

Kashmir: A "No-Peace" Political Initiative By Angana Chatterji

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The 8-point Plan, New Delhi's political initiative to address the crises in Kashmir, attests to the parallel and incommensurate realities of the sovereign and the subjugated, the Indian state and the Kashmiris.

The 8-point Plan renders obvious New Delhi's limited comfort zone. The Plan is not an overture to healing the reality of suffering and outrage *inside* Kashmir. Rethinking militarization and military governance is not the priority. The ambition is to manage Kashmiris and to keep the disarray concealed from the international gaze.

New Delhi announced its 8-point Plan on September 25, 2010, following the visit to India-ruled Kashmir of a 39-member All Party Delegation from New Delhi led by Union Home Minister Palaniappan Chidambaram, and parallel to the 65th Session of the United Nations General Assembly meetings in New York City. That Defence Minister Arackaparambil Kurian Antony did not accompany the All Party Delegation was indicative of New Delhi's mood.

On the part of New Delhi, the will to mend the rupture between India and Kashmir will require a non-deceptive gaze into power and history. India evidences how powerful states are unable and unwilling to act with humility. There is no admission of culpability on the part of the Indian state -- no acknowledgement of the violence of militarization, authoritarian government, and crimes against humanity perpetrated on Kashmir since the 1990s.

On the part of New Delhi, there is no cognition of the actual grievances voiced by the people of Kashmir. There is no recognition of the shifts in the people's struggle for self-determination within Kashmir, or of how the shift from violence to nonviolence within the Kashmir resistance movement offers a rich space for critical engagement and principled dialogue toward resolution.

The 8-Point Plan

The provisions of the 8-point Plan stated that interlocutors from India would be appointed to dialogue with civil society and political leaders in Jammu and Kashmir, even as the terms for dialogue were not defined. The Plan committed to releasing youth who were detained and arrested on charges of stone pelting this summer. This is imperative and urgent. The number of such youth was listed at 245, while various human rights defenders and journalists in Kashmir state the figure to be higher.

The Plan made no commitment to review the conditions in which the youth were detained or arrested, to freeing political prisoners, or to endorsing the right to civil disobedience. The Plan made no mention of holding the perpetrators accountable. Neither did New Delhi intend to negate the Government of India's tactic of violence used to govern and domesticate Kashmiris.

The Plan proposed to set up taskforces in Jammu and Ladakh to assess the effect of the situation in Kashmir. No taskforce was proposed for assessing the effect of India's rule on Kashmir.

The Plan promised 500,000 Indian Rupees (rather than the customary 100,000 Rupees) to the next of kin of victims killed by Indian forces. The Plan made no commitment to investigate the killings of over a hundred Kashmiris by the Indian forces in Summer 2010. "‘Shinning India’ can afford to pay a larger price for murdering Kashmiris," Kashmiri youth deride. "Is the plan to continue to kill us, just for a better price?"

The Plan asked that the Government of Jammu and Kashmir restart educational institutions, and proposed 1 billion Indian Rupees to rebuild infrastructure.

How do we take seriously that the Indian state is concerned about education in Kashmir and enabling academic freedom? School and university curricula in Kashmir largely cannot focus on issues pertinent to Kashmiri lives in global and historical context. Students seeking to study the conflict and issues of violence and

militarization, in the arts, humanities, and the social sciences, are rarely permitted to do so. Faculty and student work is monitored. Institutions of higher learning in Kashmir are pre-empted from engaging in informed and empowered critique of the Indian state. Deliberate isolation of Kashmir from other worlds through the policies of the Indian state has endangered intellectual life. Innovative discourses and methodologies are infrequently accessible to Kashmiri schoolteachers and faculty at universities. Kashmiri students who are related to former, even deceased, militants have not been permitted to travel abroad even when they have secured scholarships for further study. The Plan omitted to raise these issues.

The Plan did not initiate a review into the conduct of Indian forces stationed at schools and colleges that psychologically degrade and physically harass girls/minors at institutions. Many young women have been traumatized by the conduct of Indian soldiers, and, at times, have been compelled to use the *hijab* or *burkha* to create a barrier to the unwanted advance of the Indian forces.

