

Kashmir: A Case for Self-Determination

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ON 5 AUGUST 2019, THE Indian government unilaterally changed the legal status of the state of Jammu and Kashmir, undermining its own constitutional process and completely annexing a territory that remains disputed in the international arena. In a statement to the Indian parliament, the Indian Home Minister announced the abrogation of Kashmir's special status enshrined in Article 370 of the Indian constitution, as well as the bifurcation of the state into two Union Territories to be directly governed by the central government. Since then, the government has placed Indian-occupied Kashmir on lockdown.¹ Despite restrictions on the movement of reporters and human rights observers and a clampdown on communication infrastructure (including the internet and some phone services), there have been reports of widespread human rights abuses including extrajudicial detentions (including of minors), torture, sexual violence, and lack of access to basic medical and healthcare services.²

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The BJP-led government of Prime Minister Narendra Modi has justified its actions by claiming that Kashmir's development and progress was stunted under Article 370, a provision in the Indian constitution that gave the state some autonomy. Moreover, the government asserted that the region needed to be fully integrated into the Indian state in order to prosper. It also argued that this move would curb what it deems "terrorism," a long-standing movement for political self-determination in Kashmir.³

While the Indian media establishment has overwhelmingly adopted the discourses of the Indian state as well as its ruling BJP government, there has

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been an unprecedented international outcry over the government's recent actions. This is largely due to the potential for war between the two nuclear-armed neighbors, India and Pakistan, the latter of which also claims the region and opposed the latest development. In addition, there are real fears of an impending

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settler colonial project, as the revocation of Kashmir's special status now enables people from India to buy land and property in Kashmir, changing the demographics of the

Muslim-majority region. As many Kashmiris have argued, this is what Narendra Modi's government had in mind all along. Indeed, the region is currently on genocide watch, which has heightened fears of the Kashmiris suffering even more.⁴

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The complete annexation of Kashmir marks a new phase in India's long-standing occupation of the region. However, prior to this move, the situation in Kashmir was far from any objective sense of "normalcy." In Kashmir, the year 2018 was particularly violent, characterized by a number of encounters between local Kashmiri rebels and Indian forces. Nearly 600 civilians, rebels, and Indian forces were killed in what was described as the bloodiest year in a decade.⁵ As Indian forces, tipped off by informers, entered the neighborhoods where the rebels were expected to be hiding, crowds of people—men, women, and children—formed protective circles around the rebels in an attempt to block the forces from advancing. Some threw stones, while others interposed their bodies, knowing very well that this could prove fatal for them. In the ensuing moments, the scene was devastating; Indian forces fired lead-coated pellets or live ammunition into the air, killing, maiming, and blinding protestors. Human rights groups, such as the Physicians for Human Rights, argue that such firing targets protesters above their waists.⁶ Explosives were set in homes where rebels were suspected to be hiding, and entire homes were razed to the ground. As families began to scour the area for the bodies of their relatives, thousands of people traveled from throughout Kashmir to attend the funerals of the rebels, chanting pro-freedom, or *azadi*, slogans. This was "Operation All Out," nomenclature that the Indian government denies but was widely seen on the ground as a definitive offensive against rebels that brought together various elements of the Indian armed forces as well as the local Kashmir police.

This cycle is certainly not new to Kashmir, although it remains to be seen how the Indian government's heightened clampdown on dissent since 5 August

will be resisted on the ground. Since 2008, an entire generation of Kashmiri Muslim youth, who came of age during the militancy of the late '80s and '90s, has taken on the Indian state both online and on the streets. Referred to as the “new intifada,” Kashmiri youth protest what they term the “Indian occupation”—the presence of nearly 700,000 Indian armed forces in their land, as well as the lack of political self-determination that has led to Kashmir’s forcible incorporation within the Indian nation-state. Initially, protests were peaceful, with large crowds gathering to protest fake encounters (killings of innocent civilians reported to be militants) land transfers, human rights violations, and cases of sexual violence, demanding an end to the occupation and the right to a plebiscite to determine Kashmir’s future. As the protests grew in momentum, the Indian state responded brutally, firing live ammunition into crowds, arresting political leaders and youth activists, and often declaring shoot-on-sight curfews in the region to prevent further protests from occurring. Massive protests slowly gave way to smaller-scale street protests, as young men threw stones at the forces deployed in their area.⁷

As Kashmiri youth saw their peers killed, arrested, or injured, a handful began to join militant ranks, creating a new form of “home grown militancy,” one different in size, scale, and composition from its earlier iteration. These armed rebels, whose numbers have never been more than a few hundred, are usually educated local youth who have witnessed or experienced some form of injustice. Unlike rebels in prior decades, who would cross the Line of Control and get trained in Pakistan, these youth are largely untrained. Their life spans are short as they are usually killed within a few months or even days after joining.⁸

