

# SPECIAL REPORT

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## India's Kashmir Conundrum: Before and After the Abrogation of Article 370

By Sameer P. Lalwani and Gillian Gayner



A violent protest on the outskirts of Srinagar, in Jammu and Kashmir, on August 16, 2019, after India stripped the Kashmir region of its autonomy. (Photo by Atul Loke/New York Times)

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### Summary

- Since 2013, mass resistance and armed insurgency have returned and grown in India's Kashmir Valley, partly in response to the government's failed strategy.
- Resistance has involved mass participation in "quasi-violence" that involves semi-organized pressure by unarmed civilians to provoke, frustrate, and impose costs on the state.
- New data on quasi-violence in the Kashmir Valley reveal substantial growth since 2013, at times even outpacing armed insurgency.
- New Delhi's strategy fixated on kinetically degrading militant organizations to improve security, which fed local militant recruitment and depressed faith in democratic institutions.
- The government's dramatic revocation of autonomy provisions for Jammu and Kashmir in 2019 minimized international penalties and preempted significant violent responses. Whether it replicates past political engineering or pursues revolutionary demographic engineering, the state is likely to face a resurgence of violent and quasi-violent resistance.
- US influence is limited, but US policymakers could encourage dialogue with all stakeholders and alert New Delhi to the challenges that Indian choices will pose for cooperation if it is indefinitely bogged down in Kashmir.



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## ABOUT THE REPORT

This report focuses on India's Muslim-majority state of Jammu and Kashmir in the wake of its revoked autonomy in early August 2019, how the evolving nature of the Kashmir conflict contributed to such a political gambit, and where the situation is headed. Supported by the Asia Center at the United States Institute of Peace, this report is based on extensive research, new data collection, and field interviews in the Kashmir Valley between 2012 and 2017.

## ABOUT THE AUTHORS

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Residents run from security forces' tear gas and riot guns in Srinagar, in the Kashmir Valley, on September 7, 2019. Conflict worsened in the wake of India downgrading Jammu and Kashmir from statehood to union territories the month before. (Photo by Atul Loke/New York Times)

## Introduction

On August 5, 2019, Prime Minister Narendra Modi and the Indian government sought to arrest a thirty-year insurgency with an unprecedented change to the country's constitution to revoke autonomy provisions for the state of Jammu and Kashmir (J&K), split it off from the territory of Ladakh, and downgrade both from statehood to union territories. Since then, a significant crackdown on political and civic freedoms in the Kashmir Valley has drawn substantial international scrutiny. The sudden unilateral change in Kashmir's status may be one of the most consequential developments in the region since the 1989 outbreak of insurgency or the 1998 nuclear tests by India and Pakistan, warranting some systematic analysis of what brought India to this point and the region's likely future.

Stability in Kashmir is central to stability in the entire South Asian region. Just six months before New Delhi's decision to abrogate Article 370 of the constitution, a suicide bombing attack on Indian security forces in South Kashmir sparked a dangerous interstate crisis and rapid escalation between nuclear-armed rivals India and Pakistan that alarmed many policymakers. It reminded regional and international observers why President Bill Clinton, in 2000, cited this fault line as "the most dangerous place in the world," several years after his CIA director identified it as the most likely flashpoint for use of weapons of mass destruction.<sup>1</sup> Reignition of unrest in the Kashmir Valley could have catastrophic consequences, but the sources of potential ignition have fallen out of sight over the past decade even as Kashmir has exhibited a worrying steady uptick in popular discontentment, mass resistance, and violence.

# Background

The controversial partition of the subcontinent helped trigger the 1947–49 India-Pakistan war over the princely state of Jammu and Kashmir, whereby one-third of it came under Pakistan’s control and two-thirds under India’s. Since then, the disputed territory has contributed to several wars, militarized conflicts, and crises.

India managed its occasionally restive, sole Muslim-majority state of J&K with a political strategy of asymmetric federalism.<sup>2</sup> J&K was given special status through semi-autonomy provisions. Article 370 accorded it a constitution and legislative authority outside of foreign affairs, defense, and communications. Article 35A granted special rights to permanent resident Kashmiris, including employment and property. Over the decades, New Delhi effectively eroded this autonomy through constitutional orders of integration, national laws applied to the state, and continuous political micromanagement.<sup>3</sup>

After rigged state elections in 1987, an insurgency exploded in the Kashmir Valley. Three decades of conflict followed, involving distinct combinations of insurgency, Indian state strategy, external involvement, and an international enabling environment, all of which combined to produce different phases of violence intensity. The first phase, from 1989 to 2002, saw the most intense levels of violence and population displacement.<sup>4</sup> During that time, the mantle of dominant militant organization passed from the secular nationalist Jammu and Kashmir Liberation Front to the Islamist nationalist Hizbul Mujahideen to the more radical Islamist Lashkar-e-Taiba, each with increasing support from Pakistan. These groups clashed with a relatively indiscriminate, high-intensity Indian attrition campaign.<sup>5</sup> In a postnuclear and post-9/11 South Asia, the second phase of the conflict, from 2003 to 2012, saw violence steadily decline to an eventual all-time low. Militant organizations atrophied under international pressure and as support from Pakistan declined, an India-Pakistan conflict resolution process got under way, Indian intelligence and border control grew more effective, and nominal improvements were made in governance and enfranchisement. However, even as violence declined and democratic politics returned, Kashmiri Muslim alienation festered under heavy surveillance, restrictions on freedoms, a premium on counterterrorism over enfranchisement efforts, the continued immunity of security forces from legal accountability for human rights violations, and the absence of “any urge or desire to deal with Kashmir politically.”<sup>6</sup>

