



Cultures of Governance
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in Europe and India

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Conflict, governance and peacebuilding in Kashmir

This policy brief examines the basic parameters of the relationship between governance and peacebuilding processes – the central problematique of the CORE project. It first shows how certain governance initiatives have supported and strengthened peacebuilding processes in Jammu & Kashmir, while others have undermined the latter and even risked exacerbating the conflict, before going on to discuss certain fundamental – albeit common – difficulties faced by those responsible for shaping and sharing such processes.

The brief identifies three broad sets of factors that determine the particular trajectory and outcome of any such endeavour. The first pertains to the political leadership's deployment of governance techniques, instrumentalities and processes for the purposes of power-sharing and meeting the economic and social needs of the local populace at a given historical juncture. The second refers to the specific design, purpose and outreach of any particular governance measures at stake. The third underlines the importance of implementing such measures in a fair, just and efficient manner.

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Background

The conflict in India's Jammu and Kashmir state has persisted since the late 1980s, when an armed insurgency sought secession from the Indian state and Pakistan's provision of armed support led to the local conflict becoming intermeshed with the much older territorial conflict between India and Pakistan. Though the violent insurgency has since petered out, peace remains elusive. Successive regimes in New Delhi have believed that a combination of political devolution of powers and economic development of the state will help create popular stakes in the peace process and that the separatist agenda will gradually fade away. The local separatist narratives in Kashmir, on the other hand, postulate that there is simply no connection between such governance measures and a final settlement of the state's political future. Neither view is completely correct, as the true picture lies somewhere in between – as becomes evident from an examination of the gaps and paradoxes in each position. The central governments have kept their doors open for dialogue and have promised the moon in terms of granting or restoring the state's political autonomy, but their talks with separatists and elected state governments have yielded no conclusive results. On the other hand, while separatist leaders have vociferously dismissed governance measures as mundane issues of '*bijli, sadak and pani*' (electricity, roads and water), and rejected elections as an irrelevant exercise in relation to achieving a 'final settlement' of the Kashmir issue, they have contributed little in terms of ameliorating the daily struggles of their people. Perhaps both sides need to re-examine their assumptions and understandings about the fundamental relationship between governance and peacebuilding.

Governance and peacebuilding in Kashmir

Successive regimes in New Delhi and Srinagar have relied upon governance networks and processes for tackling myriad challenges with mixed results. The effectiveness of any such endeavours will depend on the intent and understanding of the conflict dynamics of those at the helm of affairs at a particular juncture, together with their degree of resolve and the level of synergy between their political networks, local bureaucracies and the security

apparatus for realizing the desired goals. The findings of this study are based on extensive field research carried out in Ladakh in October–November 2012 and in all districts of the Kashmir Valley – Srinagar, Ganderbal, Baramulla, Bandipora, Anantnag, Kulgam, Budgam, Pulwama, Shopian and Kupwara – in the summer 2013. The field study is the first of its kind, as it sets out to cover the entire lifespan of the conflict from its incipient days in 1985 until 2013, and seeks to understand the relationship between governance and peacebuilding from the standpoint of those who actively participated in the armed insurgency, juxtaposing that with the views of those who had stayed away.

The dividends

Governance measures can successfully facilitate peacebuilding processes, and the field research offers two distinct success stories to illustrate this point. The first pertains to the People's Democratic Party (PDP) government's 'healing touch' policy, introduced between 2002 and 2005, which has a relatively high 'recall value' – especially among Kashmiris who are between their mid-twenties and their late forties in age. During in-depth interviews with about 350 respondents across the Valley, specific reference was made to particular features and outcomes of the policy – such as that the PDP disbanded the Special Operations Groups (a special wing of the police force that enjoyed extraordinary powers for conducting anti-terrorist operations); froze the Prevention of Terrorism Act before it was repealed by the central government of the United Progressive Alliance in 2004; reduced the crackdown operations of the army and paramilitary forces; and, most importantly, facilitated free movement of people, particularly in the urban areas, by curbing the numbers and frequency of police checks to inspect the identity cards of the general population – as well as the overall impact of all these measures on curbing human rights violations in the Kashmir Valley.

