



Vivekananda International Foundation

# Jammu & Kashmir

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**Review of Developments  
Post the Abrogation of Article 370**

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# **J&K: Review of Developments Post the Abrogation of Article 370**

On August 5, 2019, in a historic move, the Government of India (GoI) abrogated Article 370, ending the semi-autonomous status of Jammu and Kashmir (J&K). With that, a decision was also taken to bifurcate the state into the two centrally-administered union territories (UT) of J&K, and Ladakh. Alongside, the government also decided to repeal Article 35A of the Constitution that defined the permanent residents of the state. It may be recalled that this provision was inserted in the Constitution in 1954 through a Presidential Order. These decisions heralded a new phase in Kashmir's history, promising the people of the state a future of development and peace.

More than a month and a half have passed since the event and our initial assessment of the event in an article titled 'Kashmir - A New Chapter Begins' <sup>1</sup>, published by the Vivekananda International Foundation (VIF) on August 9, 2019. The paper also discussed in detail the conditions that necessitated the abrogation of Article 370, in the interests of national security and for the economic development of J&K. This essay is an attempt to review the sequence of events following the August 5 announcements - at ground zero in Kashmir -within the global diplomatic community and in the international media-cum-think-tank world.

## **Report from Kashmir**

Over the past months, the security situation in Kashmir has remained remarkably peaceful and under control. Obviously, the overall plan of GoI pivoted on

the maintenance of peace and order in the state, particularly in the Kashmir Valley. The entire security apparatus in Delhi and in the state have been keenly monitoring daily developments and fine-tuning the measures required to prevent any eruption of organised violence.

The security scenario, barring a few minor incidents of stone-pelting, has remained extraordinarily peaceful. In the entire period under review, there have been only five civilian casualties. Of these, two people drowned, while one died from an injury caused by the stone pelted by a protester <sup>2</sup>. The massive security deployment, communications lockdown, and detention of trouble makers have been instrumental in averting civilian unrest and casualties. Interestingly, South Kashmir which has been the hotbed of militancy post the 2016 Burhan Wani encounter, has remained largely peaceful. Minor incidents of stone-pelting and protests were witnessed on a few occasions in Srinagar. As regards militancy, the internet lockdown made communication and movement immensely tricky.

Barring the Sopore attack in which four members of a family, including a three-year-old girl got injured <sup>3</sup> and the killing of a shopkeeper <sup>4</sup> in Srinagar, no major terror incident has been recorded. On September 11, Lashkar-e Taiba (LeT) commander Asif Bhatt <sup>5</sup> was killed in a police encounter in Sopore. According to informed interlocutors, attendance in government offices has gradually improved to above 70 percent, and is lately as high as 95 per cent. The attendance of teachers and students in schools is also, after initial hesitancy, showing an impressive increase.

The GoI's parallel agenda of initiating development is visible in the local administration's focus on rural development even in the present critical situation when maintaining law and order has been the top priority. All medical institutions are open and rendering prompt service. So far, no shortages of medicines and essential commodities, have been reported. Private transporters have started functioning well. Several prominent journalists travelling to Kashmir maintain that they did not face any transportation issues, though understandably, the demand has been low.

Internet kiosks for selective official use and private business use have been established in all the districts of Kashmir. Lately, even communication restrictions have been largely withdrawn. Landlines have started functioning and, on a selective basis, even mobile services are being restored. Banks and ATMs are functioning properly in all the districts. In some media quarters, it is being alleged that because of curfew businesses are not opening and the markets are shut. In field trip, one could find that there are no restrictions from the government side. Militants are threatening people to keep the shops closed. It is also witnessed that markets are opening in the nights. Fruit trade may not be happening in Mandis and but on the road sides one can find flourishing fruit trade in the night.

The state administration under the leadership of chief secretary has strengthened its delivery mechanism and public outreach activities in an impressive and praiseworthy manner. Srinagar residents are fulsome in their appreciation for Divisional Commissioner Bashir Khan's sincere outreach to the diverse sections of society like fruit traders, carpet-sellers, vegetable vendors, students, newly elected Panchayat leaders and members. They especially appreciate that there was no shortage of meat, during Eid, that followed soon after the event. According to many locals, goats and other essential commodities were even delivered at people's doorsteps in various areas. The success of public outreach efforts was visible in a recent meeting of Home Minister Mr. Amit Shah's meeting in Delhi with Kashmir's Panchayat leaders, fruit-sellers and other residents. The delegation of the residents stated that the abrogation of Article 370<sup>6</sup> was a moment of liberation for Kashmir as it would unleash the immense development potential of the state. They also said that political dynasts had mostly cornered the benefits from the special status of the state, while common people suffered immense misery. A bit of research for this piece reveals that the grievances of the people relating to local issues coming from the people of Kashmir staying in other parts of the country on Twitter are getting the immediate attention of the civil administration and the security forces. Here again, the Kashmir divisional administration has led the campaign. The dedication and efforts of the local administration and the security forces deserve appreciation.

