



Center for Global & Strategic Studies, Islamabad

CONFERENCE REPORT

**Enduring Rivalry Post Indian Election
Scenario in Occupied**

KASHMIR

23rd May 2019, Islamabad



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Conference Report

“Enduring Rivalry – Post Indian Election Scenario in Occupied Kashmir”



**Organized by
Center for Global & Strategic Studies, Islamabad at
Margala Hotel, Islamabad on
23rd May 2019**

Participants

On 23rd May 2019, Center for Global & Strategic Studies (CGSS), Islamabad organized a Conference on "Enduring Rivalry – Post Indian Election Scenario in Occupied Kashmir" at Margala Hotel, Islamabad. Approximately 300 people attended the Conference, including eminent politicians, scholars, policymakers, and practitioners. Moreover, students from various universities, government representatives, and retired senior armed forces officers, diplomats, law enforcement officials from across the country and individuals from the public and private entities also participated in this conference.

Host:

- Major General Syed Khalid Amir Jaffery, HI (M), (Retd) - President, Center for Global & Strategic Studies

Guest Speakers:

- His Excellency Sardar Masood Khan - President of Azad Jammu and Kashmir, Muzaffarabad(**Chief Guest**)
- Ms Mushaal Mullick - Social Worker/Hurriyat Leader (**Guest of Honor**)
- Ambassador Abdul Basit-Former High Commissioner of Pakistan to India

- Mr Ahmer Bilal Soofi- Former Federal Law Minister
- Ambassador Zamir Akram - Former Ambassador of Pakistan and Permanent Representative to the United Nations
- Lieutenant-General Ghulam Mustafa, HI (M), (Retd) - Defence Analyst
- Dr Muhammad Khan - Professor, Department of Politics and IR, International Islamic University, Islamabad

Introduction of Speakers

Major General Syed Khalid Amir Jaffery HI (M), (Retd) –



President CGSS

Major General Syed Khalid Amir Jaffery HI (M), (Retd) is the former Director-General Anti-Narcotics Force. Currently, he is the President of the Center for Global & Strategic Studies (CGSS), Islamabad. He has also remained Pakistan's Ambassador to Bosnia-Herzegovina and has served on various command, staff and instructional assignments including Military Intelligence Directorate, General Headquarters, and Inter-Services Intelligence Headquarters.

His Excellency Sardar Masood Khan, President of Azad Jammu and Kashmir, Muzaffarabad -Chief Guest



Mr. Sardar Masood Khan is currently serving as the 27th President of Azad Jammu and Kashmir, a position he assumed on 25th August 2016.

Prior to getting elected as the President of AJK, Sardar Masood Khan had a long diplomatic career with the Foreign Service of Pakistan. Most notably, he served as the Spokesman of the Ministry of Foreign Affairs from 2003 to 2005; Pakistan's Ambassador and Permanent Representative to the United Nations and other International Organizations in Geneva,

Switzerland, from 2005 to 2008; Pakistan's Ambassador to China from 2008 to 2012; and Pakistan's Ambassador and Permanent Representative to the United Nations Headquarters, New York, from 2012 to 2015. Mr Masood Khan has also remained the Director-General of the Institute of Strategic Studies Islamabad.

Ambassador Abdul Basit- Former High Commissioner of Pakistan to India



Ambassador Abdul Basit is the Former High Commissioner of Pakistan to India and former President of the Islamabad Policy Research Institute. He joined the Foreign Service of Pakistan in 1982. In the recent past, he served as the High Commissioner for Pakistan to India from 2014 to 2017 and Pakistan's Ambassador to Germany from 2012 to 2014. He has also served in various diplomatic capacities while being posted at Moscow, New York, Sana'a, Geneva and London at Pakistan Missions. Ambassador Basit has also served as the Foreign Office Spokesman from 2009 to 2012. Ambassador Basit holds a Master's degree in International Relations from Quaid-e-Azam University Islamabad.

Mr Ahmer Bilal Soofi- Former Federal Law Minister



Mr Ahmer Bilal Soofi is an Advocate of the Supreme Court of Pakistan. He served as the Federal Minister for Law, Justice & Parliamentary Affairs and Human Rights. He is also the founding President of the Research Society of International Law. He has also served as the Member Advisory Council of United Nations Human Rights Committee.

Ms MushaalMullick – Social Worker/Hurriyat Leader - Guest of Honor



Ms MushaalMullick is the Chairperson of Peace Caravan, a Non-Governmental Organization that works for Global Peace and Harmony and also campaigns for a peaceful settlement of the Kashmir Conflict. She is the scion of an intellectual family and is driven by a passion for art and philanthropy. She has done her BSC Hons from London School of Economics. Apart from this, she is actively advocating the rights of women and children in war zones and conflict zone through seminars, conferences, public rallies, protests, media, etc. She is also working on the Craft and Heritage revival in Kashmir and raising the problems that the helpless artisans and craftsmen' suffering due to the conflict.

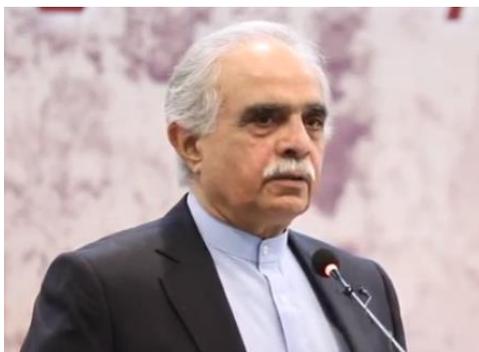
Ambassador Zamir Akram – Former Ambassador of Pakistan and Permanent Representative to the United Nations



Mr Zamir Akram is the Former Ambassador of Pakistan and Permanent Representative of Pakistan to the United Nations. He is currently Advisor to the Strategic Plans Division, Government of Pakistan. Mr Akram joined Pakistan's

Foreign Service in 1978. During his tenure with the Foreign Service, he served as Additional Secretary for Foreign Affairs in the Prime Minister Office, Director General for South Asia, Director for Afghanistan and Selection Officer for the former Soviet Union. His foreign postings included the capitals Geneva, Moscow, Delhi, and Washington. As Pakistan's Ambassador and Permanent Representative to the UN and other international organizations in Geneva from 2008 to 2015, he played a leading role in Disarmament, Human Rights, Refugees, Humanitarian Affairs, Trade and Development, Intellectual Property, Labor and Health among others significant areas. In 2015 he was elected as Chair-Rapporteur of the Human Rights Council Working Group on the Right to Development.

Lieutenant-General Ghulam Mustafa, HI (M), (Retd) –



Defence Analyst

Lieutenant-General Ghulam Mustafa, HI (M) is a retired three-star general of the Pakistan Army. He is credited with raising the Army Strategic Forces Command. He remained Commander

I corps and Commander ASFC. He has also been awarded Hilal-e-Imtiaz (Military), Sitara-e-Eisaar and Tamgha-e-Basalat for his outstanding services.

Dr Muhammad Khan – Professor, Department of Politics and IR, International Islamic University, Islamabad



Dr Muhammad Khan is the former Head of International Relations Department, in the National Defence University (NDU), Islamabad until July 18, 2016. He completed his PhD in International Relations from the University of Karachi in 2002. He is the founding member of the Faculty of Contemporary Studies (FCS) in NDU, having five departments now. He also established the Department of Strategic Studies, Department of Peace and Conflict Studies and Department of Government and Public Policy in the NDU Islamabad. Besides, he acted as a pivot in Conceptualizing and restructuring “Institute of Strategic Studies Research and Analysis” (ISSRA)-a national and international think tank. Dr Khan has been on the Panel of Federal Public Service Commission of Pakistan from 2007 to 2015. Besides, He is a member of the AJK Public Service Commission. Dr Khan is also Chairman of the Research and Policy Forum, being established by AJK Government, the first-ever Think Tank AJK Government will have.

Opening Remarks by Major General Syed Khalid Amir JafferyHI(M), (Retd) – President CGSS



President CGSS Major General Syed Khalid Amir Jaffery HI(M), (Retd) commenced his speech by extending a warm welcome to the President of Azad Kashmir Mr. Sardar Masood Khan, all the speakers and the participants of the conference. He said that the issue of Kashmir is unique in the annals of history. The Kashmiri people have been suffering since approximately the last hundred and fifty years. It's they who were sold like cattle by the British to Gulab Singh for 75 lac rupees. He reminded the audience that the history of the Kashmiri struggle is well known to all of us. Kashmir has been termed as the unfinished agenda of partition of the subcontinent, thanks to Sir Henry Lawrence. . He told the audience that A Muslim majority area was given to India against the wishes of its people. This crucial decision was not taken through some formal dialogue, but the relationship of Nehru with the Mountbatten has a lot to do with it.

