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The End of the Obama Era in Asia

Edited by
Michelguglielmo Torri
and Nicola Mocci

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Editor (direttore responsabile): Michelguglielmo Torri, mg.torri@gmail.com

Junior editor: Nicola Mocci, nicolamocci@yahoo.it

Editorial Board: Axel Berkofsky, Simonetta Casci, Marzia Casolari, Nicola Mocci, Giulio Pugliese, Michelguglielmo Torri, Pierluigi Valsecchi

Book review editors: Oliviero Frattolillo, oliviero.frattolillo@uniroma3.it;

Francesca Congiu, francesca_congiu@hotmail.com

Segreteria di redazione: asiamaior@gmail.com

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tel. 06 84 17 758

fax 06 85 35 39 60

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CONTENTS

7	MICHELGUGLIELMO TORRI & NICOLA MOCCI, <i>Foreword: Asia Maior in 2016</i>
17	FRANCESCA CONGIU & ALESSANDRO URAS, <i>China 2016: Defending the legitimacy of the party-state's authority</i>
53	AURELIO INSISA, <i>Taiwan 2012-2016: From consolidation to the collapse of cross-strait rapprochement</i>
89	MARCO MILANI, <i>Korean Peninsula 2016: The never-ending crisis</i>
121	GIULIO PUGLIESE, <i>Japan 2016: Political stability amidst maritime contestation and historical reconciliation</i>
143	CARMINA YU UNTALAN, <i>The Philippines 2016: Democracy in dispute?</i>
167	ELENA VALDAMERI, <i>Indonesia 2016: A difficult equilibrium amid global anxiety</i>
199	MICHELA CERIMELE, <i>Vietnam 2016: The aftermath of the 12th congress, between continuities and changes</i>
221	NICOLA MOCCI, <i>Laos 2016: The 10th congress of the Lao People's Revolutionary Party (Lprp) and its domestic and international aftermath</i>
243	PIETRO MASINA, <i>Thailand 2016: The death of King Bhumibol and the deepening of the political crisis</i>
261	MATTEO FUMAGALLI, <i>Myanmar 2016: From enthusiasm to disillusionment</i>
277	MARZIA CASOLARI, <i>Bangladesh 2016: A laboratory for Islamic radicalism</i>
297	FABIO LEONE, <i>Sri Lanka 2016: Does the new era continue?</i>
315	MICHELGUGLIELMO TORRI & DIEGO MAIORANO, <i>India 2016: Reforming the economy and tightening the connection with the US (with an Appendix by MARCO VALERIO CORVINO, A brutal and violent year in the Kashmir Valley)</i>
385	MARCO CORSI, <i>Pakistan 2016: Economic features</i>
403	DIEGO ABENANTE, <i>Afghanistan 2016: Military crisis and contested reforms</i>
417	LUCIANO ZACCARA, <i>Iran 2016: From the Saudi embassy attack to the demise of Rafsanjani</i>
439	ADELE DEL SORDI, <i>Kazakhstan 2015-2016: Balancing regime stability amidst local and global challenges</i>
463	<i>Reviews</i>
483	<i>Appendix</i>

APPENDIX TO INDIA 2016
2016: A BRUTAL AND VIOLENT YEAR IN THE KASHMIR VALLEY

Marco Valerio Corvino

Asia Maior- An Italian think tank on Asia
mv.corvino@gmail.com

In 2016, in concomitance with the worsening in the India-Pakistan relations, the situation in the Vale of Kashmir, which is part of the Indian state of Jammu & Kashmir, took a turn for the worse. Although the reciprocal Indian and Pakistani claims to the whole of the formerly princely state of Kashmir remain the main bone of contention between New Delhi and Islamabad, the deterioration of the situation in the Vale of Kashmir was caused mainly by internal reasons, largely unrelated to the increase in India-Pakistan tension. The Indian central government and the Jammu and Kashmir state government reacted to the manifest and manifestly increasing frustration of the inhabitants of the Vale of Kashmir by making use of the iron fist. The year under review saw the unchaining of a most violent and brutal repression, which was in a way epitomised by what a well-known English daily defined «the world's first mass blinding». As usual, the reaction of the Indian media and the Indian public opinion was – with few and commendable exceptions – one of turning a blind eye to what was happening in Kashmir, when not openly applauding the brutality of the repression and asking for more of the same.

1. Introduction

The Kashmir question has continued to be the main stumbling block on the way to normalisation of the India-Pakistan relationship since independence. However, this problem has been compounded by the fact that, beginning with the early 1990s, Kashmir has also become a major internal Indian problem. The Kashmir issue has multiple causal factors and is deeply complex; accordingly any satisfactory explanation of its causes, even if limited to its internal dimension, would require an analytical effort at exploring, among other factors, the evolution of a distinctive form of Kashmiri nationalism and its relationship to the idea(s) of India, the role of religious radicalism (both Muslim and Hindu), the tensions between national and state political élites, the complex legal and constitutional debates around Article 370 of the Indian Constitution (granting special status to the Jammu and Kashmir State), and the structural economic causes complicating the relationship between the Jammu and Kashmir State Government and New Delhi (such as Kashmir's dependency on central government loans and its lack of industrial or service sector growth).

However, this analysis cannot be carried out here. The target of the present appendix to the article focused on India in 2016 is decidedly much

more modest, although a necessary one. The only aim of the present article is to set out the political and military events that made 2016 one of the most brutal and violent years in the history of the Jammu and Kashmir state since it became an integral part of India. Although a brief summary will be offered of the post-1947 history of the state, this will be merely introductory, as, in the present article, the focus of the analysis is firmly set on the political developments of 2016.

