

Pleading Our Cause In World Fora

—Vijay K. Sazawal

IN July 1998, Shri Hiram Ruiz, a policy analyst for the U.S. Committee for Refugees (USCR), visited India to meet the internally displaced people from Jammu and Kashmir and North-East India. During his trip, he visited a Kashmiri Pandit refugee camp in Delhi on July 10, followed by a visit to similar camps in Jammu in the third week of July. His trip was coordinated in India by the Delhi-based South Asia Human Rights Documentation Center (SAHRDC) run by Shri Ravi Nair, who provided him with a few names of Kashmiri Pandit activists in Delhi and Jammu, but he made contact with only one activist in Delhi (his escort to the Delhi camp) and one in Jammu (his escort to the Jammu camp). Even though Shri Ruiz and I have explicitly discussed the issue of my displaced community, he chose to take his leads for the Jammu trip from his own contacts and I was unaware of his travel schedule. However, on his return he was very open and candid in describing his experiences of the trip with me.

What Shri Ruiz told me is crucial in understanding how third parties react to our community's state of affairs and, in turn, the community's inability to exploit such important and unique opportunities. To understand the issues a little better, let me address what the USCR is and how it got interested in the plight of the Pandits.

The USCR is a 40-year-old private, non-profit organization that defends the rights of refugees and internally displaced persons worldwide. It is an advisory body to the U.S. Administration and the U.S. Congress but, more importantly, it is partially funded by the United Nations High Commissioner for Refugees (UNHCR) and thus works in close cooperation with the UN agencies. In other words, if the USCR makes a recommendation, it will most likely be accepted and adopted by the UNHCR in due course of time. It is an important agency with U.S. government and the UNHCR support.

When the Indo-American Kashmir Forum (IAKF) approached the USCR a few years back to assist the community in receiving recognition from the UN as internally displaced people (IDP), we were told that no recommendations are made without on-site visits and no visits are undertaken without proper project sponsorship and funding. In doing research on who was sponsoring some of their projects, we found out that the UCHR, besides receiving support from the UN, routinely receives grants and gifts from many Christian and Muslim organizations like the Church World Service and the Red Crescent. It is, therefore, no surprise that most of the USCR (and, indeed, the UNHCR) focus is on Christian and Muslim refugees. So we had to try something different.

That opportunity came during the 53rd session of the United Nations Commission on Human Rights (UNHCR) in Geneva during the spring of 1997. The Pandit community had been shocked by the Sangrampora killings and we tried very hard to make an impact with the UN bodies in Geneva. In particular, we made numerous efforts to meet with Shri Frances Deng, the Representative of the Secretary-General on Internally Displaced. As is usually the case, such meetings are hard to come by, but through sheer hard work by Shri Autar Tikou (President of Indo-European Kashmir Forum, an IAKF affiliate in Geneva), we managed to secure a meeting with Shri Danielle Helle, his assistant. Shri Autar and I met with Shri Helle on April 5, 1997, for a scheduled one-hour meeting that lasted over four hours.

The Norwegian gentlemen spent a lot of time probing us, letting us do the talking and asking insightful questions. From the past experience, we know that such experts (including the USCR analyst Hiram Ruiz) are usually very knowledgeable about the area of investigation but let the other party do most of the talking to feel them out. Only after Helle was convinced that our credentials were impeccable,

did he open up to us and (a) described the requirements involved in conferring the IDP status, (b) highlighted the impediments in case of the Kashmiri Pandits as India has no legal framework for determining refugee status and neither does it allow the UNHCR to operate in the country. However, we were assured that Shri Helle would brief Shri Deng regarding our meeting and impress on him the urgency in dealing with the issue.

For the record, Shri Deng did not overlook his mandate even after departing from Geneva. A person of Sudanese origin, Shri Deng, besides being the leader of the UN group on the IDPs, is also a resident research scholar at the prestigious Brookings Institute in Washington, DC. He promptly initiated a project on Internal Displacement at the institute that is co-sponsored by the USCR. The project culminates in a conference that is planned for 1998. One of the countries selected for analysis was India, with focus on two IDP communities: one in the north (Kashmiri Pandits) and the other in the east (Tripura). This Brookings Institute project financed Shri Ruiz's trip to India (and two other neighbouring countries covered under the same project) and his assessment will receive considerable attention from all the co-sponsors of the trip, including the UNHCR.

Shri Ruiz has returned from the trip with mixed feelings. He, like other international refugee policy analysts, has a global insight into problems faced by the displaced people and refugees in many countries of the world drawn from first-hand experiences. Because he works for an important U.S. organization with ties with the UNHCR, his assessment is very important. But his analysis has less to do with his personal views and more to do with the modalities that he is expected to follow in reporting his findings. For the UN and its affiliate agencies, this ensures uniformity in reporting and maximizes objectivity. It is here that his two Kashmiri Pandit hosts in Delhi and Jammu faulted. They should have probed him in depth and inquired about the format and structure of his data collection and analysis so that the core messages of the displaced community could have been modulated to maximize chances for receiving a favourable outside attention and support. Unfortunately, in the

process of venting pent-up feelings, the art of listening gets a short thrift.

The structure of data collection regarding refugee/IDP issues that Shri Ruiz followed falls in three categories. The first deals with a determination if the resident government, covertly or overtly, is responsible for the forced exodus of the community. Because the interlocutors over-emphasized Pakistani hand in our displacement, the analyst concluded that the local government had not conspired to push the Pandits out of Kashmir, unlike in other parts of the world where the local government and civil administrators are invariably part of the problem. Unfortunately, a similar argument could be made in the case of the Pandits too, but Shri Ruiz did not receive strong collaborative arguments from his escorts or during his visits to their camps in Delhi and Jammu.