While Kashmiris mourn the loss of their young men and women, especially those young men who have joined the militancy, they are unsure of how to proceed. A repressive regime has clamped down on peaceful protest, paving the way for armed struggle, which carries its own set of complications. The cycle appears irredeemable; as the Indian state violently curbs Kashmiri demands for freedom, more and more young men join the ranks of armed groups. Their turn toward joining armed groups is in part a product of the inaccessibility of alternative channels for dissent, but many in Kashmir see it as a justified form of resistance against an occupying power, as with other decolonial struggles.

In this article, I aim to break away from the established terms used to discuss Kashmir in most media and policy outlets. The question of Kashmir is always approached from a security perspective—the impetus being to understand how to curb Kashmiri “terrorism” or “separatism” or limit the “alienation” Kashmiris experience from the Indian state.⁸ Others discuss it in terms of the

need to resolve the conflict between India and Pakistan, effectively rendering Kashmiris as hopeless bystanders of their own future.⁹ Indian nationalist discourses—propagated by both the state and large segments of the Indian media—see Kashmiris as conduits of Pakistan, denying the struggle any sense of indigeneity. I argue that these are fundamentally flawed approaches. Instead, in order to truly understand the “Kashmir issue,” it is imperative to foreground the voices, experiences, and agency of Kashmiris themselves. Far from being a “disputed territory,” or simply a “conflict zone,” the story of Kashmir is one of decolonization—a story of a group of people who have been demanding their right to self-determination amid the power politics of two postcolonial nation-states. To speak of “alienation” or “separatism” from India is to assume that there ever was a sense of belonging. To speak of “terrorism” is to distract from the root issues a political occupation and structural state violence. Before yet another generation is lost, the international community must put pressure on all parties involved, allow Kashmiris on both sides of the Line of Control to be agents of their own future, and pave the way for an end to the military occupation and eventual self-determination.

REFRAMING KASHMIRI HISTORY

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The Indian continent was partitioned in 1947, but the historical case for Kashmiri self-determination goes back even further to 1931, when Kashmiris began a mass movement against the Dogras, their princely rulers. This realignment of the time frame allows us to see continuities between the colonial and early postcolonial periods in Kashmir and foregrounds Kashmiri agency in demanding more representative forms of government even before Partition. The Dogras were a Hindu monarchy that ruled over Muslim-majority Kashmir from the mid-nineteenth to the mid-twentieth century during the period of British colonial rule. During the 1931 mass movement, Kashmiris called for a more representative government and better economic and educational opportunities, especially for the region’s Muslims, who felt marginalized under the Dogras. Early Kashmiri nationalists even began to call for a “Naya Kashmir,” or a socialist, democratic, secular state that, as a Muslim-majority country, would safeguard the rights of its Hindu and Sikh religious minorities. Nonetheless, as Kashmiris began to demand an end to Dogra rule in the period of decolonization, their struggle became entangled with the political developments surrounding Partition.¹⁰

In 1947, the princely state of Jammu and Kashmir had the option of acceding to either of the two dominions, Hindu-majority India or Muslim-majority

Pakistan.¹¹ A Jammu Muslim uprising in the region of Poonch against the Dogra Maharaja led to a tribal raid from northwest Pakistan by Pathan Muslims who wanted to liberate Kashmir's Muslims from their Dogra overlords.¹² In response, the Dogra Maharaja requested military assistance from the government of India. The state agreed to provide help only if the Dogra Maharaja signed a treaty of accession which would give India control over the region's foreign affairs, defense, and communications. The treaty promised that the state's future would be determined "by a reference to the people."¹³ Both India and Pakistan went to war in 1948, resulting in India gaining control over two-thirds of the former state and Pakistan controlling the rest. India took the dispute to the United Nations, which called for a plebiscite in Kashmir once hostilities had ceased.¹⁴

This plebiscite has never become a reality, a fact that remains at the root of the issue more than 70 years later. It directly contradicts the Indian state's narrative that Kashmir is an "integral part" of India and that Kashmiris are "separatists."¹⁵ In fact, it is Kashmir's legal and political provisional status within the In-

