

JAMMU & KASHMIR

## Kashmir: Inviting global scrutiny

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Prime Minister Narendra Modi with members of the European Parliament delegation in New Delhi on October 28. Photo: AFP

**A** 27-member European Union delegation becomes the first foreign team to be allowed access to Kashmir since August 5, close on the heels of a heated debate in the United States Congress that criticised New Delhi for the “humanitarian crisis” in Kashmir.

ON October 29, India allowed a 27-member European Union (E.U.) delegation to travel to Kashmir, the first foreign team to be allowed access to Kashmir, even as allegations of this being a “guided tour” dominated headlines. The allegations were borne out of the fact that 22 of the 27 delegates come from far-right, Islamophobic backgrounds and were associated with political parties with a stated anti-immigration position such as the Alternative for Germany (AfD) and the French Rassemblement National.

Communist Party of India (Marxist) general secretary Sitaram Yechury denounced the exercise as he pointed out that the delegates were “overwhelmingly from ultra-rightwing, pro-fascist parties”. Former Congress party president Rahul Gandhi tweeted that it was inexplicable that handpicked foreign dignitaries’ visit was being facilitated at a time when opposition leaders had been denied permission to travel to Kashmir to take stock of the situation. “MPs from Europe are welcome to go on a guided tour of Jammu and Kashmir while Indian MPs are banned and denied entry. There is something very wrong with that,” he said in his tweet.

The team, which travelled to Kashmir reportedly on the private invitation of a Brussels-based non-governmental organisation, Women’s Economic and Social Think Tank (WESTT), arrived to violent protests and a complete shutdown. Incidents of stone-pelting were reported in parts of the Valley, including the civil lines areas of Chanapora, Rambagh, Natipora and the old city areas of downtown Srinagar such as Habba Kadal, Nowhatta and Idgah. After meeting selected local residents at a five-star facility on Gupkar Road in Srinagar, the delegates were seen enjoying shikara rides on Dal Lake later in the evening. Several questions have been raised with regard to the background and objectives of WESTT, which its own website describes as a “leading

women's think tank with global dimensions, focussing on the economic, environmental and social development of women. At a political level also lobbies to raise awareness on key issues but never for commercial gain."

Interestingly, Madi Sharma, who runs WESTT and invited the delegates, had written in strong defence of the Narendra Modi government's actions in Kashmir for EP Today, "a monthly news magazine for the E.U.", dated September 14. Madi Sharma wrote: "Contested boundaries, shaky allegiances, and previously divorced legalities in Kashmir have given these groups extensive access to the rest of India." The reference was to the militant groups sponsored by Pakistan. "Some form of action needed to be taken to hamper armed group access to J&K—few people disputed that. Along that line of thinking, Modi's decision to dismantle Kashmir's special status was logical, even if it did come as a shock to those living in the region." However, according to a report published in The Guardian, EP Today itself is a "lobbying platform, presented as a serious news outlet, whose target audience are EU decision-makers".

Madi Sharma's invitation to the delegates mentioned that the expenses of travel and accommodation "will be covered and are sponsored by the International Institute for Non-Aligned Studies" and promised a threeday tour: "The meeting with the Prime Minister is scheduled for 28th October, with a visit to Kashmir on 29th and a press conference on 30th." Although the Ministry of External Affairs has denied coordinating the E.U. delegates' visit, questions are being raised as to how Madi Sharma could have guaranteed a meeting with the Prime Minister if this was indeed a private exercise. Significantly, though 27 Members of European Parliament arrived in Delhi on October 28, only 23 of them were seen participating in the meetings in Srinagar.

The Modi government's gamble suffered a further jolt when United Kingdom parliamentarian Chris Davies of the Liberal Democrats party claimed that the Indian government's invite to him to visit the Valley was revoked after he insisted that he expected a free exchange of interactions with the public.