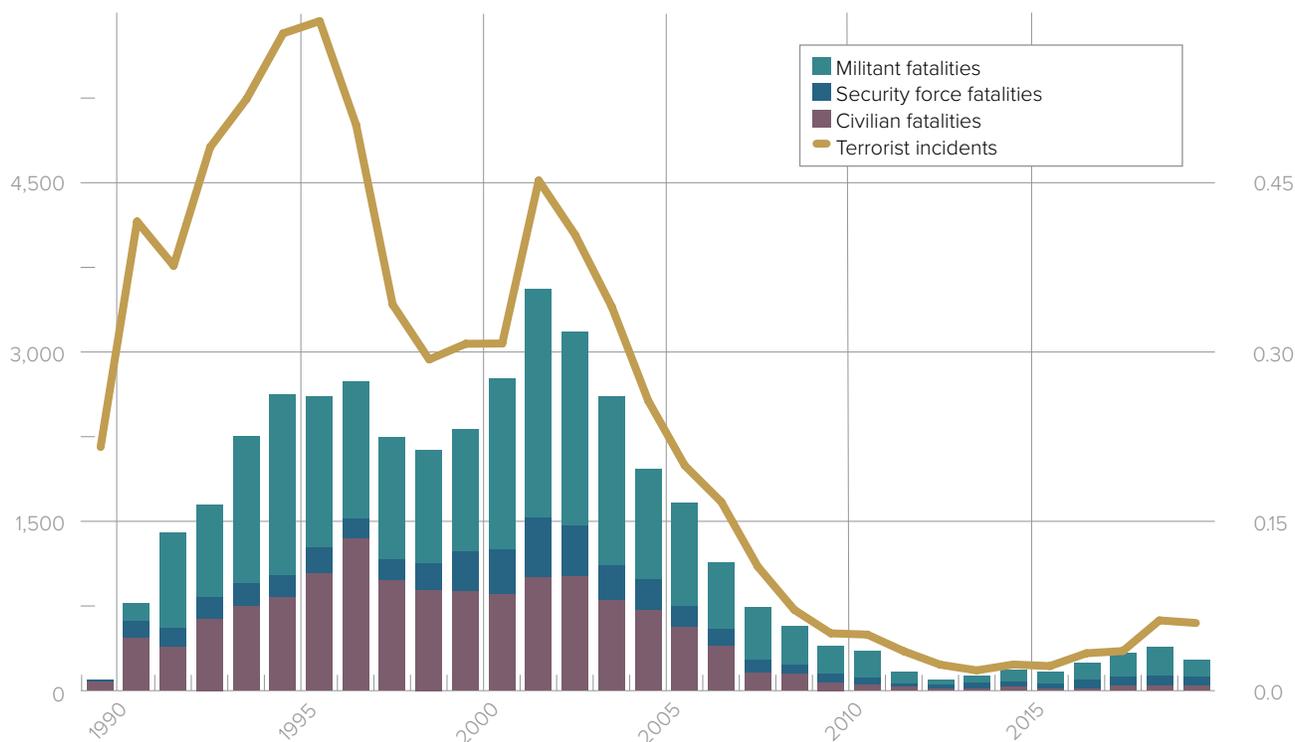
These resentments, combined with modest external support, fueled a groundswell of popular resistance in the most recent phase of the insurgency, which saw a rebound of mass agitations, insurgent violence, and fatalities from 2013 to the August 2019 reorganization (see figure 1). The uprising against the government took on multiple forms. Alongside organized insurgent violence perpetrated by resurgent militant groups, mass resistance also encompassed strikes, shutdowns, and provocative unarmed but violent confrontations. This was met by a more aggressive and kinetic Indian strategy, harder-line approaches toward Kashmiri separatists and Pakistan, and direct interventions into state politics.<sup>7</sup>

Several explanations have been invoked to account for Kashmir’s upheaval since 1989. One is external support, including Pakistani state sponsorship and imported radicalization. Another is an overly militarized Indian state strategy fueling excessive violence, human rights abuses, and disaffection.

FIGURE 1.

## Annual Fatalities (1989–2019)

Violence and fatalities spiked in Kashmir in the mid-1990s and again in the early 2000s, then declined for a decade. After 2012, violence again began to rise gradually.



**Source:** Author's calculations based on Indian Ministry of Home Affairs annual reports; South Asia Terrorism Portal; and Indian Ministry of External Affairs, "Fact Sheet on Jammu & Kashmir," May 20, 2002.

A third is internal dynamics, which includes democratic institutional decay, malgovernance, economic underdevelopment, and identity politics. Yet no one explanation seems to have purchase in explaining the contours of all three decades of the conflict from the onset to steep intensification to steady decline to resurgence and transformation. Because the most recent phase can illuminate the causes and likely consequences of the August 2019 decision, it warrants close scrutiny.

## The Era of Quasi-Violence

Following a steady decline in violence through 2012, some seasoned experts, such as former Intelligence Bureau Director A. S. Dulat, warned that "the calm appears deceptive."<sup>8</sup> Meanwhile, the triumphalist New Delhi narrative that Kashmir was returning to "normalcy" began to unravel between 2013 and 2019, most visibly with the series of mass uprisings in the summer of 2016 sparked by the killing of militant leader Burhan Wani.<sup>9</sup> This third phase of the conflict was marked not only

by creeping violence, up from its lowest ebb in 2012, but also by the sprouting of innovative, mass participatory quasi-violent tactics, a growing localized and diversified militant profile, and failing state political and counterterrorism strategies. Although armed insurgency and violence levels had fallen by an order of magnitude from their peaks in the early 2000s, in some ways the contemporary antistate mass movement appeared much more formidable and politically disconcerting. It may have been the alarming recognition of the rapidly deteriorating security situation that prompted the government to take the extraordinary measures it did in August 2019.

## MASS QUASI-VIOLENCE

Confrontational “contentious politics” in Kashmir have evolved since 2013.<sup>10</sup> They are characterized by a more provocative repertoire of claim-making we term “quasi-violence.” Conducted in a gray zone between strategic nonviolent resistance and armed insurgency (though perhaps similar to what scholars have termed “unarmed collective violence”), quasi-violent resistance conducted by civilians rather than armed militants involves semi-organized, nonlethal pressure to directly or indirectly compel shifts in state behavior.<sup>11</sup>

Quasi-violence is characterized by nonlethal tactics, stark asymmetry with state security forces, and considerable publicity. Participants are unarmed and use arguably offensive tactics intended to coerce, signal resolve, and even provoke while limiting immediate retaliation. Because of the asymmetry, participants facing off against well-armed paramilitary forces appear more of a nuisance than a threat. Quasi-violence also involves direct confrontation and prolonged risk exposure, uncharacteristic of guerilla warfare’s clandestine organization or hit-and-run tactics, to capitalize on overreactions that might delegitimize the state. By perpetrating or fomenting clashes with security forces, quasi-violence seeks to signal resistance, degrade state control and legitimacy, mobilize sympathy and participation, and apply pressure around the edges of violence without crossing a certain threshold in the use of force.<sup>12</sup>

