



**REPORT ON INTRA-KASHMIR CONFERENCE  
'Common Interests, Common Future: Dialogue Across the LoC'  
Clarion Hotel, New Delhi, 13-14 February 2011**

The Centre for Dialogue and Reconciliation (CDR) has held a series of Intra-Kashmir cross LoC conferences since 2005. These conferences have provided a platform to representatives of civil society and to political groups and parties from all regions and communities on both sides of the LoC to interact and explore ways to making a difference on the ground while building wider consensus on a range of issues for a resolution of the differences surrounding the state of Jammu and Kashmir. These CDR conferences have provided useful suggestions and recommendations over the years and built civil society networks across the LoC.

CDR held an Intra-Kashmir conference in New Delhi on 13-14 February, 2011 with about 45 participants participated. The conference was held soon after a meeting between the Foreign Secretaries of India and Pakistan, at which they agreed to resume dialogue on all issues of concern to both countries. This resumption of dialogue has been welcomed generally by people on both sides of LoC in Jammu-Kashmir. The Conference endorsed this sentiment and hoped the dialogue between India-Pakistan would be protected from any interruptions. The following is an account of the proceedings of the Conference.

The Inaugural session was chaired by Dr. Syeda Hameed and was addressed by three keynote speakers.

The first speaker was India's former Foreign Secretary, Mr. Salman Haider, who noted that both countries had welcomed the resumption of dialogue at Thimphu and that beneath the rancour and suspicion there was hope, although admittedly not very much. India wanted to send the clear message that Pakistan had not shown genuine effort in punishing the perpetrators of the Mumbai attacks. The attacks had created bitter divisions, throwing the whole relationship into a tailspin of mutual recrimination. Pakistan needed to undertake a more responsible effort to break the logjam.

Interestingly, it now seemed that Kashmiris on both sides are in a mood to settle. There had been prolonged engagement on the back channel, first between the governments led by former Prime Minister Vajpayee and former President Musharraf, the threads of which were picked up by Prime Minister Manmohan Singh's government. Perhaps the passage of time had something to do with this, as the 'midnight's children' of 1947 had become grandparents today and the newer generations had different priorities. Also, when the two countries took small steps forward, there were attempts to nip them in the bud (unclear). Criticism that the dialogue structure had become inflexible should be taken on board to accommodate discussions on newer issues such as Afghanistan.

The second keynote speaker was Dr. Humayun Khan, former Foreign Secretary of Pakistan. Dr. Khan said that the expectations from the resumed dialogue at government level was a life of normalcy and peace, an end of fear and cessation of human rights violations by the security forces. Kashmiris on both sides were extremely enthusiastic about de facto integration and making the Line of Control irrelevant on the ground. The dialogue had come to an abrupt end after the Mumbai attacks, but resumption did not mean Pakistan had been absolved of the responsibility of taking action against the perpetrators. If dialogue has to progress and the Kashmiris would like it to progress, Khan said, then action on Mumbai by the Pakistani state was imperative.

Khan remarked on the divergence of perception: Whereas India said considerable progress had been made via the diplomatic 'back-channels' on the disputes around Jammu and Kashmir, the Pakistanis felt the back-channel was not valid anymore because it had been conducted with a government headed by an unelected army general. Pakistan now also preferred the dialogue to be in a more public manner in which both front and back channels are used. Further, the army seemed to have disowned the back-channel. However, it was not appropriate for governments to disown commitments made by previous dispensations.

The third keynote speaker was Ms Mehbooba Mufti, President of Peoples Democratic Party (PDP). Ms. Mufti felt that such 'Track Two' conferences, despite their long presence, have not had much impact. She pointed out that currently more than 3000 Kashmiri youths are behind bars- not for murder but for protesting on the streets. If, in a democracy like India, people are arrested for protesting, then this is not a real democracy.

