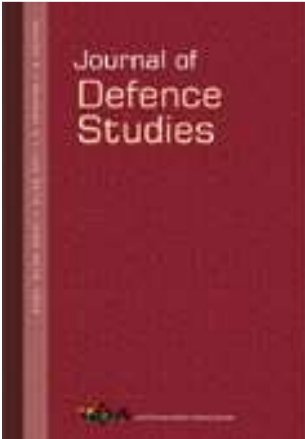


# Institute for Defence Studies and Analyses

No.1, Development Enclave, Rao Tula Ram Marg  
Delhi Cantonment, New Delhi-110010



## Journal of Defence Studies

Publication details, including instructions for authors and subscription information:

<http://www.idsa.in/journalofdefencestudies>

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To cite this article: Syed Jaleel Hussain (2018): Decentralisation, Autonomy and Effective Governance: Policy Options for Resolving the Kashmir Imbroglio, *Journal of Defence Studies*, Vol. 12, No. 2, April-June 2018, pp. 21-36

URL <https://idsa.in/jds/jds-12-2-2018-policy-options-for-resolving-the-kashmir-imbroglio>

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# Decentralisation, Autonomy and Effective Governance

## Policy Options for Resolving the Kashmir Imbroglia

*Syed Jaleel Hussain\**

*This article looks at the essential conditions for a durable peace in Kashmir and argues that the Valley has been most peaceful only during an active, on-going peace process. The lack of effective and continuous engagement with key stakeholders, especially the people of Jammu and Kashmir (J&K), has fostered a sense of deep alienation and enduring distrust. It further argues that counterinsurgency operations need to be simultaneously augmented by an active peace process engaging all stakeholders. This would mean a dialogue between the Centre and the J&K and Mainstream and Separatist parties as well as between the different regions of the state. The different political attitude in the Valley, Jammu and Ladakh can serve as a roadblock to a lasting peace if a dialogue is not underway. It recommends urgent steps that must be taken to regain the confidence of people and move closer towards resolution of the conflict.*

The Kashmir conflict is one of the most intractable conflicts in the world. Like most such conflicts, the conflict has been prolonged due to host of reasons, including international, regional and domestic factors. The difficulty with ethnic conflicts, especially those centred on political self-determination, is that they last for decades. For example, the Israeli–Palestinian conflict has been going on for about 70 years and still seems unripe for a lasting solution. The Northern Ireland conflict,

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which entered its violent phase in the 1960s, was only resolved through a comprehensive Good Friday Agreement in 1998. Though there have been some skirmishes between the unionists and nationalists since then, especially over the disarmament of Irish Republican Army (IRA), the peace established by the Good Friday Agreement still remains strong. In fact, the process of decommissioning, originally scheduled to be complete by May 2000, was deemed to be complete only in 2009, eleven years after the agreement was negotiated. In Africa, numerous civil wars, besides being bloody, have also continued for decades: the Angolan conflict (1975–2002), the Sierra Leone conflict (1991–2002), Liberian civil wars (1989–96 and 1999–2003) and Sudanese civil war (1983–2005).

Ann Hironaka has talked about four important factors that explain the increase in duration of internal conflicts after World War II.<sup>1</sup> These include the international ecology of states; the direct effect of Cold War bloc politics; the emergence of weak states after a process of decolonisation favoured and backed by the great powers; and finally, the interventions by regional powers that have a direct stake in such conflicts. Most internal conflicts in almost all of the developing world have been affected by a unique combination of the factors proposed by Hironaka. The Kashmir conflict too has been affected directly by an interaction of all these factors. Depending upon the political context, some factors have been more dominant than others. In fact, the genesis of the Kashmir issue has to do with decolonisation and the emergence of two weak states grappling with issues of identity, sovereignty and immense poverty.<sup>2</sup>

The great powers have repeatedly used the Kashmir conflict in international fora, especially the United Nations (UN), in accordance with their national interests. A mere study of the resolutions and discussions in the UN on Kashmir is an apt cue of the great powers' interest in the conflict. This was effectively cemented with the regional challenge to Indian authority from Pakistan, tying the resolution of the Kashmir issue with the identity of the state itself. Thus, this led to convergence of all the four factors, making the Kashmir conflict even more intractable and complex.