Such a limited effort may be judged a superfluous one and criticised by saying that most of the aspects explored in the following pages are so well known to make their recounting useless. However, this criticism can be accepted only if one forgets that, on the one hand, the bulk of the Indian media have a persistent tendency to take a strongly partisan pro-New Delhi stand on this issue, and, on the other hand, the issue itself has always been outside the radar of the international media. In other words, Indian public opinion has a distorted vision of the Kashmir problem, while international public opinion substantially ignores it.¹

What has just been said about the one-sided approach of the bulk of the Indian media to the Kashmir problem does not mean that it is impossible to make a balanced and in-depth appraisal of the Kashmir problem through those same Indian media. It does mean, however, that such balanced and in-depth appraisal is not easily carried out and – it can be surmised – implies a painstaking and far-from-useless work.

2. Some preliminary remarks on the origins of the Kashmir question as an internal Indian problem

The events leading to the partition of the formerly princely state of Kashmir between India and Pakistan in 1947 are so controversial that even a short summing up of them is bound to offer its side too much criticism. Here, however, it is necessary to point out that when the colonial domination over South Asia came to an end, Kashmir could have aspired to become an independent country. As the biggest of the Indian princely states, Kashmir was larger than some European nations, e.g. Portugal, while, from a geopolitical standpoint, its position was better than that of Nepal or Bhutan, because, although a landlocked entity, it bordered on four different states (India, Pakistan, China, and Tibet – which, at the time, was a *de facto* autonomous entity).²

1. Of course, the view of the problem given by the Pakistan media is not less distorted than the one offered by the Indian media, although the biases are of a different kind. Anyway, in the present article the Pakistani press has been rarely used.

2. According to Andrew Whitehead, writing in 2004: «There's an enormous literature about Kashmir, much of it deeply partisan, densely written and ill researched». Andrew Whitehead, 'Kashmir's Conflicting Identities', *History Workshop Journal*, No. 58 (Autumn, 2004), p. 335. To a large extent, this holds true even today,

No doubt independence was the goal of Kashmir's last ruler, Maharaja Hari Singh. But what was the goal of most his subjects is still today a moot point. What happened was that, on the one hand, Hari Singh was unable to reach his goal and, on the other hand, nobody ever asked the Kashmiris what political future they preferred for their own country, as part of Pakistan, as part of India, or as an independent state. Kashmir was carved up between Pakistan and India, with India assuming control of the two-thirds of the former princely state, including of the Vale of Kashmir, where most of the population lived and where most of it was made up by Muslims.

While carving up Kashmir between themselves, both Pakistan and India maintained their claim to the whole of the former princely state. Pakistan justified its claim by pointing out it had been born as the motherland of the Indian Muslims, and a large majority of the Kashmiri – although not their ruler – were Muslims. India, on its part, pointed out Kashmir's last ruler, Maharaja Hari Singh, had signed an «instrument of accession» of his own state to India (26 October 1947).

The part of Kashmir that was included in Pakistan became Azad Kashmir («Free Kashmir», as officially designed by Pakistan) or POK («Pakistan Occupied Kashmir», as designed by India). Its evolution is outside the scope of this article. The part of Kashmir included in India – which is here of interest – became the Indian state of Jammu and Kashmir. What, at least initially, put Jammu and Kashmir apart from the other Indian states was that, according to the «instrument of accession», it was allowed a very wide autonomy, as the only powers transferred to New Delhi were those related to defence, communications, and external affairs. Also, first the Indian Governor General, Lord Mountbatten, at the moment of the accession, and then, some months later, the Indian Prime Minister, Jawaharlal Nehru, promised that Kashmir's accession to India would be decided «by reference to the people», through a referendum.³ However, the referendum was never held⁴ and the exceptionally large autonomy of the state, although enshrined

which makes even the quotation of secondary sources potentially controversial. Apart from Whitehead's just quoted review article, two others, which can offer an introduction to the state of Kashmir studies, are: Fozia Nazir Lone 'From «Sale to Accession Deed» – Scanning the Historiography of Kashmir 1846–1947', *History Compass*, Volume 7, Issue 6, November 2009, pp. 1496–1508; Chitralkha Zutshi, 'Whither Kashmir Studies? A Review', *Modern Asian Studies*, Vol. 46, Issue 4 (July 2012), pp. 1033–1048. To the works positively assessed in these three reviews I would like to add Chitralkha Zutshi, *Kashmir's Contested Pasts: Narratives, Sacred Geographies, and the Historical Imagination*, Oxford: Oxford University Press, 2014 and the monographs and articles quoted in footnotes 5, 6, and 7, below.

3. See the primary sources quoted in Fozia Nazir Lone, 'From «Sale to Accession Deed»', footnotes 76 and 77.

4. Anyway, the UN-supervised referendum, which was discussed but never held, allowed the choice only between India and Pakistan and did not contemplate the possibility to choose independence.

in the Indian Constitution through article 370, was progressively and decisively whittled away. Accordingly, Jammu and Kashmir became, from a legal standpoint, not different from the other Indian states; in reality, however, it soon came to enjoy much less autonomy than any of them.⁵ Political meddling from New Delhi, which started in earnest in 1953, determined a political evolution «characterized by constant election rigging and central government intervention, which prevented the development of fair and autonomous competition among political parties».⁶ In spite of this, and in spite of the situation in which Jammu and Kashmir was the only Muslim-majority state in the Indian Union, the bulk of the Kashmiris were loyal to India or, rather, were more hostile to Pakistan than to India, as shown by their pro-India stand during the 1965 India-Pakistan war.⁷ Moreover, in the second half of the 1970s, real democracy eventually came to Jammu and Kashmir when, «against all odds», the «first free and fair elections were held in 1977».⁸ This new and positive phase, however, came under stress already in 1983 and, in 1987, a turning point was reached in that year's state elections. The unprincipled alliance of the two main political forces in the state – the National Conference and the Congress (I) – which merged with the apparent aim «to create a political monopoly and capture all the votes in the election»,⁹ was strongly and immediately resented by a conspicuous part of the Kashmiri public opinion. On the top of it, things worsened when it became clear that, in spite of their position of political near monopoly, the NC-Congress combine had had no hesitation to rig the elections, which it had done with the complicity of the state police and judiciary.¹⁰