Major General Syed Khalid Amir JafferyHI(M), (Retd) told the participants that it must be remembered that it was India which went to the United Nations, once it thought Kashmir was going out of its hand as a number of resolutions passed on the right of self-determination of the Kashmiris. The conflict entered a new stage in 2016, after the killing of 22-year-old Burhan Muzzafar Wani. Following Wani's death, protests broke out all over Kashmir and people took to the streets, but they were met with extreme violence. In response to the demonstrations, the

Indian government also started to use a new crowd control weapon the pellet shotguns which have blinded hundreds of people. Young and old Kashmiris are dying every day and are being buried in the Pakistan flag. Women are being raped as an instrument of War. The Indians are trying their best to label the Kashmiri movement as terrorism internationally and in the new geopolitical environment, they're succeeding to some extent.

President CGSS, Major General Syed Khalid Amir JafferyHI(M), (Retd) pointed out that the International Community appears to be absolutely impervious to the state terrorism being inflicted on the helpless Kashmiris mainly because of their economic relations with India and the blind support of the USA as it is trying hard to build up India to counter China. In any case, these are Muslims dying, but who cares. Unfortunately, only after the OIC gives a statement, then Pakistan take some steps. The recent incident of inviting Sushma Swaraj as to the OIC conference as a guest of honour was a shock to the Kashmiris, to say the least, while Pakistan is ready for any Muslim cause readily in the international arena. Unfortunately, this is somehow not the case when we require their support.

Honourable Major General Syed Khalid Amir JafferyHI(M), (Retd) informed the audience that as expected Modi has nearly won the elections. He has always taken a very hard-line approach on Kashmir. The BJP promises to annul article 35A and article 370 of the Indian constitution, which gives a special status Jammu and Kashmir. He said it is his personal belief that now PM Modi will come down very heavily on the Kashmiris. The world must realize that in the face of increasing tension the possibility of nuclear war cannot be ruled out which will affect not only the region but the whole world. It is evident that the

Indian nuclear Arsenal is now in the hands of terrorists. The Indian army is controlled by the RSS and it can be debated with anybody who wants to, Unfortunately, there are still some voices which say that let's put Kashmir on the back burner.

Giving his response to these voices, President CGSS clearly expressed that a Nation cannot exist if it compromises on its principles. Has the West forgotten the first and second world war and issues like Armenia? Koreans are asking for apologies even now . The Indians asking for apologies for Jaliawala Bag even now. He told the participants to remember what Quaid e Azam said about Kashmir “It is our jugular vein”. This was not an emotional statement, but that of a visionary one . While concluding his welcome speech, Major General Syed Khalid Amir JafferyHI(M), (Retd) Jafferi said, Finally, we must not also forget what the word Pakistan stands for and What the word ‘K’ stands for in Pakistan? ‘K’ stands for Kashmir and without Kashmir Pakistan is incomplete.

His Excellency Sardar Masood Khan, President of Azad Jammu and Kashmir, Muzzafarabad -Chief Guest



His Excellency Sardar Masood Khan expressed his gratitude to CGSS for organizing the conference and welcomed all the participants. He said that it is a very timely conference as BJP has again won the election with a high majority. He was of the view that the western world would welcome this development. According to him, the past shows us that in election campaigns across India, the contending parties made noises, raise objections, but once a party like the BJP wins convincingly, the West not only endorse their party elections but also their agenda. He

then said that the topic given to him is "Kashmir is the pivot of India Pakistan crises", but he would replace the word 'pivot' with the "root-cause" because the word 'pivot' has some positive connotations, and those positive connotations could not be associated with the Kashmir dispute. This conflict is the root cause of the crisis between India and Pakistan. His Excellency said that before analyzing the root cause, there are also many other reasons for the crises between India and Pakistan. The first is the creation of Pakistan, because India up to this day the extremists who are ascendant in India, do not accept the creation of Pakistan in their hearts. Therefore they think that this is their responsibility to correct this 'historical wrong'.

Mr Sardar Masood identified these ascendants in India as the BJP, the RSS and the Bajrang Dal. He was of the view that these Indian organizations think that this was a cardinal sin which was committed against "Akhand Bharat" or 'Bharat Boomi', therefore Pakistan must be punished for that sin and Indian should atone for that sin by waging a new renaissance for the Hinduism and the consolidation of the entire geographical territory of Akhand Bharat. He makes it clear that it is not something theoretical because its manifestation is visible in India every day. In past years it was being witnessed that Nathuram Godse, the assassin of Mahatma Gandhi was lionized and a tall statue of Patel is erected in Gujrat. The messages are; Natho Ram was good and Gandhi was bad, Patel was a patriot and Nehru was not. His excellency stated that there is systematic discrimination against Muslims and the message given is that Hindus are paragons of purity and Muslims are Maleech 'outsiders'.

In Mr Masood Khan's opinion the second grouse of grudge against the Muslims in India and against Pakistan for which the Muslims have to

pay penance is 1000 years of Muslim rule. They think that Muslims were interventionist outsiders, imperialists and therefore there is revisionist version of history which is being popularized, and for that they are asking the contemporary Muslims to pay for the excesses that were committed by the earlier Muslim rulers (the Turks, the Mughals or others). His excellency while highlighting the third dimension of the causes of hostilities said that the extremist Indian politicians think that Pakistan stands in the way of the great power status of India. The fourth is Pakistan' nuclear status; which they have not accepted fully and created a situation of parity between India and Pakistan as far as the strategic realm is concerned. They haven't accepted this reality from their heart, they are trying to scruple it or scuttle it or neutralize it by any means and by many doctrines.

He further explained by saying that Fifth reality is the Hindu majoritarianism. The Hindu leaders are of the view that being the majority, i.e. 80 per cent of the Indian population, they are superior and they do not want to be held hostage by Muslim Waters. Mr Sardar Masood khan then shed light upon the responses of the Indian society and political elites on the aforementioned factors.

There is a tidal wave of violent extremism in India. It is targeting Pakistan's Muslims and Kashmiris. We all have heard about the excessive militant 'Gaye Raksha" campaign for cow protection, "GharWapsi" campaign where they are forcing poor Muslim marginalized to reconvert to Hinduism. There is also love jihad troll, they said that Muslims are marrying Hindu girls to make them Muslims, and the restrictions on prayers on open places.

President AJK then discussed Michelle Bachelet report about human rights in India. Michelle Bachelet the high commissioner of Human

Rights in her reports recorded her concerns that in India, the harassment and targeting of Muslims are increasing with each passing day. His excellency then highlighted the election campaign of 2019 Indian election. He told the participants that there were many domestic issues on the cards during the campaign, but the external foreign and religious agenda that dominated the campaign was the demonization of Muslims in Pakistan and Kashmiris .This was a very loud anti-muslim vitriolic campaign as Pakistan was portrayed as an arch-enemy, Indian Muslims as not patriots and Kashmiris as traitors. He further added that in their elections manifestos they threatened to, or are committed to repealing Articles 370 and 35A.

The honourable speaker was of the opinion that the phenomenon, which is unfolding in India is not just confined to India, but there is also a rise of ethnonationalism and ultra-nationalism in the USA, in Europe and in the Middle East. His excellency said that due to the rising nationalism in these areas, they too would support India. So we have to grasp this reality that West would tolerate India's crimes against humanity in Indian occupied Kashmir, also they would tolerate Xenophobia and instances of incitement to hatred, which are all violations of international humanitarian law and international human rights law.

Mr Sardar Masood khan clarified that what is going on in India is not a transient phenomenon and said that It is going to be an enduring phenomena and we should have to brace ourselves to deal with it not for just two or five years but for decades to come. President AJ & K then gave his views on Kashmir.

Kashmir

In his viewpoint he said that Jammu and Kashmir was rightfully Pakistan's in 1947 but because of a number of steps taken by the

Maharaja, Nehru, Patel and Viceroy of India this right of Pakistan's was denied and the natural process of integration of Jammu and Kashmir to Pakistan was thwarted by conspiracy, political manoeuvring and legal

deceit. By mobilization of troops between June 1947 and October 1947 from East Punjab and Capicola were moved into Kashmir in civilian clothes to prepare for the armed occupation of the territory. Mr Masood Khan told the audience that he personally believed that historically speaking Pakistan was robbed of Kashmir at that time and Kashmiris



demand for the realization of their self-determination or aspirations for statehood was denied to them.

