with a Kashmiri journalist based in New Delhi. During this conversation in 2006, he presented an interesting version of *Azadi*. For him 'Kashmir would be an independent state with an "extraordinary" relationship with India. This would mean I could come to India without passport and visa and work without any hindrance. I want to work in India, but spend my vacations in an independent Kashmir.' For many, *Azadi* means an independent state of Kashmir. There are related questions: what would an independent Kashmir look like? What would be its geography and politics? Would it include the parts of Kashmir which are with Pakistan and China? Would it include the parts of the J&K – particularly the regions of Jammu and Ladakh – where the majority do not support the idea of an independent Kashmir? Many such questions either remain unanswered or are too blurred to draw a clear picture. The separatist

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leaders lavishly use the term *Azadi* in anti-India speeches, invoking emotions and passions, but refrain from answering these questions.

Fatalism has apparently replaced the frenzy visible during the period of peak militancy; where '*Azadi* is round the corner' was probably the most widely spoken and heard phrase. Alongside the sustained sentiment of alienation, a sense of resentment, resignation and war weariness is pervasive. The core question of *Azadi* 'for whom, from whom and at what cost' should become part of the mainstream discourse in Kashmir. Many such 'uncomfortable' questions are critical, primarily for the alienated Kashmiris, who have endured the most hardship. A reality check is the need of the hour; abandoning the ostrich like attitude. The scattered voices from the ground are worth listening to. I am quoting here at length the writing of a Kashmiri, which provides a picture of the current situation:

> The politics of hope is a dangerous thing because it can trap people into a flawed reading of history. That is exactly what happened to us. … It was easy to make us believe that one more nudge and history would witness a dramatic reversal; a transformative cataclysm – azadi – was just round the corner. … In a complete withdrawal from reality, people gathered around radio sets to listen to official announcements of freedom, reassuring one another that something was about to happen. Years passed. Thousands of lives were lost. Millions got displaced. In take two, the destruction which the politics of hope brought to Kashmir generated an even deadlier politics of grief. … An entire generation of Kashmiris sought refuge in the glorification of pain. … If today, Kashmir is the most unlikely new nation to enter the world map in the future, the blame is not on India. It is a flaw in the fundamental design of the Kashmir project … all these years, Kashmiris have given conflicting signals to the world. For those who compared Kashmir to Palestine, East Timor, Kosovo, the problem is that it is hard to frame the Kashmiri question properly. Is it separation from India, annexation with Pakistan, the search for an Islamic caliphate or a secular democracy? Has it factored in sub-regional and diverse ethnic aspirations? If it is self-determination, then who are these people queued up outside polling stations? If the slogan is 'azadi', why is the Pakistani flag raised? Today, in Kashmir, it is hard to ask these questions because there are no answers. And because there are no answers, every such question is seen as a provocation or obfuscation of the truth about Kashmir.

The author further argues:

> India is an emerging superpower – it is there to stay. Looking at the crisis in the Muslim world, it will serve us well if we help ourselves out of the

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> time warp we are stuck in, abandon false hope and macabre heroism and work towards a dignified exit from the conflict. One possibility is to accept that in spite of all its infirmities, India is the only country in the world with which a culturally diverse and politically disparate entity like Jammu and Kashmir can find anchor (Faesal, 2016).

One may not agree with the author's argument, but it is not easy to ignore his sentiments. Kashmiris have been the worst sufferers in the Kashmir conflict – whether internal or external. Thousands have lost lives for a goal that neither is clear nor seems to be sustainable. The politics of separatism has been a pet project for many for personal gains. A plethora of narratives of pain and suffering are scattered across the conflict region. The state too is suffering from continued loss of men and material. Conflict in Kashmir has reached a no-win situation. The stalemate needs to be transcended. The projection of the state and the people in rival camps cannot offer an enduring solution to the conflict. The time is ripe to explore alternatives to the conflictual state–people relationship in Kashmir.