Mr Ajit Doval, the National Security Advisor, widely regarded in Kashmir as one of the key architects of the decisions,<sup>7</sup> has said that the majority of Kashmiris support the abrogation of Article 370. Several commentators have countered this with the argument that if the situation is so normal, then why have a number of political leaders been detained, and why is there still a security and communication lockdown?

After observing the course of militancy and state governance from close quarters it can be emphatically said that these doubts reflect a biased and shallow understanding of the problems of Kashmir. First and foremost, it needs to be clearly understood that ordinary folk in Kashmir were immensely frustrated by the political dynasts and their corruption, poor governance, dubious loyalties, and nepotism. Since a large majority of them have been detained, exposed, and interrogated in corruption and terror financing cases, people are rejoicing over their arrests and the abrogation of Article 370. Though the dominant narrative in the local media portrays Article 370 as a question of Kashmir's identity, a majority of the people feel that in effect Article 370 had promoted nothing except corruption, poverty, misery, poor infrastructure, nepotism, fraud recruitments, unemployment, isolation, militancy, religious extremism and lack of development. Article 370, in popular perception, had become an instrument to fill the coffers of political and religious elites and to subject the ordinary people to their authoritarian dictates, always blaming Delhi for their misdeeds and incompetence. The dubious loyalties of some of the top separatist, mainstream political, media and religious leaders was an open secret.

Former Chief Minister Mehbooba Mufti had said that those who would tamper with Article 370 would bury their hands!! Well, her public support was more than evident in the less than two per cent<sup>8</sup> voter turnout in her Anantnag parliamentary election, which she lost. Such a miserable voter turnout for the former chief minister, inheritor of Mufti Saheb's political legacy, indicates the alarming levels of alienation and resentment against the mainstream politicians! As admitted by a well-informed resident, this time around, even the separatist Hurriyat cadres

are happy at the government action against corruption and nepotism. Informal sources also maintain that Hurriyat deliberately decided to stay aloof from mainstream political players on the issue of Article 370. They complained that the mainstream actors enjoyed the privileges of power and got others' kids to pelt stones. They argued that if they had a good public base, they should have led the agitation against Delhi's decisions. However, as expected, ordinary people did not show any sympathy for the mainstream political players in the form of any protest, unrest, or hartal.

On a recent discussion programme aired on News X TV on the subject of 'Valley after Article 370' <sup>9</sup>, veteran journalist Rahul Pundita who covered Kashmir immediately after the August 5 decision, stated that the silent majority supported the abrogation of article 370. As a panellist in that discussion, I shared my findings that the Gujjar-Bakarwals, Shias, people in Jammu and Ladakh regions and a decent number of Sunni Muslims in the Valley supported the abrogation of Article 370. One of the factors that prompted the government to take this decision was the credible intelligence and reports of independent researchers that suggested that people were fed up of the militancy and conflict and despised the hypocrisy of the separatists and mainstream political leadership. They were looking for a genuine transformation and a changed narrative of good governance, peace, employment, and development. The fact that people did not react in the manner visualized by the terrorist masterminds based in Pakistan, is now driving the militants to the point of desperation. According to well-informed interlocutors, militants are trying to terrorise the people into submission, thus forcing the government to continue to maintain a civil curfew. Those who want to open their shops and restore normalcy, are being threatened, intimidated, and killed. Asif Bhatt, LeT militant who was neutralised on August 11 at Sopore, killed a two and half-year-old girl to prevent her father from opening his shop <sup>10</sup>!!

Admittedly, the people are facing hardships because of the security and communications restrictions. They are not able to contact their kith and kin in Kashmir and those based out of Kashmir. People standing in the long queues



for making telephone calls and are expressing their resentment, discomfort, and frustration. That said, it is largely admitted that the security and communications lockdown was a compulsion. It was an evil necessity because Pakistan and its cyber jihadis have successfully weaponised the Internet as an instrument for spreading unrest and engineering protests after the encounter death of militant Burhan Wani in 2016. The massive protest that followed the spread of fake news, rumours, and hate-mongering on social media led to 145 civilian casualties <sup>11</sup> with 42 deaths <sup>12</sup> taking place in the very first week after Burhan's encounter. Further, such protests were stage-managed by key coordinators and over ground workers (OGW) of Hurriyat and militants.

For the reasons mentioned above, the state administration had no option but to suspend internet services. Agreed that it is a suppression of the freedom of expression; however, the right to life has to be accorded precedence over other rights. No sane person would say that these measures were wrong in such a critical situation and, to an extent, that is continuing even now, though with a limited spread. Some key politicians have been kept under detention because they are likely to use the political space and freedom to incite people into violence. Such hate-mongering and destructive politics have the potential to wreak havoc on peace and security. Also, it is to the credit of the state administration and security forces that the last one month has been remarkably peaceful with just five civilian deaths.

