

Institution: University of Westminster		
Unit of Assessment: 19 Politics and International Studies		
Title of case study: Redressing the state of the stateless: seeking political recognition for Tibet and Kashmir		
Period when the underpinning research was undertaken: 2007-2019		
Details of staff conducting the underpinning research from the submitting unit:		
Name(s): Dibyesh Anand Nitasha Kaul	Role(s) (e.g. job title): Professor Senior Lecturer	Period(s) employed by submitting HEI: 07/2007 ongoing; 07/2015 ongoing
Period when the claimed impact occurred: Jan 2014 – Dec 2020		
Is this case study continued from a case study submitted in 2014? Y/N		
1. Summary of the impact (indicative maximum 100 words) <p>Professor Dibyesh Anand and Dr Nitasha Kaul have used their research expertise on the oppression of Tibetans and Kashmiris to push for the attainment of rights of such stateless peoples.</p> <ul style="list-style-type: none"> Anand's expert evidence directly informed the judgement of a landmark legal case that has set a precedent on the rights of Tibetans to claim asylum in the UK. Kaul provided the evidence-base for a US Congress Resolution that significantly increased international pressure on the Indian government's siege of Kashmir. Kaul has raised the profile of Kashmiris in Indian public discourse, making their struggle visible and inspiring Kashmiris to use their voice. Anand and Kaul have facilitated capacity building for Tibetan and Kashmiri activists in the UK and South Asia. 		
2. Underpinning research (indicative maximum 500 words) <p>Kashmiris and Tibetans can be understood as stateless peoples: their rights of self-determination are continually undermined by the actions of the powerful states that claim authority over the land they inhabit: India and Pakistan in the case of Kashmir; China over Tibet. Anand and Kaul's academic work brings to light the conditions that lead to the oppression of these stateless peoples, placing particular importance on the voices of marginalised and victimised groups.</p> <p>In his <i>Geopolitical Exotica: Tibet in Western Imagination</i>, Anand offers an original postcolonial critique of the colonial practices that have shaped Tibet as an international issue and engages with the politics of identity and representation in the Tibetan diaspora, examining how constructions of "Exotica Tibet" and "Tibetanness" have impacted those who are being represented [1]. The significance of the monograph is such that it was republished in South Asia in 2009, where the bulk of Tibetan exiles live, as <i>Tibet: A Victim of Geopolitics</i>. A revised version was translated by the Party School of the Central Committee of the Communist Party of China in Beijing, but the approval for its publication was withheld by the Chinese Government in 2010. In outputs [2] and [3], Anand provides original insights into the ways in which, contrary to broader conceptions of China and India that posit them solely as collaborators or victims of Western colonialism, these countries are now engaging in their own modern colonial practices – to the detriment of the livelihoods of stateless peoples within and beyond their territories, specifically Tibetans, Uyghurs and Kashmiris.</p> <p>Kaul's research is particularly innovative in articulating a postcolonial and feminist discourse that has been silent on Kashmiri women. This approach to the Kashmir conflict and its linkages to the ongoing transformation in Indian democracy is encapsulated in output [4]. Output [5], co-edited by Kaul, is the first ever collection of essays on women and Kashmir. Entirely authored by Kashmiri women scholars and a special issue of the influential Indian publication <i>Economic & Political Weekly</i> (EPW), this collection represents a significant breakthrough as it gives mainstream prominence to the perspective of Kashmiri women for the first time. It has gathered accolades from numerous scholars and activists, including the widely respected Indian economist Jean Drèze. Kaul has also developed an important critical perspective on the rise of ideology and practices of Indian right-wing nationalism. For instance, output [6] dissects the Hindutva-Development mix to illuminate the role of dualities in the right-wing project in India that seeks to</p>		

appease Hindu followers using the language of development, spirituality and progress, at the cost of Kashmiri and Indian Muslims, Dalits, and other marginalized groups.