## U.S. Congress on j&k

Kashmir also dominated the discourse on October 22 when a United States congressional panel met to assess human rights concerns in South Asia. Several Congressmen strongly criticised New Delhi's recent actions in Kashmir and its decision to "lock down" the Kashmir Valley from August 5 after the Modi government unilaterally abrogated Jammu and Kashmir's special status. From calling the situation in Kashmir a "humanitarian crisis" to questioning the spate of detentions, including that of minors and the political leadership of Kashmir, to linking the government's decision to its majoritarian agenda, there was a no-holds-barred discussion over Kashmir.

That Kashmir would be the focus of the hearing, organised under the auspices of a subcommittee on Asia, the Pacific and Non-Proliferation of the House Foreign Affairs Committee, was a foregone conclusion. The prominence being attached to the current impasse in Kashmir was conveyed days ahead of the event by no less a person than the subcommittee's chair, Congressman Brad Sherman. In a statement issued to the press, he had said: "The hearing will focus on the Kashmir Valley, where many political activists have been arrested and daily life, the Internet and telephone communications have been interrupted. The hearing will also review the humanitarian situation in Kashmir and whether Kashmiris have adequate supplies of food, medicine and other essentials."

Among those most critical of India was Congresswoman Ilhan Omar, a Somalia-born Democrat from Minnesota, who issued a thorough condemnation of the "Hindu nationalist project" of the Bharatiya Janata Party (BJP). Referring to some of the recent exercises of the BJP government such as those relating to Article 370 and the National Register of Citizens in Assam, Ilhan Omar wondered how there could be a partnership between India and U.S. based on shared values: "At what point do we no longer share values with India? Are we waiting for the Muslims in Assam to be put in those camps?"

The opening remarks were made by Sherman. Pointing out that the entire world was currently focussed on what was happening in Kashmir, he mentioned that Senator

Chris Van Hollen had recently been denied permission to travel to Kashmir. Sherman demanded: "Are we supposed to trust these Government of India officials when the Government of India doesn't allow our diplomats to visit?" He also criticised the severe restrictions on freedom of movement and communications in Kashmir. In a similar vein, David Trone from Maryland also questioned India's refusal to allow delegations to Kashmir and wanted to know what the official reason cited for such refusal was. Assistant Secretary Alice Wells, who oversees all State Department policy with regard to South Asia, said the explanation from New Delhi was that it was "not the right time". New Delhi came in for further attack over its decision to isolate the Kashmir Valley when New Jersey's Tom Malinowski asked U.S. officials whether they were in agreement that the restrictions on access to journalists and diplomats to the region served the purpose of counterterrorism. He emphasised that the clampdown on communication and other restrictions "disempowers the very people who want to be our allies".

The lawmakers Ted Yoho, Abigail Spanberger and Mike Fitzpatrick appealed to New Delhi to take steps to ease off the restrictions and end the detention of political leaders. Abigail Spanberger, a former CIA operative, expressed surprise and disappointment that a close ally such as India could reject requests made by U.S. lawmakers to travel to Kashmir. She asked: "How is the State Department accepting that at this time India, a close strategic partner for the United States on everything from trade to military cooperation, is telling us that we cannot allow U.S. diplomats to enter Kashmir?" Assistant Secretary of State for Democracy, Human Rights and Labour Robert Destro informed the subcommittee that since the beginning of the clampdown on August 5, they have communicated to India that there needs to be a balance between security priorities and respect for human rights.

Sheila Jackson Lee from Texas, currently serving her 11th term as a U.S. Representative and a senior member of the House Committees on the Judiciary and Homeland Security, the co-chair of the Congressional Pakistan Caucus, and the chief deputy whip of the Democratic Caucus, tersely asked whether Kashmir was a "humanitarian crisis". Destro's reply was just as terse: "It is."

However, Alice Wells sought to balance the criticism made against India and underlined the need for Pakistan to act against terror groups, such as Jaish-e-Mohammed, operating against Afghanistan and India. She also clarified that the relation between India and the U.S. was not one of dictation but of partnership. She further explained that the U.S. did not object to India's decision to revoke Article 370 per se, but that its concerns were born out of its commitment to human rights. She said: "Revocation is not what we care about, it is about how Kashmiris live their lives," and added: "The United States supports the rights of Kashmiris to peacefully protest but condemns the actions of terrorists who seek to use violence and fear to undermine dialogue."