Further, the administration made sure that the people faced the least discomfort. Within three days, by August 8, 2019, the state government had relaxed the curfew in the Jammu region, Doda and Kishtwar <sup>13</sup>. As of now, in the Kashmir region, restrictions have been lifted from most areas, barring few pockets of Srinagar <sup>14</sup>. Landlines have been restored in large parts of the state. Internet curbs will also be relaxed soon, depending upon the security threat assessment.

## **Ripples in the Global Diplomatic Community**

This is one area where there are conflicting perceptions regarding the effectiveness of India's diplomatic efforts. There is a view that the South Block was a bit slow in its diplomatic outreach in the first week or two and that Pakistan quickly seized the initiative, accusing India of changing the status quo by abrogating Article 370 and 'brutally suppressing the liberties of the people'. India, however, quickly recovered with deft diplomacy and has since been immensely successful in getting the global diplomatic community to firmly endorse GoI's actions/decisions in Kashmir as an "internal affair" of India. Further, the magnitude of support that India has received from its friends across the globe, including in the multilateral institutions, speaks volumes about the faith of the world community in our robust democracy, secularism and the humanitarian principles enshrined in our Constitution.

As expected, Pakistan had severe objections to the August 5 decision. In protest, it suspended bilateral trade, expelled the Indian envoy, recalled its own envoy, and cancelled the Samjhauta Express<sup>15</sup>. The was because the decision dealt the most severe blow to the Pak-sponsored terror infrastructure in Kashmir and it all happened without the firing of a single bullet. Hence, Pakistan's frustration and desperation are quite understandable. Prime Minister Imran Khan's outbursts on social media about detentions and internet suspension and his emotionally-charged out-pourings on other public platforms, have crossed the limits of sane and civilised language, by calling a democratically elected government as "fascist<sup>16</sup>" and "supremacist<sup>17</sup>". In one of his speeches, he even threatened nuclear war in his attempt to persuade the world community to pressurise India to revoke its decision. Such a reaction appears to be a well-calibrated strategy to provoke India into action on the border, hoping for the intervention of world powers and internationalisation of the Kashmir issue. Pakistan also accused India of "forcibly changing"<sup>18</sup> the demography of the state of J&K.

However, Pakistan's repeated exhortations failed to muster diplomatic support because of the trust deficit within the international community with regard

to Pakistan on account of its continued harbouring of jihadists and its poor record of human rights, democracy and civil liberties. Only its close ally, China, which had left no stone unturned to protect the Pulwama-mastermind and the global terrorist Masood Azhar from being labelled as UN-designated terrorists, supported Pakistan. China termed India's move "unacceptable"<sup>19</sup> and accused India of "hurting Chinese sovereignty by unilaterally changing domestic laws"<sup>20</sup>. However, China's complaint lacks credibility because it has forcefully captured Aksai Chin (part of Ladakh) in 1962<sup>21</sup>. Further, China had received the Shaksgam Valley (part of Pakistan Occupied Kashmir, or the PoK) from Pakistan as a gift. That area never belonged to Pakistan and it had no legal right to give it away to China<sup>22</sup>.

At China's request<sup>23</sup>, the matter was subjected to an informal closed-door consultation in the UN Security Council (UNSC). Poland, the current president of UNSC, rejected Pakistan's plea to discuss the matter and bluntly advised Pakistan to find a bilateral solution<sup>24</sup>. It was only after China, a Permanent Member of the UNSC, made a special requests that the case was taken up. It may be noted that informal consultation is the lowest level of UN action on any issue and is not of any significant geo-political value. The UNSC did not even release a formal statement after the closed consultation<sup>25</sup>. That said, the request to UNSC blatantly exposed Pakistan's duplicity because Pakistan had categorically agreed to resolving the Kashmir issue only through bilateral talks in accordance with the Shimla Agreement of 1972.

Interestingly, in a 75-minute long UNSC consultation, the US, France and most of the non-permanent members supported India's contention that the recent decisions on Kashmir constituted 'internal affairs' of India<sup>26</sup>. However, the Russian and British stand sparked some curiosity. The UK, while supporting India's contention, expressed grave concerns about the "human rights situation" and also backed China with regard to the official statement<sup>27</sup>. Dmitry Polyanskey, Russia's Deputy Permanent Representative to the UN, in a tweet, surprisingly urged India and Pakistan to resolve Kashmir through bilateral dialogue but also in line with

the relevant UN Charter and resolutions<sup>28</sup>. However, Indo-Russian relations are time-tested and robust and Russian resolve to fight terrorism is unqualified.