3. References to the research (indicative maximum of six references)

- [1] Anand, D. (2007) *Geopolitical Exotica: Tibet in the Western Imagination*, Minneapolis: University of Minnesota Press. Republished as *Tibet: A Victim of Geopolitics* (2009), New Delhi: Routledge.
- [2] Anand, D. (2012) "China and India: Postcolonial Informal Empires in the Emerging Global Order", *Rethinking Marxism* 24 (1), 68-86. Peer reviewed.
- [3] Anand, D. (2019) "Colonization with Chinese Characteristics: Politics of (In)Security in Xinjiang and Tibet", *Central Asian Survey* 38 (1), 129-147. Peer reviewed.
- [4] Kaul, N. (2018) "India's Obsession with Kashmir: Democracy, Gender, (Anti-)Nationalism", *Feminist Review*, Special Issue on Feminism, Protest and the Neoliberal State in India, Volume 119, Number 1, July, pp. 126-143. Peer reviewed.
- [5] Kaul, N. and Zia, A. (2018) (eds) "Knowing in Our Own Ways: Women and Kashmir", Editorial Introduction to Journal Special issue (co-edited by N. Kaul and A. Zia) on "Women and Kashmir", *Review of Women's Studies (RWS) / Economic and Political Weekly (EPW)*, Volume 53, Issue Number 47, 01 December, pp. 33-35.
- [6] Kaul, N. (2017) "Rise of the Political Right in India: Hindutva-Development Mix, Modi Myth, And Dualities", *Journal of Labor and Society*, Volume 20, Number 4, pp. 523-548. Peer reviewed.

Research funding

University of Warwick Impact Acceleration Award. 'The Association of Parents of Disappeared Persons and Effective Human Rights: Co-Developing A Research Agenda', 2015, £19,000; Anand, Co-investigator.

4. Details of the impact (indicative maximum 750 words)

Anand and Kaul are active in solidarity work with activists and in highlighting the denial of the rights of stateless social groups in Asia, particularly Tibetans and Kashmiris. Both have continued their work while experiencing extensive and deplorable social media abuse.

Securing the legal right of Tibetans to claim asylum in the UK

Anand has provided extensive expert advice to legal professionals in more than 14 final appeals dealing with the rights of Tibetans seeking asylum in the UK, contributing to the majority of asylum claims being accepted. Russell Blakely, Partner at Wilson Solicitors LLP, stresses that Anand's "importance to the field cannot be overstated. He writes with authority and is highly respected by the First Tier and Upper Tribunal. The Tribunals have accepted his opinion in full on numerous occasions. As such he has been instrumental in the fight for justice for many Tibetan refugees" [1a].

Most significant is Anand's contribution to the landmark 2016 case of "TG (Interaction of Directives and Rules)" in the Upper Tribunal, which has **established a precedent that will help to defend the rights of Tibetans seeking asylum in the future**. The judgement states that UK Tier 2 qualification requirements do not override the European Convention of Human Rights (ECHR) in respect to the Refugee Convention pursuant to Article 1E and the Qualification Directive (Directive 2004/83/EC) [1b]. In coming to his judgement to uphold the appellant's appeal against deportation to India, the judge describes at length Anand's evidence on the likely actions of India and China in violating the convention, stating: "We place weight on the expert evidence of Dr Anand" [1b].

Of particular importance was Anand's evidence that those making asylum claims in the UK typically had been living in India with false registration and residence certificates, and, as such, their previous unlawful residence would mean that they would be treated as stateless on return. The judge drew on this aspect of Anand's evidence when deciding that the Home Office "cannot demonstrate that India is a 'first country of asylum' for the appellant because it cannot demonstrate on the evidence that he will be re-admitted to India" [1b]. Further, the judge accepted Anand's

evidence of similar examples in the past where such deportation had occurred in his decision that the appellant's "false claim... would cause him to face significant problems and difficulties on return given the resultant paperless and stateless circumstances" [1b]. By being rendered stateless, deportation would lead to India treating the appellant as a foreigner with restrictions on their exercise of civil and legal rights, capacity to buy property and employment opportunities, thus violating the above ECHR article on human rights.

