**Justice for Kashmir**

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Saturday, Dec 17, 2022

Among the self-determination struggles of our time, Kashmir is at risk of being forgotten by most of the world (except for Pakistan), while its people continue to endure the harsh crimes of India’s intensifying military occupation that has already lasted 75 years.

In 2019, the Hindu nationalist government of the BJP, headed by the notorious autocrat, Narendra Modi, unilaterally and arbitrarily abrogated the special status arrangements for the governance of Kashmir that had been incorporated in Article 370 of the Indian Constitution, and although often violated in spirit and substance, at least gave the people of Kashmir some measure of protection.

1947 was a momentous year for South Asia as British colonial rule came to an end, followed by a partition of India that resulted in much bloodshed throughout the process of establishing the Muslim state of Pakistan alongside the secular Hindu majority state of India. At this time, Kashmir was one of 560 ‘princely states’ in India, governed by a Hindu Maharajah while having a population that was 77 per cent Muslim.

The partition agreement reached by India and Pakistan gave the peoples of these ‘states’ a partial right of self-determination in the form of a free choice as to whether to remain a part of India or join their destiny with that of Pakistan, and in either event retaining considerable independence by way of self-rule. It was widely assumed that these choices would favor India if their population was Hindu and to Pakistan if Muslim.

In a confused and complicated set of circumstances that involved Kashmiris and others contesting the Maharajah’s leadership of Kashmir, India engaged in a variety of maneuvers including a large-scale military intervention to avoid the timely holding of the promised internationally supervised referendum, and by stages coercively treated Kashmir more and more as an integral part of India. This Indian betrayal of the partition settlement agreement gave rise to the first of several wars with Pakistan, and it resulted in a division of Kashmir in 1948 that was explicitly not an international boundary, but intended as a temporary ‘line-of-control’ to separate the opposed armed forces.

It has ever since given rise to acute tension erupting in recurrent warfare between the two countries, and even now no international boundary exists between divided Kashmir. The leadership of Pakistan has always believed that Kashmir was a natural projection of itself, treating India’s behavior as occupying power as totally unacceptable and illegitimate as have the majority of Kashmiris.

The essence of India’s betrayal was to deny the people of Kashmir the opportunity to express their preference for accession to India or Pakistan, presumably correctly believing that it would lose out if a proper referendum were held. Back in 1947 the Indian secular, liberal leadership did itself make strong pledges to the effect that Kashmir would be allowed to determine its future affiliation in an internationally supervised referendum or plebiscite as soon as order could be there restored.

The two governments even agreed to submit the issue to the UN, and the Security Council reaffirmed the right of Kashmir to the agreed process of self-determination, but India gradually took steps clearly designed to prevent this internationally supervised resolution of Kashmir’s future from ever happening. It appears that India sought control of Kashmir primarily for strategic and nationalist reasons associated especially with managing Kashmir’s borders with China and Pakistan, and in doing so converting Kashmir into a buffer state of India, giving it the security that supposedly accompanies strategic depth of a ‘Great Power’.

Unsurprisingly, Pakistan reacted belligerently to India’s failure to live up to its commitments, and the result for Kashmir was a second level of partition between India occupied Kashmir and a smaller Pakistan-occupied-Kashmir. In effect, India’s unilateralism poisoned relations between these two countries, later to become possessors of nuclear weapons, as well as producing a Kashmiri population that felt deprived of its fundamental rights with accompanying atrocities (including torture, forced disappearances, sexual violence, extrajudicial killing, excessive force, collective punishment, the panopoly of counterinsurgency crimes), which amount to Crimes Against Humanity, in a manner somewhat resembling the deprivations associated with Palestine and Western Sahara.

Part of the blame for this Kashmiri prolonged tragedy reflects the legacy of British colonialism, which characteristically left behind its colonies as shattered and factionalized political realities, an obvious consequence of a colonialist reliance on a divide and rule strategy in its execution of its policies of control and exploitation. Such a strategy understandably aggravated the internal relations of diverse ethnic, tribal, and religious communities. This Indian story is repeated in the various British decolonizing experiences of such diverse countries as Ireland, Cyprus, Malaysia, Rhodesia, and South Africa, as well as in the quasi-colonial mandate in Palestine, which Britain administered between the two world wars.

In these cases, ethnic and religious diversity was manipulated by Britain to manage the overall subjugation of a colonized peoples so as to minimize its administrative challenges, which became increasing troublesome in the face surging national independence movements in the 20th century.

Adding to the misery, these cleavages were left behind as open wounds by Britain during the decolonization process, with a crude display of irresponsibility toward the wellbeing of the previously dominated native populations. The historical outcome was dramatized by a variety of post-colonial unresolved political conflicts that resulted in prolonged strife, producing severe suffering for the population while addressing such post-colonial challenges. These adverse results were only avoided, ironically enough, in the few ‘success’ stories of settler colonialism – Australia, Canada, New Zealand, and the United States. Such successes were achieved through reliance on genocidal tactics by settlers that overcame native resistance by eliminating or totally marginalized hostile indigenous populations. South Africa is a notable instance of the eventual failure of a settler colonial enterprise and Israel/Palestine is the sole important instance of an ambiguous, ongoing struggle that has not reached closure, but is now at a climactic stage.

Kashmir’s status, despite the denial of self-determination, had given the beleaguered country substantial autonomy rights, and despite many encroachments by India during the 75 years of occupation, chief of which was blocking the Kashmiri people from exercising their internationally endorsed right of self-determination.

Nevertheless, what Modi did on August 5, 2019 definitely made matters worse. It ended Kashmir’s special status in the Indian Constitution and placed the territory under harsh direct Indian rule.

Excerpted: ‘On Justice for Kashmir’.

Courtesy: Counterpunch.org