The centrality of the Kashmir Issue for Pakistan and India

His Excellency then analyzed and shed light on the centrality of the Kashmir's issue. He said that in 1948 a war was fought between Pakistan, India on Kashmir and that was the casus belli (cause of war)and militarily speaking up to this day Kashmir is the casus belli. There is no other factor, and Kashmir is the ultimate cause of contention or

confrontation between India and Pakistan. He said, legally IOK has sui generis status. India's occupation of the territory is the transitional phase because this territory has not been integrated with the Indian state in accordance with the international law. Mr Masood Khan declared that legally Kashmir is not India's part let alone integral part. India does have a de facto control of the territory but it does not have or enjoy a de-jure capacity or status. He further added that in legal terms India has exercised occupational constitutionalism to expand its domination and control the occupied territory through a series of legal mechanisms and processes across time that constitutes a state of emergency and permanent crisis in Kashmir. He further elaborated that then there is multilateral diplomacy which kicked in later when the Security Council of the UN took cognizance of the issue and they mandated that holding a plebiscite to ascertain the wishes of the Kashmiri people. Pakistan and Kashmiris, they were aggrieved because they were denied their rights.

Both parties accepted those decisions and became ready for a referendum but India first accepted and then reneged on it. Which showed that the aggressor basically rejects that fair dispensation which was given to India, Pakistan and the people of J&K. Mr Masood Khan expressed that India later said the elections of the constituent assembly in '50s constituted a substitute for the UN Security Council resolutions or for a plebiscite, because they said that by participating in these elections, Kashmiris have exercised their right of self-determination, but this has been rejected explicitly by resolution 91 and resolution 122 of the UN Security Council.

Comparing and Contrasting the Approaches of Pakistan and India.

The honourable speaker then described two different approaches of the two nations and said that India's approach is coercive and ours is diplomatic. We are extending diplomatic and political support to the people of Kashmir. He accepted that yes Pakistan has fought wars with India over Kashmir in the past, we also deployed asymmetric assets. But right now Pakistan is only supporting political and diplomatic movement in Kashmir. Mr Masood Khan pointed out that India, on the other hand, is relying on four things; one is a war against the people of IOK and as it is considered that occupied Kashmir is a territory of Pakistan thus it is a war against Pakistan, second the hostile fire across the LOC where they kill our Armed Forces and Azad Kashmiris. The third is a proxy war against all parts of Pakistan, and the fourth war is a hybrid war.

The Nuclear Dimension of the Conflict

President Sardar Masood Khan then apprised the participants about the nuclear dimension of the conflict and said that the fifth dimension is the potential of nuclear war between India and Pakistan, if there is an ever a war escalating or spiralling to a nuclear level, the trigger would be the contention of Kashmir. He further said that you would never know when a conventional engagement would cross a certain sensitive threshold and would lead to a nuclear armageddon or a nuclear exchange. He elaborated that scientists and analysts have conducted some studies and they say that hypothetically speaking if 15 kiloton bomb of the size of the bomb, that was used in Hiroshima are used by India or Pakistan, For ten to fifteen days, 20 million people in both countries would die instantly, 50 million in the coming days and 2.5 billion people of the world would be affected directly or indirectly because of the fine particles that would

be released into the atmosphere and stratosphere, because of the radiations, there would be a refugee outflow, there would be a cancer pandemic and there would be change in weather patterns.

President AJ&K pointed out that when it comes to the centrality of J&K in Pak-India relationship, both extremists and moderates do not get it right. Extremist like Modi or India's NSA Ajit Doval have a three-point agenda; first kill Kashmiris brutally so that they can be subjugated; secondly, don't talk to them; third is to close all the doors for talks with Pakistan. Then there are moderators like Yashwant Sinha or Chidambaram. Sinha said that muscular policy of BJP or Narendra Modi is not working in Kashmir, and Modi is pursuing a doctrine of brute force there. Chidambaram not only agrees with this he warns the ruling party of its muscular militaristic policy and said there should be some sorts of engagements.

President AJ&K expressed that the terms they used, showed that the problem is of mismanagement in Kashmir. He indicated that they don't know the root cause of the entire problem which is self-determination and has political roots. He said that besides the BJP the Congress has been no less ruthless towards the Kashmiris. As a matter of fact, their period of ascendancy has been ruinous for the territory of J&K. He told the audience that there is dire need to understand the reality on the ground and the reality on the ground is; one occupation and oppression and the seedbed for freedom in IOK is political.

The honourable speaker then shared facts and figure given by the Indian security forces in IOK. Indian military officials admitted that last year they eliminated 276 militants out of 500 and they would eliminate the rest in 2019. They confessed that nobody crossed LOC fence in 2019. He then pointed out the ruthless search operation in which young men were

being tortured, where leaders have been prisoned in notorious Tihar Jail in Delhi, where they are being tortured and then killed. He gave the example of Mr Yasin Malik who is in jail along with his two associates, he said they are there and they are being tortured. He further added that political activists are detained in IOK, then they are tortured and killed. Thousands have been disappeared every year, so there are humanitarian crises there. He said by using this platform he condemned all these detentions of Kashmiris through the National investigations agency. He further highlighted the Indian violations and said that women are being raped, crops and orchards are being burned and businesses are being destroyed, so Kashmiris are aliens in their own homeland. He then shared the condition of Mr Yasin Malik and said that he has very fragile health and he is being tortured. The honourable President condemned the ban on JKLF and Jamit-e-Islami.

Concluding Remarks and Suggestions.

While concluding his speech Mr Sardar Masood Khan suggested that make Pakistan a strong nation, this is self-evident and the onus is on us to make Pakistan a strong nation because we introduced that dialectic in the subcontinent. We said Muslim would have a separate homeland and this homeland would be an ideal one and the value system that we would adopt would be emulated by other nations. He concluded by stating that:

- Make Pakistan a strong nation, strategically, politically, economically and make economic development as it is a strategic priority because if Pakistan will be weak economically the struggle for Kashmir will suffer grievously.
- Spend more on defence and national security not less because there would be some people who would say India has become so strong, India is robust and its conventional arsenal is growing so

just capitulate and focus on the economy. He told that you would not be able to develop your economy without defence muscle and if you lack sufficient strength for upholding and underpinning your national security.

- Work should be done on your national unity. National unity can not be achieved by hectoring or lecturing or shaming other people that are not patriotic or not nationalistic. Unity is crafted by states and we need leaders and statesmen who can create and craft that kind of national unity among diverse and disparate segments of society. Statecraft is required to forge national unity.
- On Modi's watch, space for the bilateral diplomacy would shrink further, therefore, my advice is to put Kashmir back on the multilateral agenda. That is very important because if you do not go to International forums like UN or Inter-Parliamentary Union, to the international society or international media networks, then you are in fact doing India's bidding which is to regionalize the issue. India wants a bilateral paradigm to be accepted by Pakistan because when they sit across the table in bilateral talks, they do not discuss the issue of J&K.
- He further suggested that in our traditional diplomacy, Pakistan needs to incorporate lawfare as Indians are very active in Lawfare. He quoted the example of Kulbushan Yadav and said India buy time by that tactic.

Mr Sardar Masood khan shed light on the episode of Feb 27, 2019, the Indian's attack on Pakistan and appreciated the quick response of Pakistan which was civil and proportionate. The world recognizes that there is a civilized society which is capable of defending its national interest. But what happened, later on, due absence of strong lawfare, India first accuses Pakistan of this false flag operation in Pulwama.

There is no evidence but after the incident India accused and someone related with Jesh-e- Muhammad from Pakistan accepted the responsibility of attack which was quickly picked by Indians and they presented it on international level and Security Council build a pressure on China in permanent 5; to withdraw its hold on Masood Azhar. They connected three dots and then they started saying that yes Pakistan is responsible. In the last, he clarified that he is advocating a harsh response to the developments in India. He said not only understanding this phenomenon is necessary but also most important is that we must come up with the strategy to deal with all the problems and that is where think tanks like CGSS can play their role in developing strategies against these issues and can make huge contributions. For that you have to go back to the drawing board. you have to take note of all the variables and constants and come up with a strategy that would not hurt Pakistan national interests in the next two decades and would make Pakistan secure. There is need to be pragmatic in the phase of such harsh realities where you give signals of being weak, we should come up with the strategy that how to respond to all these developments that have taken place to cope up with all the developments which have been taking place.