The UK's response raises serious concerns, reflecting its internal crises on account of the fast-rising Jihadi radicalization in UK. UK's attitude on the Kashmir issue has an element of colonial baggage that makes it suspect. Strategic affairs observers never expected unqualified support from the UK as it has to cater to a strong Islamist constituency in its domestic politics. After the abrogation of Article 370, local Pakistanis staged violent protests outside the Indian High Commission in central London and around<sup>29</sup>. Clearly, the local authorities exhibited a degree of complicity by not enforcing laws relating to the maintenance of public order and ensuring safety of our diplomatic mission despite advance information. This raises serious questions about the role of local government authorities.

These minor irritants apart, India's diplomatic out-reach was visibly successful at the G7 Summit at Biarritz, France. Being itself a victim of jihadi terrorism, France displayed great deal of sensitivity towards India's security concerns in Kashmir and ensured that the Kashmir issue was not tabled in the G7 Summit<sup>30</sup>. Further, PM Modi categorically stated that there were several other issues between India and Pakistan that were bilateral in nature, thus reaffirming the bilateral<sup>31</sup> nature of Kashmir issue. Even US President Donald Trump who had earlier talked of 'mediation', admitted after meeting PM Modi that the Kashmir issue should resolved through bilateral dialogue. This also put an end to the confusion generated by his previous offer of mediation on Kashmir and the US government's official stand of treating Kashmir issue as a bilateral dispute<sup>32</sup>.

An array of encouraging and exciting responses came from the Muslim world. The UAE was most forthcoming in supporting India's action in Kashmir<sup>33</sup>. Saudi Arabia urged restraint and expressed its concerns over the crisis. The Saudi statement made no reference to Kashmir and called for peaceful settlement in line with international resolutions<sup>34</sup>. Others like Bahrain, Kuwait, Qatar, and Oman did not issue any official statements<sup>35</sup>. Iran allowed a symbolic protest outside the

Indian embassy in Tehran. The Iranian foreign office was measured and moderate in its response, calling for dialogue and peace between India and Pakistan <sup>36</sup>.

A closer analysis reveals that economic and strategic interests outweighed the ideological and religious considerations in the Muslim world's response. There are more than seven million <sup>37</sup> Indian expatriates in the Gulf States who play an important role in the region's economy rendering services as doctors, engineers, teachers, drivers, construction workers, and other labourers. Indians constitute 30 per cent of the UAE's population. UAE's bilateral trade with India has surpassed USD 50 billion, making it its second-largest trade partner. Further, Indian investment in UAE amounts to USD 55 billion, and as reported by MEA, Indians are the largest investors in Dubai's real estate market. DP World, Dubai's global port operator, has plans to develop a logistics hub in J&K <sup>38</sup>.

Saudi Arabia is home to 2.7 million <sup>39</sup> Indians and is our second-largest oil supplier after Iraq. Bilateral trade between India and Saudi Arabia stands at USD 28 billion <sup>40</sup>. Saudi Arabia's state energy group ARAMCO is set to acquire a 20 percent stake in Reliance Industries' (RIL) Oil-to-Chemical business for an enterprise value of USD 75 billion <sup>41</sup>. Saudi Arabia and UAE are jointly building a mega refinery in India at an investment of USD 60 billion <sup>42</sup>. On the other hand, with Saudi's trade with Pakistan stands at USD 3.7 billion and that of the UAE stands at USD 8 billion <sup>43</sup>. Further, the Saudi response also needs to be seen in the context of its complicated relationship with India and Pakistan. Besides, the Saudi stand also relates to concerns emanating from its rivalry with Turkey and Iran over the leadership of the Muslim World. In this context, it should be mentioned that Pakistan's continuing bonhomie with Iran irks Saudi Arabia more and more as sectarian dynamics are gaining ground in the Middle East geopolitics. Further, Pakistan's neutrality on the issue of the Saudi-UAE economic blockade of Qatar and its refusal to join Saudi forces against Yemen also might have influenced the Saudi and UAE response <sup>44</sup>.

It was only Turkey that gave full-fledged support to Pakistan. India's trade with Turkey amounts to less than USD 7 billion annually <sup>45</sup>. Besides, Turkey seems

to be peddling a hidden Islamist agenda in Kashmir in the garb of human rights and Kashmiri self-determination. Turkish outreach towards Indian Muslims in Kashmir and other Indian states in order to fuel religious extremism and radicalisation has been discussed at length in a recent article published in *Haaretz*<sup>46</sup>. It also merits attention that Turkey's response to India's decision is rooted in the devious and dangerous geopolitical ambition of President Erdogan that is already shaping new alliances in the geopolitics of the Middle East.

