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**NO. 291**

**KASHMIR AND THE INDIA-PAKISTAN  
COMPOSITE DIALOGUE PROCESS**

**SUMONA DASGUPTA**

**S. RAJARATNAM SCHOOL OF INTERNATIONAL STUDIES  
SINGAPORE**

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## Abstract

This paper explores how the contentious issue of Kashmir has been framed in the India-Pakistan composite dialogue which aims at building a peace process between the two nuclear armed countries locked in an adversarial relationship for over six decades. Through an item by item analysis of the eight heads of the composite dialogue, it demonstrates that barring one item, the script of Kashmir — its land, resources, livelihoods and security — runs through all of them in some form or another. Yet this top- down composite dialogue conducted by the political leadership of India and Pakistan has yielded no tangible results in resolving any of the issues around Kashmir. It is time for a new imaginative peace-building paradigm to be given a chance where the people of Kashmir, in all their diversity, are recognised as legitimate stakeholders in an inclusive dialogic process. The paper suggests that intra-Kashmir people-to-people dialogues, both within Indian-administered Kashmir and between Indian and Pakistan administered Kashmir, be allowed to acquire a meaning and momentum of their own and advocates consultative mechanisms to allow community voices and narratives to percolate into and inform the official Indo-Pakistan composite dialogue. A more people centric peace process in Kashmir is an idea whose time has come.

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## Introduction

Following the Indo-Pakistan War of 1947 over the former princely state of Jammu and Kashmir, its territory has remained divided between India and Pakistan. A ceasefire line, known as the Line of Control (LoC), separates the Indian-administered and Pakistan-administered parts.<sup>1</sup> Stakes run far deeper than just control over its strategic heights. While the accession of this Muslim majority former princely kingdom to India in 1947 was seen as the acid test of India's secular model of state-building, for Pakistan this accession amounted to a negation of the very logic of partition which had resulted in its own creation as a homeland for Muslims.

In 1989, the outbreak of an armed insurgency in the valley of Kashmir changed the terms of the discourse from the problem "of" Kashmir to the problem "in" Kashmir (Raza 1995). While the root cause of the insurgency was clearly internal, there is little doubt that the levels of violence ratcheted up because of Pakistan's overt and covert support to this insurgency — including running training camps - across the Line of Control from where armed militants infiltrated into Kashmir. Whether or not India was justified in calling this a proxy war given the level of support the armed movement undoubtedly had among both men and women in the Kashmir valley in the 1990s, the fact remains that the Pakistan factor in the Kashmir issue would always be omnipresent due to the internal-external nexus to this problem. It is therefore not surprising that the Kashmir issue has, in fact, always been discussed between India and Pakistan under the larger rubric of Indo - Pakistan treaties and agreements.

Though there had been sporadic agreements and treaties signed between India and Pakistan such as the Indus Water Treaty of 1960, the Tashkent Agreement of 1966, and the Shimla Agreement of 1972, a systematic peace-process between the two adversarial neighbours had never taken off till the idea of a "composite dialogue process" (hereafter referred to as CDP) was articulated at the 1997 Male meeting between Indian Prime Minister I.K. Gujral and Pakistani Prime Minister Nawaz Sharif. Predictably, the framing of the Kashmir issue was critical to the initiation of the dialogue and continues to be linked to its progress till date.

The CDP attempted to break new grounds in bilateral relations by jointly identifying a cluster of security issues that could be brought to the dialogue table. The compositeness of the dialogue came from its framework consisting of eight "baskets of security", all of which were expected to be discussed simultaneously. The format for the talks was a "two plus six formula" where the two most important issues in both Indian and Pakistani perspectives — the Kashmir issue and peace and

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<sup>1</sup> On the Indian side, the state is administratively divided into the sub-divisions of Jammu and Kashmir (with the latter including the valley of Kashmir as well as the geographically distinct area of Ladakh) whereas on the Pakistani side there are two administrative units called Azad Jammu and Kashmir (AJK) and the northern territories which include Gilgit and Baltistan. The territory on Pakistan's side is called Pakistan-Occupied Kashmir in India whereas the segment on the Indian side is termed Indian-held Kashmir by Pakistan. This paper uses the terms "Indian-administered Kashmir" and "Pakistan-Administered Kashmir" recognising the de facto reality. The term Kashmir is used to denote the entire princely state simply because it is part of the popular usage.

security — was to be handled at the level of foreign secretaries while the rest of the six issues would be handled by other relevant secretaries and technical committees (Baruah 2004).

While technically “Jammu and Kashmir” was only one of the eight issues in the security cluster, a closer look at the actual content of the other security issues indicate that in six out of the remaining seven issues, the script of Kashmir runs through in one form or another. As we will see, the issues are regarding the militarisation of a glacier in Kashmir, the use of water of the Indus basin for a navigation channel/barrage that runs through Indian- and Pakistan-administered Kashmir, confidence-building measures related to trade and travel across Kashmir’s Line of Control, and other border management measures with clear implications for the people of Kashmir. Also, since no separate mechanism was designated to address the Kashmir issue or issues related to it, discussions on Kashmir were circumscribed by the ebbs and flows in the overall Indo-Pakistan relations.

This paper posits that if inter- and intra-Kashmir dialogues are given free play instead of being tethered to and circumscribed by the composite dialogue conducted amidst a huge trust deficit, new “out of the box” solutions on Kashmir may well emerge from the very people whose territory, livelihoods and security is the subject of Indo-Pakistan discussions. By turning the question from what can the Kashmiris get out of the Indo-Pakistan composite dialogue to what can the Indo-Pakistan dialogue take back from a people-to-people intra-Kashmir dialogue, the composite dialogue will be rendered more inclusive and sustainable.

The paper begins by examining the content, format and trajectory of the CDP and the progress (or lack of it) on each of the security baskets within the process that are linked to Kashmir. It then looks at an alternative approach to peace-building where inter- and intra-Kashmir dialogues as well as Kashmir-specific CBMs are given more space. It suggests steps on how Kashmiri groups and associations of industrialists, small traders, businessmen, development organisations, social trusts, community leaders and elected panchayats (representatives of local village councils) can be brought into a consultative process with policy-makers. It posits that a peace-process where direct stakeholders are brought into the policy loop through consultation and engagement can yield far greater dividends than the current top-down peace-process where the people concerned feel not just excluded but alienated from the process.

## The Composite Dialogue: Content and Format

Till date, the CDP remains the only bilateral forum where Kashmir is formally brought to the table by India and Pakistan. The CDP originated from the so-called “non-papers” of the early 1990s (Bajpai 2010) but received a formal articulation only in 1997 at Male. The India-Pakistan joint statement on 23 September 1998, following the meeting of the two Foreign Secretaries in New York, identified the issues to be included in the cluster of security issues between the two countries and the levels at which they were to be addressed. These were designated as follows:

- (i) Peace and Security including CBMs — Foreign Secretaries
- (ii) Jammu and Kashmir — Foreign Secretaries
- (iii) Siachen — Defence Secretaries
- (iv) Wullar Barrage/Tulbul Navigation Project — Secretaries, Water & Power
- (v) Sir Creek — Additional Secretary (Defence)/Surveyors General
- (vi) Terrorism and Drug Trafficking — Home/Interior Secretaries
- (vii) Economic and Commercial Cooperation — Commerce Secretaries
- (viii) Promotion of Friendly exchanges in various fields — Secretaries, Culture.