Several factors contributed to the success of the PDP's 'healing touch' policy. First, it was timely. By 2002, the armed insurgency had waned and levels of violence had recorded a marked decline,¹ which in turn made it possible for the state administration and security forces to scale down the counterinsurgency

operations. People were fed up with violence and, with the larger goal of *azadi* (independence) proving to be elusive, the struggles of daily life were beginning to weigh down the collective conscience and becoming an immediate concern. This is not, however, to undervalue the perceptive and politically astute move by the PDP's political leadership to address one of the most precipitating concerns of Kashmiri society at that juncture – that is, human rights violations. Against this backdrop, a clear political directive by the state government and the introduction of a more humane approach by the local administration, particularly the local police, clearly left a mark in the public memory, showing how governance measures can become building blocks for an ongoing peace process.

The second successful governance initiative was the introduction of an intermediary layer of governance through the establishment of the Autonomous Hill Councils (AHCs) in the Leh and Kargil districts of the Ladakh region. People in this region, especially Ladakhi Buddhists, had felt alienated by the domination of 'Kashmiri' regimes ruling from Srinagar – the seat of power in J&K state – and resented the 'Valley-centric' thinking of New Delhi that overlooked the political aspirations of the people of smaller regions in Jammu & Kashmir. Their agitation in the late 1980s, calling for the granting of Union Territory status to the Ladakh region, heralded a structural shift in the internal power equations when prolonged negotiations with New Delhi led to the enactment of the Ladakh Autonomous Hill Council Act in May 1995. The Hill Council was envisaged as a dynamic instrument for self-governance, empowering the local communities to decide on their local development priorities by giving them autonomy in administration, economy and planning.²

The institutionalization of the Autonomous Hill Council has proved to be a successful experiment on three counts: First, it has validated the principle of creating alternate and intermediary layers of governance to meet the political and developmental aspirations of people of a specific region through constitutional measures. It has, in fact, inspired the Pahari and Gujjar communities of the Jammu region to demand the same for their respective regions,³ and persuaded the people of the Kargil district to accept their own Autonomous Hill Council in 2008. Second, it has

tremendously helped in recasting the strained ties between the people of the Ladakh region and those of the Kashmir Valley; it is worth noting that repeated attempts to revive the demand for Union Territory status for Ladakh – signifying their desire to seek separation from the Valley and a closer integration with the Indian state – has failed to mobilize mass support in the region in the last decade. Third, the decade-long working of the Leh AHC shows how political ownership of governance processes has proven to be a far better and effective way of gaining popular legitimacy for such processes and even transforming local perspectives about the nature of the conflict itself.

The spoilers

Governance mechanisms and processes have typically failed when Kashmir's ruling classes have sought to appropriate these to serve their own ends. Though this also holds true for the rest of India, the damage caused by corrupt practices or failures of political will on the part of Kashmir's ruling classes has risked undermining whatever gains the regional peace process has achieved.

Since the early 1990s, the key challenge for the central and state governments has been to restore the legitimacy of democratic processes. However, according to our field data, 44% of respondents who had taken up arms against the state and 32% of those who had eschewed the path of violence believe that political parties have failed to enhance popular participation in democratic processes. In addition, 45% of overall respondents identified corruption as the most important challenge for the state. Significantly, both elected representatives and the separatist leadership in Kashmir are held culpable on this account. While 37% of respondents felt that the political and economic governance initiatives of successive regimes have not yielded results owing to the corrupt practices of those regimes, 32% identified the same reason as explaining the failure of separatists in addressing the larger issue of Kashmir.