The use of gendered and sexualized violence by the Indian state as a tool in the militarization of Kashmir, and the attendant breakdown of "law" and "order," such as the inability of victims to file First Information Reports with the police, and the fact that the very Indian forces that perpetrate the crimes are the ones Kashmiris must turn to for recourse, remained out of focus in the 8-point Plan.

The Plan proposed to reduce barricades and check points in public spaces to facilitate the movement of civilians. This is not about curtailing militarization; rather it seeks to enable selected trade and commerce and make such productivity compatible with militarization. Were the Plan focused on demilitarization, the proposal would have included a reduction in troops, and the elimination of electronic espionage and other monitoring mechanisms. The Plan would promise to return land annexed from Kashmiris by the Indian Armed Forces.

The Plan stated that New Delhi would support the Government of Jammu and Kashmir to review and repeal detention cases filed

under the Public Safety Act. The Public Safety Act of 1978 has been systematically misused to contain civil disobedience, and detain persons characterized by the Indian forces as "anti-national" and "agitational terrorists" for up to two years on unconfirmed suspicion.

Revoking the charges against detainees is a one-time measure unless the Government of India commits to rescinding the series of impunity laws deployed in the administration of Kashmir, and to reversing the special powers, privileges, and immunity granted to the Indian forces in Kashmir. That this is not the intent was further confirmed, as the Plan did not propose the revocation of the repressive Armed Forces Special Powers Act.

The Plan outlined that the Unified Command would review the provisions of the Disturbed Areas Act of 1976. Headed by Chief Minister Omar Abdullah, the Unified Command is the supervisory organization for the security forces in Jammu and Kashmir. The apex body functions as a government and military collective, constituted of senior officers from the Army, Central Reserve Police Force, Border Security Force, Intelligence Bureau, Jammu and Kashmir Police, and civil administration personnel.

The powers of the Chief Minister have been subordinate to those of the military in Kashmir. Army officials have refuted changes proposed to impunity laws by the Chief Minister in the past. What is in place to allow different results now? Given the structure of governance in Kashmir, how is the Chief Minister in a position to compel the Unified Command to change impunity laws? Is New Delhi using the Plan to implicate the Chief Minister in shifting liability from the Government of India? Is New Delhi using the Plan to further its camouflage of Kashmir as a "law and order" problem that the Government of Jammu and Kashmir is unable to control?

New Delhi's directive to the Unified Command bypasses the Jammu and Kashmir State Legislative Assembly, rendering the review undemocratic and non-transparent. Assigning the review of the Disturbed Areas Act to the Unified Command consigns the repositioning of the conditions of militarization to military jurisdiction.

CBM Fatigue

Kashmiris are fatigued by the interminable "new beginnings" and the deadened political initiatives and Confidence Building Measures (CBMs) that they prompt. CBMs have not shifted the realities within Kashmir. CBMs have been about India and Pakistan. If we review the primary CBMs since 2005, what has been made possible or deemed significant attests to the posturing between India and Pakistan on the matter of Kashmir.

In April 2005, the bus service from Srinagar to Muzaffarabad was initiated. In October 2005 there was agreement to establish a hotline between the maritime security agencies of India and Pakistan allowing early exchange of information on the infringement by fishing communities into each nation's territorial waters. In January 2006, the bus service from Lahore to Amritsar was instituted. In May 2006, India and Pakistan agreed to trade raw produce between the various regions of Jammu and Kashmir. This did not take into account the needs of local communities and has been ineffectual in energizing local economies.

In August 2007, 72 Pakistani nationals, including 48 fishermen and 24 prisoners, were released from India's prisons, and 135 Indian nationals, including 100 fishermen and 35 prisoners, were released from Pakistan's prisons. In April 2008, India signed a joint agreement with Afghanistan, Pakistan, and Turkmenistan for a 7.6 billion US dollar, 1,680 kilometre, environmentally controversial, pipeline project estimated to supply 3.2 billion cubic feet of natural gas by 2015. In May 2008, sanctioned by the Government of India, Junoon, the Pakistani rock band, performed in Srinagar. Also in May 2008, the foreign ministers of India and Pakistan agreed to a series of Kashmir-focused CBMs, including a triple-entry permit to facilitate movement across the Line of Control and permit consular reach to prisoners. No measures sought to reconnect communities and families whose ties were severed through Indo-Pak border politics.