While India’s official position is that Jammu and Kashmir should be just one of the eight security issues that would be discussed in a structured manner, a closer look at the list indicates that almost the entire gamut of security issues is inter-woven with Jammu and Kashmir, with the exception of the fifth issue dealing with Sir Creek which is a border dispute on the western sector.

The following table summarises how:

Issue Number	Subject Head	Subjects of discussion	Specific issues at stake in Kashmir
Item 1	Peace and security	Mostly CBMs discussed under this head — some nuclear CBMs but also prominent Kashmir- centric CBMs across the LoC.	Ceasefire agreements, trade and transit points, and modalities in Jammu and Kashmir. Raises human security issues.
Item 2	Jammu and Kashmir	Numerous periodic proposals under the composite dialogue relating to the final territorial settlement of the Kashmir issue are discussed under this head.	Basic territorial issue in Kashmir. Linked to national security discourses in both India and Pakistan.
Item 3	Siachen	The dispute over the Siachen glacier is discussed which includes the differences on how the LoC is to be demarcated at the ground position on these heights. Proposals on demilitarisation of the Siachen and joint control are being discussed under this head.	Directly relates to the territory (land) of Kashmir and environmental security issues.
Item 4	Wullar Barrage/Tulbul Navigation Project	Discussion of dispute stemming from whether this site in Indian-administered Kashmir is a navigation channel (India’s claim) or a storage facility (Pakistan’s claim). Attempt is made to sort out this dispute through better information sharing.	Relates to use of water resources in Kashmir — directly regarding resource and larger water management politics between India and Pakistan over Kashmir’s water resources.

Item 5	Sir Creek	The only issue not related to Kashmir directly or indirectly (relating to a border issue in the western sector).	
Item 6	Terrorism and drug Trafficking	The two sides exchange information on terrorist acts, including cross-border terrorism. A joint mechanism for tackling terrorism was mooted in 2006.	Closely linked to the Kashmir dispute as India's stand is that Pakistan has been waging a proxy war through cross-border terrorism. Human security issues (security of lives and livelihoods) in Kashmir.
Item 7	Economic and Commercial Cooperation	General trade relations between India and Pakistan — most of which is currently routed through Punjab — is discussed under this. However, it now has a Kashmir component following the introduction of the cross-border trade in 2008.	Modalities and Mechanisms of the cross-border trade. Related to new livelihood avenues and economic security issues in Kashmir; also ex- militants joining the trade has been an important fallout.
Item 8	Promotion of friendly exchanges in various fields	Talks under this head include exchanges in art, culture, education, medicine, archaeology, tourism, sports and media. One aspect that is Kashmir-specific in this basket is the bus service introduced between Srinagar in Indian- administered Kashmir and Muzaffarabad in Pakistan- administered Kashmir.	Right of visitation particularly among divided family members in Kashmir — seen as restoration of basic human rights.

As the above table indicates, the Kashmir issue — either in its entirety or more specific issues emanating from its territory, resources and people — emerges as an important point of engagement, providing scope for both conflict as well as avenues for cooperation between India and Pakistan.<sup>2</sup> While there has been better progress on some issues than others, it is important to note that all of them are linked to the overall CDP as a whole. Since there is no other official forum for discussing Kashmir, the swings in the pendulum of the CDP from its inception till date has also affected the progress on each of these counts. The following section provides a brief overview of the trajectory of the CDP.

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<sup>2</sup> For the purpose of this paper we make a distinction between the “larger issue of Kashmir” and other issues related in some way to the land and the people of the erstwhile princely state. By the “larger issue of Kashmir” we mean its long term territorial settlement — as the former princely state is claimed by both India and Pakistan, with a ceasefire line known as the Line of Control separating the two segments administered by the two countries. Other issues relating to Kashmir are sectoral ones — regarding disputes over use of specific rivers, control over particular ridges and mountains, the modalities of communication and people-to-people contact across the LoC. These issues affect the land and lives of the people of Kashmir but do not directly relate to its grand territorial settlement, and can therefore be settled even without a permanent settlement.

## The Composite Dialogue: Ebb and Flow

While the identification of issues for discussion and the delineation of the level at which they will be discussed provided a structure and format for the Indo-Pakistan talks, the trajectory of the talks has remained highly unsteady till date. From its inception, a series of false starts and closures, resumptions and back-offs has created an erratic pattern of interaction, raising doubts about whether the process has moved at all from the level of “talks about talks” to a genuine dialogue. In any case, it is clear that given the fits and starts in the interactive process a sustained and generative dialogue has not ensued. A crisis management approach has largely driven the process and every major crisis in bilateral relations has pushed the process into the parking lot.

Though the idea and format of the composite dialogue was articulated officially in 1997, it did not actually take off till 2004. The period from 1997-2004 was beset with too many crises in the Indo-Pakistan relationship for the CDP to actually be identified as a process. Significant among these crises were the Kargil War of 1999,<sup>3</sup> the December 2001 attack on the Indian parliament by terrorists in which Pakistani complicity was suspected, and the “brink of war” situation following that attack which continued for 10 months from December 2001 to October 2002. During this time, India and Pakistan kept a million soldiers in a state of high alert across the LoC in Kashmir. This crisis continued from the time following the attack on the Indian parliament to the other high-profile attack by militants near the town of Kaluchak in Indian-administered Kashmir in May 2002 (Nayak and Krepon 2002). The United States advised its citizens to leave South Asia fearing a nuclear war. Clearly no peace-process could gain any momentum in the midst of such disturbances.

However, in April 2003, India began what it described as a step-by-step initiative towards Pakistan, and in early May 2003, Pakistan responded favourably calling for a restitution of the composite dialogue and an agenda for confidence-building (Croft 2005). Croft cites several reasons for this revival — among them the recognition that unrestricted nuclear developments could be destabilising, the need to stabilise Kashmir and the offer of a new strategic relationship based on trading. The possibility that Indo-Pakistani economic cooperation could create a security spill-over may also have turned the tables (Sridharan 2005). In any case, progress continued with diplomatic relations and transport links re-established in July 2003. Most significantly, a ceasefire across Kashmir’s LoC was initiated in November 2003, bringing the possibility of some relief in the daily travails of people living along the highly militarised LoC whose homes and properties have been constantly subject to shelling.

Nevertheless, the formal reconstitution of the composite dialogue seemed difficult in the face of India’s refusal to hold talks as long as Pakistan provided cross-border support to violent activities in

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<sup>3</sup> The Kargil War started in May 1999 when India discovered that Mujahideen forces backed by regular Pakistani soldiers in civilian garb had crossed over to the Indian side of the LoC on several sectors and proceeded to occupy large tracts of land, unmanned peaks and ridges. The status quo ante was restored in July 1999 following a massive Indian counter-offensive and international pressure that forced Pakistan to withdraw its soldiers.