This very complexity of the Kashmir conflict involving a lot of stakeholders, often with distinctly opposite positions and interests, makes the peace process and any attempt to resolve this imbroglio rather complex and challenging. Broadly speaking, a peace process consists of three stages, all equally daunting but extremely important. The first challenge is the cessation of hostilities by obtaining a ceasefire

agreement. These agreements are military in nature and are basically designed to stop warring parties from continuing military actions while political negotiations are conducted to find a more durable solution. If the parties involved in conflict cannot be militarily defeated, they must be persuaded that giving up violence would be more useful in achieving their goal; and this must be done without betraying the cause of those parties who are committed to non-violence and democracy. In case of the Irish conflict, obtaining a ceasefire took nearly eight years. There have been a few such opportunities in Kashmir. For example, the unilateral ceasefire by Hizbul Mujahideen (HM) in July 2000 which was quickly reciprocated by the government. However, this could not last long because of the inability of the parties involved to start meaningful negotiations and a massive opportunity was thus lost.

By themselves, ceasefire agreements are typically short-lived and fragile. They must be quickly followed up with further negotiations and agreements if the ceasefire is to be maintained. This is the second stage of a peace process and is completely focussed on the role of diplomacy. This usually takes years of negotiations, mediation and conciliation efforts by the parties involved. The end result may be in the form of a few or a series of interim agreements for reducing the trust deficit between the parties, or a comprehensive peace agreement resulting in a lasting political settlement. The Dayton Agreement for Bosnia-Herzegovina and the Belfast Agreement for Northern Ireland are typical examples of comprehensive peace agreements.

The third stage, which is a very delicate stage in the whole process, involves the implementation of the agreement. Implementation agreements elaborate on the details of a comprehensive or framework agreement. The implementation of the Dayton Agreement in Bosnia-Herzegovina and the Belfast Agreement in Ireland is still very fragile and may result in mistrust and reverting back into the conflict. These steps should be taken into account while planning any peace process for the Kashmir conflict.

Any peace in Kashmir is impossible without a resumption of dialogue both at the state and the regional level to build a popular consensus, incremental decentralisation and inviolable guarantees of autonomy, addressing the issues of governance deficit and sordid pace of development and, finally, prioritising investment in education and employment opportunities for the youth.

### DIMENSIONS OF POLITICAL DIALOGUE

The initiation of dialogue is the cornerstone of any solution to the Kashmir conflict. Kashmir has been most stable only at times when there has been an active peace process occurring on the ground. However, dialogue is usually seen in statist terms, that is, the engagement between the governments of India and Pakistan. This leaves the most important stakeholders of the conflict, the people of Kashmir, out of the purview of the peace process. The political engagement should include all political fractions, both mainstream and separatist. The lack of prioritising the engagement with the people of Jammu and Kashmir (J&K) has not only proven perilous for centre–state relations but has also negatively affected the resolution of the conflict by strengthening the hand of Pakistan. There needs to be a three-pronged dialogue process working simultaneously on the ground that may address the root causes of the conflict in a more meaningful and comprehensive manner.

#### **The Centre – State Dialogue**

The most important part of the dialogue process is the engagement of different shades of political spectrum in Kashmir. This includes the mainstream parties (like National Conference [NC] and Peoples Democratic Party [PDP]) and different separatist factions. The dialogue between New Delhi and Hurriyat should begin at the earliest opportunity. The dialogue should yield visible outcomes and be made uninterrupted. This is essential not only to bestow credibility to the overall political dialogue but also to alienate the groups that are visibly anti-dialogue.