Time and again, Kashmiris have shown their opposition to, and battled against, terror. For example during the major terror attack in Srinagar on the eve of the launch of the Srinagar-Muzaffarabad bus service in 2005. . Their good faith is also seen in the large turnouts during elections. However, the Centre has refused to understand this cry for peace; it suits better for Kashmiris to be labeled terrorists.

The Kashmir problem has essentially remained the same over the decades with only its manifestations having changed. When India and Pakistan divided Kashmir in 1947, nobody asked the people. The time has come to re-open dialogue with the Kashmiris, because despite last summer's protests, violence is at its lowest level. This should include Kashmiris from both sides, including Gilgit and Baltistan, as well as with separatists in the Kashmir valley. Without undermining the sovereignty of each country, all sides can still move forward. We have to move away from our tendency to "manage" the Kashmir situation and jointly work towards a resolution. The key question is, 'how can one bring the people closer?' Before 1947, the Kashmiris had important trade links with Kashgar and Yarkand, now in China, but after Partition, it was as if an iron curtain fell on Kashmir. The distance from Leh to Yarkand is only 451 miles, from Kargil to Skardu 96 miles and from Srinagar to Gilgit 230 miles, but no travel or movement is allowed. Even as the rest of India, buoyant on high economic growth, is opening up, we have become prisoners in our own region. Integration must translate into economic benefits, otherwise J&K's siege mentality will remain.

Security forces must be withdrawn from civilian areas. There is no village which doesn't have a martyr's graveyard, each one is full of young boys killed by the security forces. Pakistan must play a positive role, taking the separatists on board. Pakistan should allow the LoC to be opened further, to establish a joint advisory council, allow Kashmiris to come together and let it become a model region in SAARC.

What does one mean by 'azaadi' or freedom? Self-reliance, trade and travel within Kashmir. If this happens, Kashmir will become a showpiece of the region.

## **SESSION 2 : KASHMIR : REQUIRING NEW INITIATIVES - 1**

The trauma of cross-LoC separation, the need to look at the past to understand the present and recommend strategies for the future as well as the dire necessity to de-bureaucratise measures aimed at gaining confidence between the peoples of the two sides dominated this session.

A senior advocate from Srinagar, pointed to the huge psychological distance between Srinagar and Delhi, adding that both sides had been speaking past each other for some time. Delhi would rather speak to Islamabad than Srinagar, because Delhi was not willing to accept what Kashmir was saying. There remained a conflict between Delhi's national interest and that perceived in Kashmir. The time had come, after 63 years, to ask who determined national interest.

He was sceptical of Pakistan's claims that Kashmir was the major issue of discussion between itself and India, saying the water issue had overtaken Kashmir in recent discussion. The bilateral dialogue process should remain Kashmir-centric and insulated from everything, including terrorist attacks. Dialogue between Srinagar and Islamabad was essential. Pakistan should be taken on board on all discussions on self-rule, otherwise talks wouldn't be meaningful.

'Azaadi' means freedom of choice, the power to take decisions among the choices available, whether in politics or governance.

During the Discussion the participants felt the India-Pakistan dialogue should be uninterrupted and uninterruptible. Kashmiris should be allowed to meet each other across the Line of Control to reverse the trauma of partition. Kashmir's geostrategic location is unique, sandwiched between three nuclear powers, India, Pakistan and China. Kashmiris saw this as a cause for hope and expected India and Pakistan to behave responsibly. Confidence-building measures across the LoC should be enhanced. Cross-LoC buses were largely empty and trade was limited to barter system. It was essential to remove the draconian laws stifling the people's fundamental rights. However, new hope had been generated by the resumption of dialogue.

## **SESSION 3 : KASHMIR : REQUIRING NEW INITIATIVES – 2**

A first step was to take the J&K Assembly 2000 resolution on autonomy out of cold storage. Trade was a great weapon, as had been proven in Gilgit-Baltistan, where border trade with neighbouring China was very low until 1994, but once that was transformed into open trade, as much as 60 per cent of the population was now involved in it.