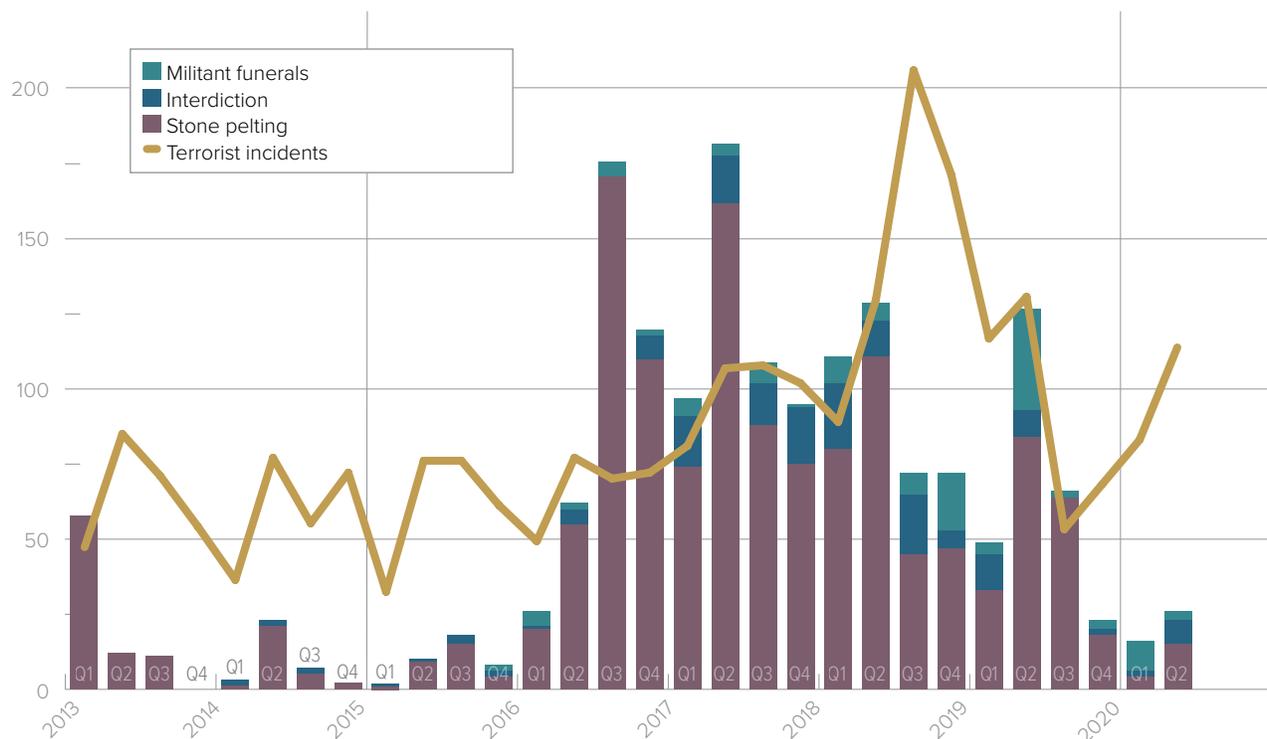
It is possible that quasi-violence emerged naturally and idiosyncratically from “the spontaneity of many ‘mini-uprisings’” as well as from the political opportunity structure.<sup>13</sup> For Kashmiri activists, the appeal of overt militancy diminished in Kashmir, owing to one of the world’s densest intelligence networks and battle-hardened security forces, but participation in corrupt, delegitimized, and impotent politics proved equally unsatisfying.<sup>14</sup> Alternatively, the nonviolent separatist strategies of *bandhs* (shutdowns) and *hartals* (general strikes) had generally proved ineffective but caused significant economic pain to Kashmiris.<sup>15</sup> Quasi-violence may have evolved as an optimal hybrid coercive strategy between violent armed resistance and nonviolent civil resistance strategies. By not crossing certain thresholds, it signals a willingness to negotiate while creating backfire risks to state repression by mobilizing internal and external support and tarnishing government legitimacy.<sup>16</sup> At the same time, some nonlethal violence affords the movement the opportunity to build intragroup cohesion and distance from the state as well as access to strategies of attrition, provocation, and spoiling.<sup>17</sup> Nevertheless, anecdotally, it would seem that the distinction between participants in quasi-violence and armed insurgency may be more sequential along a resistance spectrum than a categorical one.<sup>18</sup>

Some repertoires of quasi-violence found in the Kashmir Valley include stone pelting, offensive interdictions of security operations, and participation in militant funerals. Each type is described below, and quantitative data for the period 2013–19, collected from several publicly

FIGURE 2.

## Quasi-Violent and Terrorist Incidents (2013–20)

Quasi-violence in Kashmir became visible by 2013 but grew dramatically around 2016. Though quasi-violence fell after the August 5 lockdown, terrorist incidents climbed.



**Source:** Authors' calculations based on numerous news accounts, the Armed Conflict Location and Event Data Project, and the South Asia Terrorism Portal.

available sources, are shown in figure 2. The rise in quasi-violence over this period was dramatic and its frequency or magnitude at times matched or even outstripped levels of terrorist violence.

**Stone pelting.** Rock throwing (stone pelting) in Kashmir may have derived inspiration from the first Palestinian intifada: reports in Kashmir date back at least to the beginning of that insurgency.<sup>19</sup> Accounts of protestors throwing stones at security forces extend from the 1990 Handwara massacre to the strikes and protests in Srinagar in 2001 to the “unarmed mass movement” in the summers of 2008 and 2010, which analysts regard as a major uptick in stone-pelting tactics.<sup>20</sup> But something qualitatively distinct emerged between 2008 and 2010 that became clear by 2013. Protestors across the Kashmir Valley began stone pelting on a much more frequent basis. Boys as young as twelve to fourteen participated at higher levels without any cover or concealment, risking retaliation or apprehension and suggesting a degree of desperation. Stone pelting escalated beyond expressions of anger to have material effects, injuring thousands of police and security forces and diverting them from other security operations.<sup>21</sup> Stone pelting may have also served as a necessary though not sufficient gateway to more overtly violent militant activity, as Indian Army studies suggest.<sup>22</sup>



The wife of a militant during his funeral procession in Kulgam, in South Kashmir, on June 3, 2019. (Photo by Atul Loke/New York Times)

**Interdiction.** Related to stone pelting is another quasi-violent tactic—spontaneous mass interdiction of security force missions. Similar to a sit-in or *gherao*, these involve stone pelting in a coordinated way to divert or hamper security forces seeking to kill or capture militants (akin to suppressive fire in a combined arms operation).<sup>23</sup> A journalist recounts that around 2014 “unarmed public mobs, including women, had taken to the streets during encounters

between state forces and militants—to try and obstruct the forces.”<sup>24</sup> When security forces lay a cordon for an impending kinetic engagement with militants, locals gather at the encounter site, form human barriers between security forces and their targets, and pelt security forces with stones to buy time for the militants to escape. Security forces are then forced to operate in an environment with a high risk of civilian collateral damage and, as a result, cordon-and-search operations tend to go awry because militants escape and civilians are injured or even killed.<sup>25</sup>