In all probability, election rigging had an only marginal effect of the election results – which were anyway bound to be gained by the NC-Congress combine. The rigging, however, alienated a conspicuous part of the Kashmiri population, causing it to lose trust in the democratic system. In turn this, for the first time in the post-1947 history of Kashmir, made possible the rise of anti-Indian militant forces, the strongest among which was

5. The best history of the gradual erosion and disappearance of Jammu and Kashmir's autonomy is A. G. Noorani, *Article 370: a constitutional history of Jammu and Kashmir*, Oxford: Oxford University Press, 2011.

6. Sten Widmalm, 'The Rise and Fall of Democracy in Jammu and Kashmir', *Asian Survey*, XXXVII, 11, November 1997, p. 1006. More generally, the summing up of the political evolution in Kashmir offered in this section is squarely based on Victoria Schofield, *Kashmir in Conflict. India, Pakistan and the Unfinished War*, London: I.B. Tauris, 2000.

7. Victoria Schofield, *Kashmir in Conflict*, pp. 108-109.

8. Sten Widmalm, 'The Rise and Fall of Democracy', p. 1006.

9. *Ibid.*, p. 1018.

10. *Ibid.*, pp. 1017 ff., and Victoria Schofield, *Kashmir in Conflict*, pp. 127-142. See also: Rekha Chowdhary & V. Nagendra Rao, 'Jammu and Kashmir: Political Alienation, Regional Divergence and Communal Polarisation', *Journal of Indian School of Political Economy*, January-June 2003, pp. 189 ff.

the Jammu and Kashmir Liberation Front (JKLF), which, despite being supported by Pakistan, was a secular pro-independence organisation, whose political aim was not annexation to Pakistan but full independence.

In December 1989, the kidnapping of Rubaya Sayeed, the daughter of the then minister of home affairs in the central government, triggered a chain of events that resulted in an openly independentist insurrection in 1990, led by the JKLF.¹¹ Despite the considerable popular backing it enjoyed in the Kashmir Valley, by 1992 the JKLF had been militarily vanquished and the insurrection had been crushed by India through the ruthless application of massive military power. Nevertheless, many small armed Islamic groups –because of Pakistan’s support and the availability of sanctuaries in Pakistan territory – survived the onslaught of the Indian security forces and continued to operate. Some of these groups, particularly the Hizbul Mujahideen, were indigenous; some were partly or mainly made up by *Afghansi*, namely non-Kashmiri, mainly Pakistani, fighters who had taken part in the anti-Soviet *jiḥad* in Afghanistan. These groups, although a thorn in the side of the Indian security forces, were unable to mount any major challenge to Indian control on the Kashmir Valley along the lines of the JKLF’s led 1990 insurrection.¹²

Partly because of the *de facto* failure of armed struggle, on 9 March 1993, 26 political, social, and religious Kashmiri legal organisations came together to form the All Parties Hurriyat Conference. The new organisation claimed to be the legitimate representative of the Kashmiri people, and, in its constitution, established as its goal the fulfilment of the right to self-determination, inclusive of the right to independence, for the people of Jammu and Kashmir. This objective was to be pursued through peaceful means.¹³ Also, in 1994, JKLF leader Yasin Malik gave up the armed struggle and adopted peaceful methods to pursue Kashmiri independence.¹⁴

In the following years, some sort of normality was restored in the Kashmir Valley thanks to the massive presence of the Indian armed forces. As a consequence, after a six-year hiatus, state elections were held in 1996, 2002, 2008 and, in 2014, both state and national elections were held.¹⁵ But

11. Victoria Schofield, *Kashmir in Conflict*, pp. 143-160. For another discussion of the 1989-1990 events, see Michelguglielmo Torri, ‘India: una società lacerata’, in Giorgio Borsa e Paolo Beonio Brocchieri (eds.), *L'altra Asia ai margini della bufera*, Bologna: il Mulino, 1991, pp. 10-14.

12. Victoria Schofield, *Kashmir in Conflict*, pp. 163-188.

13. On the Hurriyat, *ibid.*, pp. 159-60, 201-03; Muzamil Jaleel, ‘Hurriyat: Its History, Role and Relevance’, *The Indian Express*, 31 August 2015; South Asia Terrorism Portal, *All Parties Hurriyat Conference*.

14. Victoria Schofield, *Kashmir in Conflict*, pp. 174-75.

15. On those years electoral process in Jammu and Kashmir, see, e.g., Ellora Puri, ‘Understanding the Paradoxical Outcome in Jammu and Kashmir’, *Economic and Political Weekly*, 44, 6, February 7-13, 2009, pp. 31-34; Rekha Chowdhary, ‘2009 Parliamentary Elections in Jammu and Kashmir’, in Suhas Palshikar, K. C. Suri &

this normalisation was to a large extent only apparent and, at the end of the day, what made it possible was the same reason that made it only apparent. In other words, the continuous and massive presence of Indian military forces, which were engaged in the repression of the surviving militant underground organisations, while resulting in a string of military successes, implied heavy costs in terms of human rights for the civil population. The Indian armed forces, protected by the 1990 Armed Forces (Special Powers) Act (AFSPA), which gave them full immunity from civil prosecution, became responsible for a string of crimes such as killing, the disappearance of civilians, torture and rape, and a general behaviour towards the local population that made «being abused, slapped, or beaten with batons and rifle butts by an Indian trooper» a normal occurrence.¹⁶ This being the situation, it should come as no surprise that a recent report of *Médecins Sans Frontières* «has revealed that nearly 1.8 million adults equalling 45 per cent of adult population suffer from mental distress in the [Kashmir] Valley and a majority of people have experienced or witnessed conflict-related trauma».¹⁷