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dian state that separates it from other political movements and regions in India.¹⁶ Kashmir was treated as a special case within the Indian consti-

tution as a result of its disputed status; Article 370 gave the state autonomous status within the Indian Union. After 1947, however, Kashmir was treated as a colonial outpost of the metropole in Delhi. A corrupt pro-Indian government was installed in the state, whose primary role was to secure the accession for India and quell pro-Pakistan and pro-independence sentiments in the region. Through this local government, India eroded the state's political, economic, and judicial autonomy promised in Article 370, resulting in even greater unrest.¹⁷ For example, a number of elections were rigged and the election machinery barred oppositional parties from contesting the results.¹⁸ Rulers that had served their political purpose were unceremoniously removed, and new governments were installed at the whim of the Indian government.¹⁹ Kashmir's natural resources were extracted for use in the metropole, and the state became increasingly dependent on its fiscal ties with India which provided much of the budget to run its socio-economic programs, thereby restricting Kashmiri economic self-sufficiency. In short, colonialism never ended for Kashmiris but rather was acutely reasserted after 1947.

Amid intense local repression, demands for a plebiscite to determine the

future of Kashmir were sidelined throughout the second half of the twentieth century. A number of groups that sought the implementation of the UN resolution for a plebiscite in the region emerged, such as the Political Conference, Plebiscite Front, and certain student organizations.²⁰ The Indian state managed to co-opt the leadership of the Plebiscite Front, which was primary among these groups, into an agreement that rendered the plebiscite obsolete and placed the Front's former leadership in power in the local Kashmiri government.²¹ However, the political mobilization of the masses had already spread. The failure of secular and constitutional means to resolve the issue, as well as the realignments in global politics after the Iranian Revolution and the Soviet invasion of Afghanistan, embroiled Kashmir in a violent rebellion of Kashmiri and foreign fighters against the Indian state from the late 1980s to the early 2000s.²² Supported by Pakistan, and initially led by the secular, pro-independence Jammu and Kashmir Liberation Front, the movement was overtaken by the pro-Pakistan Hizbul Mujahideen.

The Indian state managed to quash the movement through a combination of direct force, the introduction of counter-insurgency militant groups such as the Ikhwan, and a policy of divide and rule that contributed to infighting within the militant and pro-freedom ranks.²³ As a result of the ensuing human rights abuses, over 70,000 people were killed, 8,000 disappeared, and countless women were raped, including the 1991 gang rape by Indian forces of women in the villages of Kunan Poshpora.²⁴ To this day, the whereabouts of the disappeared are unknown, and the abused have yet to receive any justice.²⁵ During this time, a number of mass graves were created, and over 700,000 Indian security forces, including soldiers and para-military troops, became part of the permanent landscape, making Kashmir the most militarized place on earth.²⁶ Meanwhile, India's armed forces remain protected by laws such as the Armed Forces Special Powers Act and the Public Security Act, operating under a condition of impunity through which they are able to arrest anyone for long periods of time without due process.²⁷ The late '80s uprising also led to the forced migration of a vast majority of Kashmir's Hindu minority—the Pandits—many of whom lived in camps in Jammu or other cities in India. Relations between Kashmiri Muslims and Kashmiri Pandits have been increasingly communalized in recent decades, as Indian statecraft has relied upon policies of divide and rule between various communities in Kashmir.²⁸ Although the militancy was effectively quashed by the early 2000s, it gave way to mass mobilizations and civil disobedience by 2008.

THE NEW WAVE OF YOUTH RESISTANCE

The death of the popular Kashmiri rebel Burhan Wani in 2016 reenergized the new wave of youth resistance that has been on the rise since 2008. Since then, an entire generation of young boys and girls have made their protest against India pronounced, both online and on the streets. In many ways, social media has transformed the reach of protest; videos and images of protests, state violence, and the bodies and faces of those who are killed and injured are routinely circulated. Despite being regularly shutdown by the state, new technology has increased the movement's social and cultural reach, as activist networks within Kashmir expand and connect with a global discourse of resistance ranging from Palestine to Ferguson.²⁹ There is a flourishing of young Kashmiri artists, activists, writers, journalists, filmmakers, and academics that are engaged in political art, literature, music, and scholarship.³⁰ This cultural production challenges easy categorizations into "secular" or "religious" frames. Kashmir's "Muslim" status emerges as a source of identity, a struggle for freedom, a spiritual retreat, and in the vision for justice. Yet, this identity coexists with multiple other frames of reference, including those within leftist thought, feminist and Islamic feminist discourses, human rights discourses, and critical theory.³¹

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The youth movement has led to a shift in Kashmiri politics as it operates outside of Kashmir's traditional pro-freedom parties. There are fierce discussions within youth circles on a variety of topics pertaining to their past, present, and future, leading to new spaces for discussion and modes of thinking on the future of Kashmir. These conversations occur in cafes and online due to the ban on formal and youth associations. This has led to a broader vision of *azadi*, incorporating discussions on the use of violence versus other means of resistance; the role of gender; the status of religious minorities; and the role of Islam and Muslim identity.