Indian-administered Kashmir.<sup>4</sup> Pakistan, on the other hand, refused to subject talks to such conditionality (Croft 2005). This logjam was partially cleared in the January 2004 SAARC summit where both sides gave some ground on their respective entrenched position (Ibid). Pakistan undertook to provide no state support to terrorist activities by jointly signing the stringent additional protocol to the 1987 SAARC Regional Convention on Suppression of Terrorism (Wirsing 2004). India, in spite of its scepticism on the sincerity of the implementation of that declaration, accepted it.

By the end of October 2004, India and Pakistan had established three forms of communications — within the composite dialogue, back channel meetings between the national security advisors and meetings between the country's top political leadership. To this the Pakistanis now added a fourth strand: public diplomacy on Kashmir (Croft 2005) with Pakistan's President Musharraf thinking aloud to a group of journalists in 2004 at a Iftar party in Islamabad and proposing a bunch of new arrangements such as division of Kashmir into seven areas, demilitarising and granting it autonomy, joint control by both countries and so on (Reddy 2004). India, probably caught unawares that a Pakistani president would talk about such a sensitive topic publicly, short circuiting the CDP, issued a curt statement via External Affairs spokesperson Navtej Sarna: "We do not believe that Jammu and Kashmir is a subject on which discussion can be held through the media" (Times of India 2004). This attempt at public diplomacy also proved to be unpopular in Pakistan which had to deny domestic allegations that such demonstration of "flexibility" on Kashmir was the result of U.S. pressure (Reddy 2004).

The second round of the composite dialogue in December 2004 therefore began on a note of some confusion. Despite progress in formalising the dialogue process, developing a series of proposals (now amounting to 97) and the Indian announcement that it would cut its troops in Jammu and Kashmir for the winter, suspicions lingered. The large number of CBMs proposed by India led Pakistan to fear that this would detract from the overall attention to Kashmir (Croft 2005). During this incremental progress, India did not give up its tested position that Jammu and Kashmir was an integral part of India and that Pakistan must live up to its commitment (at the SAARC meeting) that it would not allow cross-border terrorism. In this round, Pakistan presented 21 conventional CBMs to India concerning the LoC in Kashmir and the international border. The two sides also agreed to promote local contacts along the Kashmir borders.

By this time, as Croft points out, the composite dialogue needed some tangible sign of progress "and it was to come in form of the humble bus." The bus service was to connect Srinagar in Indian Kashmir with Muzaffarabad in Pakistani Kashmir. By recognising "entry permits" from Pakistan-administered Kashmir, India was seen to have made a big symbolic compromise from its maximalist position that all of Jammu and Kashmir belongs to it. The logical corollary to this would have implied that no travel documents from Pakistan-administered Kashmir would be acceptable.

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<sup>4</sup> Christopher Snedden has provided details of the support of what Pakistan calls "Azad Kashmir" and India calls "Pakistan-occupied Kashmir" from the start of the militancy. This includes arming and enabling militant organisations in Azad Kashmir, and assisting their operatives to transit the region into Indian Kashmir. See Christopher Snedden, *Kashmir the Unwritten History*, New Delhi: Harper Collins, 2013, p. 195.

Though President Musharraf and Prime Minister Singh agreed in 2005 that the peace process was irreversible (Baruah 2005) and that the two leaders would address the issue of Jammu and Kashmir and continue these discussions in a sincere and purposeful manner for a final settlement, it was not made clear exactly how this intent would be backed by action. The conclusion of the second round in September 2005 indicated that establishing the composite dialogue was one thing, but maintaining its momentum was another.

In July 2006, a series of bomb blasts in Mumbai created such an adverse impact on domestic opinion in India that it suspended foreign secretary level dialogue. However, the process again resumed after a ground-breaking meeting between Indian Prime Minister Manmohan Singh and President Musharraf at Havana in September 2006. The major outcome of that meeting was the creation of a joint framework to address the issue of terrorism. The subsequent creation of the Joint Anti-Terrorism Mechanism (JATM) marked a recognition that Pakistan too was facing the brunt of terrorism but this institutional mechanism has since emerged more as a forum for trading charges rather than taking concrete action (Patil 2008).

The composite dialogue between India and Pakistan from 2004-2008 had completed four rounds and the fifth was in progress when it was stopped following the dramatic terrorist attacks in Mumbai on 26 November 2008. The years from 2008-2010 marked a period of non-dialogue. Though the issue of cross-border terrorism had been important to India since the 1990s, the attack on the Indian parliament in 2001 and the Mumbai attacks of 2006 made India now insist that Pakistan take action on this issue (Price 2012).

The dialogue resumed slowly again only in 2010, largely impelled (at least in the case of Pakistan) by economic drivers. Pakistan's relations with the U.S. deteriorated dramatically and economic growth slowed down (Price 2012), possibly urging it to the dialogue table. The meeting in Thimphu between the two Prime Ministers — Gilani and Singh — on the side lines of the SAARC summit resulted in them issuing a mandate to their respective foreign secretaries on the modalities for restoring trust and confidence.

The foreign secretaries of India and Pakistan met on 6 February 2011 to resume dialogue on all issues on the composite dialogue, including counter-terrorism and progress on the Mumbai trials. The meeting of the Indian External Affairs Minister and the Foreign Minister of Pakistan on 27 July 2011, preceded by the meeting in Islamabad in June 2011, marked the culmination of the first round of the resumed dialogue (post- Mumbai). The ministers expressed satisfaction on holding of meetings on all the issues of the composite dialogue, endorsed the decisions taken by the various groups, decided to revive the joint commission and strengthen LoC CBMs (MEA 2012).

Secretarial level talks were held on counter-terrorism, narcotics control and economic cooperation, while at a different level foreign secretaries held talks on peace and security, including CBMs, Jammu and Kashmir and promotion of friendly exchanges. The joint group on cross-LoC CBMs met in Islamabad on 19 July 2012 (MEA 2012).

The third round of the resumed composite dialogue in 2013 was aborted because of the tensions along the LoC in Kashmir following repeated ceasefire violations allegedly on both sides. Pakistan's position has been to convey to India that the process should not be hostage to any single incident, but in October 2013 at the summit level talks in New York, the Indian PM made it clear that the two countries first needed to sort out the controversy over the LoC tensions in Kashmir. On 31 January 2014, Pakistan's leading paper *The News* reported that Pakistan wanted to resume the composite dialogue for regional peace and quoted the foreign office spokesperson Tasnim Aslam as saying that Pakistan had always voiced that the two countries needed to resume the dialogue process and have meaningful result-oriented discussions on all issues, particularly the Kashmir issue.

With a new regime in power in New Delhi following the general elections of 2014, it remains to be seen if the composite dialogue will be revived at all or if a completely new formula will be brought to the table. In any case, it is clear that the constant oscillations on the Indo-Pakistan CDP have made it difficult to generate a sustained dialogue on the Kashmir issue. As this overview of the trajectory of the talks has indicated, with every incident of terrorism on Indian soil and ceasefire violation, talks have been pushed into the freezer. The gradual thaw every time has been partly driven by the economic logic of cooperation,<sup>5</sup> and partly by the sober reality-check that comes out of two sets of adversarial nuclear arsenals. However, as we have seen, even when talks resumed the predominant theme appeared to be better appreciation of each other's positions and information-sharing with a focus on the modalities rather than the content of the talks. In short, as the calibrated and cautious statements after every round of composite dialogue indicate, except for some CBMs on Kashmir which have been operationalised on the ground, either the two sides have talked about talks or stopped talking altogether. We now turn our attention to the specific items delineated by India and Pakistan on the composite list which have significance for the people of Kashmir and assess the progress made on each of these.