Though the central government has engaged with Kashmiri leadership time and again, there have been no regular follow-ups, which has created huge cynicism among the people. Much of the suspicion stems from the fact that nothing much has resulted from similar exercises in the past involving eminent people such as then Planning Commission Deputy Chairman K.C Pant in 2001, N.N. Vohra in 2003 (now J&K Governor), and others. In 2010, the Congress-led government at the Centre appointed three interlocutors after the summer of violence in Kashmir left over 100 people dead. Their exhaustive report,<sup>3</sup> which was an outcome of their interaction with more than 700 delegations that they met in all 22 districts of the state, was neither discussed in Parliament nor implemented in any form. As one interlocutor put it very bluntly:

the United Progressive Alliance government, the parliamentary delegation that had recommended the creation of our group, as well as the State government failed to follow through on any of our political and constitutional recommendations, while the BJP rejected it *in toto*. That failure was a major setback, especially for the several thousand people who spoke to us.<sup>4</sup>

This is essentially the reason why Kashmiris were highly unimpressed with the former Intelligence Bureau Chief, Dineshwar Sharma, being appointed as Centre's interlocutor recently. Apart from the separatists, many civil society groups refused to meet him because they argued that the talks with previous interlocutors had failed to produce any tangible results.<sup>5</sup>

### **Indo-Pakistan Dialogue**

The regular dialogue between India and Pakistan is crucial for the overall resolution of the Kashmir conflict. In the absence of such a dialogue, all other policies are bound to be frail and ephemeral. For a lasting resolution of the conflict, the cessation of hostilities between the two states and an agreement especially on the status on Line of Control (LoC) is essential. If New Delhi succeeds in engaging the whole range of political opinion in Kashmir, as discussed in the previous step, it will strengthen the Indian hand in negotiations, weaken Pakistan's stand of representing Kashmiris and put significant pressure on them. Pakistan becomes emboldened when the dialogue between the Centre and the state is frozen or suspended. It is the party that gains the most from such a situation of limited dialogue between the Centre and the state. Former Prime Minister Atal Bihari Vajpayee's brilliant move to allow Hurriyat leaders act as a bridge to Pakistan was partly informed by this consideration. It not only put pressure on Pakistan to engage with the Indian leadership but also resulted in a huge boost to India's international image.

As a beginning, there needs to be a compact agreement between India and Pakistan to promote civil society interactions among the people of J&K on both sides of the LoC. This has worked to break the ice in the past and is highly popular on both sides of the border. These interactions also have the potential for creating a large 'constituency for peace' on both sides that may have the potential for creating and reinvigorating the demands for final settlement of the core issues between the two countries.

### **Intra-Kashmir Dialogue**

The dialogue between the three regions of J&K is the most ignored aspect of the Kashmir issue. Due to years of continuous negligence, it has now snowballed into a major hurdle to evolve any consensus on all levels of policy. In the absence of a sustained dialogue, the different political attitudes in the Valley, Jammu and Ladakh have and can serve as a major bottleneck to a lasting peace in the state. Unfortunately, the Shri Amarnath Shrine land row in 2008 crystallised the break between the Jammu region and the Valley. This divide has only reinforced itself in the wake of different triggers since 2008 and is getting increasingly impervious to reason and dialogue. The political forces demanding a trifurcation of these regions into separate states are becoming powerful. This has the prospect of producing a potentially explosive situation, which may not be in the best interest of the country.<sup>6</sup> Dialogue is essential to harmonise the relations between different regions of J&K. In the absence of such a sustained dialogue, any solution would be unimaginable or impractical.

#### **DECENTRALISATION AND AUTONOMY**

Basically, any policy by the central government must aim at removing the trust deficit between the state apparatus and the people. This is the core reason that has fostered alienation of the population, particularly the youth of the Valley. The only way of removing the trust deficit is by enacting policies that are seen as reassuring by the common masses. There are different ways of building trust between the government and the people. Any set of policies enacted by the government must take the people's aspirations into account, especially those that are demanded by all shades of political groups. In the case of Kashmir, autonomy is one such political demand.

