

Youth and Transitional Justice in Kashmir

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Abstract:

This is the age of youth. In India youth and their aspirations have engaged the attention of policy makers as their role is increasing in the overall nation- building process. In Jammu and Kashmir State, for known reasons, youth related matters have assumed central importance. It is an established fact that militancy in Kashmir was led and fed by youth. The role of youth in the socio-economic development and overall nation -building is well recognized. Violence has seriously dented the resilient Kashmir identity. The social institutions have collapsed and society has become harsh, punitive, withdrawn, fearful and distrustful as well. There is need for a new social contract to reintegrate youth in the mainstream of social, economic and political life. The political parties and civil society institutions have a crucial role to play in the integration process.

Key words: transitional justice, political bargaining, dialogue framework, the war on terror, demilitarization, economic and civil space.

Introduction

We are living in an age of youth. There are more youth today, in terms of numbers and the proportion in the overall population than ever before in human history. Approximately 1.5 billion people fall in the age group of 14 to 24 years, 1.3 billion of whom are in developing nations. While the West is going and getting older, the rest of the world is getting younger.

In India youth and their aspirations have engaged the attention of policy makers as their role is increasing in the overall nation - building process. In Pakistan sixty three percent of the population is constitutive of youth and there are demands for establishing a youth commission and a separate youth Ministry. In Jammu and Kashmir State, for known reasons, youth related matters have assumed central importance. It is an established fact that militancy in Kashmir was led and fed by youth. The role of youth in socio-economic development, state-building and governance is well recognized.

Objective:

My paper aims at situating the Kashmir youth within the framework of transitional justice and highlighting its significance for the Kashmir conflict.

Problem:

Kashmir has suffered colossal damage due to the ongoing violence, with wider and often irreversible consequences for the region's social, economic and cultural dynamics. The commonly accepted premises of transitional justice frameworks include contributing to accountability, an end to impunity, reconstruction of state-citizen relationships and the creation of democratic institutions, all of which are crucial for addressing the grievances of the victims (Bickford 2004). There is need for integrating economic, social and cultural rights into the transitional justice framework.

There is a feeling that Kashmiri youth have taken a considered decision not to use arms as an instrument of political bargaining for changing the direction of Kashmir society. This has opened a window of opportunity which needs to be exploited. The youth hold an essential key to understanding Kashmir's political dynamics. The youth of Kashmir valley are focus of attention for many compelling reasons. It is worth noting that currently 48% of the Kashmir valleys' population falls within the age group of fifteen to thirty

five years (Chada 2012, 1). According to government of India [Department of Youth Affairs and Sports] the youth is the age group between the ages of thirteen to thirty five years¹. However, some institutions consider youth age as between eighteen to thirty three years, which corresponds to minimum voting age in India (Kumar 2012, 5). The United nations General Assembly defines youth as falling between the ages of fifteen to twenty four years². In Jammu and Kashmir youth express two values- equity and opportunity. The State has remained the site of death and destruction for last twenty three years and nobody can afford to ignore the problems and aspirations of youth who constitute the core element of the bruised society. In recent years many think-tanks have come out with very well researched reports which deserve to be considered while framing policies for youth empowerment in Kashmir. The coming years are important as far as youth and their needs are concerned. What is important about Kashmir youth is that Indian state's ability to transform the youth crisis it faces in Kashmir will prove a testing ground for how it will face the challenges that lie ahead for the country as a whole.

Dialogue Framework:

The Prime Minister of India, Dr. Manmohan Singh has said on many occasions that we need to give the youth the sense of purpose, hope and direction. They need to make use of the many opportunities that our economy provides but very little has changed, hence youth power made a serious dent in the politics of the state. Some insightful analysis of youth bulge was seen during recent years when Kashmir youth came out during protest movements to challenge hegemonic structures. Tariq Ali, Pakistan born author, wrote: "Now a new generation of Kashmir youth is on the march. They fight like the Palestinians, with stones. Many have lost their fear of death

¹ *The National Youth Policy 2003* covers all youth in the country in the age group of 13-35 years. Also available on <http://yas.nic.in>

² Website of UN Youth Wing.

and will not surrender. Ignored by politicians at home, abandoned by Pakistan, they are developing the independence of spirit that comes with isolation and it will not be easily suppressed. It is unlikely however that Prime Minister of India and his colleagues will pay any attention to them” (Ali 2010). Respected Kashmir watcher A G Noorani claims that Prime Minister of India listened to them not once but many times. On May 20, 2004 Dr Manmohan Singh stated: “Short of secession, short of redrawing boundaries the Indian establishment can live with anything. Meanwhile, we need soft borders, and then borders are not important. Year later, he said they would become irrelevant.”