Ambassador Abdul Basit- Former High Commissioner of Pakistan to India



Mr Abdul Basit commenced his speech by telling the participants that the results of the elections in India, as far as Pakistan and Kashmir are concerned, do not auger well. When Persons like Giri Raj and Priyaga who were accused of violence and terrorism, if they are elected to Lok Sabha and if the BJP manifesto talks about repealing articles 370 and 35-A and when Indian state and society are moving towards more and more extremism, and when the Indian policy is to destabilize, isolate and strangulate Pakistan economically, and when the world is insouciant about what is happening in occupied Kashmir, and when Pakistan does not have any robust, consistent and coherent Kashmir diplomacy or Kashmir policy, then there is no hope related to the resolution of Kashmir conflict.

He further said that he is saying that all along even when he was in New Delhi as Pakistan High Commissioner, that Pakistan's must understand what Mr Modi is up to, but unfortunately, the then dispensation in Pakistan could not grasp that what India is all about under the BJP and Prime Minister Modi. He pointed out this government too is not realizing as to what dangers are waiting for us in the context of IOK and our relations with India. He expressed his concerns and said that things would rather get worsen when it comes to Pak-India relations and the situation in IOK.

Ambassador Abdul Basit posed a question that how we will deal with the unfolding situation in India and IOK? He then mentioned the case of Kulbushan Yadav and asked who allowed India to buy time in this case . He said that due to taking time on Yadev's mercy petition, Pakistan itself gave space to India to exploit this case and put Pakistan to return on the defensive in this issue. He added that these are our own mistakes and omissions which makes India able to exploit to its advantage. He continued by saying that we have seen how in the last 10-15 years the Parliamentary Committee on Kashmir has worked. In his view, he said this committee will be the same for the next five years as well because we in Pakistan are not clear how to deal with the situation and how to deal with the Kashmir issue. He further added that we have been inconsistent about that. He said that he always reminds his interlocutors in Pakistan that Diplomacy is the art of agreeing on the feasible in order to advance a desirable. Unfortunately, most of the time we are stuck with the feasible and forget about the desirable and long term goals.

The honourable ambassador was of the view that he is not against talking to India, but India is avoiding substantive discussion on Kashmir. He then elaborated that he had met India's NSA Ajit Doval several times and

raised questions about having backchannel discussion, he said he knew from experience that India is in no hurry because they are willing to give time to this problem, they will gradually bring about demographic changes there. They will also think about implementing RSS long term agenda of trifurcation of Kashmir, not only revocation of the Articles 370 and 35A. Mr Basit informed the audience that the long term agenda of RSS is to trifurcate Kashmir. One is Ladakh to make it a Union territory, second Jammu separated from the valley and then deal with the situation in the valley.

He pointed out that it is not a surprise for us that why the resistant movement in Kashmir is restricted to south of valley only. He said you do not see any resistance in Jammu or Ladakh, despite the fact that Kargil is a Muslim dominated area. Gradually things are changing and we are not even thinking about the gradual changes are being brought about on the ground in IOJ& K. He warned and said unless we have a realization that nothing will succeed. We will never be able to achieve or realize our diplomatic goals when it comes to Jammu and Kashmir. Mr Basit stated that we are economically weak, we have political instability, unfortunately, our politicians do not understand as to what are the challenges that our country is facing. Nobody realizes what the dangers are.

He said that he agrees with the president of AJ&K that it is not only about India and Pakistan or Kashmir. Look at what is happening at the global stage. Try to understand the zeitgeist of this time. While we talk about globalization and regional integration and connectivity but at the same time, look at the policies president Donald Trump is pursuing what is happening in Europe, countries like Hungary, Poland. This ethnic- nationalism is gaining ground in all these countries. India is not

immune to that under PM Modi. He predicted that the way things in India are we will see more atrocities, more violence in IOK. We will see more efforts by India to isolate Pakistan. We will see more violence in Balochistan and particularly to scuttle CPEC. He added that all these things will continue while India will also try to reach out to Pakistan to show to the world that despite all the problems Pakistan creates for India, it is still trying to reach out to Pakistan and willing to talk. He said those will be the optics and we will be inveigled by India into this.

The former ambassador highlighted the inaction of the International community and revealed that for the first time in OIC history, the Abu Dhabi Declaration this year did not mention Kashmir and that should be an eye-opener incident that even OIC does not even want to stand with us on this particular issue.

Suggestions

- He suggested that we need to reach out to international civil society and to the international media and raise the issue in front of them, they must have knowledge about the issue and then that will be the turning point of this struggle when the international community will support us. We need to give importance to this problem, unless we do that the world will not understand.
- Appoint a special envoy on J&K , a person who is able to coordinate our Kashmir diplomacy, coordinate our activities on this particular issue, unless we raise the level, unless we ourselves show the world how important this problem is for us, they will not listen to us they are indifferent at best.
- This is the time to go back to the drawing board, weight back our options and see that how to inject some energy in our Kashmir diplomacy. He said that he is sure unless Kashmir issue is resolved,

Pak-India relations can never be put on earth on an irreversible trajectory of cooperative relationship.

- We need to have a long term strategy with the tactics all the way in order to make sure that the people of IOK do not suffer. Indian atrocities should come to an end and then India is forced to engage with Pakistan to find a tangible, workable and irreversible solution in accordance with the aspirations of the people of IOJ&K.

In the end, he said that though our government is being restricted by our economic conditions. In times ahead we would not be tricked by India again we would be very careful, circumspect in our approach and would not be carried away by the small sideline meetings with Indian leaders.

Mr Ahmer Bilal Sufi- Former Federal Law Minister



Mr Ahmer Bilal Sufi began his point of view by thanking all the participants and all the speakers. He said there is no doubt about the very clear thesis that international law is being violated in IOK. He added that it is also clear that we cannot even argue the specific instances of those violations. He asked the question: what we should be doing against those violations that are happening in IOK? The people are the heroes in IOK who are facing the brunt of these brutalities that the Indian occupied forces are doing there. He posed a question of how do we go about putting our case and the case of those Kashmir before international Forums including the United Nations.

Mr Sufi said his submission would be that, first of all we need to document specific atrocities and create a broad narrative that there have been violations. It is something that the International Community is somewhat fatigued to hear

over and over again when we go to International forums, but when we documented it like that we prepare a case then optics begin to change specifically.

The former minister clarified that we have to prepare each case separately; a file of each atrocity separately, a file of each individual who has been inflicted with Human rights violation separately, name, details, instances, date of occurrence, nature of injury inflicted by whom and potentially identify which military unit was deployed in that particular area, what exactly is the nature of injury inflicted and so on so forth. He pointed out that we need to prepare our list of those individuals who could be sanctioned or that we could claim the needs to be sanctioned of the Indian army, just like the Leahy amendment.

The Leahy Amendment in the U.S creates a direct sanction in respect of individual Military Officers anywhere who are violating human rights; On their travels, on their other encumbrances, on their right to enjoy life is been imposed. He inquired that why can't AJK Government and the Government of Pakistan come out with a potential database or an office of human rights violations in IOK, documents it and link it with specific units of Indian army and say Mr Such and such is alleged to have committed this offence. Under whose command this military deployment was operating in this particular sector, in this particular City and this particular town.

Mr Sufi apprised the audience that when you start documenting the violations and you identify Indian cases from the Indian Penal Code, which provision has been violated in each specific instance, and then you build an argument that here is the case. If it is about the pellet guns broadly, then Yes, we have pictures, show them, we talked about them. But have we listed down those names? He said that we should prepare each individual case and it is to be represented to our own people so that they understand the gravity of what's happening, and also before the International Community. An office of Human

Rights could be established in the human rights Ministry of Pakistan. And why it should be of concern of Pakistan because it bears heavily on the conscious of citizens of Pakistan, they need to know what is happening to their brothers in Kashmir, who are facing this brunt.

Mr Ahmar Bilal Sufi was of the opinion that this office could be established anywhere. Then you can reach out to the International Community. You will have the reference to the violations as each case would be documented and measure them against International conventions and treaties. He then stated the need to identify those violations with reference to those Provisions, because it is not merely a violation per se of human rights, it is a violation of international humanitarian law. It's a violation of law of War. What's happening in Indian occupied Kashmir is not merely a human rights situation, it is a situation of occupation which is clearly established pursuant to Fourth Geneva Convention.