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<sup>5</sup> There is a considerable body of literature that looks at the compelling economic logic of cooperation between the two countries. Over the years the process of normalisation of relations has been supported by an influential lobby of business communities. As E. Sridharan points out the volume of trade between India and Pakistan may be low but the scope is for the future. See Sridharan E. 2000. "Economic Cooperation and Security Spillovers : The case of India and Pakistan," in Micheal Kreppon and Chris Gagne eds. *Economic Confidence Building and regional Security*, Henry L Stimson Centre, Report 36. Also Nisha Taneja 2006, India-Pakistan Trade ICRIER Working Paper 182.

## **The Security Basket under the Composite Dialogue through the Kashmir Lens**

### ***Peace and Security including CBMs***

Peace and security including CBMs is the first item listed on the composite dialogue agenda between India and Pakistan. India ascribes centrality to this and it is discussed directly at the level of the foreign secretaries. While many of the CBMs have been centred on stabilising the nuclear relationship, a chunk of the conventional CBMs discussed under the composite dialogue have had a focus on Kashmir. These include the following (Misra 2007):

- (i) Formal ceasefire along the LoC and peace along the international border effective from 25 November 2003.
- (ii) The first bus service between Srinagar and Muzaffarabad which started in 2005.
- (iii) Triple entry permit for cross LoC travel and increase in the frequency of the Srinagar-Muzaffarabad bus service from fortnightly to weekly.
- (iv) Humanitarian aid in terms of food and medicine was extended by India during the earthquake in Pakistan-administered Kashmir in 2005 which was accepted by Pakistan.
- (v) Foreign Ministers of both countries agreed to a series of Kashmir-specific CBMs to facilitate crossing the LoC in 2008.

If there is one area in which the CDP has yielded some measure of tangible result, it is in the field of peace and security through CBMs. The process has been incremental and has covered the ground in small steps, sustaining even when bilateral relations have been under severe strain (Patil 2008). For instance, even as foreign secretaries suspended dialogue in the wake of the Mumbai blasts in 2006, the Pakistani rangers and Indian Border Security Force officials held their quarterly joint meetings in September, discussing among other things the demarcation of disputed points along the border, cross-border infiltration and drug trafficking (Ibid).

However, in many ways, India's emphasis on CBMs rather than territorial swaps in Kashmir has been perceived by Pakistan as "delaying tactics" though both sides have tacitly come to the point-of-view that soft borders — exemplified in the notion of "making borders irrelevant" — is the maximum that can be achieved at this juncture.

### ***Jammu and Kashmir***

Jammu and Kashmir is the second item on the composite dialogue list. For Pakistan, discussions on Jammu and Kashmir pertain to its final territorial settlement as it regards Kashmir as the unfinished business of partition. India on the other hand rules out territorial swaps, especially if these proposals are made on religious and ethnic fault lines because of the implications this has for its own constructions of nationhood. While India is willing to look at the possibility of softening the cartographic lines — the Line of Control or the international border in Jammu and Kashmir (both lines go through its territory) — it has made it clear that re-drawing maps is not on its list of possibilities. This continues to be India's negotiating position.

At the heart of this endless conflict over the territory of Kashmir are the contending claims India and Pakistan make on the land which is linked to competing constructions of nationhood and identity represented by the two countries. It is beyond the scope of this paper to go into the contemporary political history of this conflict on which much literature has been produced (Akbar 1991, Lamb 1993, Bhattacharjea 1994, Bose 1997, Schofield 1997). Following the outbreak of an armed insurgency in Indian Kashmir in 1989, Pakistan proceeded to directly or indirectly support it. However there is little doubt that the basic reason for the outbreak of the insurgency was internal and was in relation to the huge sense of alienation that a section of valley Muslims felt vis-a-vis the Indian state following the shrinkage of political and democratic space.<sup>6</sup> India's determination to quell the insurgency and its portrayal of Kashmir as a litmus test of its secularism converted it into a battleground borderland where nationalist ambitions and opposing constructions of nationhood came into direct confrontation (Varshney 1992).

Throughout the CDP, the Kashmir issue has remained a point of contention with Pakistan believing that India's enthusiasm in bombarding the process with a series of small CBMs was nothing but delaying tactics to postpone addressing the larger issue of the final territorial settlement of Kashmir.

Before the Islamabad summit of 2004 which marked the actual commencement of the composite dialogue process, there have been more than 35 occasions in which the heads of states have met and at least 12 rounds of talks between 1989-1998 before the Lahore and Agra summits. None of them registered concrete progress (Padder 2012).

Peace talks on Jammu and Kashmir were held on 27-28 July 2004 in New Delhi, led by Indian foreign secretary Shashank and his counterpart Riaz Khokhar. Despite the conciliatory statements that were made in terms of the talks having been "useful" and a "good first step" (Pandit 2004), no progress was actually made. However, by the third round of the dialogue, there appeared to be some change in the mind-set of moving away from polemics and making a special effort to improve the ground situation. By that time, Kashmir-specific CBMs had been initiated including the enforcement of a ceasefire along the LoC and the start of bus service between Srinagar and Muzaffarabad (Misra 2007).

Following the start of the composite dialogue in 2004, General Musharraf put forward various proposals for resolving the Kashmir imbroglio. Notably, in November 2003 before the composite dialogue took off, Musharraf had put forward his four step options which envisaged: (i) commencement of official talks; (ii) acknowledgement of the centrality of the Jammu and Kashmir dispute; (iii) rejection of any proposal unacceptable to India, Pakistan or Kashmiris; and (iv) adoption of the best solution acceptable to India, Pakistan and Kashmiris. This was mentioned in the official brief put out by the Pakistan Ministry of Foreign Affairs in 2005 (Padder 2012).

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<sup>6</sup> While the disenchantment of the Muslim population in the valley with the Indian state was the major factor behind the outbreak of the insurgency the Kashmir issue is of course further complicated by the fact that it is one of the most plural parts of South Asia with Sikhs, Buddhists, Hindus and several other ethnic groups inhabiting the region.

It is believed that these options were discussed by officials of both countries during the composite dialogue process, and on 5 December 2006, Musharraf further polished his ideas and put forward the four-point formula. This included (i) softening of the LoC for trade and free movement of people; (ii) self-governance/autonomy; (iii) de-militarisation of the whole of Jammu and Kashmir; and (iv) joint supervision/management.

Along with this public diplomacy from 2003 to 2007, an unofficial back channel was activated to discuss Kashmir. The envoys were Tariq Aziz and Satinder Lambah, and together they produced a framework solution that was cleared on the Indian side by the Cabinet Committee on Security and on the Pakistan side by the Corp Commanders Conference before domestic difficulties caused by the dismissal of the Chief Justice forced Musharraf to back off (Varadarajan 2010, Coll 2009). As of now, there has been no evidence of any progress towards the grand resolution of the territorial question despite exchanges on this matter at the highest level of political leadership on both the Indian and Pakistani sides.