In 2010 Dr. Sing also claimed that the only way forward in Jammu and Kashmir is along the path of dialogue and reconciliation and key to the problem is the political solution that addresses the alienation and emotional needs of the people. There were also very strong political responses to youth rage from within the state as well. The State political leaders also provided their explanation for youth upsurge. Mufti Mohammad Syed, former Home Minister of India, in the wake of 2010 anger said: “We have been at the receiving end of the anti-national label for too long and dubbing an entire people as being vulnerable to inspired influences raises questions not just about this place but the whole idea of India”³.

From within the Hurriyat camp no less a person than Mirwaiz Umar Farooq, in an interview for the Srinagar periodical, *The Conveyer*, in August 2010, said: “I believe that Kashmiries are in a situation where things have changed. It is not 1947 and the realities are entirely difficult in 2010.” He also said we have to move beyond now and look at options where we can create opportunities of addressing the problems. Significantly, he added, self-determination should not be viewed as a limited or closed thing. We have to look at a

³ For details, see *Human rights Review Jammu and Kashmir-2011*, Jammu and Kashmir coalition of civil society Srinagar.

broader concept of things.⁴ It is equally essential to peep into the moral isolation of Kashmir from the Indian state.

In 2010, Fayaz Ahmed, whose son got killed, narrated a very sad story of how his world collapsed. Fayaz said his son had gone to a shop for buying sweets. When he bathed his body for burial there was half chewed toffee still in his mouth. Advocates of maximum force must concede that power alone cannot help in winning the wars. Experts argue that asymmetrical wars and insurgencies are increasingly ending in grim stalemate. From 1800-1842, states decisively won 88.2 percent of wars, while between 1950 and 1998 that figure had gone down to 45 percent. Surely world's fastest growing economy and first soft-super power has to learn as how quickly to engage Kashmiri youth. The recent youth survey done by Institute for Research on India and International Studies found disconnection of Kashmiri youth with India although it also brought out the waning interest of current generation about the developments in Pakistan. But this should not deflect our attention from the rot that has set in the Kashmir society.

There is not only social chaos in the society but also a huge moral vacuum. David Mulford, former US Ambassador, wrote in a cable titled *Kashmir Politics as Filthy as the Dal Lake*: "Corruption cuts across party lines and most Kashmiries take it as an act of faith that politically connected Kashmir's take money from both India and Pakistan". A young population with cell phones, increasingly aware about the happenings in the world, miss-governance and all round corruption has turned Kashmir into a virtual mine-field. The youth of Kashmir are post-insurgency products having no top level contacts but terribly angry with both Delhi and Srinagar. The peaceful and political Kashmir is now a greater albatross around the neck of collective leadership.

Theoretical Dimension:

Anyway, Kashmiri leadership is grateful for the default morality that Pakistani abstention has given to the issue in last few years and hopefully may inject some level of autonomy to politics in Kashmir. The collective political leadership of Kashmir has to rise to the occasion; otherwise youth can choke the space for all type of leaders. In fact as noted in a report in 2003 entitled the “ Security Demographic’ the youth bulge is positively correlated to political volatility and countries in which more than 40 percent of adult population is aged fifteen to twenty nine are more than twice as likely to experience the outbreak of civil conflict, particularly since 1990s (Swami 2012).