Mr Sufi Highlighted that we need to use the lens of the law of War to examine human rights and humanitarian law violations. You use that particular lens on these instances that he is highlighting, what is happening and what has been indicated, convert into war crimes in terms of article 6, 7 and 8 of International Criminal Court. So you identify each file that which particular crime is being committed, which particular provision is being violated not only of the ICC , but also of all the four Geneva conventions. He mentioned that as an occupying power has restricted mandate, it cannot bring changes. It cannot commit human rights violations. It cannot change the demography. If you look at article 35A of the Indian constitution, it is a miniature version of the Fourth Geneva Convention. The kind of restrictions it puts with respect to the territory of IOK or the kind of restrictions that are elaborated in the Fourth Geneva Convention, it is a classical case of an occupying Army.

He indicated that when an army occupies the territory, the people of that territory have a right to resist it and this is so clear in international law. People

who are under the occupying Forces have a right under international law to resist this occupation and even use Force if the case may be so warranted. So, article 35A which is in the Indian constitution, it's a big neon sign trying to convince us in Pakistan that it's an occupying Army Paradigm, its an international law of War Paradigm, and it is an armed conflict Paradigm. It's a paradigm that needs to be used in that context. The Act of having someone was put on the bumper and being paraded or use a pellet guns or rape or any deaths, which is normally a simpliciter fence in the human rights Paradigm becomes a war crime when you put on conflict lens around it and 35A is a legal indicator that this is an armed conflict Paradigm. Therefore, the right to resistance is inherited and further the right to extend support to those who resist is also on the third States including Pakistan. Not only Pakistan, but all these states have a duty under international law to extend support to those who are clamouring for the right of self-determination.

He identified that there are two cases where the right to self-determination is viewed as a right genuinely anchored in a territory: Palestine and Kashmir. Any other group of people asking for separation or Independence is viewed as a violation of succession. It is a movement of succession when it is trying to separate from the state which becomes an offence, but in these two areas; Palestine and Kashmir, it is globally recognized the right to self-determination, which means all states of the world have the duty to assist and support them. It is not just Pakistan responsibility, Pakistan is one of the states and this is something that it did. We need to identify the duty that Pakistan would need to do. Article 370 of the Indian constitution also is a huge neon sign in the constitution of India which contradicts the political position of the Indian government and the incoming new Prime Minister Modi again, what BJP has been saying it is Atoot Ang. It is part of Indian Territory. What constitution of India has been saying is that No, it's a separator and so article 370 is

demonstrating that the Constitutional position of the Indian constitution is in contradiction with the political position of its government and clearly the constitution needs to Prevail. So, therefore, article 370 needs to stay where it is and that is why it hurts the BJP. It hurts them badly because the entire narrative of Atoot Ang is destroyed because of 370 obstructions. So what are they trying to do? They are trying to have it shoot down through a legal process, launched a lawfare in respect of article 370. They tried this in 2015 before Jammu and Kashmir High courts strike it down. Mr Sufi informed that The Hindu judges gave a verdict that No, it cannot be touched. Article 370 needs to stay because ‘ it is guaranteeing limited sovereignty of ‘IOK’. These are the terms in the judgment: “Article 370 means the Riasat of Jammu and Kashmir retains limited sovereignty”. So it were upheld. Another Law Fare was tried and the move was that there is a separate document about the flag of Kashmir which has to be hoisted as a state flag along with the flag of India separate statute for that. So an effort was made to argue that this statute needs to be ultra vires in the Indian constitution and only the Indian Flag should be hoisted. Mr Sufi said that appeal too was turned down.

Mr Ahmar Sufi said that these are Lawfare moves which are actually in favour of Pakistan, but, nobody in Pakistan is picking it up. It's not occurring on the radar of our country and other countries. All these significant legal developments are destroying India case which is trying to sideline the Kashmiris. So then what is now being attempted having failed in J&K and Kashmir High Courts, at the hands of the judges who are of Hindu origin. Now an attempt is being made to take down article 370 directly, it is a challenge to the Supreme Court of India. He added that a petition has been filed in the Supreme Court of India challenging article 370, one-and-a-half-year back Indian Supreme Court had turned down such a challenge. And now surprisingly there's a very interesting coincidence: The case was fixed for 26th, 27th and 28th

of February in Supreme Court of India. It was announced and surprisingly these are exactly the same dates are of the Indian air strikes on Pakistan. Mr Sufi said that he will not draw any conspiracy conclusions, but why this list was cancelled, what happened to the list, which is normally issued a week in advance by the Indian Supreme Court in respect of these article 370 challenges. The cases were cancelled and taken off. When will they be heard? We don't know, what will happen.? We don't know. He asked that, Is there a lawfare framework being applied by the Supreme Court of India or not, should some Kashmiri become a party in those proceedings and argue don't do this, you do not have a locus to do this, you should not do this. Should Pakistan not take up this matter at International forums about India's touching of article 370 and even giving Attorney General of India instructions to oppose it. He warned that it is a very serious development on the international level, so we need to pick up these indicators to build up the case that Kashmiris are being sidelined and an effort is being made to silence them and an effort is being made to completely make them redundant in terms of their individual rights.

Mr Bilal Ahmar Sufi addressed another important issue and told that what we now see is another trend of vigilantes, cow Slaughters people Muslims. He said if you put it in the international law jargon, it is racial discrimination of the highest nature ever occurring in the recent times. It is discrimination on the grounds of religion. A gross violation of International Covenants on Civil and Political Rights ICCPR., We haven't formulated so far. We need to formulate this, we need to read what's going on. Discrimination on the grounds of religion not only perpetuated by ordinary Hindu Indians, whether they belong to RSS or whoever but even with practice and advocated at a state level by the representative of the state including one of the Chief Minister. He told that these are Gross violation and are admitted so you don't even have to prove it now. He added that Sometimes you need to have an incident and as lawyers We are

trained to make an effort to prove that incident. But if it is owned by the state representatives, it is admitted and all you need to do now is to present it to the international community in the right legal phraseology.

Mr Sufi supplemented that presentation of the case is an art, when you go to a normal court of law, you know your case better than anybody else whether it's a case of a tenant, whether it's a case of dispossession, you know it, you know the history, you know the land, you have been receiving the Rents and everything. You know it better than anybody else. You know the document that you bought this piece of house. You actually Rented it, then why'd you go to a lawyer? Why do you get a lawyer? He said that because his ability to articulate your facts is far superior, his ability to see through your weakness and strength is far superior. You are Hostage to your own facts because you've travelled through them. Mr Sufi said that is the combination we require if you want to have an improvement in Leveraging the case of Kashmir, relating to human rights at the global Community, We need to raise a team of lawyers especially young lawyers. We need to invest in lawyers overseas: people who could see this case in a very different context. He regretted that, it is shocking that so much is happening in Kashmir, but not even a single legal Journal of credibility has given space to Human Rights appraisal from a legal point of view. No Conference of international legal Community has been convened on this, No International Bar Association has talked about it.

Mr Sufi said he believes that if we need to present the case of Kashmiris to the international community whether it is the United Nations or others, whether you go to a certain country, whether you meet the politician or representatives of that particular country or you go to an international organization trying to present the case. He said that Do you know what do they do with that document if you give to them? They refer it to their legal division for comments, for appraisal, for review and asked the legal division to come back and tell them

what is the weight of this? He said, whether it is the US State Department's legal division its UK's Department legal division, whether it is the EU Department legal division, the document that your Prime Minister hands over or your official hands over is passed on in legal division for appraisal. He raised the question that asks yourself. Does it contain the material that it should contain in which the legal division of any entity should say that there is a very solid case here? We need to stand by it. He added that We tend to lean on rhetorics, we tend to lean on emotions. We tend to lean on applying The Compassion. We've been doing it for so long. He informed that see the comparison when an international lawyer like Sir Zafar Ullah Khan was handling this case Quaid e Azam had hand-picked him and asked him to actively go and represent Pakistan in UN. During his tenure these resolutions came out. He took the legal course. He took the legal arguments, after that no resolutions. We have been taking emotional routes only.

