

Kluwer Mediation Blog

Only Dialogue Can Save Kashmir

Jonathan Rodrigues (Peacekeeping and Conflict Resolution Team) · Monday, July 30th, 2018



The Kashmir valley in India is a stressed region and though older generations have ‘lived’ through some tense winters, this generation is not ready to ‘survive’ through the silence and indifference. Deaths are on the rise and if this constantly raging battle between the militants and the Indian administration is not addressed appropriately and immediately, these spells of violence could blow up into a bloody civil war. Having worked with law students and young lawyers from the valley, in this time of terror and anxiety, I can safely say, “Kashmir doesn’t need our pity, but it deserves our empathy”.

Mediation versus Militancy

Militancy in Jammu and Kashmir has claimed over 41,000 lives in the past 28 years which means an average of 4 deaths per day in the state or 1,519 casualties every year, according to the latest available government data. The casualties include over 14,000 civilians, 5,000 security personnel and 22,000 militants between 1990 and May 2018. In all, there have around 70,000 militancy-related incidents during the period; that’s like the state witnessing nearly 2,600 militancy incidents every year. The above statistics on the expansion of militancy in the valley sound too academic to the non-believer. Why would youth from such a peaceful place take up arms and resort to

violence?

“Have you returned home from school to see the body of your father embalmed for the funeral? Have you screeched in horror at the sight of your friend being shot dead while she tried to board the school bus behind you? Have you been asked to open your tiffin box every morning to prove you weren’t carrying a bomb or a grenade?” asks a young Kashmiri lawyer.

“I appreciate you introducing mediation to us and it works fantastic in theory. Sure, you can try and get into our shoes and empathize, but you can’t get into our blood stream to feel our hurt... Militants are not born, they become. Humiliated and harassed – physically and virtually, hatred and aggression grows in a human heart. Do you think it’s possible to bring a hurting person to the table for talks?” asks a very bright and independent law student from Kashmir University, where I have visited over the last two years to promote mediation and conflict resolution.

Earlier, alighting from our plane at the airport, a little misunderstanding turned into an argument between two passengers. Then, the local Kashmiri looked straight at the domestic tourist and said, “Be careful here, don’t you raise your voice at me. You are not in India, you are in Kashmir”. Now, you can either get angry and call the person an “anti-national” or other racially derogatory terms or you can choose to understand the deeply brewed anti-India sentiment that makes people say what they say in such emotional moments.

Yes, there is a very strong ‘Azad Kashmir’ (Free Kashmir) sentiment among many locals and instead of trading insults and raging verbal battles over social media, we must try to understand ‘why do they feel that way’. Why do Kashmiris feel antagonized by India? Why do they feel they don’t belong to the country? Why do they feel so much hate that they paint the Indian flag on the road, so that they can conveniently stamp it?

If India considers Kashmir ‘family’, it needs to reach out to its people and try and address these negative feelings. Accepting the existence of conflict is key to resolving it, and we in India have chosen to live in denial. If a teenager was always considered to be a black sheep of the family, how would he/she behave? By being overprotective and authoritarian with the state, we are only losing out on the love and respect of the people of Kashmir.

As part of any training module, we prescribe that negotiators must be ‘soft on the person, hard on the problem’, but “In Kashmir, the person is treated to be the problem and that makes it difficult for a Kashmiri to dialogue,” said the young litigating lawyer who hopes that someday mediation will win over militancy.

“Mediation is a fine concept, but do you know who the parties are to the dispute in Kashmir?” asked a final year law student, while I was there this summer. We had briefly touched upon how mediation champions the mission of consensual dispute resolution and even illustrated the key elements through a roleplay simulation. “I love the fact that it is an empowering platform where the outcome is self-determined, but if the parties at the table are not genuinely interested in the people and the place, and rather lust for power and possession, then you have the wrong people at the table, right?”

The rhetoric was not unexpected, and rather encouraging, because these were thoughts of a patriotic ‘Sangbaaz’ (stone pelter), and he seemed like he was open to the concept of dialogue.

A generation split between dialogue and dissent

On a cold summer morning, a group of local student leaders gather to share their stories with young Kashmir expats who were visiting them from the UK. They spoke of suffocation and liberation, pain and optimism, struggle and grit, life and death. ‘Freedom’ had a whole different meaning for youth in the valley. They asked their more fortunate friends – “Why can’t we wake up every morning knowing we will be back home in the evening? “Why can’t we speak our mind and feelings”, “Why can’t we decide our lifestyles?”, “Why can’t we choose our future?”, “Why can’t we walk the streets without fearing a breeze of pellets”, “Why can’t we sleep at night without fearing we won’t see the sunrise?”.

Minutes of extremely gloomy narratives and then suddenly they looked at me, “the certified mediator” from the peaceful shores of Goa, and for the first time I felt I had nowhere to hide. I was being an empathic listener all this while but, under pressure, the instinctive problem-solver took center-stage. I looked at them, straight into the eye, and said, “We can fix this, can’t we? We can be the change, our generation. We can dialogue.” They all looked at me back with tired faces and said in chorus, “Dialogue is a two-way communication. It doesn’t work in Kashmir as no one listens to us. Aap nahi samjhoge (you won’t understand).”

Once again, just like the student who had resorted to violence, their pessimism has a silver lining – they haven’t completely rejected dialogue. They only see it as a tried and failed experiment. Maybe, through renewed and more efficient communication channels, there is a possibility that dialogue can be achieved.

“Sir, how do we get a person who doesn’t want to talk to the negotiation table?” A smart question towards the very end of the workshop and a very tricky one too. I knew the student was leading me to something bigger, but as a mediator who was on a mission to promote dispute resolution, I explained that “convening a dialogue between disputing parties is the toughest stage in dispute resolution. We need to first convince them of the existence of the problem rather than tag them as the cause of the conflict. If you can’t do it alone, maybe you need to get a neutral party to convene and then facilitate the dialogue”.

Then came the next question – “Would you mediate this issue? And if yes, who would you support, India or Pakistan?”. Let’s rewind to some history of attempted mediation talks on the Kashmir issue. The United Nations have repeatedly tried to bring both India and Pakistan to a neutral table and, with the UN chief himself, Ban Ki-moon, even offering to mediate between the two countries, and the UNHRC insisting to send its observers to check on human rights violations in the valley – all turned down by the Indian administration and ignored by Pakistan. Some academics argue that it benefits both countries to keep Kashmir labelled as the ‘disputed territory’, but the truth is Kashmir doesn’t want to, not anymore at least, be the shoulder on which India and Pakistan rests its egos and ammunition.

Kashmir is the innocent child that suffered from the India-Pakistan divorce, but now that it has grown up, it wants to speak for itself. The more we listen, the faster we can bridge the communication gap that has manifested into violence. India needs to give Kashmir a chance and Kashmir needs to give India a chance – guns down, stones out. Only dialogue can save Kashmir.

“If I would be invited to mediate this case, I would accept it without thinking twice. However, as a mediator, I cannot support any party and I can’t make decisions. I can only assure that every voice would be heard. And, in this case, India and Pakistan have spoken enough, it’s time for Kashmir to be heard,” I said, only to be met with a huge round of applause and cheering. In the front and at the

back of the classroom, there were heads that nodded in silent approval.


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