

# Kashmir: the challenges to non-violent movement

Ershad Mahmud \*

## Introduction

**T**his paper aims at focusing on the transformation of Kashmiri resistance from a largely violent-Islamist movement to a peaceful struggle during 2008-2010. The recent phase of upsurge of Kashmir struggle picked up pace in August 2008 when State Government authorities decided to donate a large piece of land (100 acres) to the Hindu shrine Amarnath trust to build facilities for the Hindu pilgrims in the predominantly Muslim state. Subsequently, during 2009-2010, Kashmiris continued peaceful protests though their immediate cause was different.

The youth-led protests widely used the social media and latest communication tools to spread their message wrapped in and loaded with modern idioms such as civil liberties, popular sovereignty, democratic space and social justice. It is considered to be a paradigm shift in the outlook of the Kashmir struggle as it wiped out the image of a foreign-driven struggle and highlighted its ingenious character which since long was missing. This shift went down well and received considerable support not only inside Kashmir but also among the Indian and international communities.

This youth-led nonviolent Kashmiri movement had a strong impact on Pakistan's traditional approach towards the Kashmir issue in several ways. Likewise, the Indian civil society and State Government also publically acknowledged that they had to include the Kashmiri voice into the process, and without involving representatives of Kashmiri sentiment and making Pakistan a partner to the peace process, a lasting solution cannot be achieved.<sup>1</sup> However, India has not yet fully acknowledged the

**The youth-led protests widely used the social media and latest communication tools to spread their message wrapped in and loaded with modern idioms such as civil liberties, popular sovereignty, democratic space and social justice. It is considered to be a paradigm shift in the outlook of the Kashmir struggle as it wiped out the image of a foreign-driven struggle and highlighted its ingenious character which since long was missing.**

---

\* The writer is an analyst based in Islamabad. He can be reached at: [ershad.mahmud@gmail.com](mailto:ershad.mahmud@gmail.com)

legitimacy of people's aspirations and has been trying to deal with it with an iron hand.

### **Brief background**

The events of 2008 were entirely unexpected amidst the apparent fatigue among the leadership of pro-freedom groups which showed willingness to concede to a compromise solution envisaged by the then President of Pakistan, General Pervez Musharraf, who was engaged in a dialogue with India.<sup>2</sup> The armed struggle was contained and infiltration from the Pakistani side of the Line of Control (LoC) was minimised due to a ceasefire announced by the governments of Pakistan and India in November 2003 followed by resumption of Pakistan-India dialogue.<sup>3</sup>

As the Indian armed forces declared that they had defeated militancy in Kashmir, New Delhi diverted all energies to building a state of the art infrastructure in the State. It also froze the negotiation process with Mirwaiz Umer Farooq-led All Parties Hurriyat Conference (APHC). Subsequently, in the wake of Mumbai attacks, India closed the chapter of composite dialogue process with Islamabad, along with back-channel contacts on Kashmir which had produced some results during 2005-2008. The unprecedented 60 per cent turnout in 2008 State elections was also misread and considered as belated Kashmir acquiescence to Indian rule.<sup>4</sup>

But, contrary to the perception of Indian authorities, three successive incidents not only changed the course of thinking of authorities but also falsified their claim and took Kashmir back to square one. In mid 2008, a small land row pitched the entire Kashmir Valley against the State authorities and turned Kashmir back to the situation of 1990s. Hundreds of thousands of people took to the streets and protested. A local administrative issue resulted in a full-fledged anti-India protest seeking independence from the Indian rule.

The situation got worse when security forces killed about 50 civilians along with the assassination of veteran Hurriyat Conference leader Sheikh Abdul Aziz in broad day light while he was leading a traders caravan to Rawalpindi. The unending sequence was followed by the Jammu-based Hindutva groups-led mobs which attacked the Muslims' properties with impunity and imposed a brief economic blockade on Kashmir Valley. That widened the gulf between the two State regions and further deepened the already existing mistrust.

Similarly, in May 2009, the Shopian rape and murder case also stirred up a new wave of protests in Kashmir Valley which lasted several months.<sup>5</sup> The 2010 cycle of agitation began when security forces killed a protestor who was

part of a march against a fake encounter that took place in Machil, a town close to the LoC in May.<sup>6</sup>

These protesters demanded the government revoke laws such as Armed Forces Special Powers Act (AFSPA) which provide immunity to forces to act without fear of accountability.<sup>7</sup> The Central Government, along with armed forces, not only ignored the protestors' genuine demand but also issued no quick reprimand to its local forces' commanders to censure them the avoidance of such conduct in future. Neither the vibrant media nor the civil society picked up this issue to sympathise with the people of Kashmir until law and order situation got out of control. When the international media started printing and relaying stories on the situation, only then the Indian government and political parties started worrying about it.

#### **Journey towards non-violent movement: 2008-2010**

The recent wave of mass protests in Kashmir is quite different from the 1990s resistance movement in many ways. The global connectedness of Kashmiri people and their political and civic maturity attained a new height during the past two decades which seemed missing before. Previously, India dealt with the Kashmiri resistance with an iron hand which resulted in a large scale militant movement in Kashmir. A large number of youth joined the rank and file of militant organizations and went underground to resist the Indian rule. That gave a chance and the justification to authorities to crush the movement and brand it terrorism sponsored by Pakistan. The opportunity to run a political and non-violent movement was lost and Kashmiris had to pay a heavy price for that.