Increasing international pressure on India's siege of Kashmir

Kaul was invited by Rep Eliot L. Engel, Chair, 116th Congress US House of Representatives Committee on Foreign Affairs, to provide both a written and oral submission as an Expert Witness to the 22 October 2019 Congressional Hearing on "Human Rights in South Asia", hosted by the U.S. House of Representatives Subcommittee on Asia, the Pacific and Nonproliferation (Committee on Foreign Affairs) [2a]. Kaul's submissions to this Hearing **provided an evidence base used by US Congresswoman Pramila Jayapal to put forward House Resolution 745** (6 December 2020) [2b]. The Resolution urges India to end its communications blackout in Jammu and Kashmir (since 5 August 2019, Kashmiris in these territories had been unable to use landline or mobile phones and the internet) and calls for the release of political detainees in the region. The immediate and medium-term recommendations proposed in Kaul's submissions – relating to lifting communications restrictions, freedom of travel, safe working environment for journalists and human rights observers, and the end of arbitrary detentions and violence – are reflected in the 3rd and 4th Resolutions introduced to the House [2a, 2b].

The release of Farooq Abdullah, former chief minister of Jammu & Kashmir, after his 222-day long detention has been attributed to pressure arising from the Resolution, which has received bipartisan support from a number of significant Democratic and Republican Congressional Representatives, including Rep. James McGovern, co-chair of The Tom Lantos Human Rights Commission and Rep. Adam Schiff, Chair of the House Intelligence Committee. Aakar Patel, former executive director of Amnesty International India, is of the view that "there's never been as much pressure on the Indian government as there is today" and has stated that Abdullah's release "is due to pressure from the US Congress House Resolution 745" [2c].

More broadly, the impact of the Resolution, informed by Kaul's evidence, is such that, as US news organisation *The Intercept* reported, the "Indian government has deployed an arsenal of lobbying tactics to hinder the House resolution's momentum since its introduction in early December — expending a disproportionate amount of resources and manpower to prevent the House from taking an official stance on Kashmir" [2d].

Stand With Kashmir, an international advocacy organisation, states that **Kaul's "powerful statement at a US Congressional Hearing... has centered the Kashmiri people, their struggles, and their political aspirations"** [2e], and former BBC India correspondent Dr Andrew Whitehead says "[i]t is difficult to imagine a more important forum for such expert evidence" [2f]. For this reason, prominent Kashmiri film-maker Sanjay Kak states that Kaul's "expert testimony in the US Senate... was an excellent example of the value of her powerful voice on the global stage" [2g].

Bringing a critical perspective on Kashmir into public discourse

Kaul engages extensively with the media in India and beyond as a way of **making visible the lack of public debate on the absorption of Kashmir into India**. Her research-based media interventions range from how the Modi administration has shaped Indian perceptions of Kashmir through an anti-Muslim hyper-nationalism to the gendered dimensions of the siege in Kashmir [3a]. These interventions number over three dozen, and feature in mainstream outlets in India, the UK, US, and Europe, including *BBC Newsnight* and other BBC programmes, *Al Jazeera*, *The Hindu*, *The Independent*, *Time Magazine*, and *France 24* [3a].

The critical importance of Kaul's media interventions is highlighted by Amjad Majid, editor and founder of the Kashmiri *Inverse Journal*, who states Kaul has "dedicat[ed] herself to **bringing about a much-needed understanding of Kashmir and Kashmiris within the domain of contemporary culture**, beyond her extensive academic work ... Dr. Kaul is considered one of the key academic and intellectual figures whose work permeates into the indigenous Kashmiri press

and multiple cultural spaces within Kashmir, the diaspora and a global audience, within and beyond traditional academic circles and spaces while maintaining a clear focus on the struggles of the people of Kashmir” [3b]. For this reason, Kaul has “inspired many Kashmiris” to use their voices [3b].

One prominent example that demonstrates the significance of Kaul’s far-reaching media activism is her role as an invited expert on the Al Jazeera show *Head-to-Head* in December 2015. During this broadcast Kaul directly and repeatedly challenged Ram Madhav, the National General Secretary of India’s ruling BJP Party, on the ruling Indian government’s Kashmir policy, of which he was the architect [3c]. **This is a rare occasion in which a government spokesperson was placed under consistent pressure in the public debate on India’s nationalist policies.** With over 1.69 million views (as of January 2020), it is the third most watched episode of *Head-to-Head* on Al Jazeera English’s YouTube channel, and the 86th most watched video on this channel that has 70,000+ uploaded videos spanning the past 12 years. Further, edited versions of the video that focus on Kaul’s interventions have been shared widely across social media platforms globally.