While reviewing the extent of the support garnered by India in the Islamic countries, it also deserves mention that several Islamic countries (UAE, Bahrain, and Saudi Arabia) have awarded PM Modi with their highest civilian honours<sup>47</sup>. Timing of the awards showed that it was not pure business that motivated their response, but also a faith and conviction in India's sincere intent to develop Kashmir and usher in peace, apart from its secular credentials. Further, PM Modi's outreach and his excellent inter-personal relations with the nation-heads of the Muslim world played an instrumental role in garnering their support on the Article 370 issue.

Even the Gulf countries realise that Pakistan has been supporting jihadi extremism and terrorism. Pakistan's use of radical and Islamist clerics and its misinterpretation of Islam in pursuit of its strategy against India violates the spirit of Islam, bringing disrepute to the religion and the Muslim world. In this context it may also be mentioned that Pakistan is currently facing Financial Action Task Force (FATF) action for sponsoring terrorism and that the Gulf Countries may be reluctant to be seen as being allied with the terror-sponsoring state.

### **Pakistan's Diplomatic Assault at UNHRC and upcoming UNGA Session**

Currently, India is facing Pakistan's diatribe in the United Nations Human Rights Council (UNHRC), wherein Islamabad has questioned India's democratic credentials, alleging that over 6000 people have been arrested in Kashmir without due process. Pakistan requested the UNHRC to set up an inquiry commission to investigate the alleged human rights violations. Indian diplomats have given Pakistan a befitting reply, branding the allegations as a blatantly "fabricated

narrative” coming from a country that is globally recognised as the “epicentre of global terrorism”<sup>48</sup>. The head of the Indian delegation at UNHRC said that Pakistan uses “cross-border terrorism as a form of alternate diplomacy”. Further, the Indian statement said that abrogation of Article 370 will ensure that the progressive features of Indian Constitution like ‘affirmative action’ are also accorded to the citizens of J&K and Ladakh<sup>49</sup>. Another Indian diplomat Vimarsh Aryan added: Pakistan’s rhetoric will not distract international attention from Pakistan’s persecution and elimination of religious and ethnic minorities—be it the Christians, Sikhs, Shias, Ahmadiyahs and Hindus. This is the reason that Pakistan no longer publishes official statistics about its minorities, as India does<sup>50</sup>. Pakistan has already lost credibility because of its poor human rights track record in the Baluchistan and Pashtun areas. Pakistan is notorious for the ill-treatment of its ethnic and religious minorities like Shias, Hazaras, Hindus, Sikhs, and Christians. Forced conversions of non-Muslim girls are rampant in Pakistan. Hence, Pakistan’s arguments at the UNHRC can hardly make any impact.

In September, India faced the comity of nations in UN General Assembly (UNGA) on the Kashmir issue. Foreign minister S. Jaishankar has done a commendable job in projecting a convincing case for India’s move. He has been travelling to world capitals explaining India’s compulsions, intentions, and motivations behind the historic decision. Besides, the Indian narrative has the legal and moral high ground. Hence, in the last leg of the diplomatic outreach, India will successfully romp home.

From September 17 to September 30), India faced the comity of nations in UNGA on the Kashmir issue. Prior to this, Foreign minister S. Jaishankar had already done a commendable job in projecting a convincing case for India’s move. He travelled to world capitals explaining India’s compulsions, intentions, and motivations behind the historic decision. Besides, the Indian narrative also had the legal and moral high ground. PM Modi began his UN speech<sup>51</sup> with the relevance of Gandhian principles of truth and non-violence for peace and development in the world. Though he did not make any direct reference to Pakistan, he categorically

expressed India's firm resolve against terrorism. He also emphasised the need for the world community to firmly unite against terrorism. His speech mentioned in detail about India's intent to pursue serious development efforts and the achievements so far. Though he did not mention Kashmir, his focus on India's developments efforts and environmental conservation efforts expressed India's intent of ridding Kashmir of Pak-sponsored terrorism and usher in an era of peace and development. Finally, he also emphasised the need for multilateralism in diplomacy and the desire to cooperate beyond borders. His speech ended with India's message of peace and harmony to world community.

On the other hand, Imran Khan's speech was full of violent and insane rhetoric, reflecting Pakistan's anguish and destructive intentions in no uncertain terms. He threatened India with a bloodbath in Kashmir after the withdrawal of curfew restrictions. First of all, except internet and mobile phones, all kinds of freedoms have been restored in Kashmir and everyday life's normalcy is more than evident in businesses, marriages, religious congregations and social events, as mentioned above in this piece. Nothing in Kashmir shows signs of an impending bloodbath. However, it is a different matter if Pakistan and its terror machinery have such designs, as they have always had them in the past. Such designs are doomed to fail because the people of Kashmir are realizing what Pakistan has done to their peace and development in the past three decades.