**The recent wave of mass protests in Kashmir is quite different from the 1990s resistance movement in many ways. The global connectedness of Kashmiri people and their political and civic maturity attained a new height during the past two decades which seemed missing before.**

In 1994, the Jammu and Kashmir Liberation Front's (JKLF) jailed leader Muhammad Yasim Malik denounced the use of violence to achieve political goals. He delineated that he would use non-violent means to further his cause. He quickly became the part of pro-freedom political alliance, the All Parties Hurriyat Conference (APHC), and started his political activities. His move was widely resisted by his former militant comrades but he continued to champion his cause through various tools such as signature campaigns and Safar-e-Azadi.(the journey to freedom) He conducted a six-month-long campaign in the Valley to involve people and create awareness among them about the dialogue process between India and Pakistan in 2007.

On the international front, the 9/11 attacks in the United States and the subsequent events greatly changed the entire international environment and brought about a paradigm shift against the support for armed struggles. The United Nations Security Council passed a resolution which drastically reduced the possibilities of support to militant struggle no matter if the cause is legitimate or not.<sup>8</sup> On the other hand, India and Pakistan began a dialogue process which also made a huge impact inside Kashmir and people got some relief and hope that the peace process might result into a permanent solution. A bus service was also started between Srinagar and Muzaffarabad to provide divided families of Jammu and Kashmir the opportunity to have reunion in early 2005. That was considered a major confidence building measure.

The Kashmir issue remained in the limelight through a number of activities at various levels. A number of regional and international organizations held intra-Kashmir dialogues in and outside the region. Besides, both Islamabad and New Delhi encouraged Kashmiri stakeholders to generate a consensus in both sides of Jammu and Kashmir to devise a doable and acceptable strategy for the resolution of Kashmir problem. Consequently, discourse on Kashmir evolved from the traditional standpoint to a cooperative one.

A broad consensus also emerged that the use of force either by state or non-state actors to settle this conflict was out of the question. Instead, a creative, out of the box solution, which could be acceptable to the people of Kashmir had to be pursued through sustained dialogue and continuous engagement.

It was widely believed that if Kashmiris transform their movement into a non-violent and peaceful resistance, the entire world would support them to realise their goal. It was in this emerging global context that the Kashmir struggle entered a peaceful mode. Media reports suggest that almost 80 per cent of participants in all protests were youngsters below 25 years of age. They were well-educated, savvy to the social media and held political skills to advance their struggle through non-violent means.<sup>9</sup>

**It was widely believed that if Kashmiris transform their movement into a non-violent and peaceful resistance, the entire world would support them to realise their goal. It was in this emerging global context that the Kashmir struggle entered a peaceful mode. Media reports suggest that almost 80 per cent of participants in all protests were youngsters below 25 years of age. They were well-educated, savvy to the social media and held political skills to advance their struggle through non-violent means.**

On the same assumption, the peaceful, youth-led uprising was strengthened when the pro-freedom leadership also rose to the occasion by shunning their traditional differences and supported the uprising<sup>10</sup>. Interestingly, this time the United Jihad Council (UJC), an amalgam of militant organizations, quickly sensed the situation and announced to restrain from militant activities.

### **A lukewarm response to peaceful protests**

The Indian government came up with a flawed strategy to handle this unrest. It tried to treat the problem as a law and order issue instead of accepting the simple fact that the problem of Kashmir is a political issue and it needs political approach and solution. It sent extra troops, imposed curfew and unleashed atrocities on people.<sup>11</sup> The ageing Syed Ali Gilani and Yasin Malik, whose left arm was broken by the police, were arrested and manhandled in custody. Mirwaiz Umer Farooq was also sent to jail as he was about to lead big processions. The law enforcing agencies also pounded on youth to lock them up.<sup>12</sup>

Above all, the Indian authorities miserably failed to understand the depth of alienation and grievances of the people when the non-violent character of Kashmiri uprising appeared. The *New York Times* noted that the protests had led India to one of its most serious internal crisis in recent memory not just because of their ferocity and persistence, but because they signaled the failure of decades of efforts to win the assent of Kashmiris using just about any tool available: money, elections and overwhelming use of force.<sup>13</sup>

Prime Minister Manmohan Singh appeared twice on television channels and made appeals to the people to calm down and help restore peace in the Valley, but to no avail. Jyoti Thottam of *Time Magazine* visited Srinagar and aptly noted that in his address, Singh conceded that “many of [the protesters] have seen nothing but violence and conflict in their lives,” and promised a solution “that addresses the alienation and emotional needs of the people.” But the prime minister offered only one proposal: the formation of a committee to figure out how to create jobs for Kashmir's 600,000 unemployed. The offer was widely criticized in Srinagar as insultingly inadequate.<sup>14</sup>

This new found mass resilience also indicated that Indian forces had limited options to contain the Kashmiri upsurge. In fact, the use of force and repressive measures had not only lost their effectiveness but also proved counterproductive. Several times, curfews were violated by the citizens to join either funeral processions or agitation. *The Economist* of London aptly encapsulated the challenge that New Delhi faced in Kashmir. It said, “at some point they (cycle of protests) will become so big that they can only be contained by killing more of its citizens than a democracy can stand.”<sup>15</sup>

A high profile all-party parliamentary delegation was sent to Srinagar to open the dialogue with the pro-freedom Kashmiri leadership and to prepare recommendations for New Delhi. Subsequently, a three-member team of interlocutors was appointed to interact with the people of Jammu and Kashmir to find out what they wanted. The outcome was frustrating. The interlocutors' report was disregarded and could not appear in the public domain.<sup>16</sup> No tangible step was taken to address the people's demands besides ensuring that people of Kashmir would not be able to repeat the protests in 2011 or later.<sup>17</sup>

#### **Pakistan's muted response**

Pakistan initially downplayed the mass protests since most of the officials and media persons tended to believe that the Kashmir movement had, by and large, been contained by the Indian forces in tandem with the political process. However, the sustained protests in Kashmir and the massive response of the people to the strike calls not only stunned the establishment in Islamabad but also the public at large.