To start with, in this book I provide an account of the events that contributed to the internal conflict in Kashmir, not explained solely by material needs, but rather by critical non-material group needs, in order to contextualize the examination of the prospects for managing the protracted conflict. I suggest an alternative framework that prioritizes the non-material needs of the marginalized people. While acknowledging that in a PSC external and internal dimensions are linked as they operate in the same social milieu, I also argue that the internal face of a state–people conflict is more compelling, as the roots could be traced to the deprivation of the core needs of the people. It is, hence, crucial to address the internal dimension through constructive engagement with the alienated. My aim is to explore prospects of conflict management in Kashmir and beyond by making an argument that it is essential for the peace initiatives to transcend symbolism and address core needs of the marginalized group. I do not aim at a threadbare historical analysis of the Kashmir conflict, as there already exists ample literature on it. Through applying the PSC framework to Kashmir, my aim is to emphasize that this protracted conflict is amenable to a solution, or at least its management is possible, primarily through corrective policies of engagement and accommodation.

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The Context

A separatist movement gained ground in the Kashmir Valley, a Muslim majority region in the Indian side of Kashmir known as Jammu and Kashmir (J&K), in the late 1980s. What prompted the Kashmiris to rise against the Indian state and how the state attempted to manage the alienation are crucial for the current exploration. The PSC theory provides a useful analytical tool for the exploration. Azar and Farah (1981, 320) argue that PSCs are:

> [h]ostile interactions extending over long periods of time with sporadic outbreaks of open warfare which fluctuate in frequency and intensity. These situations can involve either group in one nation-state or in different nation-states of the same region, where deep-seated racial, ethnic and religious hatreds may generate or intensify domestic and international hostilities. Because protracted social conflicts are rooted in ethnic hostilities and the ingroup/outgroup effects which accompany them, the actual distribution of power and resources or the perception of these distributions play a critical role.

The characteristics of a PSC are (Azar, Jureidini and McLaurin, 1978, 53):

- duration (protractedness) of a high-conflict Normal Relations Range (NRR) (a phrase coined by Azar, broadly refers to the range or type of relations between a pair of two conflict actors over a period of time;
- fluctuation in the intensity and frequency of interaction;
- conflict spillover into all domains;
- strong equilibrating forces that constrain interactions to remain within the existing NRR and forced interaction trends back to the NRR when they go beyond its boundaries, whether in conflict or cooperation; and
- the absence of a distinct termination.

The threats associated with PSCs tend to be 'more mercurial since they are behavioural and structural in cause; overt and covert in behaviour; and internal, external or both in their source' (Azar and Moon, 1988, 288).

The situations of PSC around the world may seem different, but there are some commonalities: denial of separate identity to the parties involved in the political process; an absence of security of the culture and valued relationships; and an absence of effective political participation (Azar, 1985, 61).

A PSC has an internal vertical dimension in which the dominant political elite of a state and people are engaged in a conflictual relationship. This

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problematic relationship gives rise to a situation in which both resort to violence. The hostile interactions between the two groups extend over a long period with sporadic outbreaks of violence with varied intensity. Besides the initial conditions (colonial legacy, domestic historical setting and the multicommunal nature of the society), the deprivation of non-material needs of a community is a major driver of a PSC. This conflict is a result of unmet demands – a group as a whole becomes alienated if deprived of its critical non-material needs. Human needs are quite crucial for human survival and development. Azar, the major proponent of PSC theory, developed a broad understanding of human needs and made a distinction between material needs and non-material needs. The material needs include food, employment and infrastructure development, etc. The non-material needs include security, recognition, opportunity for political participation, etc. Non-material needs are mediated through membership of a socially-constructed group. They are non-negotiable. The group may become alienated if deprived of these core needs. The non-fulfillment of non-material needs can be a more potent source of state–people conflict than non-fulfillment of material needs. In short, in a PSC there are two major conflicting actors – state and an aggrieved community, and their vertical relationship is characterized by conflict, due to non-fulfillment of non-material needs.

The non-material need of political participation of Kashmiris did not factor in India's policies. As the Indian approach to Kashmir conflict was Pakistan-centric, the identity needs of the people did not factor in its policies. Denial of these needs contributed to the rise of conflict within Kashmir. Denial of political participation was fostered by state strategies, whether in the form of dilution of constitutional provisions or in the form of manipulation of elections. Decades of political deprivation resulted in the Kashmiri people losing faith in the ballot and searching for alternate means to assert their rights. Frustration and resentment piled up and took a violent turn in the late 1980s. While earlier, the people demanded fulfillment of their need for political participation through democratic means, after the 1987 elections the demand was independence. 'The persistent subversion of our democratic rights forced our young generation to take up arms against India, demanding independence', said an elderly Kashmiri during an informal interaction at a tea stall while I was on my way to Srinagar in early 2006. Another person sitting next to him added:

> The state expected us to comply and we did that and, that too, for a long time. You know that rights come with duties and this applies to the state

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> as well. If a state has right over its citizens, it has also duties to perform. When a state fails to perform duties, it loses its right to rule. India should contemplate what forced us to hate it.