**Militant funerals.** Contemporary militant funerals provide spaces for collective public expressions of separatism that go beyond nonviolent resistance in calling for jihad, government overthrow, and violence, along with militant mobilization and the conduct of what some describe as information war.<sup>26</sup> Thousands of mourners evade police restrictions to participate in public funeral processions for prominent militants or even foreign terrorists killed by security forces—who are honored as heroes and martyrs. Sometimes with militants able to directly address attendees, funerals also function as venues for direct and indirect militant recruitment, mass incitement, and mobilization, as mourning often escalates into street protests and stone pelting.<sup>27</sup>

Some consensus holds that the youth of Kashmir fueled this resurgent resistance, angered by the illegitimacy of the status quo and resentment equally directed at state forces, mainstream politicians, separatist leaders, and even some militants. A study of this “generation of rage” by the journalist David Devadas allots a critical role to the generational shift around this time. Based on nearly a decade of participant observation, hundreds of interviews, and informal survey data, the study concludes that the sources of rage stem from a generation raised on unnuanced narratives and collective trauma of occupation, violence, indiscriminate security forces, and humiliation. Frustration also emerged from the contradictions of an enduring police state despite an insurgency that was perceived to have precipitously collapsed by 2007. Anger with the state political system and a fearlessness of security forces coproduce risky, reckless, but cathartic mass

confrontational behavior.<sup>28</sup> Although dangerous (but not a death sentence like armed insurgency), quasi-violence then may be thought of as a more appealing alternative track for resistance.

## MILITANT COMPOSITION

During the third phase of the conflict, the insurgency also transformed in its militant composition—more locally embedded, educated, personally motivated, and popularly supported.

Locals came to dominate militant activity, principally from districts of South Kashmir far from previous pockets of insurgency in the north or close to the Line of Control (LOC), the de facto border between the Indian- and Pakistani-administered Kashmir. This transition stemmed from the growing pull of local militancy in response to political stasis and the resurrection of Hizbul Mujahideen as well as a decline in foreign fighters (given the difficulty of infiltration through a well-fenced LOC), American pressure on Pakistan after the 2003 cease-fire and the 2008 Mumbai attacks, and diversion of jihadist recruits to other theaters, such as Afghanistan. The proportion of local militants to foreign fighters increased from 30 to 40 percent in 2003 to 77 percent in 2015, rendering the resistance more intimately tied to the population.<sup>29</sup> This became more clear after the perpetrator of the February 2019 suicide bombing on security forces in Pulwama—the deadliest such attack in thirty years—was revealed to have been born and raised in the Kashmir Valley. Local recruitment stemmed from grievances against the Indian government, security forces, as well as the Peoples Democratic Party political leadership. A 2018 J&K government report observed a strong correlation in the timing and location between state counterterrorism operations that successfully eliminated militants and new insurgent recruitment.<sup>30</sup> In other words, the martyrdom effect was highly localized—young men were motivated to join the insurgency likely because of a personal connection with a recently killed militant.

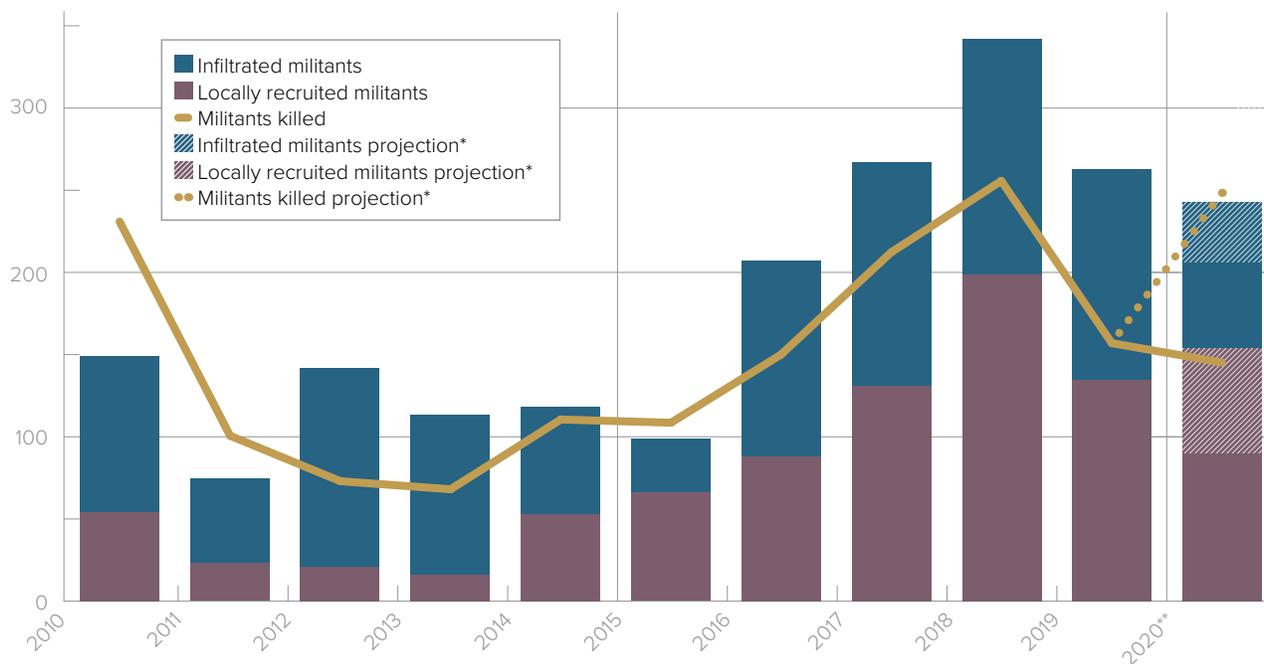
Relative to previous periods, militants were also more likely to be educated, urban, middle-class, and tech-savvy rather than what some senior police officials once dismissed as the “dregs of society.”<sup>31</sup> The special knowledge of physical and human terrain that locals possessed did not change the qualitative character of insurgent tactics, though local militants proved less militarily effective in direct encounters with security forces given their limited training, proficiency, and weaponry.<sup>32</sup> Nevertheless, the demographic shift did challenge the government narrative that Kashmir was fundamentally a development and governance problem. Militant leaders such as Burhan Wani and Zakir Musa came from well-to-do families and had promising career prospects before abandoning both to join the Hizbul Mujahideen.<sup>33</sup> Although less effective on the battlefield than foreign militants, these neo-militants proved more effective at waging psychological warfare, mobilizing popular support and new recruits, and inciting mass quasi-violent resistance.<sup>34</sup> As early as 2013, Indian officials serving in the region were warning that militancy was constrained not because of a lack of popular support for militancy but because of the interdiction of weapons supply, noting that “if they had thousands of guns they would have thousands of fighters.”<sup>35</sup> In 2017, some local analysts estimated fifty thousand militancy sympathizers—but as many as two million supporters of the antistate movement.<sup>36</sup>

Ascertaining the relationship between participants of quasi-violence and militant organizations is difficult. Accounts suggest that quasi-violence participants were spontaneously activated civilians, though some government accounts allege more formal organizational links to militant groups and financial links to state sponsors.