**Pakistan initially downplayed the mass protests since most of the officials and media persons tended to believe that the Kashmir movement had, by and large, been contained by the Indian forces in tandem with the political process. However, the sustained protests in Kashmir and the massive response of the people to the strike calls not only stunned the establishment in Islamabad but also the public at large.**

Islamabad showed unprecedented restraint and did not jump into fray as champion of the Kashmir cause. That surprised many Pakistan watchers. It was a wise and calculated move by the Government of Pakistan. It is a matter of fact that Pakistan has the legitimate right to intervene as a party to the dispute. However, its diplomatic leverage and capacity is limited to advance the Kashmir issue. Its high profile interventions often produced negative results. This time too, many Kashmiri and religious groups sought Islamabad's involvement but the later maintained a reasonable posture.

In the wake of the terrorist attacks in Mumbai in 2008, Pakistan had found itself in a diplomatically vulnerable position vis-à-vis India. The mass protests and unrest was considered a God-sent opportunity in Islamabad to counter New Delhi internationally. The way Kashmiri public in India – including men, women and children – joined the protests and challenged the State authorities seemed to show the depth of the distrust people harboured against the Indian rule in Kashmir. The Pakistani government realized that the ground reality in

Kashmir had changed and now India was diplomatically exposed. That emboldened Islamabad to making Kashmir a central point during the Indian External Affairs Minister Somanahalli Malliah Krishna's visit to Islamabad in July 2010.

Islamabad believed that New Delhi would never be able to make peace with the people of Kashmir without Pakistan's consent and active involvement in the entire process; therefore, it did not need to intervene publicly in the affairs of Kashmir. Unlike the previous practice, it refrained from forcefully championing the Kashmiri cause. The Azad Kashmir<sup>18</sup> Government and political parties held some meetings, conferences and marches but did not take any extreme step as they had in the early 1990's when they twice marched towards the Line of Control<sup>19</sup> threatening to cross it.

Likewise, religious organizations such as Jamaat ud-Dawa- (linked to Lashkar-e Toiba – the militant group held responsible for the Mumbai 2008 attacks) were also prevented from running public mobilization campaigns after a few rallies in Azad Kashmir and a demonstration in Islamabad. Other *jihadi* outfits including the Hizb ul-Mujahideen, the largest indigenous Kashmiri militant group, kept mum over the issue and did not seriously try to cash in on the unrest and human rights violations by the Indian forces in Jammu & Kashmir.

The Pakistani government was preoccupied with other internal and external issues like the floods and did not want to create media hype on Kashmir so as to keep public pressure at a minimum level. It is also widely believed that the media largely toed the government line and did not give the kind of coverage to Kashmir as it used to. Islamabad, at least apparently, let the upsurge grow as indigenous and non-violent.

This strategy worked well and helped the Kashmiri upsurge emerge as a peaceful resistance. The international community recognized that Islamabad had little or no role in the protests nor were the protesters linked with the militant outfits.<sup>20</sup> Some top Indian officials also stated that the protesters were locally motivated.<sup>21</sup> The traditional Indian position of Pakistan's exporting terrorism or supporting extremist groups inside Kashmir has become ineffective during the past three years.

Moderate voices emanating from the civil society and the strategic community also helped the Pakistani government adopt a balanced Kashmir policy. A leading Pakistani commentator and former Ambassador Tariq Fatimi advised the government that, "the Pakistani establishment should not see in it an opportunity to influence, far less to manipulate, the protests to its own advantage. In any case, we must not permit the so-called *jihadi* groups to re-

enter the Kashmir imbroglio, as even a shred of evidence of our involvement would not only discredit the movement but also permit India to galvanise international opinion against us.”<sup>22</sup>

The favourable response from international and regional media organizations and a small but influential section of the Indian civil society also went down well with the Pakistani audience. Traditionally, sections of the Pakistani elite that are in favour of civil liberties had largely considered the Kashmiri struggle solely as an ISI-sponsored, extremist-led insurgency. They did not identify with the cause of Kashmir during the last two decades. However, the way India’s Booker Prize winning novelist Arundhati Roy articulated the case of Kashmir and peoples’ sentiment<sup>23</sup> was music to Pakistani ears. That made an enormous impact on the left-leaning Pakistanis, and for the first time they seemed to consider the Kashmiri movement a civil liberties movement run by the common people of Kashmir Valley.

Non-violent protests also revived Kashmiri activism inside Azad Jammu and Kashmir as well as in other parts of the world. Dozens of Kashmiri organizations started their activities once again after a long pause. Some groups staged demonstrations in Brussels on the eve of Indian Prime Minister Manmohan Singh’s visit in December 2010. The Norwegian parliament debated the Kashmir issue, while several media outlets in the United States, the United Kingdom and human rights organizations showed deep concerns over human rights violations.

Above all, several former militants were also inspired by the ongoing movement and seemed inclined to consider new means to advance their political goals. A few insurgents confided to this scribe that if the Indian civil society and international community pay heed to their concerns, it might pave the way for the native Kashmiri militants to join political parties and close this violent chapter of their recent history. In informal discussions with this scribe, some Kashmiri militants expressed their desire to be part of the political struggle and saw no utility of further violent activities. If allowed, they would go back to lead a normal life in Kashmir but would not shun their dream of independence. These protests made militants rethink the utility of their strategy to engage Indian forces militarily.