Mr Bilal Ahmar Sufi suggested to try legal diplomacy on Kashmir. Let's look at the legal dimension of Kashmir, which is so strong. Kashmir is such a strong case. We feel like crying that we have not been able to sell it. It's so much into it. Every aspect of its history, It's present, the human rights violation is only a small component of that, every bit of it is so solid in favour of Pakistan and you could go and revert to Legal diplomacy. He said that he is sure Pakistan will be able to regain the attention. In the end, he added that Mumbai was the Watershed event after which we began to lose perception on Kashmir. Mumbai event and post-Mumbai treatment. The way Indians buy pressure on us and the way we fail to explain to international community that Pakistan is doing what it can to handle the Mumbai trial as good as it can. But, it was assumed that we are protecting terrorists. India was able to sell this. We were not able to sell to the International Community, for several years for almost 10 years that case has been pending. We haven't been able to explain how much we have invested , we

have made efforts not to allow Bails and that perception that these people or contingents of them are present inside Kashmir. Therefore it is a counterterrorism framework that has not helped us at all. He said that he believe while Pakistan looks at legal diplomacy, improving perception and clarifying doubts with relation to the Bombay trial and the efforts of government of Pakistan, and successive governments of Pakistan distanced themselves from Mumbai actors and from all irresponsible actors and saying very clearly over and over again, including the present Prime Minister that we will not own any irresponsible acts of even our citizens if they are occurring outside our territory is very important. In the end, Mr Sufi suggested some measures:

- Prepare each individual case of every human right violation and Indian brutality and specify each and every aspect of the crime and identify the culprit, even his unit and his commander.
- Establish an office of Human Rights in the human rights Ministry of Pakistan which should possess all the data of the every single atrocity and human right violation. This office will then inform the international community and human right organizations about the Indian brutalities in Kashmir.
- Perception change led with the lawfare approach will bring back Kashmir to the centre stage where it truly belongs and that is how Pakistan will be able to justify the sacrifices of the heroes of Kashmir.
- Try legal diplomacy on Kashmir & look at the legal dimension of Kashmir, which is so strong.
- Pakistan should use the lens of the law of War to examine human rights and humanitarian law violations in Kashmir.

Ms MushaalMullick – Social Worker/Hurriyat Leader - Guest of Honor



Ms. Mushal Malik opened her speech by thanking CGSS for inviting her to the event on Kashmir as it also coincided with the result of the Indian elections. She told the participants that fortunately or unfortunately we have to accept the democratic voice of the people of India. She continued and said that Mr Modi is coming to power and unfortunately the Kashmiri people in Indian Occupied Jammu and Kashmir have faced wrath and suppression of the Modi Regime in the last five years. She said that her personal life is totally affected by this situation as she is not able to visit the valley for the last four and a half years. Ms Mushal Malik enlightened that the subject of J&K is so vast,



there is a very rich historical perspective to it, there is a legal and political side to it. There is a need to have a strong command on every aspects and facet of this struggle. She stated that there is a need to have a platform like a lawyers commission comprised of different experts of International Law and Humanitarian Law. Kashmir needs such blood that can come forward and speak for Kashmiri's right. She further shared that on her 10th wedding anniversary, Mr Yasin Malik has been arrested and since then she was unable to meet him. After her husband's imprisonment, she stated that we are leading this struggle politically and she is now pursuing the rights of political prisoners because in Jammu and Kashmir there are thousands and thousands of political prisoners locked up in Indian jails in Jammu and in the Valley. The way they are treated and tortured, the recent reports of the international organizations expose the cruel behaviour of India. India is a signatory of many human rights covenants, civil rights and political prisoners rights but in India political prisoners are not treated well .When their officials like Abhe Nandan get imprisoned by Pakistan they started a protest and highlighted remember rights of prisoners, but when it comes to the rights of the Mr Yaseen Malik or others, who are facing extreme violence and torture, the Indian state then forget that there also exist human rights laws for these prisoners.

Ms.Mushal Malik criticized current scenario of World's biggest democracy; she pointed out that it is really hard to absorb such situation as this is completely 360 degrees turn in Kashmir, the world's longest prolonged Marshal law is imposed on an unarmed nation by the Indian State and at the same time they are celebrating their status of world largest democracy and right to vote. She questioned that if Modi as a follower of RSS an extremist is compatible to be the leader of a nation then why Kashmiris do not have their political democratic right? The

majority of our struggle is peaceful against the longest occupation of the world despite extreme violence and weapons are used against us by the Indian forces. Besides that, the face of our struggle :the entire Huriat leadership is being locked up. Ms Malik says that the Indians are pushing the Kashmiri people against the wall to pick up guns, but it is our level of patience and tolerance that we still believe in the principles of settlement of this conflict. She said that we know the cost of the war as we live in the nation of graveyards.

Ms Mushal Malik addressed the foreign participants of the conference and urged that being the global citizens they must take ownership that Kashmiri people exist on this planet, we are also human beings, we also have a right to peace, tranquillity and freedom. She urged them that Kashmiris are fighting against slavery in the most peaceful manner. Kashmir is one of the oldest world issues, the whole world should join hands to solve it before it goes towards a nuclear war. She explained that if we remember Narendra Modi election campaign, how he delivered anti-Pakistan and anti-Kashmir speeches and brandishing the hyper-nationalist propaganda, over-aggressive national security policy.

She further added that this is a high time to assert global pressure on the Indian new elected Government for international and global peace because the whole world will be affected if a micro war erupts. It will have the potential to turn into a large scale war. She mentioned that the region is standing on nuclear ticking time bomb it is high time for mediation from the world and the UN. Its time for them to play their effective role pressurize India to come to the mediation table.

She added that the Kashmiris, the heirs of that land, who are leading that freedom struggle, without them any dialogue between India and Pakistan could not be successful She said that the world has seen

numerous round of talks after Shimla talks, but nothing substantial came out from those round of them. It is very important that if there are any talks planned in future there is a dire need to have representatives of Kashmir so, that the talks come up with the same result.

In the end, she appealed for seeking help for Kashmir from the world community as this is a matter of world peace as well. She further said that she is in contact with the UN, Security Council, Human rights Commission, ICRC and Amnesty international. They completely agree with her and they also have concerns about Mr Yasin's health but she emphasized that is still needed for a full campaign to save the planet from a nuclear war. Pakistan as a small country and India as a big country if anything happened the risk of nuclear war is much higher. She endorsed that we all need to take ownership of the earth and needs to support those voices which are the champions of the non-violent peaceful struggle of Kashmiris. She further criticized the election process in Kashmir and raised a question about the transparency of the elections, as very few people have voted and they were pushed to go to the polling stations as Indian army wanted to take pictures and share it with the world.

Ms.Mushal Malik further clarified that if it is true that 30 per cent of people came out for the vote then why they are so insecure? So why the Indian army is present in every nook and corner? In the end, she appealed to collectively to resolve Kashmir Conflict in a peaceful manner.

Suggestions

- Make a commission that is specially composed of lawyers who are expert in International and Humanitarian law and who legally pursue the case of Kashmir.
- Pakistan Government should take on board all the stakeholders like lawyers, historian, Kashmiri Victims, policy-makers and then make a policy for international forums and build some pressure on this issue.

Ambassador Zamir Akram – Former Ambassador of Pakistan and Permanent Representative to the United Nations



Ambassador Zamir Akram started his speech by thanking CGSS for inviting him on such an important and timely event. He said that he would begin his speech by underlining some basic realities which are very relevant to the Indian Occupation of Kashmir. He

stated that the First and the foremost fact that we must remember is that United Nation Security Council resolutions which called for a plebiscite in Kashmir, despite almost seven decades of being in existence or their adoption are still valid. He told that a lot of people argue that UN resolutions are now outdated as the international community has moved on and now ground realities are different. The former ambassador negate these statements and said that this is not a reality and we should

not those arguments. The only way UN resolutions will become invalid is when there will be a succeeding resolution that makes those resolution invalid; until then they will be valid and a part of the international humanitarian and human rights law as well as political decisions by the UN and its peacekeeping missions. The second point is that there are at least two bilateral agreements between India and Pakistan that recognize that Kashmir is an area of dispute; first is Shimla and second is Lahore agreement. Both recognized that Kashmir is a disputed area and this is an issue that needs to be resolved. The third issue which India made it as according to them Kashmir is a bilateral issue and there is no need to highlight it on the international arena after the Shimla Agreement, this is also a wrong point because in Shimla it is envisaged that this agreement does not overtake or make irrelevant decisions of UN security council. The fourth point which is very relevant to the legal point of view there is a UN resolution that recognized the right of people under foreign occupation or alien domination to fight or engaged in the legitimate struggle for the freedom so that legitimate right of the Kashmiris can not be equated with terrorism. There is a need to clear the aforementioned point in our own minds as well.

