

Part III: EARTH

Chapter 10: Autonomy

While the conflict between India and Pakistan is multi-dimensional, the issue of Jammu & Kashmir has attracted maximum attention. Maharaja Hari Singh, who ruled the state in 1947 tried to seek independent status. As Pakistani tribesmen attacked his kingdom, he signed an instrument of accession with India in exchange for autonomy. However, Pakistani forces succeeded in seizing the control of a part of the state, leading to a division. As the result, Jammu is with India. Kashmir is divided into Indian and Pakistani parts. Gilgit-Baltistan is also divided into Kargil and Ladakh in India and Gilgit and Baltistan in Pakistan. It is presumed that the readers are familiar with the history of manipulation and public protest on both sides of the state. In 1988, Gilgit in Pakistan initiated violent revolt, which was quickly suppressed by the Pakistani armed forces. A year later, the Kashmir division on the Indian side saw the outbreak of violence that India has not fully succeeded in quashing. At the beginning of 2005, there were groups on both sides that are content with the status quo while there are forces that want new political structures.

Varied Opinions

The opinions in Jammu & Kashmir (on both sides) can be divided into three schools of thought.

- Jammu Kashmir Liberation Front (JKLF), APNA, GBNA groups are in favour of unity and independence of the entire state.
- The ruling party in Kashmir (Pakistan), the Muslim Conference, and local branches of national parties such as Pakistan Muslim League and People's Party are in favour of belonging to Pakistan, with autonomy. The ruling party in Kashmir (India), People's Democratic Party, the main opposition in the state assembly, National Conference, Panthers' Party and local branches of national parties such as Congress and BJP are in favour of belonging to India, with autonomy.
- Some parties on the Pakistani side (e.g. Balawaristan National Front) are in favour of integration with India, while some parties on the Indian side (e.g. sections of the Hurriyat) are in favour of accession with Pakistan.

With such a diverse and mutually contradictory body of opinion, there is no commonality of thought about the future of Jammu & Kashmir. Since most parties and groups have sub-regional presence, it would be unrealistic to propose a solution based on the views of any one party or group. Under the circumstances, the current trend is to allow the conflicting forces to contest with each other with bullets, causing the death of innocent thousands. An alternative would be to open a process of dialogue between India and Kashmiri groups, as well as Pakistan and Kashmiri groups on the respective sides of the Line of Control. Also included in the process must be groups from Jammu and Ladakh in India and Gilgit-Baltistan in Pakistan. If it proves unrealistic to expect the groups seeking accession to the 'other' country to join a process of dialogue, the process must be based on the principle of 'sufficient inclusion', whereby most groups on each side, if not all, are involved.

It is not fair, or realistic to negotiate complete independence, merely because JKLF wants it, since Muslim Conference, National Conference, Pandits, Balawaristan National Front do not want it.

It is also unfair for Hurriyat or Balawaristan National Front to dictate terms. If India and Pakistan were to accommodate their demands, the Kashmir valley would have to be annexed to Pakistan and Gilgit-Baltistan would have to accede to India. This would tantamount to a third partition with covenant bloodshed.

Devolution

A realistic option, which would be a via media between extremes, would be to offer autonomy on both sides. The exact degree of autonomy or devolution must be negotiated directly by the people of Jammu & Kashmir. In the case of Pakistan, the negotiating team must comprise Muslim Conference, Balawaristan National Front, All Parties

National Alliance and JKLF. On the other side, the negotiating team must include the People's Democratic Party, National Conference, Panthers' Party, representatives of Pandit and Ladakhi Buddhist groups, Hurriyat and JKLF. It is for the parties themselves to determine the agenda and terms of the final settlement. However, a threshold level of autonomy must be outlined.