Further, Imran Khan's speech<sup>52</sup> also reflected a veiled threat to India. However, it must be clear that India is militarily powerful and will never succumb to any kind of nuclear blackmail. India's nuclear doctrine clear states "No First Use" but it reserves the right of disproportionate retaliation in the event of any nuclear attack. India seeks to promote peace, but from a standpoint of strength. Hence, in the last leg of the diplomatic outreach, India has successfully romped home and Pakistan's vicious designs stand exposed in front of the world community.



## **South Asian Support**

In South Asia, Bangladesh, Maldives, and Sri Lanka have all backed India's decision on Kashmir as its internal matter. Nepal however did not issue any official statement<sup>53</sup>. Its misleading interpretations can be disturbing for the age-old but rather delicate Indo-Nepalese relations. However its discomfiting silence compels one to suspect that its leaders are trying to maintain neutrality, not realising that India genuinely expects support from a close neighbour on issues involving our core interests. And Kashmir certainly comes within the ambit of India's core interest.

## **US Offer to Mediate**

At the end of this section on the response of the global diplomatic community, one would like to discuss US President Trump's offer of mediation on Kashmir. On July 22, 2019, during Imran Khan's US visit, President Trump described Kashmir as a "complicated issue" and offered to mediate to resolve the dispute<sup>54</sup>. India promptly and firmly denied Trump's claim that PM Modi had requested him to intercede. Foreign Minister S. Jaishankar made it clear to the US that Kashmir was a bilateral issue and there was no scope for third-party mediation. Following that, the US State Department issued a clarification stating that the US views Kashmir issue as a bilateral dispute between India and Pakistan, and that the US would welcome the two countries sitting down for talks. After a few days, Trump once again made a qualified statement that the offer for mediation was still on the table.

Though the US supported India's action in the UNSC, Trump's mediation offer raises some serious concerns. After the July 22 offer, some journalists and security experts went to the extent of suggesting that India's decision to abrogate Article 370 and bifurcate J&K into two Union Territories, was taken to firmly negate any move based on President Trump's mediation offer. However, there was no basis for such conjectures which lacked any concrete evidence and were based on hearsay and journalistic fantasies. India's decision to abrogate Article 370 was prompted by more significant and longstanding issues. It had been on the cards for long

in view of the rising militancy, economic underdevelopment, corruption, bad governance, and radicalisation in the state.

Was Trump's mediation offer linked to the American policy initiatives/objectives in Afghanistan? Arun Singh, India's former Ambassador to the US <sup>55</sup> has suggested that Trump's mediation offer on Kashmir was a "transactional ploy" to secure "more cooperation from Pakistan in the context of Taliban in Afghanistan." Trump will be seeking a second term next year. He would like to face the electorate after fulfilling his campaign promise of withdrawing US troops from Afghanistan. According to independent observers, the Americans' desperation to get a deal with the Taliban suggests an abject surrender to the Islamist and jihadi forces.

After the Islamic State of Iraq and Syria (ISIS, or IS) debacle in the Middle East, Afghanistan is today even more vulnerable to jihadi extremist forces. It has vast ungoverned places, which have the potential to become havens for IS terrorists who have already entrenched themselves in Nangarhar in Eastern Afghanistan (Jalalabad). Of late, the IS has executed some of the most brutal suicide bombings in Afghanistan. Traditional terror groups like the Haqqani Network and the Taliban are still well-entrenched in their bases. With US withdrawal, the years of hard work to establish a democratic government and a functional modern administration, will come to naught. India's significant investments in reconstruction and development, and the goodwill earned, would stand threatened. Further, in all likelihood, the Af-Pak region could re-emerge as the jihadist epicentre of the world, seriously threatening security in Kashmir and the rest of India, possibly even beyond. The mujahidin rendered jobless after the US withdrawal could well be used by Pakistan to revive terrorism in J&K.

How fragile the foundations of the talks, now declared dead, with an inherently anti-democratic and extremist organisation were, is amply demonstrated by the recent cancellation of the US talks <sup>56</sup> with the Taliban after the car-bomb explosion on September 5 in Kabul's diplomatic enclave that killed 12 people, including one American soldier. Earlier, on September 2, 16 people were killed in a Taliban

attack and 100 were injured<sup>57</sup>. May be the Americans wanted to rush into a peace deal with Taliban for short-term electoral compulsions, which in fact was seen by many as thoughtless appeasement. There is a strong possibility of a large section of Taliban defecting to the IS after the US withdrawal. Hence, the US' now aborted short-sighted move could have proved disastrous not only for Afghanistan and India, but even for world peace. Further, it is noteworthy that the Taliban and Haqqani Network, and now the IS, cannot be subdued without decisive action against the original sinners, i.e., their masters and planners based in Pakistan.