While discussing the plight of the Kashmiris, he shared his personal experience that in 1990 when he was deputed as a counsellor in the Indian embassy in New Delhi when Kashmiri movement started since that time to the present several generations come and gone in Kashmir who have been involved in the Kashmiri movement without any weakness and compromise. He told the participants that he remember that in January 1990 when the then Government of India imposed Governor Rule and appointed Mr Jug Mohan as the Governor of Kashmir; and he unleashed the wave of terror and brutality on the people of Kashmir and that wave of terror and brutality has increased

not decreased with the passage of time. Since 1990 there has been a systematic use of human right violations as an instrument of policy. There is a pattern of gross violation which at the end of last year could not even escape the UN attention. Last year UN High Commission for human rights drafted a report in which the most significant aspects was that it called upon India to fully respect the right of self-determination of the people of Kashmir as protected under International law. Mr Zamir Akram emphasized that this was important as UN resolution is the first document which gives a legal right to the Kashmiri for their self-determination. This document went on to show a horrific list of human rights violation. He then shared the list of violations that UN document mention. These are

1. Denial of access to justice and impunity by Indian security forces due to laws such as armed forces Jammu and Kashmir special power act and the Jammu and Kashmir public safety act;
2. Use of military courts and tribunals which have not convicted even a single soldier for human right violation;
3. Illegal administrative detention without due process;
4. Excessive use of forces against civilians such as the use of pallet gun including against minors and females;
5. Deliberate shooting and killing at peaceful relays and funerals;
6. Use of torture and enforced disappearance of at least 8000 people since 1989;
7. Denial of access to education and health
8. Restriction on the right to freedom of expression;
9. Use of rape as an instrument of policy.

The former ambassador said that such is the United Nation indictment of India but despite the fact over the years especially since 1990 when

there have been almost 700,000 Indian troops deployed in Indian occupied Kashmir and where between 70,000 to 100,000 people have been killed and more injured. Still, the Indian Government has engaged in increasing the spiral of violence which has reached on its maximum



from the last five years under the Modi Government. Where we have seen the use of pellet guns, and we have seen the use of human shields. While an army officer or officers using those human beings as shields have been decorated by the Indian Army Chief. He said that it is despicable behaviour for any civilized country that claims to be a civilized nation.

He then asked why nothing has been done about it.? He said that Mr Ahmar Bilal Soofi talked about the legal perspective, but unfortunately the fact is that International law has no implementation machinery and no implementation force. UN resolution was not adopted under chapter 7 which would have required mandatory action and therefore the resolutions have never been implemented. The reality is that in this world, real politics take precedence over law or humanity or even human rights. He again pointed out that the reality is there is by those powers in the world that considers themselves as the foremost advocates of human

rights but in the case of Kashmir as also in the case of Palestine there is no application of these very same principles to protect these populations of Kashmiris and Palestinians from the kind of oppression of kind of East Timor of South Sudan. He continued by saying that then the issue of territorial integrity and sovereignty of these oppressed countries has no meaning for these countries as we all know Indonesia was compelled to allow the Christians of these demos to secede from Indonesia just like the people of South Sudan were facilitated in seceding from Sudan.

Mr Zamir Akram regretted that when it comes to Muslims there is a different approach as we see in the context of Palestine and Kashmir. He said principles of human rights and freedom and law have also been sacrificed at the altar of commercial gain and profit. India as an asset for being a very big market for the western countries and they don't want to upset the Indians by pursuing up or following up on their commitments to human rights and principles. Another factor for which the Indian has successfully managed to turn the international opinion in their favour is the identification of Kashmiri struggle with terrorism particularly after 9/11. It remains in the interests of US and its allies to denigrate Islam and Muslims and to treat terrorism as a Muslim Phenomenon. He clarified that as a matter of fact terrorism has no religion nor has borders, rather it is a tactic which has been used by different people including the jews, the Buddhist in Myanmar and Tamils in Sri Lanka or Catholic terrorists in Northern Ireland. But only in case of Muslims,terrorism has been assigned to them as a religious identity.

The former ambassador highlighted that there is a western bias against Muslims and that is why the Kashmiri struggle is being seen in the prism or rubric of terrorism. He said this up to some extent has been enhanced by the mistakes of the so-called jihadi groups which tried to have high

jacked the Kashmiri movement. The Kashmiri movement was based for the realization of self-determination by JKLF and the Hurriant but then extremist groups have hijacked this movement which led to the kidnappings and other forms of terrorism and the Kashmiri Struggle became demonized. Whether it's true or not but the same happened in Pulwama, the person who attacked the convoy is alleged to be from these jihadi groups. He said in his opinion it was a legitimate act of struggle, but it was demonized and projected as act of terrorism.

Mr Akram said that the final factor is our own failure, actually as we have not pursued a coherent Kashmir policy. When something happens we react to the event but in actual we need a proper policy to follow up and resolve the issue. He shared that being DG of the South Asia affairs and being posted in Delhi, he knows that we have many times sought the easy way out than to confront the Indian leadership. He said that he had witnessed national leaders who delete references because they think it would embarrass the Indians. He indicated that we have fallen prey to this self-made trap that of having dialogue with India. No one actually thinks what this dialogue would actually achieve. These dialogues do not have a point if they don't have a realistic solution to the Kashmir issue. Because the Indians were just engaged in the dialogues to tell the rest of the world that we are talking to Pakistan and we will solve our problems bilaterally and no one should intervene. He said when Pakistan wants to bring a resolution relating to Kashmir in UN, all pressure is brought on Pakistan and it is been asked to withdraw it and told that we would bring the Indians to the negotiating table. Ambassador Mr Akram said we always fell for this trap.

In the end, he warned that if we are thinking that this issue will be resolved by dialogues then we are living in fool paradise because a person like Modi and the BJP do not want any solution through dialogues. It is only fooling ourselves to have dialogues with the butcher of Gujrat. There is no benefit in dialogue with a person like that, they will only engage in dialogue to divert the attention from Kashmir to other issues. So what is the way forward then,he gave the following suggestions

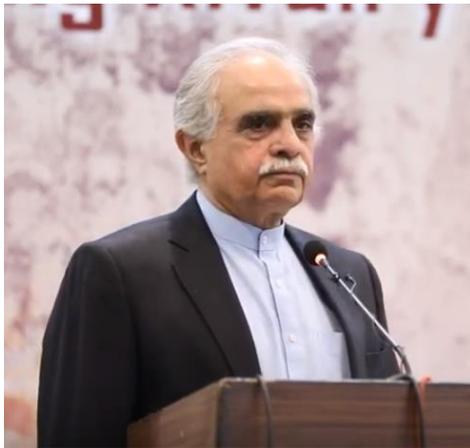
The Way Forward

- The only way forward is to make our act together in simple terms. We need a coherent Kashmir policy and we need to know what we want? We want a solution, or we want to remain Kashmir the way it is.
- If we need to resolve this issue then we need to go and project the issue on international forums and we need to go beyond Governments as we have to understand that Governments have businesses and strategic interests with India.
- We need to go to the people, to the parliamentarians and we need to address the media, the NGOs and the Civil Society and this should not only be done by the Government, but by our own civil society.
- The Kashmir Committee should be headed by a person with very good repute and intellect.
- Our leaders instead of focusing on America, Britain, and France should approach Africa, Latin America, and South East Asia

because these countries have the same number of votes as the US and France.

- We send those people who do not have an idea what is the actual issue is? We have to send people who know what is actually the Kashmir issue and what should be done to solve this long-standing and crucial problem.
- Pakistan should not engage in the self-made trap of engaging in dialogues

Lieutenant-General Ghulam Mustafa, HI (M), (Retd)



Lieutenant-General Ghulam Mustafa started his speech by praising the efforts of Major General Khalid Amir Jaffery for picking a very important subject and taking a lead on for coherently formalizing an issue which is a matter of life and death for Pakistan. He stated that in 1993 when the then foreign secretary visited National Defence University, and while he was discussing the Kashmir Issue, he categorically said that Kashmir is a territorial dispute between India and Pakistan. At that time we had about 17 to to 18 different nationalities represented there. When the foreign secretary made these remarks publically and the Prime Minister came to know about his remarks she openly said that no, Kashmir issue is not a territorial dispute, it is an ideological issue between India and Pakistan.