The crimes and abuses of which the Indian armed forces became responsible in Kashmir could be carried out with impunity not only because of the legal protection afforded by the AFSPA to the Indian army, but, more importantly, because Indian public opinion at large and the Indian media turned a blind eye to what was happening in the valley. Successive Indian governments, instead of addressing the root causes of Kashmiri alienation, successfully convinced the Indian public opinion that the disturbances in Kashmir were exclusively related to Pakistan meddling. According to the view that became dominant in India, Pakistan was «the culprit in the Kashmir crisis» and the crisis was purely «about Pakistan-supported terrorism».¹⁸

With the beginning of the new century, most of the surviving armed groups active in the Kashmir Valley had been contained, marginalised and, in some cases, either had been destroyed or had abandoned the armed struggle. However, this had not reconciled the majority of the inhabitants

Yogender Yadav (eds.) *Party Competition in Indian States: Electoral Politics in Post Congress Polity*, New Delhi, Oxford University Press, 2014; Aijaz Ashraf Wani, 'Parliamentary Election 2014: Inferences from Kashmir', *Research Journal of Social Sciences*, 22, 2, 2014, pp. 108-115; Rekha Chowdhary, 'Democratic Processes in the Context of Separatism and Political Divergence: An Analysis of 2014 Assembly Elections in Jammu and Kashmir', *Studies in Indian Politics*, 3, 2, 2015, pp. 164-178; Rekha Chowdhary, 'BJP's Unprecedented Victory in Jammu', *Economic and Political Weekly*, L, 19, 9 May 2015, pp. 70-73.

16. Mirza Waheed, 'India's crackdown in Kashmir: is this the world's first mass blinding?', *The Guardian*, 8 November 2016.

17. 'One out of every two adults is mentally disturbed in Kashmir: MSF report', *The Indian Express*, 20 May 2016.

18. M.K. Bhadrakumar, 'A Patriarch sounds alarm bells on Kashmir', *Indian Punchline*, 10 October 2016.

of the Kashmir Valley to the prevailing political situation, as shown by periodical waves of demonstrations and civil disturbances. In recent years, particularly important had been the massive, Hurriyat-led civil disturbances of 2008 and 2010. That anti-Indian militancy was a release of pent-up frustration for the intolerable political situation prevailing in the Kashmir Valley is shown by the above quoted *Médecins Sans Frontières*' report, which noted that «in some districts where protests and militancy have shown increase» and there was a «lesser prevalence of psychiatric disorders».¹⁹

3. *Towards the disturbances of July-October 2016*

At the end of 2015, the situation in the Kashmir valley appeared to be sliding once again towards a new crisis. According to former Indian National Security Advisor M.K. Narayanan, internecine tensions and violence were on the increase, cross-border firings showed no sign of abating, the mood in the valley was sullen and, last but not least, anti-Indian sentiments were growing.²⁰ In the following months, the worsening situation prompted Narayanan to assert that, already at the beginning of 2016, Kashmir was «facing its gravest crisis since 2008 and 2010». This crisis had two aspects; the first was that

More attacks are taking place, and several of them have occurred in areas far from the border, including in Srinagar itself. Gun battles are lasting for much longer – for days rather than hours. Hardly any of the attackers have been taken alive. What is most disturbing is that many of the infiltrators are finding shelter and refuge with Kashmiri families, reminiscent of and reverting to the situation that existed in the 1980s and 1990s.²¹

But possibly more worrying was the second aspect of the crisis, namely that

In several places across the State, eyeball-to-eyeball confrontation between militant youth and security forces is today in evidence. After a long time, Army vehicles are patrolling civilian localities. Perhaps for the first time after the 1990s, local citizens are openly confronting and preventing the security forces from carrying out anti-terror operations. The Special Operations Group of the Jammu and Kashmir Police has been thwarted on more than one occasion when trying

19. 'One out of every two adults is mentally disturbed in Kashmir: MSF report'.

20. M.K. Narayanan, 'How the Valley is changing', *The Hindu*, 24 November 2015.

21. M.K. Narayanan, 'Adrift in the Valley', *The Hindu*, 30 May 2016.

to arrest or deal with a suspected militant. At the same time, accusations of genocide are once again being levelled against the police and the security forces.²²

Clearly the situation in the Kashmir Valley had become explosive once again. Only a spark was needed to start a conflagration. That came on July 8, with the killing of Burhan Muzaffar Wani, a 22-year-old and very popular top commander of Hizbul Mujahideen.²³

4. *The disturbances of July-October 2016*

Suddenly and unexpected (at least to the Indian public opinion),²⁴ Burhan Wani's funeral (9 July 2016) turned into a gigantic mass demonstration.²⁵ This, in turn, sparked incidents and confrontations all over the valley between Kashmiri civilians and both the police and the military forces. Already in the few days following the funeral no less than 22 people had been killed in such incidents.²⁶ This, however, was only the beginning of a spiral of agitation and repression, of which the most immediate symptom was the clamping of an indefinite curfew on the whole Kashmir Valley on 15 July²⁷ and the continuation of protests, particularly throwing of stones, which went on in spite of the repressive measures taken by the authorities.