The traction of Kaul’s intervention is demonstrated by both the praise and abuse that followed. The show’s host Mehdi Hasan tweeted: “I’ve done 30 odd @AJHeadtoHead interviews with guests from around the world over the past 3 years. But never had a Twitter response like this. [...] I guess the interview must really have hurt” [3d]. Her appearance led to a lengthy profile in *Kashmir Life* that describes Kaul as “a reckoning Kashmiri voice” and details the arguments she had put forward, demonstrating how her research-based media interventions feed back into discourse within Kashmir itself and enable members of its community to develop their political positions [3e]. As Kak puts it, echoing Majid, by having “chosen to speak widely, well, and consistently, about the long-standing dispute in Kashmir, which is probably the single-most contentious issue to talk about in India”, Kaul has become “an influential figure amongst a younger generation of Kashmiris” [2g].

This media activism comes at high personal cost. Kaul regularly experiences extensive and deplorable social media abuse [3f]. It is well-established that female academics are exposed to structural and symbolic violence on social media [3g], however such ad hominem attacks are intensified because of her position as a non-Muslim Kashmiri who speaks in non-communal terms. Whitehead states: “I admire her advocacy on Kashmir, pursued in spite of deplorable online trolling... **No scholar has done more to bring attention to – and promote understanding of – the situation in the Kashmir Valley**” [2f].

Facilitating capacity building for Tibetan and Kashmiri activists

Anand and Kaul have worked tirelessly in building the capacity of refugee activists, academics and politicians to protect the rights of Tibetans, Kashmiris and other oppressed social groups in South Asia. The researchers have worked to enable these groups to voice their own experiences and perspectives, rather than being spoken for by those in positions of power.

Riki Hyde, Chair of the Tibet Society of the UK and Honorary President of the Tibet Relief Fund, states that Anand “has been a major contributor to the Tibet movement, particularly when many are cautious about speaking out because of Chinese reaction... He has I know withstood pressure from Chinese interests, and indeed sought to be **a bridge of dialogue to encourage understanding between the two communities**, which is so crucial for the survival of Tibetan identity” [4a].

Such contributions to the Tibetan movement include Anand’s work with the Tibet Policy Institute (TPI), a think-tank for the Tibetan Government in Exile. Engagements include conducting a Nov 2014 workshop on undertaking research in this field, focussed on navigating the complexities of Tibet’s geopolitical situation, and collaborating in the organisation of the conference “Researching Contemporary Tibet: People, Power and Resilience” (13 Sept 2016). Tenzin Lekshay, Director of TPI, writes that Anand’s “immense knowledge on the geopolitics of Tibet and China, particularly on security issues has been great help for the Tibet Policy Institute. ... He constantly **helps Tibet Policy Institute in building research capacities as well as promoting institutional engagements**... The Tibet Policy Institute sincerely appreciates Prof. Dibyesh Anand’s unceasing cooperation, guidance and mentorship” [4d].

Anand has also facilitated the work of younger generations aiming to advocate for the cause of Tibetans. As a Patron for *Students for Free Tibet (SFT) UK*, Anand’s work with them has included the organisation of film screenings and a two-day conference on “Academia and Activism

in the Tibetan movement”, 8th-10th March 2019. SFT UK President, Drukthar Gyal, states: “Professor Dibyesh’s guidance and expertise is very crucial for our Society and his support is inspiring for Tibetan students as well our allies. His **academic mentorship for some of our members has been life-changing for them in terms of pursuing further education** as well” [4c]. Further, Anand’s speech at the Chinese Embassy in March 2018, at the invitation of the cultural and activist organisation *Tibetan Community of UK*, **inspired the formation of the Tibetan student-led Society for Self-Determination**. The Society’s founder and Co-Chair states: “The society was actually founded after I saw [Anand] speak... at the Tibetan Uprising Day rally in London. [His] speech in support of the Tibetan people and more specifically [his] call for an intersectional movement that opposed imperialism wherever it appeared struck a chord with me, and was a key factor in founding this Society” [4b].