Separatists of all hues should be allowed to travel to Pakistan and talk to the leadership there. The separatist and mainstream leaderships in India should talk, an India-Pakistani forum with Kashmiris from both sides formed. An intra-Kashmir dialogue, between Jammu, Ladakh and the Kashmir valley, should be started to remove mistrust and begin discussions on autonomy. Nothing should be allowed to disrupt the India-Pakistan dialogue.

Trade and travel should lead to a common market, which could later tie up with the SAARC market. Security forces should be removed from both Srinagar and Muzaffarabad. Cultural and religious festivals, for example a Pir Panjal festival, should be started, while mosques at Mirpur, Rajouri and Shahdara sharif should be opened to religious tourism. Kashmiri youth should be trained to engage in meaningful work so that they don't waste their time pelting stones.

## **SESSION 4 : EXPANDING ECONOMIC BENEFITS OF TRADE ACROSS LOC**

Trade and travel, joint mineral exploration, joint exploitation of water through hydro-electric projects and tourism are key areas to expand economic integration. It was imperative to institute dual currency measures, perhaps in "nostro" and "vostro" accounts. This could be followed by a notional economic unification.

Trade's extraordinarily high potential wasn't being realized as only 21 items were being traded, whereas civil society had identified 60 items. Only two routes existed so far, trucks were allowed in only twice a week; these should be increased. There was no linked banking system, while all phone communication was prohibited. A negative list should be created (consisting of items like drugs, arms, ammunition, etc), everything else allowed to be traded.

## **SESSION 5 : ISSUES OF COMMON INTEREST ACROSS LOC**

The trauma of separation from the Kashmiri motherland gave rise to some verse, considerable emotion as well as the plea that the state, as it existed in 1947, must be re-unified. There was talk of the need to develop long-term regional development goals.

It was pointed out that the great powers divided Kashmir without its permission in 1947, and even today the Kashmiris could hardly exercise any personal choice. Kashmiris in the Valley should look beyond their own traumas at the unique problems being faced by Jammu & Ladakh. It was important to look within and not blame only the Centre or Pakistan for Kashmir's travails. The historical routes between Kargil-Skardu, Jammu-Bhimber, etc, should be re-opened

People's identities had undergone a radical change, especially in Pakistan-administered Kashmir. Prior to 1947, this region was very much part of the Kashmir valley, but since then, much more closely connected to Rawalpindi and West Punjab.

Scores of former militants from the Kashmir valley had found refuge in Pakistan, but now yearned to come home and lead honourable lives. The Question was, how could they return? Were there any ways to rehabilitate them? India also had to realize the grave danger that Pakistan was under because of the terrorism within.

On the second day the conference took up the issues of Autonomy and Self-rule. CDR's comparative study report on some of the Autonomy documents produced in J&K was distributed to the participants.

## **SESSION 6 : ISSUES OF AUTONOMY/SELF-RULE**

First Keynote speaker Abdul Rahim Rather, J&K minister for finance & Ladakh affairs

Beginning with a historical perspective, National Conference leader Abdul Rahim Rather said the relationship between J&K and the Indian Union was defined by three documents, the Instrument of Accession of 1947, the Presidential Order of 1950 and the Delhi agreement of 1952. The National Conference continued to fight for the restoration of these powers.

The Instrument of Accession gave the Union power to make laws only on defence, foreign affairs and communication, validated by the Presidential Order, 1950, and the Delhi agreement, 1952. When Nehru and Sheikh Abdullah began talks over Kashmir's special status within the Indian union, Nehru agreed the state would have its own constitution and only its constituent assembly would have the right to cede powers to the centre. But, within months, all the agreements began to be violated.

But the NC did not give up. In 1994, when nobody could think of anything beyond ‘azaadi’, we met then prime minister PV Narasimha Rao and told him to find a solution, around autonomy. PVNR told us he was for autonomy short of independence. Even then we told him, we don’t want independence.