Autonomy represents the lowest common denominator for all shades of political opinion in the Valley. It has been proposed and advocated in different ways by both mainstream parties and various Hurriyat factions.<sup>7</sup> The ruling PDP's idea of self-rule, the main opposition party NC's idea of restoration of pre-1953 autonomy or Jammu & Kashmir Peoples' Conference's 'achievable nationhood' are different ways of highlighting the same viewpoint shared by the political class in the Valley. These ideas have had a marked influence on the common Kashmiris and have generally paid high dividends for these parties. The NC passed the so-

called 'Autonomy Resolution' in the J&K Legislative Assembly on 26 June 2000, after accepting the report of the State Autonomy Committee (SAC) which calls for a pre-1953 constitutional status for J&K within the Union of India when New Delhi only controlled defence, communications, foreign affairs and currency. The PDP's concept of self-rule is discussed in detail in the document entitled 'The Self Rule Framework for Resolution', released in 2008 by the former Chief Minister of J&K, Mufti Mohammad Sayeed. The document is firm on making Article 356 (imposition of President's Rule) non-applicable to J&K, implementation of Article 370 in letter and spirit, and 'soft borders' that allow complete movement of Kashmiris living across the LoC. Sajjad Gani Lone's 'Achievable Nationhood' is a humongous document that sees the establishment of a single, border-free J&K as an economic union, with India and Pakistan jointly managing defence and foreign affairs of their respective portions of Kashmir.

Undoubtedly, the essential design of a viable Kashmir settlement consists of several interlocking elements. However, the most important of these building blocks is the question of autonomy to J&K. An honourable compromise between the sovereignty of the state and the political aspirations of the people will be actualised only by the restoration of substantial powers of self-government to the Valley. The pre-1954 division of powers—in which Kashmir was responsible for all matters of governance except external defence, the conduct of foreign affairs, currency and communications, subjects that were under the jurisdiction of the Union government in New Delhi—may serve as an approximate benchmark for the reinstitutionalisation of an autonomous regime.<sup>8</sup> However, this entails that the Article 370 of the Indian Constitution, which enshrines the autonomous status of J&K, must not be tampered with. This is essential for any peace process to make a firm start. If this is further substantiated by genuine guarantees of inviolability, gradual demilitarisation of the populated areas and regular free and fair elections, it might go a long way towards satisfying Kashmiri aspirations and arrest the increasing alienation of the masses.<sup>9</sup>

There are a number of ways to achieve such a goal. One important method of trust building is incremental decentralisation. Here, autonomy is seen more as empowering people and making them feel that they belong and are part of the political processes. Though a discussion on complete autonomy may be an anathema to the ruling Bharatiya Janata Party (BJP) government, it may be more inclined towards economic and



political decentralisation. The empowering of the panchayat system in the Valley is one way of achieving such a goal. In fact, panchayat elections have been more successful than any other form of elections in the state, including parliamentary ones. For instance, the 2011 panchayat elections in J&K saw a whopping 80 per cent voter turnout. This was in stark contrast to the panchayat elections in 2001 when militancy was still a reality. The boycott call issued by militants was taken so seriously that in some districts like Srinagar more than 60 per cent of the total *panch* constituencies were declared vacant. The sheer enthusiasm around 2011 elections is a direct indication of people's renewed faith in decentralised institutions.<sup>10</sup>

There are, however, many issues that have come to the fore, especially after the 2011 elections. One issue pertains to the levels of violence and instability in the state. The threat of ensuing militant violence and deteriorating 'security situation' in the state is a reason given by the incumbent state government to defer the long overdue panchayat polls, scheduled to be held in February 2018, indefinitely. Though the central government has mobilised more than 40,000 Central Armed Police Forces (CAPF) for conducting the 2018 panchayat elections, the coalition government under Mehbooba Mufti is extremely reluctant after a threat issue by HM.<sup>11</sup>

There are some formidable reasons for this hesitation. Even after a massive mandate from the people after the success of the 2011 panchayat elections in the state, about 1,244 sarpanchs and *panchs* had resigned till January 2013 alone. This was a direct consequence of the killing of six panchayat members since the 2011 polls and injuring of several others in separate militant attacks. Though the en masse resignations halted and the situation improved by the early 2014, this was a wake-up call for the state administration. The government maintains that it is not possible to provide security to all 33,000 panchayat members. That, in a way, would also defeat the purpose of decentralisation, as it would lead to a kind of state appropriation of this lower level of governance. Panchayat members are an integral part of the day-to-day culture of villages. They should not be isolated and insulated from the community.<sup>12</sup>

In any case, the overall issue is not only that of security; there are also deep structural and operational weaknesses in J&K Panchayat Raj Institutions that have often contributed to disillusionment among the panchayat members.