A good indicator of the development and intensity of the agitation is given by the number of stone-throwing manifestations; these were 820 in July; 747 in August, and 535 in September. Finally, in October, they sharply declined to 157 and, during the first 20 days of November, dwindled to

22. *Ibid.*

23. 'Hizbul Mujahideen, «poster boy» Burhan Wani killed in joint encounter', *The Indian Express*, 8 July 2016. On Burhan Wani's career see: 'Who Was Burhan Wani And Why Is Kashmir Mourning Him?', *The Huffington Post* (India), 11 July 2016.

24. As admitted some weeks later by BJP influential General Secretary Ram Madhav, considered an expert of the Kashmir political situation, «This phase of violence has come as a bit of surprise to all of us. [...] This time there were no issue. It definitely came as a surprise». 'Ask for the moon but within Indian constitution: Ram Madhav on Kashmir situation', *Hindustan Times*, 29 August 2016.

25. The first and tentative evaluations spoke of «more than 50.000 people» (*Ibid.*); however, former National Security Advisor M.K. Narayanan, namely an extremely well-informed analyst, with an in-depth knowledge of Kashmiri affairs, put the number to 200.000. See M.K. Narayanan, 'Address the «new normal» in Kashmir', *The Hindu*, 10 October 2015.

26. 'Who Was Burhan Wani And Why Is Kashmir Mourning Him?'

27. 'Curfew clamped in all 10 districts of Kashmir', *The Times of India*, 15 July 2016. Jammu and Kashmir is subdivided in three divisions: Jammu, including ten districts; Kashmir Valley, including other ten districts, and Ladakh, including two districts.

65.²⁸ «The protest fatigue, state repression, international apathy towards Kashmir, the social pressures, and heightened tension between India and Pakistan were, according to Professor Gul Muhammad Wani of Kashmir University, the reasons explaining the decline in stone-throwing incidents.²⁹ On 15 October, the general curfew was finally lifted.

The whole cycle of disturbances had some clear-cut features. The first is that, in spite of the over-use of the word «violence» by the Indian media when describing what was happening in the Kashmir Valley, the protests were basically non-violent.³⁰ The second is that the agitation began spontaneously and was carried on quite independently from both Pakistan and armed outfits with a mainly non-Kashmiri membership, such as *Lashkar-e-Taiba* (LeT) and *Jaish-e-Mohammed* (JeM).³¹ The third is that the goal of the protesters was not a future accession of the Kashmir Valley to Pakistan, but *aazadi* (freedom). This, however, does not necessarily mean – and in most cases does not mean – independence from India, and, even less, accession to Pakistan, but, rather, «things like self-determination, independence, autonomy, self-government or devolution of powers».³² In other words, *aazadi* is an objective that could be reached by obtaining a substantial amount of autonomy, along the lines prevailing in Jammu and Kashmir before 1953.

The fourth distinguishing feature of the agitation was that its protagonists were young people,³³ sometimes not older than 10 or 12. Both this and the widespread use of stone pelting induced some commentators to speak

28. Mudasir Ahmad, 'In Kashmir, Nobody is Buying Parrikar's Link Between Demonetisation and Fall in Stone Pelting', *The Wire*, 20 November 2016.

29. *Ibid.*

30. This has been clearly and convincingly argued by senior Indian journalist and analyst Prem Shankar Jha, in a series of illuminating articles on the Kashmir crisis. See, in particular, his 'The Way to Break the Deadlock in Kashmir is Open but Delhi Doesn't Even Know it', *The Wire*, 14 November 2016.

31. See Mir Liyaqut Ali, 'No proof of Pak involvement in Kashmir unrest: Police', *Kashmirawarness.org*, 19 December 2016, and M.K. Narayanan, 'Address the «new normal» in Kashmir' for the non-involvement of Pakistan. Narayanan also stresses the non-involvement of LeT and JeM. According to Narayanan, Hizbul Mujahideen's cadres «were present in sizeable numbers» in the agitation. But, as Narayanan himself admitted, the Hizbul Mujahideen members were «relatively more indigenous», in other words were mostly Kashmiris, and were characterised by «a distinctly different 'terror sub-culture' [from that of LeT and JeM] and identified more closely with the aspirations of the local Kashmiri youth».

32. P. Chidambaram, 'Across the aisle: Kashmir is more than land, it is people', *The Indian Express*, 17 July 2016. For similar assessments see Mani Shankar Aiyar, 'Enraged Kashmiri Youth Will not Be Brought Around Easily', *NDTV*, 22 August 2016, and Prem Shankar Jha, 'The Way to Break the Deadlock in Kashmir is Open but Delhi Doesn't Even Know it'.

33. For a thoughtful assessment of the attitudes of the Kashmiri youth see Fayaz Ahmad Dar, 'Living in a pressure cooker situation', *A needs assessment of youth in India-administered Kashmir*, London: Conciliation Resources, 2011 (http://www.c-r.org/downloads/IPK_youthreport_FayazAhmadDar_WEB.pdf).

of a Kashmiri *intifada*, in spite of some key differences between the situation in Kashmir and that in the Israeli-occupied Palestinian territories.³⁴

The fifth characterising element of the agitation was that, after a first phase in which it appeared to be leaderless and anarchic, the joint committee, which represented the two main factions in which the Hurriyat had previously divided, plus the JKLF,³⁵ assumed control and guided the anti-Indian struggle by issuing precise directives imposing the closing down of economic activities in determined periods of time.³⁶

It is necessary to stress the extreme savagery of the repression carried out by the Indian security forces and the police. Particularly brutal was the systematic use by Indian security forces of 'non-lethal' pellet ammunition, resulting in the blinding of hundreds of demonstrators plus several onlookers who were not taking part in the demonstrations. Even «children as young as four and five» were victims of «multiple pellets in their retinas,

34. The main difference between the Palestinian and Kashmiri question is that in the Israeli-occupied Palestinian territories the local inhabitants are progressively and systematically deprived of their lands and water by Jewish colonists. Nothing like that is happening in Kashmir.