INDIA: THE STATE OF REPRESSION

Despite these developments in the movement, Kashmiris continue to live in a state of political liminality, in which their past is negated and their future is held hostage. Additionally, the Indian state has achieved impunity in the international arena. Using the logic of the War on Terror and declaring Kashmiri Muslims radicalized or terrorists, the Indian state is able to deny, dismiss, or obfuscate the realities on the ground. In a recent example, the Office of the United Nations

High Commissioner for Human Rights published the first ever UN human rights report on Kashmir in June 2018.³² The report was conducted through remote monitoring, as the Indian state refused to grant the UN officials access to the region, and the Pakistani state agreed to do so only if India granted access. The report detailed human rights violations and abuses on both sides of the Line of Control and highlighted the chronic impunity of the Indian forces. In response to the report's publication, the Indian government called its contents "fallacious, tendentious, and motivated," and effectively shut down any public discussion or accountability for the report.³³

Internationally, aside from Pakistan, there is little to no condemnation of what is happening in Kashmir. A number of Muslim-majority countries, including Iran and Turkey, pay lip service to Kashmiri suffering but are beholden to India for their business interests. The international institutions that do intervene, such as the United Nations, can neither enforce anything nor place significant pressure on India. Indian soft power internationally, spread through its export of cultural markers (e.g., yoga, Bollywood, and Gandhi) has crafted a perception of the country that negates the rising tide of Hindu nationalism, violence against minorities, and intolerance. By extension, this enables a situation in which Kashmiris will find very little solidarity abroad.

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The Indian narrative is riddled with contradictions in its approach to Kashmir. The state maintains that the majority of Kashmiris are happy under Indian rule and that it is just a small group of people who are causing trouble at the behest of Pakistan.³⁴ However, the justification for maintaining such a large army (700,000) for this small proportion of rebels (up to 300) is never explicated. The state promises aid and development packages to Kashmir, arguing that it is not political sentiment but rather economic frustration and youth unemployment that cause young people to take to the streets.³⁵ Even as economic packages are promised, the Indian government maintains its heavy-handed repression and militarization, and it remains unclear whether these packages are actually implemented. When the focus on economic development does not successfully curtail resistance, more innovative means of suppression, including a range of psychological operations (psyops) such as the practice of "braid-chopping," are implemented.³⁶ Kashmiris believe that the Indian state implements these psyops to place panic and fear into society and undermine the movement.

The Indian government is currently working under the auspices of the Doval Doctrine in Kashmir. This doctrine, named after the Indian National Security Advisor, entails strengthening the Indian state's military power in Kashmir without any restrictions or considerations of morality. Surshil Aaron of the *Hindustan*

Times states that the Doval Doctrine characterizes India's previous policy on Kashmir as one of appeasement of Kashmiri resistance, which only emboldened "separatists." Aaron argues that "apart from the use of force to quell protests, Doval also endorses a hardline political approach with a view to conceptually reconfigure the conflict. India must reiterate unequivocally that [Jammu and Kashmir] is an integral part of India. Delhi must insist that there is no political question to be settled in Kashmir."³⁷ Under the doctrine, there is no *political* aspect

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to the Kashmir problem. Rather, it is solely the result of Pakistan's interference in bolstering Kashmiri separatists within a region that remains an "integral" part of India (and not a disputed territory). Through this overblown emphasis on Pakistan's role in Kashmir, India is able to undermine Kashmiri indigenous resistance.³⁸

Thus, the world's largest democracy routinely arrests and intimidates Kashmiri political activists, criminalizes dissent, suspends Internet and phone services for long stretches of time, and works with Facebook to suspend accounts and censor Kashmir-related posts.³⁹ It also detains journalists, such as Aasif Sultan, who was arrested and accused of harboring and giving support to militant organizations. The Committee to Protect Journalists recently issued a statement to the Governor of Jammu and Kashmir saying that "interviewing or having sources who are critical of the government is within the scope of a journalists' job and does not implicate them in a crime. Reporting on an important and newsworthy story such as the conflict in Kashmir is a public service, not a criminal act."⁴⁰ Journalists are also physically targeted while attempting to report, such as in the case of four photo-journalists who were hit by pellet-gun fire from Indian forces as they were covering protests in January 2019.⁴¹ Human rights researchers are also not given access to the region; in 2015, an Amnesty researcher was deported from India for investigating human rights violations in Kashmir.⁴² Consequently, those who are able to provide more context and information about what is happening in Kashmir are forced to work amid intense repression and vulnerability.