FIGURE 3.

## Recruitment, Attrition, and Replacement of Militants (2010–20)

Locally recruited militants in Kashmir have been rising since 2013, outpacing foreign militant infiltration and helping to replace the increasing number of militants killed by Indian security forces.



\*projection based on rate per month of the first 7 months of 2020

\*\*through July 2020

**Source:** Arshiya Bhayana, “Reintegrating Kashmir’s Ex-Militants,” Observer Research Foundation; Union Ministry of Home Affairs annual reports (summarized by the South Asia Terrorism Portal); and various news reports.

### STATE STRATEGY

Indian strategy in Kashmir never fully adapted to the evolving dynamics and instead pursued tactical kinetic success without comprehending how the approach—perceived as a hostile militarized footprint and lacking judicial accountability—engendered broad resentment, resistance, and strategic failure. In particular, the government did not account for how prioritizing counterinsurgency offensives above political grievances, power sharing, or improved quality of life for the average Kashmiri citizen was sustaining militancy and delegitimizing democratic politics.

First, Indian counterinsurgency strategy not only failed to stem the rise in violence after 2013 but also appeared to drive up militant recruitment. Despite official doctrine, Indian counterinsurgency in Kashmir assumed a continuous attrition posture (“mowing the grass”) with erratic and anemic efforts at governance and development.<sup>37</sup> After the 2016 uprising, New Delhi returned to a heavy focus on counterterrorism operations. Operation All-Out was launched in 2017 to liquidate all high-value militants in the valley. This was not the first maximalist campaign; after the elimination of one high-value target in 2015, police officials claimed to have “broken the back of the militancy.”<sup>38</sup> Satisfied by high

kill-ratios, commanders often declared these campaigns a “considerable success” and praised each year as “the best year” for counterterrorism—including in January 2019, a month before the largest ever suicide attack in Pulwama and months before the August 2019 shakeup.<sup>39</sup>

Indian policymakers never seemed to reconcile with how even successful counterterrorism operations against legitimate targets might still refuel resistance and insurgency. One 2018 government study acknowledged that more intensive counterterrorism operations—despite employing selective rather than indiscriminate violence—only seemed to bolster monthly recruitment and insurgent strength, “thereby raising the graph of the total number of militants each year.”<sup>40</sup> In 2018, for example, 257 militants were killed, but 199 locals reportedly joined the militancy—a nearly 77 percent replacement rate. Data collected from news accounts and government reports reveal an average local regeneration rate of 60 percent between 2013 and 2019. When factoring in infiltration levels, however, the average rate was 133 percent (see figure 3).

Second, even if leadership decapitation was as effective at degrading militant organizations as some research contends, the prioritization of counterterrorism not only failed to boost but also in fact undermined political institutions deemed so essential by counterinsurgency theorists.<sup>41</sup> Above all, the security-intelligence grid that enabled counterterrorism produced tremendous resentment that delegitimized governing institutions. More important, J&K’s major political parties were routinely exposed to be feckless, underperforming, or impotent, resulting in their demands being overruled by the military or ignored by the center. New Delhi played political parties off each other, and national party partners—whether the Congress Party from 2004 to 2014 or the Bharatiya Janata Party (BJP) from 2014 through 2019—coerced submission with the threat of dissolving state government coalitions.<sup>42</sup> The prioritization of containing terrorism rendered New Delhi tolerant (maybe even encouraging) of corruption, poor governance, and financial irregularities in exchange for acquiescence.<sup>43</sup>

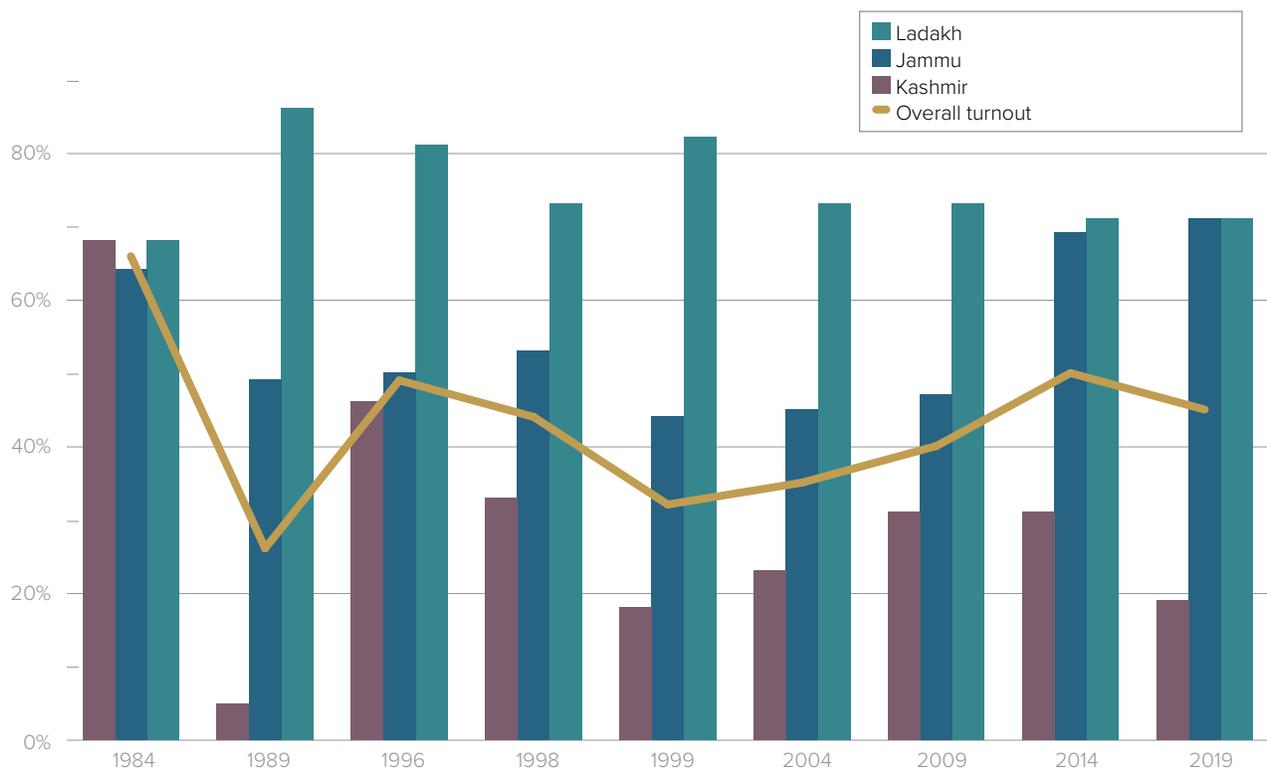
The cost of undermining governance was delegitimized democratic politics and depressed voter turnout. Political leaders attributed low turnout to insecurity or logistics, but government-sponsored surveys reveal both substantial disillusionment with the system among residents of the Kashmir Valley as well as a belief that participation in state and national elections would not bring meaningful change to their lives.<sup>44</sup> Of those Kashmiri residents surveyed in 2014 on reasons for nonparticipation in elections, 37 percent said anger, 23 percent said inconvenience, and another 19 percent said apathy.<sup>45</sup> Despite a decade of declining violence and international assessments of “broadly free and fair” elections, voter turnout stagnated or declined.<sup>46</sup> Reports suggested that leaders were “perplexed” by the low voter participation in the 2019 national elections despite greater security; party leaders suggested people had lost faith in the system because of state-directed violence.<sup>47</sup> Moreover, one early analysis suggests that when levels of violence are controlled for, more effective counterterrorism in certain assembly constituencies did not yield greater voter turnout in national elections—and may have even depressed it.<sup>48</sup>