Mary K. Mattossian and William Schaffer found links between political violence and an increase in the number of young adult males in proportion to the total male population (in Swami 2012) Demographer Herbert Moller has found that the high proportion of young adults in Germany helped lay the foundations for the rise of fascism (in Swami 2012). Further, Tud Gurr has pointed out in a 1981 study that those cities with high youth populations will have crime rates higher than in times and places where the population is older (in Swami 2012)

In Kenya the ethnic violence in 1991-93 was due to material conditions. The ability of the economy to absorb a rapidly growing labour force declined as the private sector stopped growing. As a result, population growth in excess of job creation resulted in a substantial increase in unemployment and under-employment (in Swami 2012). In a 2006 review of the evidence, social scientist Henrik Urdal concluded that relatively larger youth cohorts are associated with a significantly increased risk of domestic armed conflict, terrorism and riots\violent demonstrations (in Swami 2012). A large youth population can boost economy but poorly performing economies and weak governance, when mixed with youth bulge in the population, may lead to violence.

What needs to be done?

Short Term Steps

1. *The war on terror*: The war on terror has created new challenges. It has made Muslims easy targets. It demonizes Muslims and youth become easy suspects. In this war intelligence agencies are involved in disinformation. The chief Minister of Jammu and Kashmir State stated at the national integration meeting on 11th of September, 2011 that trades and students in our state should not be treated with suspicion. Insurgencies are struggles for political space. The state needs to be rescued from the Afghan war and any linkage with that will hamper the process of normalization. Senior army officers have expressed misgivings about the role of intelligence agencies saying that they have acquired a vested interest in promoting instability as it gives them tremendous clout to play devious games. In this context it is recommended that Indian media should not act in concert with the government to deny legitimacy to protests by youth in Kashmir.
2. *Civilian Space*: The decline in levels of violence must necessarily translate into liberating the civilian space. The arrival of almost 6 lakh tourists in 2011 and almost ten lakh in year 2012, coupled with successful panchayat elections, is an ideal barometer for considering the demilitarization of civilian spaces. Many studies have pointed out that, in the 2010 youth protest, more than 60 percent killings were avoidable. The response of the state has not changed as far as stone and gun are concerned. Further, State Human Rights Commission and Information Commission need to be strengthening so as to restore the trust in the common man. The year 2011 has been significant for those having legitimate expectations from the above institutions. It is for the first time that State Human Rights Commission endorsed the findings of Association of Disappeared

persons and International People's Tribunal for Human Rights and Justice regarding the presence of unmarked graves and mass graves in north Kashmir, besides acknowledging the possibility of burial of some of the people subjected to enforced disappearances in these unmarked graves and mass graves. The State Human Rights Commission has acknowledged the existence of 2156 unmarked graves and mass graves in Kupwara, Baramulla and Bandipora. In 2003, a seventy year old father, namely Abdul Ahad, lost his two sons who disappeared from Kathmandu. He could not elicit any response from State Human Rights Commission as it had no powers to investigate allegations against federal agencies. Article 7 of International Convention for the Protection of All Persons from Enforced Disappearances states: no circumstances whatsoever, whether a threat of war, a state of war, internal political instability or any other public emergency may be invoked to justify an enforced disappearance.

The long term steps

1. *Political Space*: Kashmir youth need to be provided the necessary political space so that they feel part of the peace process and general political developments. With modernization and urbanization, youth is getting more education and they consistently discuss political and social issues with their peer group and family. The youth in Kashmir, even before 1947, were integrally connected to political movements. The early establishment of Reading Room Party in 1930s was purely a youth effort to change the direction of political life in Kashmir. The Plebiscite Front established in the 1950s had a youth wing quite aware of politics in and around Kashmir. When the educated youth found that the plebiscite platform may be abandoned in the aftermath of the emergence of Bangladesh in 197, the greatest Kashmir leader, Sheikh Mohammad Abdullah, found the youth a threat to dialogue with New Delhi (Swami 2012). The

perception study of Media Impact on the Kashmir youth in January 2011 has also found that general political awareness of the Kashmir youth is very high. Nearly 60 percent of Kashmir youth read both local English and Urdu dailies. The survey found that rights matter for the Kashmir youth though their public discourse is still framed through the usage of more popular vocabulary of self-rule and Azadi.⁵ It needs to be emphasized that all political parties in Jammu and Kashmir need to have proper youth empowerment agenda. The parties across the political ideological spectrum have devised policies and programmes for youth. The people's Democratic Party has in fact drafted a youth development policy. The salient features of its youth policy are listed as under:

- The party recognizes youth as a resource in building the state of Jammu and Kashmir and the party will educate, employ and empower the youth of the state and let them decide the future of the nation.
- The party will help the youth to become politically empowered, socially responsible, ethically aware and economically independent citizens.
- The party will further seek international assistance from agencies like the UNDP for developing and implementing:
 - (a) Setting up Youth development policies as they have done in Liberia, and Jordan;
 - (b) Promoting employment generation for youth, both short and long-term as they have done in the case of Kosovo and East Timor;
 - (c) Support community action for social reintegration of marginalized and at risk youth, using sports and other socio-cultural activities as has been done in Lebanon and Congo;
 - (d) Promote peace building and cross- community reconciliation among young people as in the case of Cyprus and Sri Lanka.

⁵ "Jammu and Kashmir People's Democratic Party," *Youth Development Policy : Educate, Employ and Empower*, Jammu 2007.

Jammu and Kashmir Democratic Youth Federation (JKDYF)

The Jammu and Kashmir Democratic youth federation is a newly established platform of youth of the state, looking for establishing an egalitarian society. JKDYF achieved a membership of 30,000 by the end of 2012. During its 3rd conference held on 29th August 2012 at Srinagar certain key resolutions were passed. The resolutions are listed as under:

- The federation is for continuing dialogue with Pakistan so that all outstanding issues can be resolved between the two countries, including the vexed issue of Jammu and Kashmir. There should be more trading points along the line of control;
- The draconian laws like Disturbed Areas and the Armed forces special powers act need to be withdrawn. The excesses and violations of human rights have to be investigated and the guilty brought to book. Without this, confidence cannot be restored among the people;
- An economic climate is to be evolved to create employment and to increase the potentiality of employment. It lays stress on a comprehensive economic policy suggesting increase in public investment in social and economic infrastructure, which will surely help in employment generation. It urges upon the government to adopt proactive approach for implementing employment schemes;
- The federation resolves to intensify its campaign against corruption and urges the government to augment anticorruption architecture of the state, like the state accountability commission, vigilance commission and Anticorruption wings of various departments. It demands much greater support, both material and policy oriented, to such institutional frameworks;
- The youth forum insists upon the government to reform the education sector in the state. Making more infrastructure, staff, facilities and funds available to colleges and universities. Haphazard and unplanned expansion of higher educational institutes to be halted.

Elevate accountability in the system; implement reports and recommendations of various committees and statutory bodies. All these resolutions and recommendations bring to focus the quest of Kashmir youth to survive in a dignified way in an environment of coercion and competition. The youth in Kashmir are post-insurgency generation having no top level contacts. The real reasons of their anger and disgust lie in the fact that they find no prospects in a hostile political climate and are cutoff from the economy and have a number of secular grievances.

- The groups of interlocutors on Kashmir have also recommended that while making a review of laws applied to Kashmir from time to time special focus should be on youth and their aspirations. All this will result in youth for youth role models. As more youth gain leadership positions in political parties, it is important that they help to educate other young people.
2. *Economic Space*: The Prime Minister, in August 2010, talked of giving a sense of hope, purpose and direction to the youth of Jammu and Kashmir State. “They need to make use of many opportunities that our economy provides. We need to channelize their energy and integrate the dynamism, creativity and power of youth in providing them a place in the sun-rise areas of new economy like banking, insurance, information technology etc. In order to attain these objectives there is need for understanding that youth un-employability is more serious a crisis than unemployment. The discontinuation of education leads to the accumulation of job seekers in the bottom of the education pyramid and the immediate fallout of this is the low skill levels among the working populace. It goes without saying that our youth are simply unemployable, 90 percent of employment opportunities require vocational skills. This becomes critical as nearly 90 percent of jobs in India are still skill based with bulk of employment coming from farming, fisheries and other related activities. Violence in Jammu