The structural defects have roots in the Panchayati Raj Act, 1989. The

2004 and 2011 amendments that provided for gender-based reservations and a state election commissioner, respectively, could not turn panchayats into genuine units of decentralised governance. This is in contrast to the 73rd Constitutional Amendment which makes panchayats structured at all the three levels—village, district and intermediate—thus enabling both autonomy and hierarchy. In fact, former Chief Minister Omar Abdullah, invoking the sanctity of Article 370, rejected the demands for the extension of the 73rd Amendment on the grounds that it eroded the state's autonomy. This has created a structure of governance where a government official acts as Panchayat Secretary at all the three levels, thereby completely handicapping the self-governing structure and the functioning of panchayats. This structure 'undercuts the idea of decentralising planning through democratic, rather than administrative structures and makes the panchayats virtually powerless.'<sup>13</sup>

In operational terms the absence of funding has dealt a crushing blow. Panchayats are totally dependent upon centrally-sponsored schemes and have only been able to carry out a limited amount of work.. As a matter of fact 'they depend on funds from the same administrative agencies that have practically failed to deliver governance in Kashmir.'<sup>14</sup> There is also a belief among some analysts that 'panchayats were instituted not in order to strengthen grassroot politics, but out of fear that the large central funds reserved for such bodies would be lost otherwise.'<sup>15</sup>

There are some fundamental changes required in the overall administrative set-up that may lead to a comparatively better functioning of panchayats, especially in rural Kashmir. The first step for their empowerment relates to availability of resources. There is no process to raise adequate funds, neither is there any source of income that guarantees them financial resources. No institution of self-governance can perform meaningfully with such paltry resources. This is especially important for a state like J&K, where resources are scarce and need to be spent efficiently if they are to have a positive impact on development and on the quality of people's lives. Jalil Mehdi has summed up the basic problem with the functioning and empowerment of Panchayats in Kashmir. It, he argues,

is the lack of political will to decentralise power. Legislators fear that their monopoly over voters is going to be eroded once a strong grassroots political class emerges. They fear that an empowered panchayat threatens their monopoly over the administrative affairs of the state. This undermines the idea of panchayats as an extension

of federal logic and the third tier of the federal system. It also explains the inadequate government funding and the utter powerlessness of elected panchayat members.

The key concern should be to depoliticise the panchayat system in the state. The major political parties, especially the NC and the PDP, entered into a race to claim victory in the 2011 panchayat elections, grossly politicising the issue. This has resulted in an unhealthy system of political patronage, extended to various elected panchayat members. The sarpanches should be more a part of the community network than the government.<sup>16</sup>

Decentralisation of economic and political institutions is only one way of satisfying the aspirations of common Kashmiris and addressing their growing alienation. In the long run, there needs to be an agreed upon and lasting framework of autonomy that includes both J&K and Pakistan-controlled Kashmir. It is impossible to find a durable solution to the Kashmir conflict without addressing the issues along both sides of the LoC.

An adaptation of Northern Ireland's Good Friday Agreement formula, embedding autonomy in a trilateral and wider regional framework, might provide a possible solution. Under such a framework, the Pakistan-controlled area would remain under Pakistani control and J&K would remain with India. Both countries would guarantee autonomy; and in both parts of Kashmir, state assemblies could be reconstituted to ensure that minorities are adequately represented.

Both countries would also guarantee demilitarisation and work towards freedom of movement—of people, goods and services—and a soft border, under the supervision of an India–Kashmir–Pakistan advisory or coordinating body.<sup>17</sup> If the South Asian Association for Regional Cooperation (SAARC) could be simultaneously jumpstarted, as the Gujral government had tried to do in 1996–97, and the Vajpayee government appeared to try, economic renewal in Kashmir would be part of overall trade normalisation between India and Pakistan.<sup>18</sup> This would ensure that the peace process is not only focused reductively on Kashmir, but is part of the overall bilateral issues between India and Pakistan.