In the last five national elections in India, J&K had the lowest turnout of any state. State assembly turnout in 2014 reached a new high (though still far lower than the pre-insurgency turnout of 1987), but turnout declined in the four southernmost districts of Kashmir.<sup>49</sup> Local elections, which tend to elicit higher participation, corroborated this trend. Abysmal turnout in an April 2017 by-election, the 2017 municipal elections, and the 2018 Panchayat elections (where no candidate contested the election in

FIGURE 4.

## Voter Turnout in National Assembly Elections

National election voter turnout in Jammu & Kashmir has varied tremendously by region, and fallen recently. Turnout in the Kashmir Valley has almost steadily declined and never recovered to its pre-insurgency peak.



Source: Author's calculations based on Election Commission of India data.

nearly 64 percent of wards) confirm this trend.<sup>50</sup> As shown in figure 4, J&K's turnout in the 2019 national election—which occurred amid a dissolved political coalition and a despondent electorate—saw the first average drop since the 1990s, largely due to a steep decline in the Kashmir Valley.

### IMPLICATIONS

The period between 2013 and 2019 was marked by mass quasi-violent resistance, increasingly tenuous state control, and an anti-institutional alternative to democratic politics, which all posed significant challenges to the government's counterinsurgency strategy and suggests several broader implications. First, mass uprising and rebellion can thrive without large levels of insurgent violence. In fact, the absence of the latter may have lulled the state into complacency for most of this time. That said, quasi-violence may have provided a gateway to militancy after participants crossed the threshold from neutrality to antistate activism.<sup>51</sup> Second, eroding legitimacy means that the veneer of governance by consent can quickly descend into anarchy with the right trigger, as in the aftermath of Burhan Wani's death, when for a period the state lost control of four districts of southern Kashmir,

much like the inaccessible pockets of “liberated zones” of the early 1990s.<sup>52</sup> Third, counterinsurgency can suppress nonstate violence to open space for political expression but, absent government legitimacy, this can manifest as anti-institutional politics unlike that envisioned by counterinsurgency optimists. A focus on incremental gains in aggregate voter participation across the entire state obscured the large swathes of geography (such as the Kashmir Valley and South Kashmir) where democratic politics were being discredited, voter turnout was cratering, and quasi-violence proved a more appealing avenue for political expression. Beyond the political mandate and incentives from the 2019 national elections, it is plausible that an eventual appreciation of the scale of mass resistance may help explain the draconian measures undertaken to shut down this movement.

## August and Everything After

On August 5, 2019, after surging troops to the state and canceling a mass Hindu pilgrimage, the Indian government announced dramatic changes to J&K’s status, revoking Articles 370 and 35A of the constitution, splitting Jammu and Kashmir from Ladakh, and demoting them to union territories, thereby dissolving their state assemblies. Although significantly diluted since 1954, Article 370 remained an important symbol of Kashmiri sovereignty, and Article 35A’s demographic restrictions helped preserve Kashmir’s distinct cultural identity. The formal abrogation was followed by months of mass curfew, communications blackouts, and the detention of hundreds of state political figures, some of whom as of this writing remain in preventive detention under the Public Safety Act.<sup>53</sup>

The ruling government claimed drastic action was warranted to arrest what the Indian foreign minister described as the “mess” of Kashmir after forty years of policies that “were visibly not working.”<sup>54</sup> Nevertheless, six weeks before Article 370 was revoked, media closely linked to the regime lauded government strategy for “the change in the scenario after 30 years . . . due to an iron-fist policy,” suggesting constitutional changes would not be accompanied by changes in operational strategy.<sup>55</sup>