35. With the beginning of the present century the Hurriyat suffered a series of splits which greatly weakened the organisation. See, e.g., Shujaat Bukhari, 'Split, yet again', *Frontline*, 7 February 2014. In 2015, however, the two main Hurriyat factions, the «radical» one, headed by Syed Abdul Gani, and the «moderate» one, headed by Mirwaiz Umar Farooq, came together with Yasin Malik-headed JKLF to form a joint committee. This joint committee appears to have originally been created in order to «hold talks with Kashmiri Pandit migrants to discuss their return to the [Kashmir] Valley». See 'As BJP hardens stand, separatists unite, to march together', *Hindustan Times*, 8 July 2015; 'Separatists to hold talks with Kashmiri Pandits on return to Valley', *The Indian Express*, 17 June 2016 (from which the quotation is taken). The Kashmir Pandits ran from the Kashmir Valley in 1990, when the JKLF-led uprising was at its height and law and order in the valley had completely broken down. How and why the Pandits were forced to leave the valley is shrouded in controversy and the whole episode still expects its historian. A nuanced introduction to the problem is the long Al Jazeera's interview to historian Mridu Rai. See 'Kashmir: The Pandit Question', *Al Jazeera*, 1 August 2011.

36. On this last point see Rohini Mohan, 'Key to Peace Lies With Kashmiri Leaders Delhi Won't Be Talking To', *The Wire*, 4 September 2016. More generally, the characterisation of the agitation given in the present article is mainly based on a series of lucid and in-depth analyses by Prem Shankar Jha, published in *The Wire*. Jha has a long acquaintance with the Kashmir question and visited the valley during the agitation. See: 'How Rajnath Singh Shot India in the Heart', *The Wire*, 28 July 2016; 'The Rise of Kashmir's Second «Intifada»', *The Wire*, 23 August 2016; 'A Framework for Peace in Kashmir Already Exists. All Modi Must Do Is Embrace it', *The Wire*, 24 August 2016; 'A Crucial Throw of the Dice for Democracy in Kashmir', *The Wire*, 1 September 2016; 'With Time Running Out, Delhi Can No Longer Afford to be Complacent in Kashmir', *The Wire*, 15 September 2016. Another useful first-hand analysis is that of former Congress Minister Mani Shankar Aiyar, 'Enraged Kashmiri Youth Will Not Be Brought Around Easily'.

blinding them partially, or fully, for life».³⁷ Pellet guns are supposed to be non-lethal weapons, which discharge led bird-shots, and which should be aimed at the body below the waist. During the July-October disturbances in the Kashmir Valley – which is the only part of India where pellet guns have been widely used since 2010 – it has become clear that the security forces have routinely been aiming at the face of the demonstrators;³⁸ on the top of this, they have started to use «sharp edged and more irregular pellets», which cause more damage and are more difficult to remove.³⁹

During the agitation, according to police figures, 76 civilians and two policemen were killed; 5084 persons were arrested, 500 were detained under the draconian 1987 Jammu and Kashmir Public Safety Act, and an additional 1600 were wanted by the police; 78 buildings were set ablaze; 53 others were damaged.⁴⁰ These figures seem to represent a gross undervaluation of the casualties sustained by the Kashmiris and do not take into account those who have been partially or totally blinded by pellets.⁴¹ Although official data on this are not yet available, «Hospital data has shown that the eyes of more than 1,000 people were pierced by pellets in the ongoing unrest, leading to either complete or partial blindness».⁴²

37. Mirza Waheed, 'India's crackdown in Kashmir: Is this the world's first mass blinding?'

38. In some cases this has been admitted by the police itself. See, e.g., 'Hundreds of Kashmiri protesters blinded by Indian shotgun pellets intended as «non-lethal» crowd control measure', *Independent*, 14 December 2016. It is worth noticing that, although classified as non-lethal weapons, during the 2016 agitation, pellet guns have killed at least eight people, according to official sources, or no less than 18, according to the Jammu-Kashmir Coalition of Civil Society. *Ibid.*

39. 'Kashmir protests: New kind of pellets causing more damage than before', *The Indian Express*, 16 July 2016. More generally, on pellet guns and blinding see Mirza Waheed, 'India's crackdown in Kashmir: is this the world's first mass blinding?'; Ellen Barry, 'An Epidemic of «Dead Eyes» in Kashmir as India Uses Pellet Guns on Protesters', *The New York Times*, 28 August 2016. See also: 'What are pellet guns and why are they lethal?', *The Hindu*, 21 July 2016; 'What are pellet guns and why are they so lethal?', *The Indian Express*, 22 July 2016.

40. The above data are those given by Special Director General of Police S.P. Vaid, reported in Mir Liyaqut Ali, 'No proof of Pak involvement in Kashmir unrest: Police'. See also 'Kashmir witnesses biggest crackdown in two decades, more than 446 arrested in a week', *The Indian Express*, 21 October 2016. For the whole text of the Public Safety Act, see University of Minnesota, Human Rights Library, 'The Jammu and Kashmir Public Safety Act, 1978' (hrlibrary.umn.edu/research/jammu-publicsafetyact1978.html).

41. Casualty evaluations scattered in most of the sources hitherto quoted are at least some 20% higher than the official figures just quoted. For example, at the end of October, the pro-Government NDTV asserted that: «More than 90 people have been killed and over 10,000 have been injured in over 100 days of unrest in Kashmir during clashes between protesters and the security forces». See 'Delegation Led by BJP's Yashwant Sinha Meets Separatist Syed Ali Shah Geelani', *NDTV*, 26 October 2016.