It is however unclear what the self-rule or self-governance would entail in law and practice, not to mention the politics and spin. Broadly speaking, three distinct approaches can be visualised:<sup>19</sup>

1. The Government of India, the Government of Pakistan and different Kashmir groups seek to find a mutually acceptable

solution by agreeing that self-governance will combine earlier freedoms (pre-1952 in J&K and pre-1949 in Azad Jammu and Kashmir [AJK] and northern areas) with cross-LoC institutions for effective cooperation. In such a scenario, 'constructive ambiguity' in defining self-governance could be helpful, especially as it would need to be combined with an 'honourable retreat' for militant groups. Such a solution may likely begin as an interim one, but has the potential to become a permanent one. Ladakh clearly wishes some degree of self-governance within the Indian Federation, and some parts of Jammu are divided on the nature of relationship with Srinagar and New Delhi. Same may also be true for the Valley. Hence, it can be said with some degree of certainty that the *aazadi* groups would prefer 'constructive ambiguity' in any settlement.

2. The Government of India, the Government of Pakistan and different Kashmir groups seek to find a permanent solution based on self-governance and cross-LoC institutions. This demands that the constitutional, administrative and the security details be carefully worked out involving every party, community and region. Its virtue is that it seeks a speedy and lasting agreement rather than a prolonged process, but is fraught with political vulnerabilities and demands a toiling effort for public consensus building by the parties concerned.
3. The Government of India, the Government of Pakistan and different Kashmir groups seek to bring militant groups on board the peace process through negotiations on self-governance and cross-LoC institutions. In this scenario, the emphasis would be on symbolic and specific details (like honour for the armed groups of Kashmir, cultural and trade ties between Jammu–AJK, Kargil–Baltistan and separate autonomies for Ladakh and Gilgit–Baltistan) and on security issues (ceasefire, decommissioning of armed groups, troop withdrawal, etc.).

#### ISSUES OF GOVERNANCE AND DEVELOPMENT

The lack of investment in development projects and unemployment have contributed to significant resentment among the Kashmiri youth. The ensuing alienation from the government has only worsened over the years. Most of the state's budget is absorbed by the salaries of government employees instead of going to development projects. Thus, the need to

create financial resources for development projects and infrastructure for private industries is crucial. The use of the abundant water resources of the state can serve to provide substantial funds. Jammu and Kashmir has the capacity to produce about 15,000 megawatts of power, much needed for a state with the country's largest power deficit. The state lacks funds and expertise to invest in power generation. The NHPC Ltd derives about one-third of the hydroelectric power from the three power stations in J&K, while giving the state only 12 per cent of the royalties.<sup>20</sup> This has generated a huge amount of resentment in the Valley and has further aggravated the mistrust for the central government. In fact, the issue of returning hydel power projects to J&K has also become a major political issue and is used during elections by different parties to suit their interests. This needs to be rectified through a renewed deal between the state of J&K and NHPC and a gradual handover of the projects to the state government. Taking a cue from the Rangarajan Committee, the J&K interlocutors' report of 2012 emphasised that the power generation under the central sector should be transferred to the state. Besides, the state should be extended adequate funds to exploit its water resources. This alone can make the economy self-reliant and help the state to divert resources for renewed development and employment.

To improve the economic viability of the state, there should be a fast track implementation of the recommendations of the 2007 Rangarajan Committee report, 2012 interlocutor's report and the Prime Minister's working groups, especially on human rights and cross-LoC confidence-building measures, synergising tracks of governance and political dialogue and freeing the economy from state control. This will go a long way towards bestowing credibility to the dialogue process and repairing the manifold trust deficits that exist within and in relation to J&K.<sup>21</sup>

#### EDUCATION AND EMPLOYMENT

The three decades of conflict have proved extremely detrimental to the education sector in the state while also discouraging investment. This has proven to be a double-edged sword. Lack of quality education has kept many employment opportunities at the centre and other states out of bounds for the youth and the lack of investment has stagnated the growth of opportunities in the state. After gradual normalisation of the situation by 2001, the central government started giving a lot of attention to the education sector by providing funds and subsidies to establish new schools, colleges and universities in the state. The foundation of

two central universities, coupled with opening of Indian Institute of Technology (IIT) and Indian Institute of Management (IIM) at Jammu, modernisation of National Institute of Technology (NIT) Srinagar and opening of two new All India Institute of Medical Sciences (AIIMS) institutions, one each in Kashmir region and Jammu region, would go a long way in meeting the requirement of high-quality living and education in the state. Besides, the introduction of supernumerary seats for J&K students in various colleges and universities in different parts of India has seen a rapid increase in the presence of students from the state in such places. This has not only drastically changed the educational opportunities for the students but has also opened enormous employment opportunities for them.