In January 2009, for the 18th consecutive year, India and Pakistan exchanged lists of nuclear facilities located on their territories. In July 2009, the Prime Ministers of India and Pakistan met on the sidelines of the Non-Aligned Movement summit in Egypt, and issued a joint statement "charting the way forward in India-Pakistan relations."

In charting the "way forward," India and Pakistan remain silent on key questions concerning India-held Kashmir and on the future of Pakistan-controlled Kashmir. The most sanguine strategies in the "way forward" are focused on reconciliations between India and Pakistan that are of mutual economic and political benefit. Kashmir is inconvenient to this stratagem. Does this situation not render inevitable the need for mediation on Kashmir by an outside party?

At the United Nations General Assembly meeting in September 2010, India focused on terrorism and national security, and called for the expansion of the United Nations Security Council with the objective of self-inclusion. The Kashmir issue did find mention. India reiterated Kashmir to be "an integral part of India" and identified Kashmir as the "target of Pakistan-sponsored militancy and terrorism." This obdurate strategy to link the resistance *within* Kashmir to cross-border terrorism has been pivotal to India's tactic to isolate Kashmiris and to subvert the legitimacy of Kashmir's grievances against Indian rule.

In directing the gaze on Pakistan, India shifts international focus away from its own record in Kashmir. Since 1990, over 70,000 people have died in India-held Kashmir, over 8,000 have been disappeared, and 250,000 have been displaced. More than 60,000 have been tortured. Approximately 671,000 troops administer India-held Kashmir today, while official figures record the presence of approximately 1,000 militants.

The Government of India does *not* recognize Kashmir as an international dispute. Doing so is not in India's interest. If Kashmir were acknowledged as an international dispute, the Government of India could be held accountable by international mechanisms in conflict resolution. Crimes against humanity

committed by the Indian state and its officials could then be tried under international human rights and humanitarian law.

International policy and the human rights industry are better equipped to address issues after a regime change, once authoritarian rule is replaced by a government willing to address the violations committed by its predecessor. International policy and human rights institutions are not well positioned to intervene when the perpetrator nation has not signed and ratified significant agreements in international human rights and humanitarian policy. India has not ratified the International Convention for the Protection of All Persons from Enforced Disappearance or the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. India has not signed the Rome Statute of the International Criminal Court.

International policy and human rights institutions are not positioned to intervene while atrocities are taking place in Kashmir without the will to justice of powerful nations, especially the United States and those in the European Union.

Confronting India's political and human rights violations in Kashmir has not been a priority for powerful nations. Given this, the international human rights community has been less inclined to approach the Kashmir issue or make an impactful difference. This is further compounded by the "ngo-ization" of social change processes in Kashmir. Non-governmental organizations are ever more dependent on government and corporate financing, which undermines their ability to function as collectives or to work in solidarity with grassroots movements. Neither is philanthropy invested in conflict resolution. Philanthropy is interested in technical solutions and focused on addressing the symptoms -- poverty, disease, non-literacy -- not the structural issues that produce these realities and hold them in place.

What Lies Ahead?

The impasse between the Government of India's habitual evocation of Kashmir as "integral" to India in nationalist rhetoric and

prevalent Kashmiri understandings of postcolonial India as an occupying power has only intensified.

Through a disingenuous "Dialogue Process," the Indian state dismisses the incessant movement on the streets of Kashmiris determined to attain freedom. Kashmiri demands for self-determination are in fundamental contradiction to the Government of India's offer of "peace." New Delhi's peace plans only strengthen its control over Kashmir.

The conversation this summer in India remained focused on stone pelting by Kashmiri youth and Muslim identity politics. The interplay of state repression, military violence, and Hindu majoritarian nationalism in the government of Kashmir found scarce mention.

The 8-point Plan is intended to disperse the resistance in Kashmir, not address injustices, as a precursor to sincere dialogue. The Indian state's treatment of Kashmir belies its state of mind. While the Indian state's discourse focused on how the Government of India was intent on ameliorating conditions in Kashmir, in practise, regularized states of exception have continued.

Preceding and following the Ayodhya verdict, for example, Indian forces were placed on "heightened" alert in Kashmir, and strict curfews were imposed, anticipating Kashmiri retaliation.