In the Indian public sphere, Islamophobia enables the dehumanization of the Kashmiri Muslim body politic. Using the rhetoric of the War on Terror, Kashmiris who demand freedom are depicted as "Islamist radicals," and "terrorist sympathizers."⁴³ By framing the movement for self-determination as

one of radical Islamism, the Indian government is able to justify its violence and repression in Kashmir—for both civilians and rebels alike. Leading Indian public figures even openly call for the genocide of Kashmiris.⁴⁴ The few rare Indian voices that dare to speak out on Kashmir are deemed “seditious” or “anti-national” and are intimidated into silence.⁴⁵ Educational spaces such as colleges and universities—the hallmarks of any healthy democracy—are not able to host critical events on Kashmir.⁴⁶

The restriction of political space for all types of dissent, not just on Kashmir, has accompanied the rise of President Modi’s Hindu nationalist government. What the Indian state practices and perfects in Kashmir it can export elsewhere, as the state response to the 2018 protests in the Indian state of Tamil Nadu demonstrated. In the district of Thoothukudi, police fired into crowds gathered to protest environmental pollution caused by a copper factory, killing and injuring dozens of protestors.⁴⁷ After the protests in Tamil Nadu, opposition party leaders in India called the massacre “state-sponsored terrorism;” in contrast, such sympathy is rarely expressed for protestors in Kashmir who are themselves deemed terrorists.⁴⁸

SITUATING PAKISTAN

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Meanwhile, in Pakistan, political support for Kashmir’s right to self-determination remains high, but many Kashmiris argue that this support is conditional upon Kashmiris acceding to Pakistan.⁴⁹ The contemporary Kashmiri movement continues to have an uneasy relationship with the state of Pakistan.⁵⁰ Support for a merger with Pakistan in Kashmir exists, although it is difficult to ascertain the extent of this support, given that multiple agencies are at work in Kashmir and that what is deemed as pro-Pakistan sentiment or sympathy might translate to an “anything but India” sentiment. On the other hand, there are those who are ideologically committed to Kashmir’s accession with Pakistan. They argue that Pakistan is a Muslim country and therefore it would make sense for Kashmir to accede to Pakistan, especially because an independent Kashmir would fight to survive politically and economically amid two nuclear armed rivals. In addition, they maintain that Pakistan has regularly raised the issue of Kashmir in the international community, in effect keeping the issue alive.

Those who favor independence argue that the Pakistani state is only interested in Kashmir for its geopolitical and strategic interests—that the war with India over Kashmir allows, in part, for the Pakistani political establishment to justify its need to maintain a strong military. According to this view, there is no

real concern in Pakistan for Kashmiris themselves, and if Kashmir joins Pakistan, its distinct cultural and political identity would be subjugated in a country that already has a number of existing problems with its various provinces. They also blame Pakistan for suppressing Kashmiri nationalist sentiment and for targeting pro-independence groups and leaders.⁵¹ The contested place of Pakistan in the Kashmiri movement for self-determination today needs further exploration; this is one of the reasons why it is important to enable political spaces in Kashmir where honest discussions about this issue, among others, can take place.

CONCLUSION

It is clear that the status quo in Kashmir cannot continue for both moral and pragmatic reasons. From my own ethical standpoint, the occupation is reprehensible because it has unleashed violence, rampant nationalism, and Islamophobia and reflects an utter disregard for human life. Pragmatically, the status quo in Kashmir has led India and Pakistan to increase spending on defense and the military, taking attention and resources away from crucial social services for their populations. Kashmir's recent history has shown that no matter what India does (quash the movement violently, promise aid or development, divide and rule, counter-insurgency operations) it will not be able to change hearts and minds in Kashmir. India lost that battle in Kashmir long ago and is now engaging in tactics, including the building of settlements, that can only lead to greater suffering for Kashmiris.

Now, more than ever, Kashmiris must have a right to self-determination. Given the changing contours of the realities on the ground since Partition, this plebiscite should include the options of acceding to India or Pakistan, or independence. Given the immense amount of trauma and intrigue in recent decades in Kashmir, other processes of transformative justice and accountability also need to take place concurrently. Demilitarization must be an immediate priority, and Kashmiris need to be given the political space to deliberate among themselves in a free and open society, without the threat and influence of India and Pakistan. The future of South Asia—in terms of regional peace, tolerance, and economic betterment—is tied to the fate of Kashmir. While Kashmiri aspirations continue to be trampled upon, the future of the entire region remains endangered. 

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NOTES

1. In this article, I use the term Indian-occupied Kashmir, as this is how it is referred to by Kashmiris on the ground who are aspiring for freedom, as well as a recent body of scholarship that has situated India's

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