**A new approach is emerging among the various stakeholders that Islamabad should support and strengthen only political forces in Kashmir and discourage militant non-state actors who use violent means to obtain political goals.**



### **A new approach or back to status quo?**

A new approach is emerging among the various stakeholders that Islamabad should support and strengthen only political forces in Kashmir and discourage militant non-state actors who use violent means to obtain political goals. However, it would be premature to assume that violence will vanish in the near future or that this new line of thinking would lead India and Pakistan join hands to contain militancy.

Equally importantly, this new approach might not lead Pakistan to adopt a more flexible Kashmir policy or accept a compromise solution on Indian terms. A debate is going on within the civil-military establishment whether Pakistan should pick up the negotiations from the point they were before the Mumbai attacks or revert to its old policy on Kashmir – which would advocate the independence of Kashmir from India, and its accession with Pakistan.

Conflicting opinions are being articulated where some experts believe that Pakistan does not need to budge from its stated position and should continue supporting Kashmiri resistance. They argue that as long as the Indian security forces' infrastructure in Kashmir is intact, New Delhi will not be able to contain the political movement. The political struggle along with the sustained low intensity conflict or the threat of infiltration by militants across the Line of Control from the Pakistani side will not allow Indian forces to lower their presence in the Indian state of Jammu & Kashmir.

A section of the establishment in Islamabad considers that India is destined to lose in Kashmir as a new generation of Kashmiris is rejecting Indian rule in Kashmir. Ashraf Jehangir Qazi, former Pakistan High Commissioner to New Delhi, echoed this strategy in a recently published article. He argues, "It would be unrealistic and unwise to rush towards a Kashmir settlement with India on the basis of Musharraf's four points<sup>24</sup> or any backchannel understandings. What is needed is a process that addresses the concerns of all parties, particularly the Kashmiris, along with improving India-Pakistan relations. If India reciprocates, well and good. If not, we still avoid policies that are self-defeating and exacerbate the sufferings of the Kashmiri people."<sup>25</sup>

Often it is stated that India missed an opportunity to resolve the Kashmir during 2005-2008 and did not respond quickly to Pervez Musharraf's proposals on Kashmir. It delayed the solution till Musharraf government got into trouble and it found an excuse to backtrack from the commitments which were made during the backdoor diplomacy. Meanwhile, it took advantage of the situation and has largely been successful to reorient the discourse on the political nature of Kashmir. Now debate is revolving around how to change the current status

quo instead of talking about the basic principle of Kashmir question which is the longstanding right to self determination.

In this context, some experts believe that Pakistan does not need to budge from its stated position and should continue supporting Kashmiri resistance. Additionally, it is not good time for Pakistan to negotiate with India over Kashmir as it is over stretched due to its tense relationship with the U.S. and Afghanistan. Besides, it enjoys limited international support. Nonetheless, India and Pakistan are making some progress on the economic front and avoiding the traditional blame game.

### **Kashmir: the evolving Pak-India context**

The last quarter of 2011 saw a significant improvement in Pakistan-India relations. Dialogue between the two countries has been resumed. The then Indian Secretary for External Affairs Nirupama Rao regretted that New Delhi made the mistake to disengage from Pakistan following the Mumbai attacks.<sup>26</sup> Islamabad has finally granted the Most Favoured Nation (MFN) status to India which is considered a major breakthrough. This change was recently articulated by former Prime Minister Yousaf Raza Gilani in his address at Swat together with Pakistan's Chief of Army Staff Gen Ashfaq Pervez Kayani. He said that Pakistan viewed India as the most important neighbour and desired for sustained, substantive and result-oriented process of dialogue to resolve all outstanding issues, including the core issue of Jammu and Kashmir. However, India will have to play a more positive and accommodating role by responding to Pakistan's legitimate security concerns.<sup>27</sup>

Simultaneously, India took a number of steps to normalize and initiate sustainable relation with Pakistan. It has pledged that it would support EU waiver for Pakistan in the World Trade Organization (WTO) regarding the Pakistani products' access to European markets. India has also voted for Pakistan in the United Nations Security Council's non-permanent member seat. Unconventionally, India largely stayed away from the ongoing tension between Pakistan and the U.S. This approach went down well in Islamabad.

On the political front, the elected leadership of Pakistan, with a few exceptions, supports the idea of making peace with India and seeks a solution to the Kashmir problem which is acceptable to India, Pakistan and the people of Jammu and Kashmir. The evolving context of the India-Pakistan engagement shows that both Islamabad and New Delhi are willing to take some concrete steps to revive the common interests in the bilateral relations through trade and economic activity. Both countries have expressed their resolve to double the trade volume to six billion dollars in next three years.

Sadly, despite these broader understandings, both India and Pakistan are caught up in domestic politics and tangled on issues which are consuming most of their time, effort and energy. In Pakistan, a debate is going on within the civil-military establishment whether Pakistan should pick up the negotiations from the point they were left in 2008 or devise new contours of dialogue. It appears that the civilian government and military leadership lack a clear vision as to how to engage India particularly over Kashmir.

On the other hand, Indian Prime Minister Manmohan Singh, who has always been positive about engagement with Pakistan, has limited political capital to prevail over his own colleagues and opposition parties to make progress. At the same time, the Indian government is caught up in corruption scandals which have dominated the media and local political scenario. Surprisingly, Indian army generals have started articulating hard line positions on Kashmir recently which also undermines political will of the Indian State. That is a completely new factor arising in the Kashmir debate<sup>28</sup> which shows that the Indian military and its civilian leadership are not on the same page about the Kashmir issue's resolution.