One important outcome from such policies has been the sudden rise in the numbers of students from J&K appearing and qualifying national competitive exams, especially those organised by the Union Public Service Commission (UPSC). The free coaching for minorities for preparing for such exams, provided by central universities, academic institutions and organisations like Jamia Millia Islamia, Jamia Hamdard, Zakat Foundation and others, have registered a stupendous increase in the number of applicants from the state. Given the rising quality of education in Kashmir, it is not surprising that the share of Kashmiris qualifying for the Indian Administrative Service is increasing rapidly. This is not only acting as a huge source of inspiration for the educated youth of the Valley but is also affecting the bureaucratic and governance structures on the ground.

The government needs to cash into these opportunities and strengthen the existing framework of these institutions by providing adequate resources. This would provide more opportunities for Kashmiri students, especially for administrative and other central governmental services, where there are more visible opportunities for directly participating in running governance structures. This will gradually integrate the youth in the structures of the government and prevent their alienation in the future.

### CONCLUSION

There are three sets of factors that coalesce to threaten any fragile peace in Kashmir. First, the lack of regular engagement with the people is a serious problem for any long-term peace in Kashmir. There is enough evidence to conclude that the Valley has been most peaceful only when an active

peace process was underway. Second, the lack of effective governance and rampant institutional corruption has weakened the public belief in the utility and efficacy of successive state governments. The state government's inability to raise funds for developmental purposes has added fuel to fire. Third, the absence of adequate employment opportunities for the youth is adding another layer of frustration, thereby completing the spiral of alienation. This is partly a result of the three decades of gory conflict, years of economic mismanagement by the government and the lack of private investment.

There are a few immediate steps that need to be taken to regain the confidence of people of the state. First, the Centre must continuously engage with the people. Unlike in the previous cases, the current interlocutor's engagement must be followed through with continuous engagement and implementation of his main recommendations. Second, there is a dire need for a quick and visible implementation of the BJP–PDP coalition's common minimum programme (CMP), an important yardstick for the credibility of both the central and the state government. There are a number of points in the CMP that may prove to be a breakthrough in redefining the faith of a common Kashmiri in the state institutions. These include agreement on aligning the economic structure of J&K with its own resources, need for de-notifying disturbed areas which will enable the Centre to take a final view on the continuation of the Armed Forces Special Powers Act (AFSPA) and securing a share in the profits of NHPC emanating from J&K waters to the state government and reverse all royalty agreements with NHPC. Third, there must be a visible, close and ongoing cooperation between the coalition partners towards a resolution of the Kashmir issue along the principles of 'Insaniyat, Kashmiriyat and Jamhooriyat' set by former Prime Minister A.B. Vajpayee and agreed on as an important component in the CMP. This includes facilitating and helping initiate a sustained and meaningful dialogue with all internal stakeholders, which include political groups irrespective of their ideological views and predilections.

#### NOTES

1. Ann Hironaka, *Neverending Wars: The International Community, Weak States, and the Perpetuation of Civil War*, Cambridge, MA: Harvard University Press, 2005.
2. For instance, India was an economically backward country in 1947 with

less than 18 per cent literacy rate, an anaemic growth rate and a highly de-industrialised economic structure.