Anand and Kaul have also worked closely with the Kashmiri Association of Parents of Disappeared Persons (APDP), providing advice on reports, mentoring interns and making “a large impact” on its core work on enforced disappearances [4e]. In collaboration with the University of Warwick and the Norway-based Rafto Foundation, Anand brought Parveena Ahangar, Chair of APDP, to the UK to give a number of talks aimed at **raising awareness of the abuses suffered by Kashmiris, and to reframe the international debate on Kashmir and its status** [4f]. Awareness raising amongst UK parliamentarians was achieved through Anand and Kaul introducing Ahangar to the All-Party Parliamentary Group for Kashmir and their assistance to these parliamentarians with the drafting of parliamentary questions and speeches. Simon Danczuk MP’s intervention in the 11 September 2014 parliamentary debate on Kashmir recounts what he learned from Ahangar in detail, arguing that Parliament “need[s] to work closely with the large Indian, Pakistani and Kashmiri diasporas in the UK in terms of aid and development” [4g; §2.30pm].

5. Sources to corroborate the impact (indicative maximum of 10 references)

- [a] Testimony: Russell Blakely, Partner at Wilson Solicitors LLP; [b] Gekhang (Interaction of Directives and Rules) [2016] UKUT 00374 (IAC) [\[link\]](#)
- [a] Kaul’s Written evidence [\[link\]](#); Kaul’s Oral evidence [\[link\]](#); [b] House Resolution 745 [\[link\]](#); [c] Gowhar Geelani, “Farooq Abdullah’s silence is a statement”, *Deccan Chronicle*, 16 Mar 2020 [\[link\]](#); [d] Rashmee Kumar & Akela Lacy, “India Lobbies to Stifle Criticism, Control Messaging in US Congress Amid Rising Anti-Muslim Violence”, *The Intercept*, 16 Mar 2020 [\[link\]](#); [e] Testimony: Stand With Kashmir; [f] Testimony: Dr Andrew Whitehead, former BBC India correspondent; [g] Testimony: Sanjay Kak, Kashmiri film-maker.
- [a] Kaul media engagements [\[link\]](#); [b] Testimony: Amjad Majid, editor and founder of *Inverse Journal*; [c] “Is Modi’s India flirting with fascism? | Head to Head”, *Al Jazeera English*, 25 Dec 2015 [\[link\]](#); [d] Parmjeet Singh, “Al Jazeera anchor Mehdi Hassan, Kashmiri author Nitasha Kaul under Hindutva attack after Head To Head with Ram Madhav”, *Sikh Siyasat News*, 30 Dec 2015 [\[link\]](#); [e] Bilal Handoo, “Kashmir’s Nitasha”, *Kashmir Life*, Feb 9 2016 [\[link\]](#); [f] Nitasha Kaul, “Kashmiri Pandits Are a Pawn in the Games of Hindutva Forces”, *The Wire*, 7 January 2016 [\[link\]](#); [g] Heather Savigny (2020) “The Violence of Impact: Unpacking Relations Between Gender, Media and Politics”, *Political Studies Review*, 18(2) 277–293.
- [a] Testimony: Riki Hyde, Chair of the Tibet Society of the UK; [b] Testimony: Tenzin Lekshay, Director, Tibet Policy Institute; [c] Testimony: Dorjee Tseten, Executive Director, Students for a Free Tibet; [d] Email: Co-Chair of Society for Self-Determination at Oxford; [e] Testimony: Association of Parents of Disappeared Persons; [f] Ahangar gave addresses at University of Westminster, University of Warwick, SOAS, University of London, Oxford University, Cambridge University and Birmingham Drum Centre [\[link\]](#); [g] Hansard. “Kashmir Volume 585: debated on Thursday 11 September 2014 [\[link\]](#)”