### **Addressing Kashmir through CBMs**

Although the core political issue of Jammu and Kashmir is not being addressed directly, it is also a fact that both countries have put in place a process in Kashmir at local level which is gradually altering the status quo and creating alternative options for conflict resolution. The trade and travel initiatives and limited space for intra-Kashmir dialogue is stabilizing the political temperature and paving the way to the creation of peace constituencies in the region. That provides the people a sense of participation as well as a sense of ownership in the process to some extent. Additionally, a cross-LoC trade body namely Jammu and Kashmir Joint Chamber of Commerce and Industries (JK-JCCI) was established in 2008 in Srinagar. It was reinvigorated in late 2011 by traders and business community of both sides.<sup>29</sup>

The Srinagar-Muzaffarabad Bus Service followed by opening of traditional trade routes between Srinagar-Muzaffarabad and Poonch-Rawalakot for the divided families made people's life slightly easier. That is, despite several hick ups, it is still not only functioning but also flourishing. The current level of travel and trade seems encouraging as the following chart indicates:

**Table 1: Volume of cross border trade and transit through the three official crossing points**

	From J&K to AJK since start	From AJK to J&K since start
Transit of persons	7,093 (6 years)	12,173 (6 years)
Cross-border trade value	75 million USD	80 million USD

This information was provided by the Trade and Travel Authority (TADA), Muzaffarabad, in December 2011.

In 2011, India and Pakistan took some steps to make cross-LoC travel hassle free. Following are the details of these confidence building measures (CBMs) on Kashmir:

1. The number of trading days stands enhanced from two to four days per week.
2. Cross-LoC travel would be expanded on both sides of the LoC to include visits for tourism and religious pilgrimage. In this regard, the modalities will be worked out by both sides.
3. Both sides will expedite the processing time for applications for visits, which shall not be more than 45 days.
4. Six-month multiple entry cross-LoC travel permits will be allowed by the designated authorities after completion of the required formalities at an early date.
5. Coordination meetings between the designated authorities will be held at the terminals alternately on both sides of the LoC every quarter or as and when deemed necessary.<sup>30</sup>

Nevertheless, it is still cumbersome to obtain a travel permit to go across the LoC. In some cases, applicants are not informed about the status of their applications. Cross-LoC traders went on strike in the month of December 2011 and January 2012 due to unexpected imposition of taxes and duties placed by the custom authorities of Pakistan.

The major aim of the above-mentioned confidence building measures was to provide an alternate outlet to the people of Jammu and Kashmir living across the LoC and particularly to the people of Kashmir Valley as that is the only region which has been going through a bloody conflict since 1990. The ground realities in the Kashmir Valley are far different from the other parts of the erstwhile state of Jammu and Kashmir. In this background, the impact of trade and travel in the Kashmir Valley seems limited which is a major conflict theatre.<sup>31</sup>

### **Rising discontent in the Valley**

2011 was the year which passed away unlike the preceding three years of constant strikes and mass protests in Kashmir. Credit goes to New Delhi which successfully used the carrot and stick approach to keep people away from agitation. It is considered as a negative peace enforced by constant surveillance, arrest and harassment of dissenters by a repressive state apparatus, which is

quite efficient in labelling and framing political dissent as sedition or criminal subversion, stated Srinagar based writer Wajahat Ahmad.<sup>32</sup> India has not taken advantage of the relatively peaceful year to frame substantial policy changes to address the people's demands even on the domestic level what to talk about Kashmir's external dimension.

The notorious law, Armed Forces Special Powers Act, still remains in force despite several public commitments by Chief Minister Omar Abdullah to repeal it. The Bharatiya Janata Party (BJP) opposes withdrawal of the law which the security forces consider a buffer against harassment in the name of protection of human rights.<sup>33</sup> Equally, the ruling Congress party has no clear vision to resolve the problem. *Time Magazine* aptly noted that the Congress Party vigorously defends the status quo; the BJP, meanwhile, has seized the opportunity to position itself as tough on separatist groups.<sup>34</sup> The state human rights commission reported over 2,000 unmarked graves along the Line of Control, but no tangible steps were taken to bring the culprits to justice.

**The notorious law, Armed Forces Special Powers Act, still remains in force despite several public commitments by Chief Minister Omar Abdullah to repeal it. The Bharatiya Janata Party (BJP) opposes withdrawal of the law which the security forces consider a buffer against harassment in the name of protection of human rights. Equally, the ruling Congress party has no clear vision to resolve the problem.**

On the other hand, international response to the Kashmiri uprising on the one hand and to the Arab Spring on the other shows that the so-called international community has double standards *vis-à-vis* Kashmir. Obviously, the priority of the Western countries, particularly the United States, is the economy and not the protection of human rights or civil liberties in the region. The international silence over Kashmir is increasingly shrinking the pro-West constituency in Kashmir.

In this context, the people of the Valley feel left out and fear that both India and Pakistan might be moving to accept the status quo which is not acceptable to them.<sup>35</sup> Additionally, there is huge concern that it might set aside the broader political dimension of the conflict. The political leadership in Jammu and Kashmir across the LoC is largely not in the loop.

On the other hand, Kashmiri stakeholders and particularly young generation assert to be included in the political process which is supposed to decide their future. Their sense of a separate nation and Kashmiri identity is growing fast.<sup>36</sup>

Amazingly, known pro-India political groups too have diluted their visible adherence to India. The National Conference (NC) and the Peoples Democratic Party (PDP) have long been trying to be soft towards the pro-freedom sentiment. That is why the PDP is known in New Delhi as the soft separatist party in Kashmir.