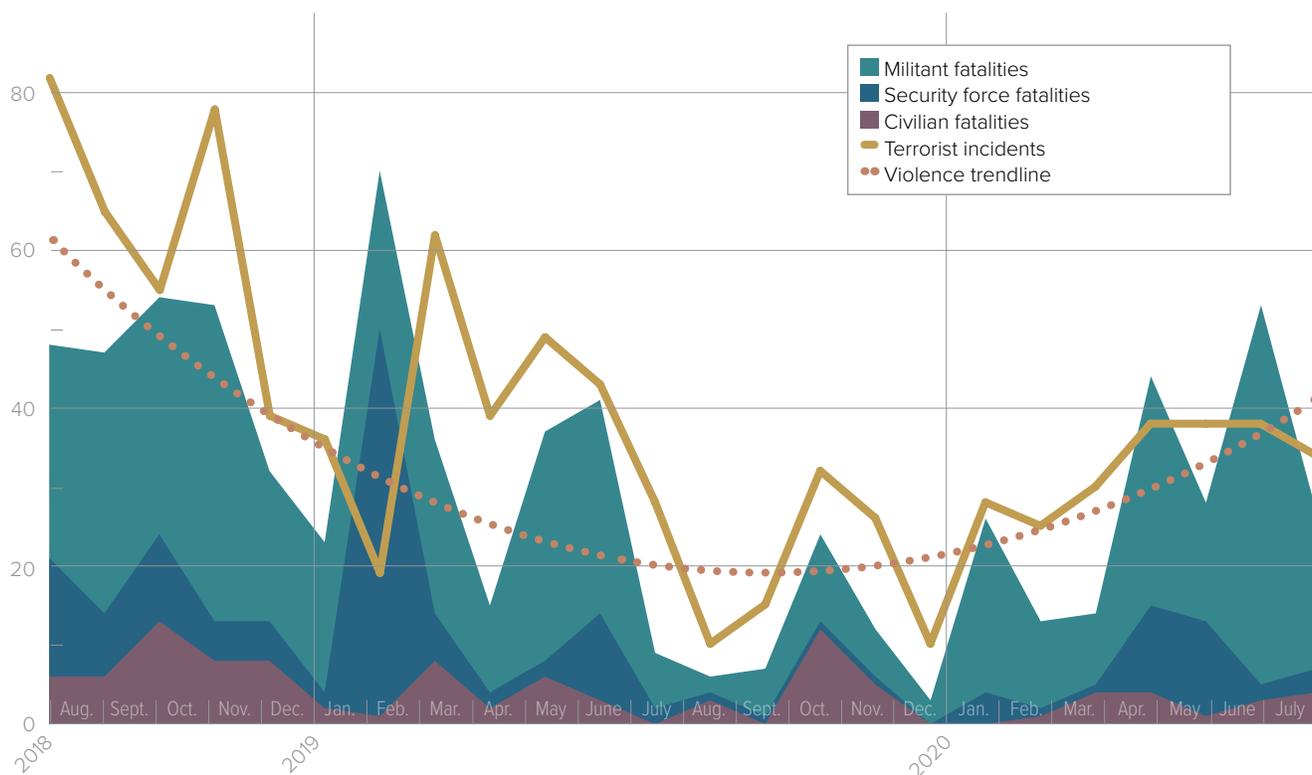
The ruling BJP, empowered with a 2019 political mandate, had long sought to revoke J&K’s special status, contending that it abetted separatism, militancy, corruption, and underdevelopment. The prime minister, home minister, foreign minister, and the chief of defense staff all argued that greater central government oversight could counteract these problems.<sup>56</sup> An increasingly fractured international community and rising nationalism and illiberalism across the globe offered helpful permissive conditions. The expected withdrawal of US forces from Afghanistan, improving US-Pakistan relations, and repeated US offers to mediate the Kashmir dispute might have also triggered a fear of imminent regional transformations and prompted India to expedite its political agenda without any public debate.<sup>57</sup>

Despite some criticisms, India has incurred few costs for its moves in Kashmir and appears unlikely to reverse course. Russia has backed India, the United States has largely sidestepped it, Saudi Arabia and the Gulf states have remained muted, and China’s criticisms appear pro forma. Although the recent militarized Sino-Indian border crisis that began in May 2020 has been partly attributed to India’s revocation of Article 370, this principally has to do with the change in status of the Ladakh region and India’s ostensible claims on Aksai Chin.<sup>58</sup> It does not appear that the changed status of Kashmir Valley—the principle target of the revocation of Article 370—concerns China.<sup>59</sup> Pakistan’s condemnations and warnings appear toothless, though any kinetic

FIGURE 5.

## Violence Indicators (August 2018–July 2020)

Violence in the Kashmir Valley dropped dramatically in August 2019 but has slowly risen over the course of 2020.



Source: Author's calculations based on South Asia Terrorism Portal data.

challenges—whether conventional or asymmetric—will undoubtedly raise concerns. The global COVID-19 pandemic has helped displace Kashmir from the international radar, and political changes such as the domicile law and delimitation continue to move forward.

### SECURITY

Despite warnings from the intelligence services, the Indian state managed to contain and limit mass uprisings and quasi-violence in response to the change in J&K's status by raising the costs of collective action. Prohibitions on public gatherings rendered group organization conspicuous and risky, the communications blackout inhibited coordination, and mass arrests of some 3,800 suspected stone pelters and “miscreants” under the Public Safety Act effectively separated local organizers from their base. Meanwhile, political detentions denied separatist leaders the ability to inspire mass action and mainstream political leaders the ability to provide political cover, all effectively stifling mass mobilization.<sup>60</sup> Militant groups, unable to effectively organize in virtual spaces to conduct more sophisticated operations, are alleged to have turned their

attention to targeting civilians to disrupt resumption of normal business or activity.<sup>61</sup> Violence in Kashmir dropped considerably after the August 2019 lockdown, given an intense security force presence and curtailed communications, but it is slowly increasing (see figure 5).

Despite the quiet and the repeated claims by officials that the “backbone of terrorism . . . has been broken,” some reports suggest a possible resurgence in resistance and militant attacks over the horizon.<sup>62</sup> Analysts are skeptical that the relative quiet signifies popular reconciliation with the new status quo and, while resistance may be temporarily dormant, alienation is growing.<sup>63</sup> Interviews with local citizens reveal fears that the center’s erosion of autonomy provisions will also impinge on their social identity—including religion, customs, and language—by threatening employment opportunities, the recovery of lost temples, and demographic changes with the opening of land ownership, jobs, and university seats to non-Kashmiris. Frustrations over corruption, failures of basic administration (such as water and electrical facilities) or governance, closed education institutions, the absence of promised investment, and distressed sectors of the economy persist and can easily fuel broader resistance efforts.<sup>64</sup> Limited survey data available after August 2019 suggest that Kashmiri youth remain disaffected, opposed to Indian security force presence, and supportive of secession.<sup>65</sup>

Already the government’s data suggest that despite thousands of preventive arrests, certain types of quasi-violent activism spiked dramatically in the months following the crackdown. Some 60 percent of stone-pelting incidents in 2019, for example, occurred in the four months after the lockdown. Furthermore, new terrorist organizations are believed to be metastasizing despite it.<sup>66</sup> That former ministers and flag officers warn of rising support for militancy and a year later the government fears allowing high-speed internet access would enable terrorist incitement of the population suggest that the veneer of stability remains extremely fragile.<sup>67</sup> Were some of the regional contingencies that India most fears to materialize—such as a precipitous US withdrawal from Afghanistan, the resumption of high-intensity civil war, or a Taliban takeover of Kabul—India would have to worry that the renewed flow of arms and violent jihadists might help Kashmir erupt once again, as it did after the Soviet withdrawal from Afghanistan in 1989. Moreover, were Sino-Indian relations to deteriorate further after the Ladakh crisis, India would have to worry about Beijing’s exploitation of fissiparous vulnerabilities in the Kashmir Valley and elsewhere, as some Chinese strategists have suggested.<sup>68</sup>