42. 'Rights panel seeks report on people blinded by pellets during Kashmir unrest', *Hindustan Times*, 27 December 2016.

As noted above, on 15 October the general curfew in the valley was lifted. However, this does not mean that either the repression or the popular struggle in the valley was over. The curfew was re-imposed in some parts of the valley, and some key Hurriyat leaders, who had been freed after long periods of detention, were rearrested.⁴³ All in all, however, by the end of the period under review, after «the biggest crackdown in two decades»⁴⁴, an appearance of law and order was restored in the valley. But the scars left were deep and painful and the general attitude of the Kashmiris towards India had definitely worsened. According to the testimony of former BJP Minister Yashwant Sinha, who had visited Kashmir twice during the disturbances as part of a group of concerned citizens, «Earlier, the protests [in the 1990s, and later, during 2008 and 2010] were verging on anger, then full of anger; this time the protest has turned into hatred».⁴⁵

5. New Delhi's reaction to the Kashmiri disturbances

In the year under review, the government of Jammu and Kashmir comprised a coalition between the BJP and a recently created local outfit, the People's Democratic Party (PDP), headed by Mehbooba Mufti. The «Agenda of Alliance» on which the BJP-PDP entente was based clearly stated the coalition government would «facilitate and help initiate a sustained and meaningful dialogue with all internal stakeholders, which will include all political groups irrespective of their ideological views and predilections».⁴⁶ However – and not surprisingly as, in spite of Ms. Mufti being the Chief Minister, the dominant partner in the coalition was the BJP – this engagement had no follow up. Equally unsurprising is that, when, in July 2016, the valley exploded, the state government reacted only through repressive measures, discarding any meaningful political initiative. This resulted in a delegation of the Kashmiri opposition parties approaching Narendra Modi on 22 August. The delegation voiced its concern for the disproportionate use of force against the people in Kashmir and complained about the lack of any political initiative by the state government. Modi – who, up to that point had never made any public statement on what was happening in Kashmir – showed himself duly pained about the situation and emphasized the need of a dialogue to find

43. E.g. Prem Shankar Jha, 'The Way to Break the Deadlock in Kashmir is open but Delhi Doesn't Even Know it'.

44. 'Kashmir witnesses biggest crackdown in two decades'.

45. 'Time is right to open talks in Kashmir, says Sinha', *The Hindu*, 25 December 2016.

46. 'Agenda for Alliance: Full Text of the Agreement Between PDP and BJP', *DNA*, 1 March 2015.

«a permanent and lasting solution to the [Kashmir] problem within the framework of the Constitution».⁴⁷

What followed, however, confirmed once again the eerie similarities between the Palestinian and Kashmiri questions. In other words, a negotiation was slowly and painfully put in motion. However, if one goes beyond the pious platitudes voiced by some key Indian politicians,⁴⁸ the negotiation's only aim soon appeared to be that of buying time, while the policy of repression on the ground continued unabated. The high point of this policy was the decision taken on 12 August at an all-party meeting chaired by Modi to send an all-party delegation in Kashmir «to meet any leader or individual or groups 'including separatists'».⁴⁹ The delegation, headed by Home Minister Rajnath Singh and made up of 26 politicians belonging to 20 parties, went to Kashmir on 4 and 5 September, but was unable to talk with the Hurriyat-JKLF leadership. This left Rajnath Singh in the position to put the blame for the lack of progress on the supposed obduracy of the Hurriyat-JKLF leaders.⁵⁰ However, the position of closure of the Hurriyat-JKLF leaders had some very sound reasons. The first was that there was a long story of negotiations in the 1990s, in 2008, and in 2010, in which the Hurriyat had been involved and which had brought no result at all. Of course, this was a deadlock that could be solved through confidence-building measures, such as the lifting of the curfew, the suspension of the AFSPA, at least in the urban areas, and the stoppage to the use of pellet guns. Also, and rather significantly, the three main leaders who could be seen as representing the insurgents - namely the heads of the two Hurriyat factions, Syed Ali Shah Geelani and Mirwaiz Kashmir Mohammad Umar Farooq, and the leader of the JKLF, Yasin Malik - were all detained or under house arrest. Of course, to free them could have been a good way to facilitate a meaningful negotiation. However, this action was not taken.⁵¹

47. 'Modi hints at Kashmir talks, says need to find a permanent solution», *Hindustan Times*, 22 August 2016.

48. Among these, the prize goes to Modi's declarations during his monthly radio programme *Mann Ki Baat* in late August. Modi declared that «*ekta*» (unity) and «*mamata*» (love) were the basic mantras for addressing the Kashmir problem. Significantly, he continued by decrying «those pushing children to create unrest», adding that those responsible for it would have «to give an answer to those 'innocent' kids some day». 'Unity And Love Are Basic Mantras To Address Kashmir Problem: PM Modi', *NDTV*, 28 August 2016.

49. 'All-Party Delegation To Kashmir To Include Arun Jaitley, Ram Vilas Paswan, Asaduddin Owaisi', *NDTV*, 2 September 2016.

50. 'Kashmir is, was and will always be an integral part of India: Rajnath Singh in Srinagar', *First Post*, 5 September 2016.

51. Rohini Mohan, 'Key to Peace Lies With Kashmiri Leaders Delhi Won't Be Talking To', *The Wire*, 4 September 2016; 'Why only obscure groups and individuals met All Party Delegation in Kashmir?', *Tehelka*, 7 September 2016; Prem Shankar Jha, 'With Time Running Out, Delhi Can No Longer Afford to be complacent in Kashmir'.