Unlike in the past, however, when New Delhi was held responsible for all the ills afflicting Kashmiri society, the picture emerging now is more discerning. While 59% of overall respondents blamed the central governments for not addressing the larger issue of Kash-

mir, 53% acknowledged their contribution towards the state's economic development. The assessment of the state government's economic policies is divided, as some hold local politicians responsible for misappropriating central funds, while others accuse them of bartering away the state's resources – particularly electricity and orchard produce – to the centre. While 34% of respondents supported the economic policies of the state governments, there seems to be a huge gap between, on the one hand, different regimes' claims about the success rate of their flagship programmes – such as the Sher-i-Kashmir Employment and Welfare Scheme by the National Conference government (2009), the Roshini Act by Ghulam Nabi Azad's Congress government (2007), and the Model Village Programme by the PDP government (2004) – and, on the other hand, how these programmes are viewed by the public.⁴ While a small segment of those interviewed attributed this gap to the inefficiencies in programme implementation, the single most important reason identified by 38% of respondents was corruption. Most beneficiaries, they argued, come from the ranks of the ruling political parties, those prepared to bribe officials or politicians, or the rich and powerful; this, in turn, further reinforced respondents' distrust in the governance processes.

The key challenge for the governance instrumentalities is to facilitate power-sharing processes, but if those at the top refuse to do this, this not only renders them ineffective but may also be counterproductive to the extent that it erodes people's trust in democratic political processes. The fate of the *halqa panchayats* (village councils) governance initiative perhaps best illustrates this point. In 2011, the population of Jammu & Kashmir elected 29,719 *panches* and *sarpanches* and *panches* for 4,128 *halqa panchayats* via an election that recorded a voter turnout of 75–80%. The initiative's purpose of institutionalizing a third layer of governance at the grassroots level, however, stands defeated, because the state government has yet to devolve requisite powers to enable the *panchayats* to work effectively, and that is because Members of the State Legislative Assembly (MLAs) – across the political spectrum – are reluctant to share powers with the village councils.⁵

The story of the Leh Autonomous Hill Council in the first decade of its working was

somewhat similar, in that the new governance mechanisms failed to meet popular expectations because, from above, the state government was not quite willing to share powers with the newly elected councillors of the AHC and, from below, the district-level bureaucracy was reluctant to accept the new framework of accountability that had posited the elected councillors as their new political masters. Although the Leh AHC seems to have surmounted such difficulties, the Kargil AHC, which started functioning in 2008, continues to face similar problems.⁶ Thus, unless such governance processes are embedded in the broader political, economic and social framework of power-sharing, they may prove to be ineffective in the long run.

The hurdles

The first challenge lies in the discursive domain, which requires the top echelons of government and civil society to explain the fundamental linkages between governance and peacebuilding to the people. In order to be credible, however, such endeavours must be driven by actual, grounded local transformations that demonstrate how governance processes can help people to exercise their political rights effectively, protect their human rights and provide better livelihoods.

In the operational domain, lack of coordination, synergy and often simply divergent positions taken by different players is perhaps the single most important hurdle. Differences between the central and the state governments, the state administration and the security forces, and the various coalition partners of a ruling alliance have scuttled many good endeavours. For instance, the removal of the Armed Forces Special Powers Act has been a longstanding demand supported by leading political parties, including the National Conference and Peoples Democratic Party and the Hurriyat Conference. However, differences between the central government's Home Ministry, which during Mr P. Chidambaram's tenure viewed this demand sympathetically, and the Defence Ministry, which represented the security forces' strenuous opposition on operational grounds, resulted in a persisting deadlock.⁷ As noted earlier, the turf battles between the state government and the Autonomous Hill Councils, and between the MLAs and the *panches* and *sarpanches*, have ham-

pered effective governance at the grassroots levels.

Governance frameworks have been caught in a vicious cycle of not reaching out to those who have abandoned the democratic path, and yet are central to the success of the peace process. Militants of all hues and shades – active, former and surrendered – are a case in point, while the failure of different regimes to evolve a humane, comprehensive and effective rehabilitation policy has been a huge stumbling block. The policies of Governor K. K. Rao in 1995 and the PDP government in 2004, which focused on local militants and centred around monetary incentives for their surrender, held little promise of any proper rehabilitation.⁸ Many of those who joined counterinsurgency groups set up by security forces now face social ostracism.