### ***Siachen***

The Siachen Glacier in Jammu and Kashmir, with Indian and Pakistani troops positioned at levels ranging from 16,000 to 22,000 feet above sea level, is the highest battlefield in the world. This zone has witnessed conflict between India and Pakistan for over two decades ever since Operation Meghdoot — an Indian military initiative sought to establish its presence in the vicinity of the glacier in 1984. Till then, Siachen had been considered unworthy of any armed conflict on the ground. Due to the difficulty of covering the area around the glaciers, the original ceasefire line between India and Pakistan in 1949 marked the last delineated grid at point NJ 9842 near Chalunka and then spoke of the line “passing thence north” to the glaciers (Verghese 2007). This grid point was revalidated as the Line of Control in the 1972 Simla Agreement. For Pakistan, “thence north” meant from NJ 9842 to the Karakoram while for India it meant a north-westerly line from NJ 9842 along the watershed line of the Salto range. Taking advantage of the vague language, both countries have laid a claim to the Siachen glacier.

India’s Operation Meghdoot triggered armed clashes that have led to the current phase of the dispute (Ahmad and Sahni 1998). Though flag meetings and high level negotiations were held to resolve this issue and it was included as an item on the composite dialogue of 2004, talks on demilitarising Siachen have still not reached any agreement on demarcation of the proposed demilitarised zone and redeployment positions. Indian Defence Minister A.K. Antony who visited Siachen on 5 May 2007 has made progress on demilitarisation contingent on Pakistan’s authentication of the forward positions of Indian troops (Kanwal 2007).

The only agreement has been the expressed desire of both sides for early resolution. The joint statement of 12 June 2012 following the India-Pakistan defence secretary level Siachen talks as part of the post-Mumbai resumed composite dialogue process is telling. The joint statement said: “Both sides reaffirmed their resolve to make serious, sustained and result oriented efforts for seeking an

amicable resolution of Siachen. It was agreed to continue dialogue on Siachen in keeping with the desire of the leaders of both countries for early resolution of all outstanding issues.” There has however been no indication of how this intent will be matched by action (MEA 2012).

The development of Siachen as a peace park (Swain 2009) has been suggested as an important CBM that could help in removing the mistrust that blocks progress on this front. The fact that this battlefield is located in Jammu and Kashmir — where land acquires a whole new meaning because of the disputed nature of the territory — makes both sides less amenable to reaching a quick resolution even though the impact of this conflict is tremendous in terms of lives lost and economic repercussions, not to mention the irreversible damage it is doing to the environment. However, as of now, even this remains a proposal on paper.

### ***Wullar Barrage /Tulbul Navigation Project***

The fourth item on the composite dialogue relates to a navigation project in Kashmir which Pakistan calls a barrage for storage. The construction of the 439 feet long and 40 feet wide barrage by India in 1984 on the river Jhelum at the mouth of the Wullar Lake near Sopore in Indian Kashmir has resulted in Pakistani allegations that this is actually a barrage for storage which is restricted by many conditions under the terms of the Indus Water Treaty (IWT) signed by the two countries in 1960. Article 1(II) of the IWT prohibits both parties from undertaking any man-made construction that may cause change in the daily flow of water unless it is of an insignificant amount.

Though the discussions on Tulbul/Wullar have been placed within the ambit of the composite dialogue, its resolution has to be within the terms of the Indus Water Treaty as it pertains to the waters of the river Jhelum — a tributary of the Indus river. The IWT governs how the waters of the Indus basin, which transit Jammu and Kashmir, are to be used by India and Pakistan. Under the terms of the treaty, India is obliged to “let flow” the waters of the “western rivers” — Indus, Jhelum and Chenab — but retains rights of limited hydel power extraction, storage, irrigation over them, as duly safeguarded in copious annexures to the treaty. Discussions on Tulbul/Wullar are therefore invariably linked with resource politics over water in Kashmir, which is a very sensitive issue. Indeed, Pakistan has listed Kashmir and water as the two most important areas of contention with India (Varadarajan 2010), and the Tulbul/Wullar issue is difficult to segregate from this larger framework.

In 2004, under the auspices of the composite dialogue secretarial levels talks between the Pakistani Ministry of Water Resources and the Indian Ministry of Water and Power, the two sides looked at the issue from the point-of-view of the Indus Water Treaty. Despite the cordial nature of the 2004 talks and its discussion under the composite dialogues of 2005 and 2007, it failed to yield any result other than a declaration that the talks had resulted in a better appreciation of each other’s position.

With the post-Mumbai resumption of the composite dialogue, the delegations of the two countries met again in New Delhi from 27-28 March 2012 to specifically discuss the Tulbul navigation/Wullar barrage project. According to the joint statement issued on 28 March 2012, the two sides “discussed

their respective positions on the Project while reaffirming the commitment to the Indus Waters Treaty of 1960.” In order to address the concerns of both countries, it was agreed that the Indian side will provide additional technical data to Pakistan. The Pakistan side will then furnish its views before the next round of talks. Significantly, both sides agreed that if required they will explore the way forward for resolving the issue under the provisions of the treaty. It may be noted here that the treaty provides for a graded conflict resolution mechanism which involves using the bilateral Permanent Indus Commission as the first post of call to resolve “questions” arising out of the waters of the Indus basin, failing which the “differences” or “dispute” can be submitted for arbitration.

### ***Economic and Commercial Cooperation***

Sixth on the composite dialogue list is economic and commercial cooperation which focuses on bilateral trade led by the two commerce secretaries on both sides. Significantly, what is termed as “Indo-Pakistan trade” is the trade that happens through the international border at Wagah-Attari across the Indian and Pakistani Punjab, though the Indian side has proposed that the Munabao-Khokrapar route should also be opened for freight movement.

An important dimension was added to this economic and commercial cooperation in the form of the cross LoC trade across the two parts of divided Kashmir that was initiated in October 2008. This was both a political and economic confidence building measure — though Kashmiri traders and businessmen involved in this trade have complained that India and Pakistan primarily see this as a political CBM rather than as an economic CBM between the two parts of divided Kashmir. Unlike the Indo-Pak trade on which the composite dialogue has expended much energy,<sup>7</sup> cross LoC trade across the two parts of Kashmir has been relegated to the back-shelf and has remained restricted in terms of the items that can be traded as well as strictly kept it as a peculiar blind barter trade with no banking facilities and lines of communication between buyers and sellers. The only economic concession has been that it is duty-free. According to a study, till December 2010, the value of this cross LoC trade was estimated at 311.87 crores of exports and 499.12 crores of imports, in Pakistani rupees (Kira 2011).

Launched amidst high expectations and much fanfare, the highly securitised cross LoC trade has had a number of consequences — some expected while others unintended. Ex-combatants came forward to join the trade, divided families found a context to establish connections through the trade-link, a cross LoC NGO in the form of the Jammu & Kashmir Joint Chamber of Commerce came into existence, and traders and businessmen attempted to seize the initiative and put pressure on the respective governments in India and Pakistan to move this trade beyond its current symbolic limited scope and allow it to flourish and be driven by Kashmiris. So far neither the Indian nor the Pakistani governments have shown any inclination to relinquish strict control over the terms and conditions of this trade across Kashmir.