I have documented similar narratives from hundreds of Kashmiris.

The separatist movement in J&K was an outcome of this political deprivation. Kashmiris were neither allowed to impact policies, nor were their interests taken into consideration while making policies. The people rose in revolt with the support from Pakistan. Many young Kashmiris crossed over to the Pakistan side of Kashmir to receive armed training to fight the Indian state. Conservative estimates suggest that more than 50,000 people have lost their lives, thousands were displaced, hundreds of children became orphans and hundreds of women became widows or half-widows (those women whose husbands are missing with no information about them).

Not force, but accommodation, is crucial to manage a PSC. Military power may not succeed in putting an end to a conflict that arises due to the marginalization of a group. The 'short term palliatives' may help contain a conflict for some time, but they fail in the long run as they lack enduring character in addressing root causes of the conflict. Notably, the role of the state is critical to initiation, continuation and management of a conflict. The 'policy capacity' of the state in addressing these grievances is one of the major keys to conflict management. Unless non-material needs are addressed by the state, the vertical conflict between a state and a social group continues. According to Azar (1990, 10), 'The state is endowed with authority to govern. … Therefore the level of satisfaction or deprivation of basic needs is generally influenced by … role of the state'. For conflict management, it is essential for the state to foster a sense of genuine and secure community for those who have been marginalized and made insecure, within the existing political arrangements. (Azar, 1990, 3)

Perhaps realization on the part of the leaders of India regarding the futility of violence as a political tool, coupled with several other factors, including but not limited to, the waning of the militancy, the emerging forces of liberalization and globalization, and talks about a borderless world, propelled them to launch a series of peace initiatives. In the late 1990s, the Indian state, while retaining the coercive state apparatus, initiated a peace process in an attempt to manage the conflict. The opening of the two intra-Kashmir roads, Srinagar–Muzaffarabad and Poonch–Rawalakot, in 2005 and 2006, was a major initiative in this context. Cross-border trade started on these two roads in 2008. Trade increased over

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the years despite constraints, in terms of the number of trucks allowed to cross every day, days of trade and tradable items.

The existing literature on the Kashmir conflict has largely focused on the external and internal dimensions of the conflict. The focus of this study is on the problems and prospects of management of the conflict through scrutinizing the intra-Kashmir trade and trade related policymaking. The initiative to open the intra-Kashmir roads has been portrayed as a major confidence building measure to improve people-to-people contact between the two parts of Kashmir. Its significance for improving the state–people conflictual relationship remains under-researched. When I went into the field and talked to the respondents, I further realized the significance of this work. Earlier, the Kashmiri respondents had provided their perceptions of the trade to journalists and researchers, but the focus was either on the problems they confronted or on how the trade fostered their cross-border relations. A trader shared,

> I have given interviews to so many people since I became an office-bearer of the traders' association, but no one has inquired how this initiative is linked to the building relationship between the Kashmiri people and New Delhi. I keep reading reports available on the trade, but I have not come across any study focusing on this issue. There are only passing references. I am glad you are doing this research. Mark my words, it is first of its kind.

His opinion was echoed by many other respondents. Some Indian officials expressed similar viewpoints. One policymaker said, 'See, this initiative (opening cross-border roads) has two objectives – improving intra-Kashmir and Indo-Pak relations. Indo-Pak relations are highlighted, but J&K–India relations have received scant attention. I am glad it has caught your attention.'

One of the most effective ways to address a conflict is accommodating the aggrieved people in the political process. The level of acceptance accorded to each community by the ruling political elite influences access to power, and if the elite recognizes and accommodate marginalized communities, then dissent over the distribution of political power can be managed. Is it happening in Kashmir? Is India accommodating the concerns of the alienated people in the policymaking process to manage the conflictual relationship? The Indian state argues that the road opening initiative was aimed at benefitting the alienated Kashmiris. The road opening, along with an increase in travel and trade, could be considered a novel mechanism to improve the people's lives. This policy

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