In 2010, Omar Abdullah's government introduced a new rehabilitation policy for those who want to return home from across the Line-of-Control. However, while only a meagre 411 militants took advantage of the earlier PDP policy, not one single person has made use of the Abdullah government's policy.⁹ In fact, those who returned regret their decision because they are unable to get jobs, their children are unable to gain admissions to schools and colleges, and without passports their option of going back stands foreclosed.¹⁰ Keeping in mind that 78% of all respondents believe that former militants have suffered in the past two decades, a continuing vacuum for their rehabilitation programmes is bound to be counterproductive.

Conclusion and recommendations

The key to success lies in governance mechanisms facilitating power-sharing among different stakeholders in the state of Jammu & Kashmir. The state government must com-

plete the devolution of powers, particularly financial ones, to the *halqa panchyats* and, remove the bottlenecks faced by the two Autonomous Hill Councils (particularly the Kargil AHC) to help them work effectively.

The state's political classes – especially the ruling coalition – needs to set up institutionalized forums along the lines of Dr Manmohan Singh's Round Table experiment,¹¹ to try to evolve a common and shared understanding among the state's diverse communities as a way of renegotiating the state's relationship with the centre and its constituent regions, as well as with those living across the Line-of-Control. Only an inclusive and comprehensive internal dialogue can pave the way for a breakthrough on the main agenda of recasting the internal political architecture of the state and its varied external relationships with the central government and – eventually – the Azad Kashmir and Pakistan.

The central and state governments must think afresh about how to devise a proper, long-term and effective rehabilitation policy for different groups of militants, along with perhaps a care programme for orphans and half-widows; as well as how to rectify the problems facing the resettlement programmes for Kashmiri Pandits, especially those still languishing in camps outside the Valley. All such policy initiatives must provide for the peculiar nature of the challenges being faced by each group and offer pragmatic and effective solutions.

The most important challenge for the state administration is to implement all such governance initiatives in a fair, equitable and transparent manner, because each failure not only scuttles the particular initiative concerned but also further erodes the people's confidence in governance processes as such. The decision by the government of Omar Abdullah to pass the 2001 J&K Public Service

Guarantee Act, which provides for the delivery of public services to the people within a specified timeframe, is a step in the right direction in this context, but the real test, once again, will lie in the measure's effective implementation. ■

Notes

- ¹ Praveen Swami, 'J&K Elections Again', *South Asia Intelligence Review*, 29 March 2004.
- ² Navnita Chadha Behera, "Autonomy" in J&K: The Forgotten Identities of Ladakh", *Faultlines*, vol. 6, August 2000.
- ³ For a list of such demands from the Districts Doda, Rajouri and Poonch, see Navnita Chadha Behera, *State, Identity and Violence: Jammu, Kashmir and Ladakh*, New Delhi: Manohar Publishers, 2000, pp. 344–345.
- ⁴ For basic information on these policies and their overview, see: 'SKEWPY: Government's Flagship Scheme Falling Apart', *Greater Kashmir*, 16 February 2012; 'Under Roshini Act, Govt. Puts JK for Sale', *Greater Kashmir*, 26 June 2011; 'Model Village Project, AUWSP Prove Damp Squib in JK', *Greater Kashmir*, 12 March 2012.
- ⁵ Sumona Dasgupta and Priynaka Singh, 'Village Council Elections in Jammu and Kashmir', CORE Policy Brief 06/2013.
- ⁶ For details, see CORE Report on Theme C.
- ⁷ *The Hindu*, 14 November 2011.
- ⁸ *The Hindu*, 6 April 2013.
- ⁹ *The Economic Times*, 6 October 2013.
- ¹⁰ *India Today*, 26 March 2013, and *Free Press Kashmir*, 24 August 2013.
- ¹¹ Navnita Chadha Behera, *Demystifying Kashmir*, Washington, DC: Brookings Press, 2006, pp.138–143.

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THE PROJECT

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