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<sup>7</sup> According to a FICCI study the formal trade between India and Pakistan (that takes place through Punjab) increased from USD 144 million in 2001 to USD 2.7 billion in 2010. FICCI, Status Paper on India-Pakistan economic relations, <http://www.ficci.com/spdocument/20183/StatuspaperonIndiaPakistan.pdf>

The economic challenges to this trade comes from the absence of storage facilities at the two trading points, the positive list of 21 items only that is allowed to be traded across the LoC, the absence of telephonic and other forms of communication with traders on the Pakistan side (citing security reasons, the Government of India has banned international direct dialling from Indian Jammu and Kashmir to any part of Pakistan, and traders do not have permits to visit the other side in person though theoretically they can use the bus service meant primarily for divided families) and most importantly, the absence of a banking system which makes this trade a medieval barter one.

The discussions at the composite dialogue has to take on board these concerns of Kashmiri traders and the business community, including forward looking proposals by the chambers of commerce to make this dialogue more inclusive.

### ***Terrorism and Drug Trafficking***

One of the most important motivations for India to agree to a composite dialogue process was to bring issues of terrorism to the table. Though terrorist acts on India (believed to be carried out with the knowledge, support or connivance of the Pakistani establishment) by non-state actors was not restricted to the territory of Indian Kashmir, the violence involved in the insurgency in Kashmir was seen by the Indian establishment as a direct outcome of the aid and abetment provided by Pakistan. By bringing this issue to the table, India sought to link forward movement on territorial agreements on Kashmir with commitments that in future Pakistani territory would not be used to support insurgents and foreign mercenaries in Kashmir.

Within the framework of the composite dialogue process, the first round of secretary level talks representing the Indian Home Ministry and Pakistan Interior Ministry was held on 10-11 August 2004. Linking terrorism and drug trafficking, the talks called for a Memorandum of Understanding to institutionalise their cooperation (Misra 2007). In the fourth round of talks as part of the composite dialogue process on 3 July 2007, both sides strongly condemned all forms of terrorism and underlined the imperative need for effective and sustained measures against terrorist activities.

### ***Promotion of friendly exchanges in various fields***

The last and eighth item on the composite dialogue basket is broadly delineated as promotion of friendly exchanges in various fields including art, culture, education, medicine, archaeology, tourism, sports and media. Under this, an important implication for Kashmir has been the initiation of transport links through the bus service between Srinagar-Muzaffarabad and Poonch-Rawalkot in 2005. The bus between Srinagar and Muzaffarabad has in fact been seen as a major watershed in Indo-Pak relations because it involved resolving the issue of travel documents. As noted earlier, since India claims all of Jammu and Kashmir — including the parts currently administered by Pakistan — as its own, the recognition of travel documents from Pakistan-administered Kashmir appeared to be an admission of an infringement of its sovereignty. The modalities involved working around this tricky

issue with Pakistan initially demanding UN travel documents and India insisting on passports. Because the bus service involved these symbolic issues, it was also opposed by the Muslim League (Nawaz) and Jamaat-i-Islami in Pakistan as well as by hardliners in Srinagar who argued that it would dilute the core issue of Kashmir. However, despite this initial legal wrangling, a system of permits is now in place though the process of applying for and obtaining these permits is a long drawn out process with many families opting to use the bus across the international border if they can manage the expenses and logistics.

### **Towards a new inclusive dialogue**

From this overview we can surmise that the Kashmir-related matters under the CDP can be categorised into four parts:

- The “grand” question regarding the final territorial settlement of Jammu and Kashmir or temporary agreements on this without prejudice to the final settlement is discussed under the second item of the CDP.
- The two specific disputes, namely the dispute over the Siachen glacier and Tulbul navigation channel/Wullar barrage, appear to allow for an agreement to be reached more easily.
- Kashmir related confidence building measures, prominent among which is the ceasefire agreement of 2003 and resumption of travel and trade.
- The issue of cross-border terrorism and infiltration bids from Pakistani soil into Indian-administered Kashmir.

While it may be unrealistic to expect quick answers to the “grand” question that has defied solution for over six decades, it is significant that even the so-called “low hanging fruits” (Bajpai 2010) — namely the disputes over the Siachen Glacier and Wullar/Tulbul — have not yet yielded a workable resolution despite imaginative ideas floating from time to time. Pakistan has accused India of storming the CDP with CBMs in order to draw attention away from the grand question. But even on this, only three visible Kashmir related CBMs are currently operationalised — limited cross LoC travel through a bus service mostly meant for divided families, a highly controlled blind cross LoC trade and a ceasefire across the LoC since 2003 which has been sporadically broken but has by-and-large remained in place. These CBMs remain the most visible outcome of the CDP till date. The issue of cross-border attacks remain thorny and the Indo-Pak joint anti- terrorism mechanism that was announced with much fanfare has yielded little outcome at times when it is most needed following a cross-border attack.

We do not take the position that this slow to no progress on Kashmir is due to the absence of community participation and people’s voices from the Kashmir related talks, simply because this inclusionary path has never been tried out to see if more imaginative thinking on the Kashmir imbroglio can be forthcoming. However, it can certainly be argued (and the above item by item audit has demonstrated this) that the top-down process where the political and military leadership of India and Pakistan have exclusively negotiated on Kashmir for over 60 years has yielded little tangible outcome. It is therefore time that an alternative paradigm of peace-building on Kashmir is tried out.

In recent years, the peace-building field has documented several cases of people building peace from different parts of the world (Tongeren et al 2005) and confirmed the role of civil society in peace processes (Belloni 2001, Aall 2007). Studies like the one conducted by Nilsson (2012) which surveyed 83 peace agreements from 1989-2004, has systematically brought forth empirical evidence to suggest that peace settlements have been durable only when they have included civil society actors. But even before such quantitative analysis was undertaken, John Paul Lederach's (1997) conceptualisation of a "pyramid of actors" at the top, middle and grassroots captured the core of a paradigm of peace-building where the focus is not exclusively on the highly visible and powerful political and military leadership at the top who are in the limelight at the negotiating table. On the contrary, it suggests that middle as well as grassroots level actors must be identified and a conscious effort made to actively foster relationships between actors at different levels. A failure to do so will result in a gap in the very "structure of peace," making it fragile and unsustainable.

Nowhere is this gap more evident than in the talks on Kashmir between India and Pakistan under the aegis of the CDP. These talks provide absolutely no mechanism for community perspectives and narratives from organisations, groups and individuals in Kashmir on either side from reaching policy-makers, bureaucrats and technical committees who have been charged with the task of carrying this dialogue forward.