On the Indian side, it must be ensured that the role of the Governor is ceremonial, with no executive powers and a constitutional amendment must be introduced to restrict Article 356, not only with regard to Jammu & Kashmir, but also other states. The draconian powers given to security forces must be gradually reduced in proportion to and in anticipation of a decline of violence and terrorism. The state government should be empowered to earn local revenue with a view to reducing Central dependence.

On the Pakistani side, the artificial division between Kashmiri (Pakistan) and Gilgit-Baltistan should be abolished. In the interim period, in Gilgit-Baltistan, the powers of President must be reduced to that of a Governor in AJK; the post of Chief Executive of Gilgit-Baltistan must be scrapped. Currently, there is elected Legislative Council but it is headed by a nominee of the Ministry of Kashmir Affairs in Islamabad. Moreover, such a federal Chief Executive appoints Deputy Chief Executive from among members of the Legislative Council. Instead, the government of Gilgit-Baltistan should be headed by a locally elected Chief Minister. Also, the Chief Secretary must be locally appointed, and not posted from Islamabad. The draconian Frontier Crimes Regulations should be repealed and a provincial judiciary must be instituted.

On the Indian, as well as Pakistani sides, it is essential to have provincial public service commission to recruit civil servants. The practice of appointing bureaucrats from federal or central services must be discontinued. The same can apply to police and paramilitary forces. This will be obviously feasible when terrorist infrastructure on both sides of the Line of Control is atrophied.

It should be possible to devolve authority to sub-district administration levels. India is examining a model of financial and administrative *azadi* for local bodies. Accordingly, local bodies can raise funds through local taxes for developmental work. This can be done by local administration under the guidance of elected bodies. Pakistan can institute similar local democracy in Kashmir and Gilgit-Baltistan.

It is necessary to clarify the objectives of autonomy. In 1947, Gilgit-Baltistan would have preferred accession to Pakistan. But Pakistan decided to create an autonomous status for them so that they could be counted in the case of a plebiscite. Technically, Kashmir on the Pakistani side is 'Azad' or free, but a serving officer of the Pakistan army has been appointed as its President. The elected officer, as well as jobs in the government, are conditional upon explicit endorsement of accession to Pakistan. There is no political mobility between Kashmir and Gilgit-Baltistan. The political parties in Pakistan can establish branches in Kashmir and Gilgit-Baltistan but the political parties in Kashmir cannot have presence in Gilgit-Baltistan and vice versa. As far as India is concerned, it has granted autonomy to Jammu & Kashmir under Article 370 of the Indian Constitution. Over the years, this provision has been eroded, sometimes resulting in direct rule of the central government. As a result, Freedom House rates Kashmir on the Pakistani side as Not Free and Kashmir on the Indian side as Partially Free.

If the objective of the autonomy is to provide a temporary reprieve, it will not be sustainable. Also, if autonomy or devolution is perceived as an arrangement to share powers with locally influential parties, it will not survive for too long. The final settlement must be based on certain principles, and not merely as a deal to include local leaders in power structures.

In summary, the objectives of the final settlement must be to create a new society, not just supply new rulers.

Unifying Institutions

It is also necessary to clarify the nature of autonomy both divisive or unifying autonomy are possible. Several proposals have been made for divisive autonomy, including one by the President of Pakistan in late 2004. Accordingly, Jammu & Kashmir should be divided into several parts on religious, ethnic or linguistic basis to consolidate the cleavages. Each part was proposed to be autonomous with a different political arrangement. The experience of Yugoslavia in recent history shows that a policy of divisions and sub-divisions can result in human catastrophe. It is necessary therefore to conceptualise positive or unifying autonomy.

The unifying version would create maximum autonomy on both sides of Line of Control if lessons are drawn from each other to establish maximum parity. Jammu & Kashmir (India) can have local decision making powers that Kashmir (Pakistan) may have, and vice versa. Gilgit-Baltistan should have a locally elected chief minister and ministers (not advisors) as is done in Jammu & Kashmir in India, with further autonomy for managing hill development as granted to Ladakh.