## POLITICS

Rather than indefinite militarized control, which would be extremely resource intensive, New Delhi’s Kashmir strategy appears to resurrect an old playbook of manufacturing compliance by sidelining old parties and empowering moderates.<sup>69</sup> To fill the political vacuum, the center has handpicked former J&K Finance Minister Altaf Bukhari and his Jammu Kashmir Apni Party (JKAP), a new coalition forged from the wreckage of the previous leading regional parties, the National Conference and Peoples Democratic Party. New Delhi has a long history of rewiring the circuitry of state politics to counteract intensifying separatist sentiment and to reclaim central control.<sup>70</sup> The JKAP has openly dismissed a return to special status and outlined an agenda that pragmatically aligns with New Delhi: restoration of statehood, reinstatement of domicile rights, release of political prisoners, expansive development, and the return of the Hindu community Kashmiri Pandits.<sup>71</sup>

Nevertheless, the state and center are already poised to clash on problems of decaying governance as well as over a new domicile law and assembly constituency delimitation plans.<sup>72</sup> In

April, the national Home Ministry issued a new domicile law to replace Article 35A that significantly expands domicile status and reduces restrictions on land purchase, precipitating fears of demographic engineering like that practiced in the Xinjiang region of China or the West Bank.<sup>73</sup> Bukhari strongly opposed the new law and recently accused the central government of a “sinister design.”<sup>74</sup> New Delhi also authorized a legislative assembly delimitation exercise in the state by 2021, which is expected to tilt political power toward the Hindu-majority Jammu at the expense of the Muslim-majority valley.<sup>75</sup> Some even contend that the planned reengineering of demography and political constituencies suggest that the center has little faith in the rewiring of party politics. Altering demography and the locus of political power is likely to engender antipathy from any moderate partner, but even with compliant state political collaborators New Delhi may still struggle to regain public confidence in the valley. Research has shown that demotion from positional status or exclusion from the ethnopolitical constellation of power can motivate (or reignite) rebellion.<sup>76</sup>

Although the August 2019 regime change offered an opportunity to reset Kashmir, bolstered by an extended lockdown after the outbreak of the COVID-19 pandemic, without any rapid economic overhaul, significant political devolution, or grievance redressal, mass quasi-violent resistance may resume and even intensify. Former local security officials recently predicted the absence of a meaningful political horizon will expand space for militants and “things will explode.”<sup>77</sup>

## Trajectories and Policy Options

Thus far, the two extreme trajectories forecasted after the revocation of Article 370 have not come to fruition. Kashmir has not devolved into mass violent insurgency or a bloodbath as Pakistan Prime Minister Imran Khan forewarned, but neither has Indian Home Minister Amit Shah’s assurance that everything is “completely normal” been borne out by on-the-ground realities.<sup>78</sup> That governance and economic developments—which were not trending well even before the COVID-19 crisis—would mollify a resentful and alienated Kashmiri Muslim population belies the decades of experience and compelling evidence that functionalist improvements alone cannot reconcile with the psychological distance of the Kashmir Valley’s social identity.<sup>79</sup> At the same time, the idea that Kashmir could erupt in free-for-all violence discounts India’s proven and disciplined violence management system of fortified border control, a massive security grid, and a dense surveillance network that contains political resistance below a certain threshold. More likely, Kashmir’s future will locate itself somewhere between these extremes.

One plausible scenario is “old wine in a new bottle,” under which—after the health crisis and reshuffling of the local political leadership deck—Kashmir could open up and return to its natural equilibrium with a New Delhi-backed political leadership, a nepotistic and cronyist political economy fueled by central funds, and a heavy-handed surveillance and state security force presence. But such indirect rule is unlikely to prove durable. Either stagnant growth and dysfunctional administration combined with festering political grievances seems likely to catalyze resurgent mass resistance, or the principal-agent dilemma will unfold as Kashmiri political leadership seeking political survival begins to work at cross purposes with New Delhi as the Peoples Democratic Party and the National Conference had done before them.

An alternative scenario is that the more ambitious political strategy would successfully engineer a form of democratic rule of Kashmir's Muslim majority. Delimitation that gerrymanders more assembly seats for the BJP-dominated Jammu and a domicile act that facilitates quick demographic shifts in key regions could enable the BJP to consolidate ostensible democratic political control of the entire territory without a coalition partner ensuring more direct rule. But absent any structural corrections or reforms in political devolution or power sharing, after some months or even years this strategy would likely intensify the social distance of the valley's population. An increasingly alienated and resentful youth bulge could regenerate armed or quasi-violent resistance, which India would be forced to control with sustained intensive security operations and recurring limitations on civil liberties.

From the US standpoint, a more consolidated, cohesive, and stable India is undoubtedly in US interests for both regional stability and emerging great power competition. The question is not whether India should find a way to normalize Kashmir, but whether the methods of more centralized control chosen to advance an economic and governance agenda but to deny social identity and political grievances will prove effective, reproduce armed or quasi-violent resistance, or require resource-intensive suppressive measures.

For US policymakers, the options to shape this conflict are quite limited because they depend on India's internal security and political strategy and—to some extent—its bilateral relations. One action US policymakers could take is to support border stability while urging meaningful internal and bilateral engagement among all stakeholders. Washington could privately (and even publicly) convey to Indian, Pakistani, and Kashmiri leaders that—like the framework reportedly agreed to by Indian Prime Minister Manmohan Singh and Pakistani President Musharraf in 2007—the United States does not envision a change in the de facto borders of Kashmir based on areas under current control.<sup>80</sup> It can also continue to pressure and incentivize Pakistan to reduce its support for cross-border militant groups. At the same time, US policymakers, as friends, can more honestly apprise Indian policymakers of the potential consequences and complications the political strategy in Kashmir creates.

Ultimately US interests in India's geopolitical potential are based on strategic objectives, economic stakes, and shared values, all of which could be set back if India's Kashmir policy falters.<sup>81</sup> An Indian strategy that alienates vast chunks of the population in the Kashmir Valley seems likely to regenerate mass political resistance while making it easier for foreign powers, infiltrating terrorists, and homegrown militants to destabilize it. A strategy that requires India to tie down hundreds of thousands of troops, paramilitary forces, and intelligence assets to indefinitely suppress terrorism and gray zone incitement to prevent crises will interfere with its ability to play a competitive role beyond the region.<sup>82</sup> It will also impose a significant drag on military modernization, redeployments to its east, and force structure reconfiguration to the maritime domain. Moralism aside, a Kashmir strategy that subverts India's counter-majoritarian institutions or commitments to civil and political liberties will dilute its credibility as a demonstrable multi-ethnic democratic counter to authoritarian models in Asia. Further, if an illiberal reputation from Kashmir deters foreign direct investment, as some research suggests, then the economic bet on India could also falter.<sup>83</sup> In the new era of great power competition, an India bogged down by a reigniting Kashmir that forecloses on its security force transformations, a geographic pivot, and institutional appeal will ultimately prove a less valuable partner to the United States.

# Notes

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