Initially, Trump and his NSA John Bolton displayed a nuanced understanding of terrorism in South Asia when they spotted the real culprits in Pakistan and tightened their scrutiny on Pakistan through FATF action and cancellation of financial and military aid. However, it was apparent that in its current desperation to clinch a deal with the Taliban, the US was once again falling into the same trap that previous US governments had fallen into by over-trusting Pakistan. Rather than the near-total unilateral withdrawal from Afghanistan, there is a view that the US should tackle the problem head-on, by initiating firm action against Pakistan in all the spheres - diplomacy, military, and economy - if it wants long-term peace and stability in the region.

As to Trump's mediation offer, it may be mentioned that it would be insane to squander away the trust and goodwill established between India and the US by trying to appease a rogue state with a notorious record of abetting terrorism. Though the US State Department did clarify its stand on the issue, such random diplomatic misadventures can seriously dilute the level of trust between the two countries. The relationship cannot always be seen from the narrow prism of "transactionalism". The US offer of mediation feeds in to Pakistan's sinister motives of internationalising the Kashmir issue despite its commitment to solve it bilaterally. India has always been averse to any third-party-mediation in the Kashmir issue, and it expects its "natural ally<sup>58</sup>" to understand and appreciate its concerns regarding the bilateral nature of the Kashmir issue. A nuanced and objective understanding of the philosophical foundations and the evolution of

India's foreign policy reveals that interference and dictation in the matters of buying weapons and oil can only lead to avoidable frictions and a trust-deficit.

### **Prestigious Global Opinion-makers' Biased Reporting**

Over the last month, as was expected, the Kashmir initiative received wide coverage in the national and international media. What was not expected, however, was the totally biased narrative that defied all established norms of fair and balanced reporting. The majority of national media portals resorted to a blatant and undignified display of triumphalism, fuelling hyper-nationalism and jingoism. Their tone and tenor portrayed the move as some sort of aggression and annexation. On the other hand, most of the reputed international names like the *New York Times*, *Foreign Policy*, *The Independent*, *The Guardian*, and *Al Jazeera* went to the other extreme of portraying India as an aggressor and a violator of human rights. The upshot of their analysis was that ever since PM Modi came to power, India has been rapidly slipping into autocracy and Hindu extremism, and suggesting that the nationalist government was intolerant of autonomy enjoyed by the only Muslim-majority state. Their narrative went on to spread rumours that the government was planning to change the demography of J&K. One also come across outlandish comparisons being drawn with the Palestine issue. Further, fictitious fears were raised about the future of secularism and minority communities in India. Another major plank of the media criticism was the security and communication lockdown, and detention of the political leaders. The rhetoric focused on the alleged human rights violations, torture, the heavy-handedness of the security forces, and denial of fundamental rights that are guaranteed by the Indian Constitution to its citizens.

An analysis of the write-ups in a majority of national and international publications shows an insufficient understanding of the background, history, and other aspects of the Kashmir conflict. There have been hardly any references to the acute militancy and radicalisation in the Valley that made the abrogation of the Article 370 inevitable. The references to the detention of the mainstream political leaders

failed to carry anything about the extreme levels of anger and resentment among the ordinary people against the detained leaders. They also failed to mention the role played by political leaders in inciting stone-pelting, terror financing, and corruption. What was also not highlighted was that a leader of the stature of the former chief minister Mehbooba Mufti could pull only 2.6 per cent of the voters (in Bijbehara) to come out and vote in the parliamentary election for her Anantnag constituency. The anger of the ordinary folk against the high levels of corruption in bank recruitment under the previous state government hardly found any space in the *New York Times* and *Foreign Policy*.

Further, while discussing the ban on Jammāt-i-Islāmī, there was no mention of the fact that the Jammāt had been the driving force for Pak-sponsored terrorism in the state. Depiction of the communication lockdown as ‘brutal suppression’ of human and fundamental rights conveniently hid the fact that during the 2016 unrest in the state, Pakistan and its proxies had used the internet as a weapon to trigger violent protests in which many civilians were killed. The state administration chose ‘life over liberty’, and even the highest court in the land endorsed the primacy of life. Given the past history of ‘weaponisation’ of the internet, the choice made by the administration was the best possible option available.

Further, while analysing a conflict zone like Kashmir, it has to be reiterated that Article 370 or the so-called special status were not only a hurdle in the way of dealing with radicalisation and militancy, but were also the biggest hindrance in the development of the state. Investors stayed away from J&K, governance remained pathetic, and unemployment was rampant, all ultimately serving the cause of militancy. Because of Article 370, Kashmiri women who married outside the state were deprived of their share of property in violation of their fundamental right. Even most humanitarian laws, such as the implementation of the minimum-marriageable-age-law could not be implemented in Kashmir. Hindu, Sikh and Buddhist minorities faced extreme discrimination in appointments, recruitments, and state patronage. There were forced conversions and aggressive spread of Wahhabi radicalisation<sup>59</sup>. West Pakistani refugees living in J&K for last 70 years

had no voting rights and other state-sanctioned privileges because; as per Article 370, they could have no 'permanent residence certificate' <sup>60</sup>. So while they could cast their votes in national elections, they could not vote even in the Panchayat and local body elections.