Once parity of maximum autonomy is established on both sides of the Line of Control, it is necessary to ensure that the central governments do not erode it over the years, as it has happened in the past. Therefore, a permanent monitoring mechanism should be created, perhaps by converting the negotiating body into a standing committee to have regular consultations with New Delhi and Islamabad respectively. This mechanism can be used to highlight the abuse of authority by the Governor, draw attention to any efforts to undermine the provision of autonomy or devolution and seek redressal of grievances.

The basic philosophy of such an institutional mechanism should be prevention, though it can also be used for cure. Most important, if the central or federal government retains the right to appoint provincial governors in the course of autonomy negotiations, it is also necessary to have representatives of Kashmir and Gilgit-Baltistan in the National Assembly of Pakistan. The Indian Parliament has representatives from Jammu & Kashmir, and it must be ensured that this arrangement is preserved forever.

Besides institutions between Jammu & Kashmir on the one hand and India or Pakistan on the other, it is necessary to create institutions linking Jammu, Kashmir, Ladakh on the Indian side with Kashmir, Gilgit, Baltistan on the Pakistani side. There are many ways to achieve this objective. It might be possible to draw lessons from Northern Ireland, South Tyrol and other, where such institutions have been created to link divided provinces with support of the respective federal governments. One way could be to establish standing committees of the provincial legislatures on both sides for a structured and regular dialogue. The standing committees should have a fixed number of sessions every year, where they can discuss possibilities of fostering practical cooperation between the two parts of Jammu & Kashmir.

The mechanisms and processes of political dialogue and reconciliation are important because they can ensure freedom, human rights and human dignity. As these mechanisms are proposed to be representative, they would foster democratic spirit. They would also facilitate good governance. Moreover, they can be transformed to facilitate welfare and development of people.

To this end, it would be very useful to design and establish a Joint Economic Development Council for Jammu & Kashmir. In the subsequent chapters on reconciliation and reconstruction, we have proposed ideas for employment generation, rural industrialisation, transport, electricity, health, education on local basis and several projects with linkages across Jammu & Kashmir. Integrated water development, as discussed earlier, is an issue that would span across all parts of the state on both sides of the Line of Control, as well as Punjab in India and Pakistan, extending to Sindh and Rajasthan. The Jammu & Kashmir Joint Economic Development Council is required to make such extensive cooperation possible. The Council would require huge technical and financial input. However, it should be possible to raise both soft funds and commercial investments from India, Pakistan, multilateral institutions, non-resident Kashmiris, and private foreign capital.

Close cooperation between the two parts of Jammu & Kashmir will require free interchange of goods and people. Therefore, it is essential for all concerned to end terrorism as quickly as possible. There is no alternative but to convert Line of Control into the Line of Cooperation.

We propose that this should be jointly managed by the Indian and Pakistani troops to prevent terrorists, smugglers and other enemies of civil society from abusing the open space. It would not be feasible to have a completely free movement of people so long as terrorism and smuggling persist. Therefore, in the interim period, fast track visa systems can be introduced for the benefit of bona fide travellers who have family or business ties on the other side. Eventually, as confidence grows, so can freedom of movement for all factors of production.

It is possible to elaborate on the vision of cooperation between the two parts of Jammu & Kashmir. There will be

disagreements over details, but they can be addressed. The critical question is whether the conflict should be allowed to go on amidst contesting voices or whether systematic efforts should be made to find solutions to the aspirations of all Shias and Sunnis, Pandits and Gujjars, Buddhists and Ismailis. If the Indian and Pakistani elite determines that the way forward is that of peace, they must first decide in favour of a vision of unifying autonomy, and not ethnic division.

The subcontinent has been partitioned twice. It does not need any more fragmentation in the name of religion or ethnicity. The spirit of Kashmiriyat is that of unity; unity in plurality. This spirit needs to be nurtured with the process of reconciliation and reconstruction.