We decided to fight the 1996 election on the plank of autonomy. In 2000 the J&K Assembly passed the autonomy resolution, but the Parliament rejected it. You can imagine what Kashmiris went through.

Even today we tell people, a way found will have to be found within the Constitution. The people will be strong, only if the country is strong. But we are also sure of one thing : There can be no status quo.

The erosion of autonomy over the years, by the Centre, is the primary cause of discontent. All that the autonomy resolution asks is the restoration of the autonomy agreed upon in 1952

According to **Justice Majeed Malik, former chief justice, Azad Kashmir High Court**, Kashmiris need to embark on a process leading to independence, via the UN SC resolutions. The relationship between Azad Jammu & Kashmir and the Pakistani state is very different from that of Indian-administered Kashmir to India. In AJK, there was no accession to Pakistan, so the question of autonomy or self-rule did not arise. Therefore, we could only talk about the resolutions which Ramaswamy Iyengar took to the UN in 1948. India and Pakistan could have easily resolved this problem under this UN Resolution, instead they signed agreements and declarations in Tashkent and Shimla, which only complicated the issue. But the people of Kashmir never agreed with all this.

Article 257 of the Pakistan Constitution gives the people of Azad Kashmir the right to determine their relations with Pakistan, and in Bhutto’s time, defence, foreign policy and the power over Gilgit-Baltistan was voluntarily handed over to the Pakistani state.

India and Pakistan perceive the Kashmir issue in conflicting ways. In India, voices for autonomy are substantial, but in Pakistan Kashmiris are seeking pan-Kashmir unification or independence. Pakistani Kashmiris want to go forward to 2014, but Indian Kashmiris want to go back to 1953.

Kashmir can be the pivot that provides stability to the region and fears that a small state will not survive in the middle of so many nuclear powers like India, Pakistan and China, are groundless. If states like Nepal can survive, so can Kashmir.

Autonomy or self-rule can be the first step towards ‘azaadi.’

**Chering Dorjay, ex-chairman, Leh Hill Development Council**, said Ladakhis were in favour of further dividing J&K, and creating a separate state of Ladakh, as the Ladakhis were a separate identity, culture and ethnicity from the rest of J&K. Ladakhis were not in favour of restoration of autonomy to J&K because they believed that the Kashmiris were using this to consolidate power

instead of devolving it to the sub-regions. Political parties like the NC and PDP say autonomy will further empower the people, but in Jammu & Ladakh this will have the opposite effect. Central institutions like the Election Commission, the Supreme Court and the Comptroller & Auditor General offer greater justice than local institutions. Locally conducted elections in Ladakh, for example, are hardly as free and fair as those conducted by the central Election Commission.

The question is, who is raising these voices for ‘azaadi’ and self-rule?

India and Pakistan must first resolve the situation, then the different regions of the state must be convinced that their respective interests will be protected. Only then the Ladakhis may not insist on a division of J&K.

A lively discussion followed. One view held that calls for ‘azaadi’ did not have as much to do with the history as much as with issues of governance. Another felt that the mainstream political parties were not really the source of the problem as they believed in the Constitution, which is why it is important to talk to the separatists, even if the basis of the debate was ‘azaadi.’. Delhi has not been able to do this. The only person who tried to reach out was Musharraf and he nearly pulled it off. His concept was woven around substantial autonomy on both sides of Kashmir, making borders irrelevant.

There is a big dilemma of the regions. The Centre views it as a movement towards devolution, but in the Kashmir valley it is seen by the people as a sell out. The diversity of the state must be looked upon as an advantage, not a curse. Each sub-region has rights, those must be recognized. People from Ladakh and Jammu must understand that it is the Kashmir valley which is paying with blood and destruction, while the Kashmir valley must take the sub-regions with them. A further sub-division of the state would be disastrous. It is imperative for the state to walk together so the Centre is not able to divide and rule.