It is important to recognise that perspectives from living experiences of the Kashmiris — those living around fenced and mined borders, those using the waters of the Indus for irrigation and navigation, those travelling to visit their family members on the other side of the LoC, those sending trucks of goods across the LoC, those engaging with the community on a daily basis as elected village council representatives — can at the very least add to a repertoire of ideas which can contribute to the larger matrix of peace-building in Kashmir. The infusion of focused need-based inputs from the people of Kashmir through their elected village council representatives or interest groups like the Chakoti Salamabad Traders Union or Chamber of Commerce and Industry for instance, into the real time decision-making environment is critical. It can make the difference between a sustainable peace process and one where there is a gap in the structure of peace because there has been no communication between the top leadership and those local NGOs, panchayat leaders, migrant camp leaders and traders union whose perspectives should inform the manner in which the Kashmir based CBMs are conceived, shaped and reshaped in subsequent talks.

Despite the limitations of the content and format of the CDP and the fact that it has proceeded in fits and starts, an important off-shoot has been the initiation of a series of confidence building measures between the two parts of Kashmir relating to travel and trade. The bus service and trading activity has opened up a space for people-to-people contact however limited these may be, thereby providing scope for spontaneous dialogic encounters between Kashmiris hitherto divided by the LoC that separates the Indian-administered part from the Pakistan-administered part. These intra-Kashmir dialogues are spontaneous and at a people-to-people level — between traders, drivers, businessmen, divided families and even former militants. It is the unintended but inevitable consequence of the opening up of travel and trade links.

Another unintended consequence has been that groups from across the two sub-divisions of Indian-administered Kashmir such as traders, businessmen, industrialists, with common economic and professional interest have also started new conversations and sought to jointly influence policy circles. One example is the Jammu and Kashmir Joint Chamber of Commerce formed in 2008 and reconstituted in 2010 representing business and trade associations as well as representatives of the Federation of Industries from both sides. This carries the possibility of bridging the divide that characterises the relationship between the two sub-divisions of the Jammu and Kashmir valley in Indian-administered Kashmir.<sup>8</sup>

In a series of interviews conducted by the author (October 2012) with traders, truck drivers (including Pakistani drivers on a day the trade was being conducted), businessmen and members of chambers of commerce, it became clear that there was a political fallout of this interaction as well. Several traders, not only in the valley but also in Poonch sector of Jammu (one of the districts where the epicentre of the conflict had shifted from the valley) told us that ex-combatants had come forward to join the trade and that there would be more such cases if the scope of the trade were to be expanded. There was another consequence of this trade that we were alerted to during these interviews. Several respondents, including members of divided families, told us that those coming from the Pakistani side were surprised to see that unlike what they had been led to believe, people were free to go to mosques and attend to their religious rites without any problem. We were told: “they do not want to go back” (author interviews, October 2012).<sup>9</sup> Traders mentioned the same point and pointed out “the cross LoC trade and travel works in Hindustan’s favour” because it counters false political propaganda from the other side. There is a strong normative case if nothing else to ensure that the current and future CBMs are designed and reshaped taking such perspectives into account.

One of the important consequences of the people-to-people intra-Kashmir dialogue has been the setting up of the first cross LoC NGO — the Jammu and Kashmir Joint Chamber of Commerce (Conciliation Resources 2009). Such a cross LoC body can even be brought into the CDP by the leadership in India and Pakistan, either by their direct representation at the negotiating table or by giving them observer status.

This, however, is far from the case. The recent stand-off on cross LoC trade in February 2014 following the discovery of a truck with banned narcotics which arrived into the Indian sector of Kashmir from Pakistan is instructive. Not only were the drivers and trucks stranded in each other’s territory for over three weeks, when the Chamber of Commerce offered to engage in the resolution of the conflict, there was no indication that the Indian government took this seriously. Ultimately, it was

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<sup>8</sup> For more on this joint chamber see <http://www.c-r.org/news/joint-chamber-strengthens-cooperation>

<sup>9</sup> As part of an EC project titled “Cultures of Governance and Conflict Resolution in Europe and India”, the author conducted a series of interviews in Uri and Poonch sector — through which the LoC trade currently takes place — in October 2012. The interviews in Uri were conducted on 3 October 2012, a day when the trading was taking place and included conversations with Pakistani drivers who had crossed over with the trucks, the custodian and customs officials at the trade facilitation point in Aman Setu that divides Indian and Pakistani Kashmir, and traders or direct stakeholders in the process in Srinagar and Salamabad offloading point.

only when the highest echelons of the foreign offices of India and Pakistan got their act together that the impasse was resolved (DasGupta 2014).

Instead of looking at the intra-Kashmir dialogues and initiatives with suspicion, India and Pakistan may find that out of the box thinking on Kashmir may get a boost if cross-border Kashmiri associations such as joint chambers of commerce are encouraged to flourish and actively play a role in dispute management in the kind of crisis that emerged in February 2014 over trade. Divided Kashmiri families should be encouraged to have dialogue and come up with proposals on how to better establish communication without compromising on the security concerns of the two states.<sup>10</sup> Traders and businessmen on both sides of Kashmir should be allowed to drive the trading process and recommend the kind of CBMs that would meet their interest. Far from compromising the Indo-Pakistan composite dialogue, these interactions and dialogues within the two parts of Kashmir may well offer new pathways of action.

There is another important group of stakeholders who need to be brought into the CDP in some form or another. In 2011, the government of Indian-administered Jammu and Kashmir conducted elections to local village councils (panchayats) throughout the state. Despite the widespread complaint that following these successful elections the government failed to devolve funds, functions and functionaries and follow it up with elections to the other two tiers of the three-tier local government system, the elected representatives — known as panch and sarpanch — have been in close touch with the village community and recorded their problems and grievances. Spread through the length and breadth of the state including the villages along line zero, villages with a majority of families with relatives across the border and the panches and sarpanches also offer a repository of information about community life that can only enrich the peace process.<sup>11</sup> The fact that these elected community representatives have now formed a loose federation — called the Jammu & Kashmir Panchayat Association — that cuts across sub-regional fault lines also makes it a body which can be formally consulted by decision-makers in New Delhi before they embark on successive rounds of the formal CDP. In an imaginative step towards a people centric peace, such a federation that also has the advantage of cutting across regional fault lines in Kashmir can be brought into the CDP either through what Paffenholz (2014) describes as “an official consultative forum” that runs parallel to the composite dialogue talks or at least through less formal consultations.

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<sup>10</sup> As part of the EU project on “Cultures of Governance and Conflict Resolution in Europe and India”, a series of interviews were conducted by the author in September 2012 with divided families of Poonch and Rajouri districts including those families living on the “zero line” and in villages where most families had relatives on the other side. They had informed opinions on the kind of CBMs needed to facilitate meeting of families without compromising national security interests. They also spoke eloquently about how perceptions changed when their relatives visited the Indian side.

<sup>11</sup> In 2011 and 2012, the author travelled through Kashmir and Jammu sub-division, meeting elected panches and sarpanches as well as members of the village community to gauge perceptions on this new mode of governance across Indian-administered Jammu and Kashmir. It became clear to the author that despite the angst of the elected representatives at not being able to deliver their duties because funds and functionaries were not being allocated, they were emerging as the first port of call for all grievances of the community. They are therefore the repository of information at the community level and need to be brought into the consultative loop that can inform the CDP.