Abigail Spanberger wanted to know whether India's decision to enforce a communication blockade in Kashmir had helped in the prevention of terror strikes. When Alice Wells stated that she could not comment, Abigail Spanberger called for a classified hearing to critically examine whether India's national security argument defending the clampdown had any merit. Chair Sherman assured her that her suggestion would be considered. The perception that the BJP's majoritarian agenda guided its actions in Kashmir also found resonance at the hearing. The questions of at least three lawmakers, Ilhan Omar, Tom Malinowski and David Cicilline, indicated as much. Alice Wells informed them that the "revocation of Article 370 has long been a mainstay of BJP political platform".

In the aftermath of the October 22 hearing, India issued its disappointment with the observations made by several Congressmen, adding that their comments reflected their limited understanding of India's history and pluralist traditions. At a press meet in New Delhi, External Affairs Ministry spokesperson Raveesh Kumar said: "It is regrettable that a few members of the U.S. Congress used the Congressional hearing on human rights in South Asia to question the measures taken recently to safeguard life, peace and security in Kashmir." He added: "These comments display a very limited understanding of India's history, her pluralistic society, constitutionally guaranteed

freedom, fundamental rights, and the robust institutions operating in the world's largest democracy.”

Asif Mahmood, a popular Democrat leader who spoke to Frontline following the hearing, is hopeful Kashmiri voices would continue to find sympathetic audiences in future. “The House Subcommittee on Asia will come out with its conclusion and recommendations. Based on the facts, questions and concerns that were raised at the October 22 hearing, it looks like the Committee will conclude that human rights are being abused in Kashmir. They will have certain recommendations for the Indian government such as access to international media, opening up all means of communication, lifting the siege, and so on. In addition, they might ask India to allow human rights organisations such as Amnesty International and others to visit Kashmir,” he said.

The Kashmiri American Majid Butt, who was instrumental in organising a briefing for Congressional staff on Capitol Hill ahead of the hearing under the auspices of the Kashmir Human Rights Foundation, a California-based not-for-profit organisation, said they were hopeful that there would be sustained pressure on New Delhi to ease the restrictions in Kashmir. He told Frontline: “U.S. Congress is very critical. The U.S. Constitution grants Congress the unique power to create laws. They play a very vital role in writing, debating, and even passing bills. Even if India decides not to abide by the recommendations, the U.S.

State Department will have to respond and act accordingly. The U.S. Congress could demand certain actions from the U.S. State Department if India doesn't want to abide. However, India is a strong U.S. ally and they will have to consider that for its ongoing and strong ties with the U.S.”

Meanwhile, Kashmiri Pandit groups based in the U.S. protested that the deliberations were not a balanced view of the developments in Kashmir in the past three decades since militancy erupted. The Kashmiri Overseas Association wrote a letter to Brad Sherman alleging that the hearing deviated from its goal of highlighting human rights in South Asia as it excluded the plight of the indigenous races in Jammu and Kashmir. The letter said: “Without their [Kashmiri Pandits] testimony, the committee hearing promoted anti-Hindu sentiment, peddle an anti-Indian propaganda machine to appease the Muslim population in the United States and/or the globe.” It noted: “Though you had invited panelists with varying perspectives, the hearing was conducted to favour a one-sided narrative which was clearly illustrated with only three of the six panelists dominating the hearing.”

In the light of the critical observations made against India in the hearing, six American lawmakers further raised human rights concerns in a letter to the Indian Ambassador to the U.S., Harsh Vardhan Shringla. The lawmakers—David N. Cicilline, Dina Titus, Chrissy Houlahan, Andy Levin, James P. McGovern and Susan Wild— emphasised in the letter: “We believe true transparency can only be achieved when journalists and Members of Congress are allowed free access to the region. We encourage India to open Jammu and Kashmir to both domestic and foreign journalists, and other international visitors in the interest of open media and increased communication.”