The extreme daily harassment of the people at the hands of the police and security forces is of grave concern. Every criminal act has a price and the citizenry is acutely aware of the money it has to pay security forces...Evidently, Rs 55,000 is required to release a man from jail, but many ordinary people would be hard-pressed to afford the bus fare from Srinagar to Baramullah.

## **Recommendations of the Working Groups**

### **Working Group on Issues of Common Concern**

1. All routes which existed before 1947 should be opened.
2. People should be allowed to move freely across LoC without lengthy processes of getting permits. Rather they should be given passes on the basis of domicile certificate.
3. Pilgrim and scenic tourism should be started.
4. Youth exchange programmes that also include educational programme should be started. There should be reservation for the students in the technical institutions across LoC.
5. Cultural exchange programmes, which include mushairas, literary meets etc., should be organised.
6. People belonging to various shades of political opinion should be allowed to travel across LoC to discuss issues, share information and build a consensus.
7. MOUs between the Universities and educational institutions, and professional groups across LOC should be signed to facilitate the admission of students in cross LoC institutions.
8. Festivals like Peer Panjal and Toli Peer should be occasions of cross-LoC people-to-people interchange.
9. Women's groups from different spheres of life should be allowed to move across
10. A Youth Parliament of all J&K should be established.
11. Sports galas should be regularly organised. Joint teams may be fielded in different sports.
12. Youth/families which migrated across the LoC during the turmoil should be allowed and facilitated to return; and proper arrangements for their rehabilitation should be made.
13. Both India and Pakistan have been using the waters of Kashmir, one of our primary resources, without paying adequate compensation to Kashmiris on both sides. The Indus Water Treaty needs to be revisited keeping this in mind and made more equitable.
14. At times of Natural disaster, there should be no restriction on the movement of people, so that those who are in need of help can be speedily approached.
15. Effective institutional mechanism to avoid human rights violations
16. Telecommunication across LoC should be strengthened.
17. There should be withdrawal of cases against migrated youth. They should be allowed to come back to their native places and some mechanism for their rehabilitation should be introduced at the earliest.
18. Skill enhancement opportunities on both sides of the LoC should be introduced for better employability.

### **2. Working Group on Autonomy / Self Rule**

1. Without prejudice to the political settlement of the Kashmir problem, we suggest as a starting point that the autonomy of Jammu and Kashmir in its original form should be restored. This must lead to maximum autonomy to three distinct regions of Kashmir, Ladakh and Jammu and the process should be carried forward to district, block and Panchayat levels in keeping with the wishes of the local population. If necessary, changes in the constitution and laws should be made for this purpose.
2. The State government should make arrangements for equitable distribution of resources across the regions.

3. The State government should provide development power to all the districts of Jammu and Kashmir similar to that of existing Hill Development Councils in Leh and Kargil.
4. Create a common council at the state level across the LoC with representatives from across all regions to address common issues like economy, ecology, environment, disaster management etc.

The participants from AJK and Gilgit-Baltistan in this working group put forward the following points.

5. The Ministry of Kashmir Affairs and Gilgit-Baltistan should be dissolved.
6. The upper houses of the Azad Kashmir and the Gilgit-Baltistan known as Kashmir and GB Council to be merged.
7. The AJK interim constitution act of 1974 to be repealed to further strengthen AJK assembly and the post of Prime Minister.
8. A common council should be formed between the representatives of Jammu, Kashmir, Ladakh, AJK, and Gilgit-Baltistan which can look at and suggest resolutions for issues of common concern including on trade, ecology & environment, natural resources, disaster management, and similar.
9. The borders between the Indian and Pakistani administered regions of Jammu and Kashmir be made porous for an interim period of five years and people-to-people interaction encouraged to assess the situation with the possible aim of a referendum at the end of the interim period

PS: The text highlighted in red was not presented to the conference by the group's rapporteur while reporting back due to oversight. Hence these points were not discussed or ratified by all participants.