Meanwhile, the Kashmiri narrative is fast appearing not only in the media or politics but also in the academia. During the last two years, several young Kashmiri writers, poets and human rights activists voiced their story of Kashmir. The books titled *Curfew Night* by Basharat Peer and the recently published Mirza Waheed's book *The Collaborator* represented the Kashmiri point of view and talked eloquently about the appalling human rights situation in the Valley and the Indian government's response to peaceful demonstrations in Kashmir last year.<sup>37</sup>

Several commentators strongly feel that if peaceful struggle does not get favourable response from the Indian government, the situation might revert to 1990s as not much has changed on the ground so far.<sup>38</sup> Deep public discontent and the heavy-handedness of the security forces multiply the volatility of the situation.<sup>39</sup>

### Way forward

To avoid this outcome, the New Delhi and Kashmiri leadership have to work creatively. New Delhi needs to recognise the right of people to run a peaceful political movement even if it challenges Indian rule in Kashmir. Political space should be provided to pro-freedom leadership to engage people and particularly youth into overt political activities. Reduction in forces and withdrawal of repressive laws particularly the AFSPA and the Public Safety Act (PSA) can create conducive environment for the political forces to fill the void. A

**New Delhi needs to recognise the right of people to run a peaceful political movement even if it challenges Indian rule in Kashmir. Political space should be provided to pro-freedom leadership to engage people and particularly youth into overt political activities. Reduction in forces and withdrawal of repressive laws particularly the AFSPA and the Public Safety Act (PSA) can create conducive environment for the political forces to fill the void. A sustained trilateral engagement among Pakistan, India and Kashmiri representatives is necessary to find out a way forward.**

sustained trilateral engagement among Pakistan, India and Kashmiri representatives is necessary to find out a way forward.

Likewise, Kashmiri leadership has to be more imaginative to put across its message peacefully. It needs to reiterate its commitment to the peace process and dialogue so that the faith of the young population could be revived in the process. It also needs to capitalize on the gains made by the three summer uprisings and do intensive lobbying in India to obtain support. Additionally, there has to be a broad-based approach so that a common demand from the people of Jammu and Kashmir across the LoC could be formed. Intra-Kashmir dialogue and people-to-people contacts have offered a small opportunity to Kashmiris to strengthen themselves. That should be maximised so that the leadership on both sides of the LoC may position itself in a meaningful way. A conducive and peaceful political environment in the region should be generated so that the people of Jammu and Kashmir become partners rather than spoilers or leftover.

Islamabad should continue its support to the peaceful and non-violent movement, besides providing political and diplomatic support to the cause of Kashmir at the international level. Kashmir should be live at the streets of Islamabad and Lahore; otherwise the international community may forget its relevance to the regional and international politics.

Last but not least, India and Pakistan will have to strike the right balance between CBMs and political dialogue for resolution of the Kashmir issue.

## **Notes & References**

---

<sup>1</sup> Chief Minister of Jammu and Kashmir Omar Abdullah underlined the need of dialogue with Pakistan to find a lasting solution. He stated that "The long term and permanent solution to the Kashmir issue is unlikely to emerge without an active engagement with Pakistan. The Cross-LoC trade and the bus service between the two sides will not yield further if we do not continue with the external dialogue process." Viewed at : 'Active Engagement with Pak needed to resolve Kashmir issue: Omar Abdullah', *Times of India*, October 22, 2011, [http://articles.timesofindia.indiatimes.com/2011-10-22/india/30310429\\_1\\_dialogue-process-kashmir-issue-omar-abdullah](http://articles.timesofindia.indiatimes.com/2011-10-22/india/30310429_1_dialogue-process-kashmir-issue-omar-abdullah)

Likewise, Indian Home Minister P. Chidambaram stated in a parliament that "Jammu and Kashmir had acceded to India in "unique circumstances", the State has a "unique problem" and requires a "unique solution". Viewed at : 'Kashmir a unique problem and needs unique solution, says Chidambaram', *OneIndia News*, August 16, 2010, <http://news.oneindia.in/2010/08/06/kashmira-unique-problem-and-needs-unique-solution-sayschi.html>

- 
- <sup>2</sup> Ershad Mahmud, "Pak-India Peace Process: An Appraisal", *Institute of Policy Studies*, Vol. 4, No.2, view at <http://www.ips.org.pk/pakistan-and-its-neighbours/1013-pak-india-peace-process-an-appraisal-.html>
- <sup>3</sup> Interview with XV Corps Commander S.S. Dhillon, The violence levels have to come down, *Frontline*, Volume 22 - Issue 20, Sep. 24 - Oct. 07, 2005
- <sup>4</sup> Vale of tears, *The Economist*, August 26, 2010. Also available at <http://www.economist.com/node/16888893>
- <sup>5</sup> 'Shopian Breathes Easy After 47-day Halt', *Rising Kashmir*, Srinagar, July 16, 2009.
- <sup>6</sup> 'India: Prosecute Soldiers in Kashmir 'Encounter Killing' Human Rights Watch, June 7, 2010, view at [www.hrw.org/news/2010/06/07/india-prosecute-soldiers-kashmir-encounter-killing](http://www.hrw.org/news/2010/06/07/india-prosecute-soldiers-kashmir-encounter-killing)
- <sup>7</sup> A top armed forces commander declared that the Armed Forces Special Power Act (AFSPA) was a holy book for his rank and file. They categorically refused to repeal this law. See 'AFSPA Is 'holy Book' For Troops: Army', *Rising Kashmir*, Srinagar, June 14, 2010.
- <sup>8</sup> Available at <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/N01/557/43/PDF/N0155743.pdf?OpenElement>. Resolution 1373 Adopted by the Security Council at its 4385th meeting, on 28 September 2001
- <sup>9</sup> The stone pelter!" Anyone can be a stone-pelter, as they call themselves, and crowds are drawing their numbers not just from angry young men but also from plucky schoolboys, government clerks and elderly shopkeepers. Umar, a 22-year-old wood carver, is one of them. Whenever he hears about a new protest, he says, "I just leave my work and go." For details see Jyoti Thottam, "Kashmir's new warriors", *Time Magazine*, August 21, 2010, [www.time.com/time/magazine/article/0,9171,2011808,00.html#ixzz1hp5nWz9a](http://www.time.com/time/magazine/article/0,9171,2011808,00.html#ixzz1hp5nWz9a)
- <sup>10</sup> 'Mirwaiz Invites Geelani, Malik For Eid, Seeks To Forge Hurriyat Unity', *Times of India*, September 3, 2010
- <sup>11</sup> The depth of Kashmiri anger, however, runs deep. For two decades, Kashmiris have lived in one of the most militarized regions of the world, with 800,000 troops stationed in the 15,520 sq km (5,992 sq mile) Kashmir Valley and operating under laws that give them impunity from prosecution. Charges of extrajudicial killings, rapes, abductions and torture were leveled against them with chilling regularity during the 1990s. Says Madhur Singh, "Clashing Over Kashmir", *Time Magazine*, August 24, 2008, [www.time.com/time/world/article/0,8599,1835609,00.html#ixzz1hp9QrPnf](http://www.time.com/time/world/article/0,8599,1835609,00.html#ixzz1hp9QrPnf)
- <sup>12</sup> Wajahat Ahmad writes in his article: Repression and resistance in Kashmir : In the Kashmiri summer of 2010, similar repression ensued against mass protests. Troops mowed down around 110 young protesters and injured some 2,500. A brutal exercise in pacification was to follow in the wake of 2010 summer protests. Some 5,000 stone throwing protesters, mostly school and college boys, were arrested and tortured in prisons. Although the majority have since been released, they still face constant surveillance and the torments of prolonged court cases.