There is another aspect to the Kashmir dialogues. Dilip Padgaonkar (2010) referring to the work of the three interlocutors mandated by the Government of India to look into all aspects of the Kashmir issue indicates that the way forward in Kashmir is to initiate dialogue not just between the two parts of Kashmir under the de facto control of India and Pakistan but also the different parts of Kashmir within India. Pointing to the ethnic and political fault lines across and within the three parts of Indian Jammu and Kashmir — a point also highlighted by Chowdhury (2009) — he argues that along with the cross LoC dialogues, this intra-Kashmir dialogue too must take off. Currently it would appear that the fault lines within Indian-administered Jammu and Kashmir are sharper than the ones between the two parts that are politically divided (Bose 2003). It is these multilogues that will ultimately have the potential to generate new inclusive ideas from the people whose lives are being directly affected by the decisions taken by India and Pakistan through the composite dialogue.

### **Future Pathways**

As things stand now, because the discourse on Kashmir is so closely tethered to the composite dialogue process between India and Pakistan — which as we have seen suffers from a huge trust deficit — it remains stymied and restricted. Since this CDP is conducted in the ante rooms of the top political leaders of India and Pakistan, it compounds the alienation of the Kashmiri people as they feel their voices are not included even as their rivers, dams, resources, travel and trade are being negotiated. No doubt the existence of a range of groups with different notions of what constitutes Kashmiri identity in both socio-cultural and geographical terms and the corresponding divergence in the political imaginary does pose a challenge as to which “Kashmir” will be accepted by different groups. Nonetheless, the process of an inclusive citizen centric dialogue has to begin somewhere even if there is currently no consensus among the Kashmiri voices on what the “end picture” could be.

For an inclusive citizen centric peace process to emerge:

- (i) Citizen groups have to be formed and consolidated across different walks of life — for instance between institutions of higher learning, lawyers collectives, border villagers, camp dwellers, young people, women survivors of conflict, either through the initiative of local individuals or local peace-building groups.
- (ii) Citizen groups on both sides of the LoC have to acquire a voice: Different groups in Indian-administered Kashmir — for instance the Jammu and Kashmir Panchayat Association (JKPA), the Association of Parents of Disappeared Persons (APDP) and Jammu and Kashmir International Trade and Investment Network (KITIN), from Pakistan-administered Kashmir and now the first cross LoC organisation the Jammu and Kashmir Joint Chamber of Commerce and Industry (JKJCCI), have to articulate their concerns. Such groups could begin to do this separately and then find areas of convergence.

- (iii) Dialogues have to be initiated across regional fault lines in Jammu and Kashmir. There are important fault lines between Indian administered Kashmir — between the valley, Jammu and Ladakh and similarly there is a divergence of perspectives from within the two sub-areas with the Pakistan administered territory. Inter- Kashmir dialogues are the need of the hour. This is where peace-building organisations have a role to play. For instance, an initiative called Women In Security, Conflict Management and Peace (WISCOMP) has been organising dialogues between women from all parts of Indian Jammu and Kashmir who are direct stakeholders in the conflict for almost a decade (2000-2009) and has also facilitated their interactions with policy-makers. The women formed four working groups mirroring the working groups set up by the government of India on the same subjects and presented their vision on each of these.<sup>12</sup> Conciliation Resources (CR)<sup>13</sup> has been facilitating meetings between Gilgit Baltistan and Azad Jammu and Kashmir on the Pakistani side where there are considerable differences in perspectives too.
- (iv) Intra-Kashmir dialogues must be encouraged and freed from the shackles of the CDP between India and Pakistan — both countries will have to take initiatives to allow a separate people centric dialogue to progress on Kashmir. A precedent for such cross LoC dialogues has already been set by the Centre for Dialogue and Reconciliation (CDR) and now by Conciliation Resources (CR). In fact, from 2005 to 2007, CDR organised as many as 11 intra-Kashmir conferences (with Kashmiri civil society members from both sides of LoC) in Srinagar, Jammu, Delhi, as well as one in Islamabad. People from all regions and ethnic groups participated and a consensus began to emerge on some issues.<sup>14</sup> Many more initiatives are required to enable people from across regions — women and men — to enter into structured dialogues and equip themselves to participate in peace-building activities.
- (v) Community voices and narratives have to enter the public sphere: As of now there is no mechanism to bridge the gap between people's voices, narratives and community perspectives and policymaking. A recent initiative called the Kashmir Initiative Group (KIG) consisting of thought leaders from Kashmir across both sides of the LoC is now seeking to fill this gap. This is the first group of its kind which defines its mission boldly in terms of bridging the gap between community perspectives and policymaking.<sup>15</sup>

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<sup>12</sup> See Women in Dialogue, The Road ahead in Jammu and Kashmir, WISCOMP report, 2006.

<sup>13</sup> CR is a London based peace-building organisation with partners in Jammu and Kashmir on both sides of the line of control which seeks to promote community voices from Kashmir in the peace process.

<sup>14</sup> The consensus included among others the following issues- no fragmentation of the state, dialogue process to include all regions and communities of the divided state, the solution to be applicable to all regions and communities of the divided state and to people of the former state of Jammu and Kashmir, India and Pakistan, involvement of Kashmiris in the final decision making process and in deciding their future, ceasefire with militants and honourable return of those stranded across LoC. For details on these conferences and the outcomes see <http://www.cdr-india.org/read-more-7.htm>

<sup>15</sup> The KIG has been initiated by a London based peace-building organisation called Conciliation Resources which works on an ambitious conflict transformation programme with civil society on both sides of the line of control Its overall aim is to prepare civil society actors in Kashmir to participate in peacebuilding.

Peace-building work from across the world have either made a normative argument for inclusion of civil society actors and community engagement in peace processes or constructed a case in its favour from a pragmatic standpoint by arguing that peace processes are durable only if they are inclusive. Practitioners have however differed in whether this inclusion should happen at the actual negotiating table or not. Thania Paffenholz (2014) has responded to this debate by creating a taxonomy of inclusion of civil society into track 1 negotiations that range from direct representation of civil society groups at the negotiating table, giving them observer status, including them in official consultative forums that run parallel to negotiations, or in less formal consultations, finding space for them in post agreement mechanisms, track II facilitation at pre- negotiating stage and hearing their voices through public hearings, referenda and mass action. This taxonomy based on powerful empirical evidence now pouring in from diverse peace-building theatres across the world where different models of inclusion have yielded outcomes also has a powerful resonance for Kashmir, offering new thinking spaces on how citizen groups affected by the conflict can be made a part of the structure and process of peace.

India's consistent stand over the years on the Kashmir issue has been that it needs to be sorted out within a bilateral framework. Yet it remains a matter of fact that by the dint of the Indian complaint about Pakistan's aggression in 1948 to the Security Council of the United Nations under article 35, a dispute between two countries was converted into an international issue or at the very least into a tripartite issue. As Victoria Schofield (1997) points out, whatever India and Pakistan may have subsequently agreed to in later summits — Tashkent in 1966, Simla in 1972 and Lahore in 1999 — the tripartite nature of the issue was already implicitly captured in the United Nations Resolutions which referred to India, Pakistan and "the wishes of the people" of the land over which they were fighting. It is therefore imperative that for any sustainable security framework to emerge, Kashmir and its people with all its diversity (and its internal complexities notwithstanding) must be recognised as stakeholders in the peace process.

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