The second determination is in regards to physical safety of refugees and assistance programmes instituted by the government. Here again, based on Shri Ruiz's visit to Delhi and Jammu camps where he saw locales that are fairly detached with no perceived threats of physical injury and harm from intruders, he concluded that the government has provided adequate safety in the camps. Probably, there were no policemen around either, which contributed to an environment that de-emphasized serious security concerns. How I wish Shri Ruiz was taken to the refugee camp in Jammu at the SRTC Complex and given the data regarding molestation and rapes that have occurred in that camp and elsewhere. Similarly, he concluded that, while the Kashmiri Pandits have not received all the assistance that has been requested, as a community it has fared better than other displaced communities in India and certainly much better than most displaced communities outside India. He was particularly impressed by the government's case, indicating that over Rs. 300 crore has been spent on displaced community and some state government employees have been drawing salaries for the past years without actually working for the government. I countered by reiterating the government's failure in providing safe conditions, for home or workplace

environment in Kashmir but he felt that the situation, though unfortunate, was not as severe as many other refugees faced in various parts of the world.

The final determination is in regards to the future outlook for the community and the government's efforts to bring normalcy to the affected people. It is here that Shri Ruiz is most critical of the government. He thinks that the Central and State governments have no policy in regard to the displaced Kashmiri Pandits and benign neglect by the government will slowly sink the community (as a viable cultural entity) into oblivion. Drawing from his experiences from other religious conflicts, he felt that the community should have a better chance of survival if settled outside of Kashmir. I told him that the reason why the majority of the Pandits have rejected this suggestion has a historical basis as such attempts in the past simply did not work out. Imagine the Pandit identity today had the culture evolved solely from the community's relocation at Sita Ram Bazar in Delhi in 1739, or at Kashmiri Mohalla in Lucknow in 1783 or at Lahore in 1815. The essence of Pandit culture can only emanate and regenerate from its roots in Kashmir.

Nevertheless, Shri Ruiz has an impression that displaced community has given up on its own and its hopes and future are tied to governmental initiatives. This has made him conclude that the community's future is going to get worse not better as government actions (or lack of) are always predictable (based on similar refugee experiences elsewhere) and the community's utter dependence on government means that eventual dispersion into the vastness of India is inevitable. His words regarding dependence on the government reminded me of some observations made recently in a book written by Hari Jaisingh: "The Pandit society has no built-in defence mechanism. Instead, it has developed a personal survival instinct at the expense of its community needs." While one can debate that point, it is, indeed, unfortunate that community's over-reliance on government for its existence and self-esteem displays a certain carry-over of feudalistic servility. But the statement that shocked me the most was Shri Ruiz's bleak assessment regarding the future of the Kashmiri Pandit refugees.

I do not know what Shri Ruiz's assessment and recommendations regarding the internally displaced state of the Kashmiri Pandits will be. My own guess is that his trip to India from our perspective was a failure and will have far-reaching consequences towards the community's case for IDP status with the USCR as well as the UNHCR.

The Ruiz trip is just another experience in a long list of events where the community has failed to respond dynamically to a changing political landscape. I recall a time in February 1997 when U.S. Ambassador Frank Wisner, visiting Jammu, invited the community leaders to a breakfast meeting. The Pandit leadership spent days in deciding what to say to him and very little attention was paid to the foreign policy speech that he delivered at the Jammu University and its implications towards the community. That speech has been analyzed by Kashmir experts the world over and remained the central U.S. government policy position on Kashmir until May 1998 when Shakti-II tests caused a change in the U.S. policy. Yet, when the group met with the ambassador on February 19, very little was said about the pivotal policy statement that he had delivered the previous day.

Both Shri Wisner and Shri Ruiz have come and gone and their visits will be eventually forgotten. Maybe, like many Americans, they did not understand the predicament of the Kashmiri Pandits fully. Yet there is another side to these missed opportunities. These are also moments for reflection and self-introspection. For example, when an unbiased observer like Shri Ruiz can conclude that the Kashmiri Pandits are unwilling to exhibit strong propensity towards self-defence, self-reliance and mature political advocacy, one has to wonder where the community, and particularly its leaders, lost their sense of realism. Is it realistic to believe that the government will deliver the community its wishes on a platter? An idea as powerful as the Homeland is no good unless it is not backed by a strategically forceful implementation plan. And any political solution is impractical if it does not address the urgency in restoring dignity to camp-dwellers and

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immediate but orderly phase-out of the refugee camps.

Today, there are additional challenges that were bound to surface because the community failed to build a common political platform in the past decade in wilderness. Lack of cohesion and unity is manifested in multiple Pandit organizations that have mushroomed recently. The "mandalization of KP politics" is inevitable between desperate rural folks wishing to return expeditiously and economically secure urbanites wishing to wait until "the last gun is silenced in the Valley" or until a union territory is carved out. Quite frankly, if this presumption is right (and I hope it is not), the burden of this split will fall on the leadership that failed to build a political consensus and provide workable solutions that are inclusive of a broad spectrum of views shared within the community. Unfortunately, desperate people do desperate things but the clock is running out on them.

The refugee camp-dwellers are truly the forgotten people among the Kashmiri Pandits. Merely accusing some of collusion with the enemy is neither a mature response nor a satisfactory resolution. If the community is unable to unite in this moment of grave crisis and develop a realistic political blueprint for the future, then there is every reason to believe that the prophecy of Shri Hiram Ruiz will come true. □