According to the Amnesty International report, *Lawless Law: Detentions under the Jammu & Kashmir Public Safety Act*, between 8,000 and 20,000 people have been



detained under the Public Safety Act alone in the past two decades. Between January and September 2010, some 322 persons were detained under the arbitrary law. Wajahat Ahmad, "Repression and resistance in Kashmir", *AlJazeera*, August 2, 2011 at [www.aljazeera.com/indepth/spotlight/kashmirtheforgottenconflict/2011/07/2011726122116677591.html](http://www.aljazeera.com/indepth/spotlight/kashmirtheforgottenconflict/2011/07/2011726122116677591.html)

<sup>13</sup> Lydia Polgreen, 'Indian Forces Face Broader Revolt in Kashmir', *The New York Times*, August 20, 2010. Also available at [www.nytimes.com/2010/08/13/world/asia/13kashmir.html?pagewanted=all#h\[\]](http://www.nytimes.com/2010/08/13/world/asia/13kashmir.html?pagewanted=all#h[])

<sup>14</sup> Jyoti Thottam, 'Kashmir's New Warriors', op.cit

<sup>15</sup> Vale of tears, *The Economist*, op.cit

<sup>16</sup> Indian Prime Minister Manmohan Singh and home minister P Chidambaram appointed journalist Dileep Padgaonkar, academician Radha Kumar and former Information Commissioner MM Ansari as interlocutors in October 2010, just after four-month long violent protests broke out in Kashmir after a schoolboy died in police action on June 11, 2010. However, report yet to be made public. 'Home Ministry rejects RTI plea on Interlocutors report on Kashmir', *Hindustan Times*, December 20, 2011, View at <http://www.hindustantimes.com/India-news/Srinagar/Home-ministry-rejects-RTI-plea-on-interlocutors-report-on-Kashmir/Article1-784865.aspx>

<sup>17</sup> To prevent a repeat of 2010 protests, the government has taken into "preventive custody" some 55 core members and leaders of the Syed Ali Shah Geelani-led separatist body, the Hurriyat Conference. Also, prominent separatist leaders Shabir Shah and Nayeem Khan - along with Kashmir Bar Association President Mian Qayoom and General Secretary GN Shaheen - were arrested in 2010 for leading protests against civilian killings in Kashmir, and for taking part in pro-independence demonstrations or "strengthening the separatist movement".

Many others, such as the chairman of the Islamic Students' League, Shakeel Bakshi, have been imprisoned under the Public Safety Act. Wajahat Ahmad, 'Repression and resistance in Kashmir', op.cit

<sup>18</sup> Azad Kashmir is the part of the former princely state of Jammu & Kashmir under Pakistani administration.

<sup>19</sup> The Line of Control (LoC) is the boundary demarcating the positions of Indian and Pakistani control over the former princely state of Jammu & Kashmir, and roughly follows the ceasefire line after the India-Pakistan war of 1947 over Kashmir.

<sup>20</sup> *The Economist* noted: Boys like Owais neither trained in camps in Pakistan, nor are they stooges of the militants and spy agencies that have fuelled the war. They have grown up knowing nothing but insurgency. They may fear the insurgents and dislike their methods. But they sympathise with their goal. They see Indian troops in Kashmir as an often brutal occupying force. Why does Owais protest? "We are oppressed." What will it achieve? "Azaadi!" (Freedom!). Vale of tears, *The Economist*, op.cit

<sup>21</sup> Indian Home Minister Chidambaram acknowledged that Kashmir was seeing "a qualitatively different kind of protest". 'Certainly today's protesters are a very different group of young men, women and, in some cases, children,' he said. "We do need to recognise this. The protests are certainly more widespread and there is