The reporting of the ground situation also totally ignored the absence of any protests and civilian injuries/killings. Pakistan's desperate attempts to incite violence by spreading fake news rarely found a mention in international media outpourings. Many pictures posted by suspicious twitter handles went viral, and they turned out to be pictures of isolated incidents of Naxal violence <sup>61</sup> in other states of India. When reputed names like *New York Times* and *Foreign Policy* spoke the language of sophisticated Islamist propaganda machines like *TRT World* (Turkey), they ran the risk of losing credibility among the 1.3 billion people of India. India's mainstream media, as mentioned earlier, also failed to adequately deal with the extremely complex and multi-layered situation in Kashmir. Making sweeping statements and peddling one-sided narratives served no purpose except that of inciting violence and fuelling people's anger.

The national and international media houses need to develop nuanced understanding of the Kashmir issue. The western world has faced the horrors of jihadi terrorism in 9/11 and the Charlie Hebdo massacre. Terrorism is a global challenge. Hence, western think-tanks and media are expected to understand the gravity of the jihadi extremism faced by India. A selective reading of the situation and thoughtless appeasement of such forces will ultimately boomerang and strike at the roots of the free society in the western world.

## **Conclusions**

However, the real challenge begins now. After 70 years, the status quo has been broken in Kashmir. In the near-term, the immediate priority of the government should be to continue the process of relaxing the security related restrictions and gradually restoring internet and other means of communication. Though efforts in this direction are already underway, it needs to be done at a faster pace. This may

involve some amount of risk and uncertainty, which is worth taking to win the goodwill of the people and ease their discomfort. The way out of the *Chakravyuh* is always difficult, but needs to be found soon.

General awareness about the role, provisions and the effects of Article 370 is still very scanty. The GoI needs to inform and convince people that the Article 370 has been most detrimental to the state's growth and peace, and that the political leaders and others who opposed its abrogation have vested interests. They want to keep the state underdeveloped and conflict-ridden. Their politics and economics thrive on conflict. Further, the GoI should also explain that the abrogation is no way an assault on the identity of the people or their diversity.

The old political leadership stands discredited and demoralised, yet it need not be marginalised. They will anyway be compelled by the people to give way to a new order. Their expertise, resources, and public support could be roped in to build a new Kashmir. The newly elected Panchayat leaders must be empowered politically and financially.

Focussing on corruption-free and efficient governance is the surest way to win the hearts and minds of the people. The effort should be to generate gainful employment and provide modern educational opportunities for the youth. However, it must be noted that Kashmir is not just about economics. Dialogue is the most successful way to win Kashmiri minds and hearts. Talks should be initiated in due course with the diverse stakeholders, with a focus on dignity, honour, and *Kashmiriyat*.

Pakistan has been pushed to the wall. Pakistan's sole aim will be to continue to aggravate/accelerate militancy in Kashmir for which it still has the capability and a robust infrastructure. In desperation, Pakistan may even intensify its efforts to destabilise the borders. Reportedly, Pakistani agencies are trying to infiltrate over 230 militants into the Kashmir. It is understood that they are currently waiting in the launch-pads near the Line of Control <sup>62</sup>. On September 12, three Jaish terrorists were arrested in the far-off Kathua district of Jammu region <sup>63</sup>. As per

credible reports, Pakistan tried to engineer disruption and terrorist attacks during the UNGA (September 17-September30) with the sole purpose of embarrassing India in the United Nations.

Of late, considerable militant movement has been seen in North Kashmir. According to informed sources, significant infiltration has also taken place. Most likely, Srinagar will be the target as it will generate high optics. Security forces' camps may targeted with bombs and Fidayeen attacks. Further, there is a strong chance of Pakistan planning terror attacks in other parts of India, especially South India, as reported in a section of the national media. In addition, there are also reports suggesting renewed Pakistani efforts to revive Khalistan militancy in Punjab and unite it with Kashmir militancy. Pakistan has devised innovative ways of communication with terror groups despite the communication lockdown that include using FM channels to send coded messages. New Delhi will need to continue its firm, clear and decisive strategy of dealing with militancy and radicalisation.

The old order has come to its justified end. There is however, much harmful weed still occupying critical spaces of socio-political, cultural and religious existence. Building a 'new order' in a conflict zone is always a daunting challenge. It cannot happen without out-of-the-box thinking, and accepting the task as a mission to be accomplished with zeal and passion. India knows New Delhi can do it; India knows New Delhi will do it, and most importantly, Kashmir too wants this to be done.

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