At the end of the day, the all-party mission in Kashmir did not bring about any result⁵². Not even the limited but in a way highly significant measure of giving up the use of pellet guns was taken. This was a measure that had explicitly been advocated by an important member of the all-party delegation, CPI-M General Secretary Sitaram Yechury, and the leader of the opposition in the Rajya Sabha, Congressman Ghulam Nabi Azad.⁵³ In mid-October, the home minister officially approved the use of PAVA shells, bullets filled with chili, in place of the infamous pellets, and, later, vindicated his decision as an answer to the preoccupation raised by those who criticised the employment of pellet guns.⁵⁴ However, the plain truth is that pellet guns continued to be used in the Kashmir Valley for the whole period under review, as shown by the observation that, still in mid-December, both the Jammu and Kashmir chief minister and the Supreme Court were invoking a more restrained and less mindless use of pellet guns.⁵⁵

After the failure of the All-Party Delegation mission to Kashmir, a diplomatic channel was still kept open by two successive missions headed by former BJP Minister Yashwant Sinha. Sinha was able to meet Geelani and Mirwaiz Umar Farooq and discuss the situation with them. Yet it is unclear if Sinha was leading a Trak-2 diplomatic mission on behalf of the Indian government – something which he denied – or if his was only a fact-finding mission by a group of concerned private citizens.⁵⁶

6. *The Indian public opinion reaction to the Kashmiri disturbances*

In a way, the BJP tepid reaction to the Kashmir disturbances is not surprising, given its long-standing ideological bent of complete closure towards the political aspirations of the only Muslim majority state in the Indian Union. But it is true that the positions of the other political forces,

52. 'Kashmir unrest: All-party delegation ends visit without any breakthrough', *The Indian Express*, 5 September 2016.

53. 'All-party delegation to Kashmir: Congress, CPI(M) pitch for talks with Hurriyat, ban on pellet guns', *The Hindu*, 3 September 2016. At the time the number of those blinded by pellets was estimated to be 450. Rohini Mohan, 'Key to Peace Lies With Kashmiri Leaders Delhi Won't Be Talking To'.

54. 'Rajnath clears use of chilli-filled PAVA shells as alternative to pellet guns', *The Hindu*, 18 October 2016.

55. 'Try Not To Use Pellet Guns: Mehbooba Mufti To Security Forces,' *NDTV*, 14 December 2016; 'Apply Mind Before Using Pellet Guns In Kashmir, Says Supreme Court', *NDTV*, 15 December 2016.

56. Prem Shankar Jha, 'The Way to Break the Deadlock in Kashmir is Open but Delhi Doesn't Even Know it'; 'Delegation Led by BJP's Yashwant Sinha Meets Separatist Syed Ali Shah Geelani'; 'Time is right to open talks in Kashmir, says Sinha', *The Hindu*, 25 December 2016; Yashwant Sinha, 'Why Kashmir Is So Angry With Us', *NDTV*, 27 December 2016.

including the main opposition party, the Congress, have not been substantially different.

There was only a conspicuous although solitary exception to the attitude of complicity of the main Indian political parties and politicians to the repression in Kashmir. This was the public standing by former Congress minister and senior leader P. Chidambaram. In 2010, Chidambaram authored a proposal for the implementation of a substantial dose of autonomy to Jammu and Kashmir, along the lines prevailing before 1953. In the words of another former Congress Minister, Mani Shankar Aiyar, «former Congress Home Minister [P. Chidambaram] had suggested that we begin with 1947, when the state's accession was accepted with only three subjects allotted to the centre [Defense, Foreign policy and Communications], and then work our way over the next seven decades to determine what Indian legislation they [the Kashmiris] wanted withdrawn and what left operational». According to Aiyar, «this suggestion had in fact been taken by the [Home] minister, when he was [Home] minister, all the way to the cabinet committee concerned». Unfortunately, the resistance to Chidambaram's proposal inside his own party had been so powerful that, despite the Home Minister's remarkable political weight, the proposal itself had been shelved, without becoming public domain.⁵⁷

At the beginning of the 2016 disturbances, Chidambaram had gone on record in both an article published in a well-known Indian daily and in an interview to India Today television saying the approach of both the Jammu and Kashmir and national governments to the Kashmir question «was wrong». «We ignored the grand bargain under which Jammu and Kashmir acceded to India», he had said; and had gone on, stating: «I think we broke our promises, we broke the faith of the people of Kashmir». Chidambaram had hinted at the «small beginning» made in 2010, which, however, in a government that «was sharply divided» on the Kashmir question, came to naught. In particular, in Chidambaram's reconstruction, the main obstacle to an innovative solution was that «the political leadership [was] unwilling to overrule the defence establishment»⁵⁸

Chidambaram's positions could have been a meaningful political platform if officially taken up by his own party. The Congress, however, maintained a low profile on the whole Kashmir question and openly dissociated itself from Chidambaram's standing.⁵⁹

57. Mani Shankar Aiyar, 'Enraged Kashmiri Youth Will Not Be Brought Around Easily' (from which the quotations have been taken); see also Prem Shankar Jha, 'A Framework for Peace in Kashmir Already Exists. All Modi Must Do Is Embrace it', and his 'A Crucial Throw of Dice for Democracy in Kashmir'.

58. 'After Jyotiraditya's call for plebiscite, Chidambaram seeks «more autonomy» to Kashmir', *Znews*, 21 July 2016 (from which the quotations are taken); 'Chidambaram suggests solution for Kashmir crisis', *The Hindu*, 21 July 2016; P. Chidambaram, 'Across the aisle: Kashmir is more than land, it is people'.

59. 'Congress distances itself from P Chidambaram's remarks on Kashmir', *The Indian Express*, 17 August 2016.