- 
- significant alienation. 'PC Admits Kashmir Protests Widespread, Alienation Deep', *Kashmir Observer*, September 19, 2010
- 22 Tariq Fatimi, "Kashmir in Turmoil Again", *Dawn*, September 23, 2010.
- 23 Arundhati Roy, "Fruits of Discord", *New York Times*, November 8, 2010, <http://www.nytimes.com/2010/11/09/opinion/09roy.html>
- 24 "The 4-point Musharraf formula on Kashmir was (1) identification of regions in Jammu & Kashmir; (2) demilitarization of identified regions; (3) introduction of self-rule in demilitarized regions; (4) joint mechanism of Jammu & Kashmir State by Pakistan, India and Kashmiris." 'Singh accepted my 4 points on Kashmir', *Pakistan Observer*, 12 October 2010 at <http://pakobserver.net/201010/12/detailnews.asp?id=56556>
- 25 Ashraf Jehangir Qazi, "Kashmir: no rushed solution, please", *The News*, 12 June 2010.
- 26 'Disengaging Pak post 26/11 an error' *The News*, July 3, 2011.
- 27 Mr Gilani had said: "Pakistan views India as the most important neighbour and desires sustained, substantive and result-oriented process of dialogue to resolve all outstanding issues, including the core issue of Jammu and Kashmir. We sincerely hope that the ongoing process of comprehensive engagement will be fruitful. However, India will have to play a more positive and accommodating role and respond to Pakistan's legitimate security concerns." 'Gilani hits out at US for pursuing narrow interests', *Dawn*, July 7, 2011, View at [www.dawn.com/2011/07/07/gilani-hits-out-at-us-for-pursuing-narrow-interests.html](http://www.dawn.com/2011/07/07/gilani-hits-out-at-us-for-pursuing-narrow-interests.html)
- 28 Indian army scuttled several attempts by the State Government to repeal repressive laws. For instance see: Indian Army chief Gen VK Singh has opposed the withdrawal of the Armed Forces Special Powers Act (AFSPA) from parts of Jammu and Kashmir anytime soon, saying this could result in the "emergence of terror sanctuaries and safe havens". 'Revoking AFSPA will aid Kashmir terror groups' *Hindustan Times*, January 1, 2012
- 29 In a major advance towards enhancing cross-Line of Control (LoC) cooperation in Jammu and Kashmir, 10 major business organisations – for the first time including traders' associations from both sides – have reinvigorated the Joint Chamber of Commerce and Industry founded in 2008. After three days of dialogue in Istanbul, the group – facilitated by Conciliation Resources, with local partners Centre for Peace, Development & Reforms (Mirpur/Islamabad) and Indus Research Foundation (Jammu) – signed the first written agreement on non-governmental cooperation. This adds to confidence-building measures that have been in place since the opening of limited cross-LoC trade in 2008. Viewed at <http://c-r.org/latest-news/index.php>
- 30 Kashmir CBMs widely welcomed, *The Express Tribune*, July 28, 2011.
- 31 Cross-LOC CBMs have had limited impact because of India's and Pakistan's reluctance to devolve decision-making to Kashmiris. The communications, trade and travel regimes should be revised with input from stakeholders in AJK and J&K to ensure that they are sustainable and responsive to local demands. Without Kashmiri ownership of the CBMs and control in implementing them, any gains will easily be reversed whenever India-Pakistan relations take a turn for the worse. See

International Crisis Group report: Steps Towards Peace: Putting Kashmiris First  
Crisis Group Asia Briefing No. 106, 3 June 2010. P13

<sup>32</sup> Wajahat Ahmad, "Repression and resistance in Kashmir", op.cit  
<sup>33</sup> 'BJP warns against removal of AFSPA', *Times of India*, October 29, 2011 at  
[http://articles.timesofindia.indiatimes.com/2011-10-29/india/30336028\\_1\\_afspa-  
paramilitary-forces-armed-forces](http://articles.timesofindia.indiatimes.com/2011-10-29/india/30336028_1_afspa-paramilitary-forces-armed-forces)

<sup>34</sup> Jyoti Thottam, ' Will New Delhi allow its troops in Kashmir to face prosecution?',  
*Global Spin*, November 7, 2011, at  
[http://globalspin.blogs.time.com/2011/11/01/will-new-delhi-allow-its-troops-in-  
kashmir-to-face-prosecution/](http://globalspin.blogs.time.com/2011/11/01/will-new-delhi-allow-its-troops-in-kashmir-to-face-prosecution/)

<sup>35</sup> Less than 1% in either AJK or J&K said that they would vote for no change and to  
keep the status quo. But beyond that the options throw up mixed results. For details  
see; Kashmir: Paths to Peace, published by Chatham House, London May 2010.

<sup>36</sup> Huma Yusuf, The debate on Kashmir, *Dawn Islamabad*, December 12, 2011,  
[www.dawn.com/2011/12/12/the-debate-on-kashmir.html](http://www.dawn.com/2011/12/12/the-debate-on-kashmir.html)

<sup>37</sup> Ibid

<sup>38</sup> Ibid

<sup>39</sup> Rekh Chowdhary writes that though militancy does not enjoy the kind of legitimacy  
it did in the initial period, the people of Kashmir still identify with the militants,  
especially the local militants. Although there is a strong antipathy towards militant  
violence, the local militants are still owned by and are seen to be serving the cause  
of the movement. The death of a local militant becomes an occasion to show  
identification with the militancy. Invariably huge crowds join the funeral procession  
of the slain militants. The support to militancy will continue in Kashmir, despite its  
delegitimation, as people still feel that the basic issue underlying the conflict  
remains unaddressed. See more: Rekha Chowdhary, Terrorism and Movement: A  
Case Study of Kashmir at [http://www.lokniti.org/pdfs\\_dataunit/publications2011/  
12\\_terrorism\\_and\\_movement\\_%20a\\_case\\_study\\_of\\_kashmir-chowdhary.pdf](http://www.lokniti.org/pdfs_dataunit/publications2011/12_terrorism_and_movement_%20a_case_study_of_kashmir-chowdhary.pdf)