The Ayodhya verdict, delivered by the Special Full Bench of the Allahabad High Court in Uttar Pradesh on September 30, 2010, privileged majoritarian faith over justice. The verdict adjudicated the division of the Babri Masjid (Mosque) land into three parcels: a third to the Sunni Muslim Waqf Board, a third to the Hindu group Ram Lalla, and another third to the Hindu group Nirmohi Akhara.

The Indian state's inconvenient memory omitted that, following the destruction of the Babri Masjid in December of 1992 by Hindu nationalist organizations and cadre, it was Hindu nationalists that mobilized, unchecked, around Ayodhya. It was Hindu nationalists that destroyed Muslim shrines to target Muslim

communities in India, rallying for a Ram Temple to assist in the political and literal construction of the Hindu nation.

The Indian state's actions in Kashmir around the Ayodhya verdict point to the fragility of the Government of India's commitment to deescalating the situation in Kashmir. The Indian state persistently connotes Kashmiris as "suspicious." The Indian state repeatedly implies that the political sensibilities of Kashmiri Muslims correlate with their religious identities. The Indian state repeatedly identifies all South Asian Muslims as monolithic, inferring Islam, Muslims, and violence as structurally coextensive with one another.

New Delhi's strategy in Kashmir functions to control crises and maintain status quo. The Government of India's promises are performative speech-acts without follow-through, a national public relations campaign for local and international consumption that evades responsibility to address the concerns and hopes of Kashmiris.

Is there no reckoning within the Government of India that peace plans inlaid with suspicion and bereft of accountability foreshadow armistice with future enmity? The history of twentieth-century partitions in South Asia is witness to that.

In Kashmir, the agitation continues, unceasingly. Limitlessness dissent is proportional to untold suffering. Dominant media and political institutions in India charge that Kashmiri pro-freedom leaders put youth on the frontlines of the *Azaadi* (freedom) movement and risk their lives. Dominant media and political institutions do not seek to hold responsible the Indian forces, nor the laws and forms of government that embolden them, for continued killing with impunity.

Dominant media and political institutions disparage the Kashmiri pro-freedom leadership, and speak of the wealth and property these leaders have amassed. Scarce mention is made of leaders who are of working class backgrounds. Information made public is rarely verified. No distinctions are put forward between what may be ethical inconsistencies among certain leaders and the valuable roles they serve within Kashmir. The role of the Indian state in

corrupting political leaders in Kashmir to dissipate solidarity between civil society and the pro-freedom leadership is not analyzed.

New Delhi is incredulous that Kashmiris overwhelmingly reject its overtures. Dominant media and political institutions criticize Kashmiri youth for turning down the employment that India promises and protesting on the streets. Such behaviour is used to justify why India and Indians are unfavourably disposed toward them.

Dominant media and political institutions charge that in keeping alive the call to Azaadi, Kashmiri pro-freedom leaders prevent youth from attending schools and assuming normal lives. "Normal" is far outside the ambit of Kashmiris in Kashmir, and has been so for two decades now. Declining school attendance is ammunition to blame Kashmiris and their leadership, masking the reasons for social decline.

Dominant media and political institutions leave unnamed that civil society dissent on the streets and alleyways of Kashmir is perhaps the solitary roadblock to New Delhi's amnesia over Kashmir's resolution.

United States President Barack Obama's visit to India is scheduled for early November. Diplomats and Indian peace agents traverse Kashmir, enacting the obligatory gestures of Track II Diplomacy. The deficit of resolve to a workable resolution on Kashmir within Indian civil society and the international community authorizes the Government of India to manipulate inexpedient political initiatives to appease Kashmiris, while obfuscating denials of justice. In the absence of such resolve, the Government of India continues to circumvent the crucial next step -- crafting frameworks in transition, mediation, and reparation that are acceptable to Kashmiris.

For Kashmir, what now? What interventions might compel the dominant to listen to the subaltern whose lives dominance devalues and destroys? The refusals of subjugated Kashmiris are interpreted by India through the narcissistic gaze of power. India understands Kashmir's dissent and acts of sustained

agitation to be about "India." Kashmir's actions seek resolution to the realities of corporeal, historical forces that imprison the spirit, and profoundly shape the "everyday," saturating society and psyche with torment and brutality. The disconnection and contradictions are harrowing.

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