and Kashmir has led to disruption in normal working of educational and economic institutions. The youth are not able to find jobs in the turmoil-torn economy nor are they able to move to job markets in the rest of the country for security as well as other reasons. But this should not hinder our analysis of unemployment in our state. The size of this problem has taken horrendous dimensions and needs immediate attention with policy initiatives, institutional arrangements and operational strategies. While accepting the Rangarajan Report on job plan for youth in Jammu and Kashmir, Chief-Minister Mr. Omar Abdullah said, “ Jammu and Kashmir salary bill has increased from 3500 crores in 2001-02 to 14000 crores in 2011- 12. The new recruitment policy is bad precisely for above reasons”. The pension scheme is done away with since January 2010. The newly recruited employees’ salaries are reduced by fifty percent. There is no foreign direct investment in Kashmir and, because of unrest, state government could spend only 400 crores out of 1200 crores under Prime Minister’s reconstruction plan in fiscal year 2010-11 due to the turmoil in three consecutive summers. Registered unemployed youth has crossed 6 lakh marks. The Jammu and Kashmir has the highest unemployment rate of 5.3 per cent compared to its neighboring states. The number of registered unemployed youth in various District Employment and Counseling Centers is 6.01 lakh as per the economic Survey 2011-12. According to this survey, 3, 21,562 youth have registered in the Kashmir region while the number for Jammu is 2, 80,285 only. Out of registered unemployed youth only 3203 are illiterate, while 77,087 are middle pass and 1, 65,208 are matriculate. More than 85000 graduate and more than 20,000 are post-graduates and have been in line of getting jobs since last few years. The figures can go up if all those who are either uneducated or who have not registered their names with these centers are also taken into account. The expert Group under the chairmanship of Dr C Rangarajan

(former Reserve Bank of India Governor) was constituted to prepare the job plan for Jammu and Kashmir youth. The group recommended not only special industry initiative but skill employment and empowerment scheme for Jammu and Kashmir, as well as special scholarship schemes. The Himayat, a Rs 237- crores scheme launched by the centre in 2011, aims at providing jobs to one lakh youth from Jammu and Kashmir through skill development programme. The scheme mostly covers school and college dropouts and those from poor financial background. The Jammu and Kashmir government has introduced several self-employment schemes but there is little knowledge available to people regarding these schemes. The Sheri-Kashmir Employment Welfare Scheme which is commonly known as “Seed Capital Scheme” has also been launched to help this vulnerable group of the society. Under this scheme, the unemployed educated youth are provided 35 percent of the total project cost as incentive or Seed Capital. For individuals the project cap is Rs 10 lakh while as for joint entrepreneurs it is Rs 30 lakh. The interested unemployed youth are supposed to register themselves with E.D.I (Entrepreneurship Development Institute). There are other schemes, like Prime Minister’s Employment Generation programme and Jammu and Kashmir Self-Employment schemes which have been designed for the youth. The noticeable defects in these schemes are that targets have not been achieved. There are hard appraisal and documentation policies. There is non-availability of subsidy in time and lack of marketing support. There is an urgent need to design more skill development initiatives that are specially designed for imparting skills to those who may have dropped out from schools or those who never got formal school or college education rendering them unemployable. There is need for closely monitoring of these programmes so that benefits reach the targeted group.

Reconstructing the social Milieu

Violence has seriously injured the resilient Kashmir identity. The social institutions have collapsed and society has become harsh, punitive, withdrawn, fearful and distrustful as well. There is need for new social arrangements so that parents spent more time with their children. Kashmiri identity has some visible strengths: people are resilient and capable of absorbing shocks and trauma and they are deeply committed to justice even if they have to wait for years. The live example is that of parents of disappeared persons. There is a small yet assertive civil society and a vibrant flowing mass media sector. It is a hospitable society and a youthful energetic population with an equally concerned Diaspora. However, there are also weaknesses as witnessed in recent years. There is mis-governance and a culture of blaming game is being nourished both by mainstream and separatist leadership. There is decline in values and ethics. The elected members of legislature, civil society actors and newly constituted Panchayats need to involve youth in local governance. All efforts need to be made to ensure the return of Kashmir pundits and stranded boys in AJK so that Kashmir society regains its lost vitality. The rehabilitation policy for militants also needs to be given a strong push so that they are re-integrated into the society. The huge number of orphans and widows / half widows, kith and kin of disappeared persons, conflict driven physically handicapped, families headed by females, is a challenge both for society and government. The political parties, pressure groups and civil society institutions have a crucial role to play in the integration process to see how youth fit in at this juncture of transitional phase of this society.

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