### **3. Recommendations of the Working Group on LOC Trade.**

The working group was of the opinion that before taking up initiatives for expanding the potential economic benefits across LOC, need for consolidation of initiatives taken on 21<sup>st</sup> of October, 2008 was imperative to put a mechanism in place for ending the blind/ barter transactions in the trade. In this context, the group recommended short, medium and long term measures as follows:

#### **Short Term Measures (within 3 months) :**

1. Improved infrastructure with integrated facilities like telecom/ fax
2. Postal / courier, warehousing, loading/unloading, scanning, roads, bridges, CA stores for fruits, vegetables and flowers and guest houses on either sides.
3. Multiple entry trade passes valid for minimum of two years with a permission of taking/parking of personal vehicles at Trade Facilitation points.

4. Expansion in the list of items to accommodate all items manufactured/produced in the state of Jammu and Kashmir with a small negative list for items such as cigarettes, liquor, arms and ammunition etc.
5. Establishment of Trade Parks and regular buyer/seller meets and visits of trade delegations.
6. Banking system with Nostro/Vostro accounts be put in place for remittance mechanism in both the currencies. Respective governments need to provide tradable windows for these currencies for the purpose of LOC trade with frozen exchange rates for a minimum of 6 months.
7. Trade to remain open for all 7 days in a week with exclusive Trade Facilitator and his staff.
8. Quarterly review mechanism needs to be put in place by a joint committee with representatives from trade community.

**Medium Term Measures: (within 1 year) :**

1. Open all other viable trade routes namely Kargil-Skardu, Nowshera-Mirpur, Pallanwala-Bhimber and Jammu-Sialkot.
2. Declare both sides of J&K as Free Trade Zone. In this regard all items under bilateral trade between India and Pakistan be allowed to be routed through these routes also. To begin with, such items with zero percent of custom duty application could be made tradable immediately.
3. Lay down mechanism for free movement/ exchange of skilled/ unskilled manpower.

**Long Term Measures (within 2 years):**

1. A concept of Economic unification of the region needs to be incubated and developed for achieving mutual benefits from available inwards resources both natural and human. To begin with explore water and mineral resources for establishment of hydel power projects and mineral based industries.
2. Emphasise scope for new cooperation in areas of service sector like tourism, IT, construction, education, health etc.
3. Emphasise scope for joint management of natural disasters and environmental protection.
4. Allow transit trade beyond the borders of India and Pakistan.

## **Consensus Statement**

The two day dialogue conference – Common Concerns, Common Future: Dialogue across the LoC – organised by the Centre for Dialogue and Reconciliation in New Delhi was attended by 50 participants from Jammu and Kashmir(J&K), Azad Jammu and Kashmir(AJK), India and Pakistan. The conference adopted the following statement.

1. The conference welcomes the resumption of dialogue between India and Pakistan which also includes discussion on the issue of Jammu and Kashmir.
2. India and Pakistan should facilitate engagement of all stake holders in the process of resolution of Jammu and Kashmir issue.
3. Both India and Pakistan should remove all bottlenecks for smooth and efficient implementation of Jammu and Kashmir related Confidence Building Measures already initiated including trade and people to people contact.
4. Cultural and people to people exchanges across the line of control must be encouraged and facilitated by both countries.
5. The conference urges release of all political prisoners as also the youth who have been detained during the recent protests.
6. Human rights should be protected in all forms and the security forces must be sensitized about these rights in their approach to civilian population.
7. Without prejudice to the political settlement of Kashmir problem, we suggest as a starting point that the autonomy of Jammu and Kashmir in its original form should be restored. This must lead to maximum autonomy to three distinct regions of Kashmir, Ladakh and Jammu and the process should be carried forward to district, block and Panchayat levels in keeping with the wishes of the local population. If necessary, changes in the constitution and laws should be made for this purpose.