3. Dilip Padgaonkar, M.M. Ansari and Radha Kumar, *A New Compact with the People of Jammu & Kashmir*, 2012, available at [http://mha.nic.in/sites/upload\\_files/mha/files/J&K-InterlocutorsRpt-0512.pdf](http://mha.nic.in/sites/upload_files/mha/files/J&K-InterlocutorsRpt-0512.pdf), accessed on 10 January 2018.
4. Radha Kumar, 'Kashmir's Unending Tragedy', *The Hindu*, 30 April 2017 available at <http://www.thehindu.com/opinion/lead/kashmirs-unending-tragedy/article18344252.ece>, accessed on 15 February, 2018.
5. Vijaita Singh, 'Why was J&K Cold to Interlocutor?', *The Hindu*, 18 November 2017 available at <http://www.thehindu.com/news/national/why-was-jk-cold-to-interlocutor/article20551716.ece>, accessed on 15 February 2018.
6. This is problematic for at least three reasons. First, trifurcation will destroy the composite identity of the state. Second, it will involve huge population transfers, especially from Jammu, which will be extremely violent. Third, it has the potential to create deep communal polarisation and communal violence in rest of India. See Amitabh Mattoo, 'India's "Potential" Endgame in Kashmir', *India Review*, Vol. 2, No. 3, 2003, pp. 14–33.
7. The All Parties Hurriyat Conference (APHC) was formed on 31 July 1993 as a political platform of the separatist movement. It was an extension of the conglomerate of parties that had come together to contest the assembly polls against an NC–Congress alliance in 1987. The party became the political face of militancy in the 1990s but split up in 2003 on vital issues, including the question of dialogue with the central government. The pro-dialogue faction was led by Mirwaiz Umar Farooq (named Hurriyat [M]), whereas the anti-dialogue faction was headed by the Syed Ali Shah Geelani (Hurriyat [G]). The Mirwaiz group entered into a direct dialogue with the centre after then Prime Minister, A.B. Vajpayee, committed himself to resolve the conflict. For a more comprehensive analysis, see Muzamil Jaleel, 'Hurriyat: Its History, Role and Relevance', *The Indian Express*, 31 August 2015 available at <http://indianexpress.com/article/explained/hurriyat-its-history-role-and-relevance>, accessed on 19 January 2018.
8. Sumantra Bose, *Contested Lands: Israel–Palestine, Kashmir, Bosnia, Cyprus, and Sri Lanka*, Cambridge: Harvard University Press, 2007, p. 194.
9. Though Pakistan-occupied Kashmir (PoK) has a range of autonomous institutions, including its own President, Prime Minister, Legislative Assembly, Supreme Court, High Court, Election Commission and Public Service Commission, yet 'intrusive interventions and heavy-handed control by the Pakistani government have endured causing serious discontent among parts of the population' (Ibid., p. 195).



10. Rekha Chowdhary, 'Panchayat Elections in Kashmir', *Economic and Political Weekly*, Vol. 36, No. 20, 19 May 2001, pp. 1674–77.
11. Peerzada Ashiq and Vijaita Singh, 'J&K Panchayat Polls Called-off', *The Hindu*, 17 February 2018 available at <http://www.thehindu.com/news/national/other-states/jk-panchayat-polls-called-off/article22786065.ece>, accessed on 25 February 2018.
12. What follows is largely taken from Jalil Mehdi, 'Let Grassroots Grow', *The Indian Express*, 26 January 2013.
13. Ibid.
14. Ibid.
15. Ibid.
16. Ibid.
17. Radha Kumar, 'Untying the Kashmir Knot', *World Policy Journal*, Spring 2002, pp. 21–22.
18. Ibid.
19. This is a loose summation of the published proceedings of the International Seminar on Kashmir held by Nelson Mandela Centre for Peace and Conflict Resolution, Jamia Millia Islamia in 2006. The participants included eminent intellectuals from India, Pakistan, J&K and Azad Jammu and Kashmir (AJK). The proceedings have been published in Sangamitra Misra (ed.), *Kashmir: Prospects for Peace*, New Delhi: Nelson Mandela Centre for Peace and Conflict Resolution, 2006.
20. Javaid Malik, 'Power-starved JK is Goldmine for NHPC', *Greater Kashmir*, 31 December 2011, available at <http://www.greaterkashmir.com/print/power-starved-jk-is-goldmine-for-nhpc/110720.html>, accessed on March 3 2018.
21. Padgaonkar et al., *A New Compact with the People of Jammu & Kashmir*, n. 3.