Mr Ghulam Mustafa pointed out that this is the main issue, at highest level there is that misunderstanding or lack of understanding of what Kashmir is meant to India than what it means to Pakistan. While highlighting the geostrategic position of Jammu and Kashmir, he said

that let assume for a moment that if this entire region comprising Jammu Kashmir, Gilgit Baltistan and Azad Kashmir was held by India then where would be Pakistan? He told the audience to just give this assumption a thought. He indicated that not only Pakistan's entire water supply would be controlled by India but that CPEC initiative that would never have been conceived. He further explained how devious British and Brahman mind came together when the Red Cliff award was being finalized? Unlike Pakistan Muslim league representative, the Indian made a team which was being briefed on daily basis on what is happening there.

He further elaborated that the idea of giving the whole area to India was basically of the British. He shared his thoughts with the audience and said that he always contemplated that the time when everything was clear and that area should have gone to Pakistan. Then why did the British contrive with the Nehru and team? Were They all together in getting Kashmir away from Pakistan?

He told that when you give it a thought then you realize that the Britishers were the only Power at that time which had some understanding of the great game in the region which had contested the Russian expansion, which later became a Soviet expansion at that time in Afghanistan. General Ghulam Mustafa highlighted that they knew what could likely to happen in this region. Russia and China had to grow. When China becomes powerfull it would grow, where will it expand? It has no direction to go other than either towards this further East Central Asian republics or coming towards this region, which again was centred strategically important. He told that having done that and he would request all of you to thank all those people who got this idea of fighting through and trying to fight back for whatever Kashmir we have today and those brave people who make sure that Gilgit Baltistan doesn't fall into to the Indian hands. Lt. General Ghulam Mustafa thanked all those people because if they did not do

that Pakistan when would not think about CPEC or of regional connectivity that we are now thinking.

He explained that We have different kinds of narratives which are being expounded day in and day out. The first and more important is to take advantage of our dismal economy that you must first put our economy right that may take 10, 15, 20 or 30 years and going the way India is trying to sort out the Kashmir issue with there advantage. He asked, Where would that leave Pakistan? Is that at that time to fight for? Do we have that kind of time actually?

He told the audience that If you look at the region right now, what is happening with Iran. What has happened in Sri Lanka lately? Why is America coming and sitting in Dokham? He said that he is taking the entire region in this context, where you find this great game opening itself. The opening moves which are very clear now. The main agenda is not to let China or One Belt One Road grow any further. He continued by saying that in that background how much time Pakistan will have. Then we are told let It Be off the back burner. Mr Ghulam Mustafa pointed out that the third and the most pernicious narrative that we come across is that China has advice Pakistan to take it cool as China did in case of Hong Kong, and in case of Taiwan. He shared a thought of a Chinese friend who said China is the biggest power, it is the biggest economic power. It has attracted all the investment to China, therefore where can Hong Kong go and where could Taiwan go? He told the audience that China could win and compete, it has no issues without Hong Kong, but Pakistan can not ignore Kashmir.

The General emphasized that what he is trying to say is that we have to understand the Geo-Strategic importance of the region for India, for Pakistan and as for the future of Pakistan's growth. It is critical that it get solved, besides all the reasons that all the esteemed speakers mentioned here. These are very genuine reasons, but more importantly those reasons will be solved ,once

Pakistan and its leadership understands that there is a time limit to what we can and can't do about Kashmir because the other side is not sitting idle and the sooner we understand that no international power is going to be able to intervene because it suits them to support India not to get out of Kashmir because of the reason that is described earlier. He added that therefore it is all the more important that Pakistan not only get that together but gets it up to speed and gets it going so that a coherent strategic direction is adopted and pursued relentlessly by all elements which are involved in this kind of a thing whether diplomatic, economic and legal or whatever.

He highlighted that when Prime Minister said that Modi is going to be easier to talk directly, he thought of it as an ill-considered statement, because Modi is coming back with greater majority. He gets a license to kill in Kashmir. The hatred that he has espoused in India, the division that he has caused actually in India, the Brahmin extremist mindset that brought him in the first place and that is supporting him now to bring him in Power again. That actually has certified the use of violence, and that means that the time limit available to Pakistan to get on the job is even lesser now. He said Pakistan is facing more hostile and more belligerent India now, our ability to talk to them and get them to reason out is that we say at this point of time. He asked that What do we have? What incentives can we provide to India to talk to us? While concluding his speech he thanked Major General Syed Khalid Amir Jaffery Jafferi for taking up this important issue and trying to develop a coherent approach on it. He said that he congratulates CGSS for that and hoped that this initiative must be welcomed and listened to and heard as the time limit Pakistan have is very limited.

Dr Muhammad Khan – Professor, Department of Politics and IR, International Islamic University, Islamabad



Dr Muhammad Khan began his speech by thanking Major General Syed Khalid Amir Jafferri and CGSS for inviting him to talk on an issue that very near and very dear to Pakistan. He said that Kashmir is not an issue of water for Pakistan but, there is a relationship of interdependence between these two

communities which goes back to thousands of years when this relationship was built. It is an old relationship and it is going to continue. He reminded that it was rightly said by one of the former President of Pakistan that the Kashmiri blood runs into the veins of Pakistanis, and the Pakistani blood runs into the veins of the Kashmiris.

Mr Khan said that if you talked about ethnic cleansing of Kashmiris particularly the Muslims at the hands of Indian Armed Forces, it is going for some time but if you talk about the recent history like 13th July 1931 that was the beginning of the first Kashmiri killing at the end of the Dogra forces. Where outside the Srinagar jail at least 22 Kashmiris were killed where they were protesting. There was Qadeer Khan who was raising the voice of Kashmiris. He said that formally upon the partition of the Indian sub-continent 2,50,000 Kashmiris were dragged into the valley of death from various parts of the Jammu. They were told that you will be taken to Pakistan whether on foot or on trucks or other resources. He said that then they were brought near the border killed brutally. Mr Khan added that some people say that they were six lacs, but there are confirmed and multiple resources that support this argument of the massacre of 250,000 individuals. He said that he will address this issue from two

perspectives; How India look at Kashmir and what is the Indian approach towards the Kashmiris, particularly the ethnic cleansing.

Mr Muhammad Khan indicated that the Indian approach is direct as well as indirect. The direct approach is to shoot to kill. It is custodial killing. It is torture. It is rape. The use of the pellet guns after the killing of Burhan Wani. Thereafter there is a continuous practice of Killing the Kashmiri people particularly the youth. He augmented that he would point out a very dangerous trend which has been going on for years and years, decades and decades, now 72 years and that is the indirect approach of ethnic cleansing of the Kashmiris. That indirect methodology of ethnic cleansing started in 1947. This is indeed the demographic changes, which has been made in various parts of the Kashmir, starting from Jammu in 1947. He told the audience that in 1941 the last census which was held in the united India Muslim Kashmiris where constituting 62pc of the total population. Unfortunately, today in the Jammu Province we have 32pc of the Muslim population. It can be 33pc, but not more than 33pc.

He further added that in the process of this ethnic cleansing you might have heard that 2014 Indian election was contested with the slogan that they would be doing away with the article 370 of the Indian constitution and Kashmir will be going to amalgamated with the Indian Union. He said, due to that for the first time the BJP secured 26 seats in the Indian occupied legislative assembly. It was the bad luck of the BJP government and good luck for the Kashmiris that they could not form a government. However, the government indeed broke down in the middle and that 44 plus or 44 plus one agenda could not be attained.

The honourable speaker added that Indian still have a strategy for Kashmir and that strategy is gradually doing away with the Kashmiri identity. India has divided these three portions of Kashmir that is the Valley, Jammu and Ladakh in three different regions. Mr Khan said that India says that only the valley is

Kashmir and they have given the Jammu people a different identity that we have the Jammuwal. He continued by saying that Indian Prime Minister and the Indian successive governments are hoping that as far Ladakh is concern it has the Buddhist population, therefore, the ethnic cleansing or the demographic changes, which have been made successfully in the Jammu are being correct practised in Valley also. Mr Khan revealed that in Valley there are four strategies which are being followed: one is that the pundits which have moved out of the valley in 1990-1991 because they wanted to have the Muslim killed thoroughly without any damage to the Pundits. Today they are asking that these Pundits will come back and upon coming back there are two ways for them that they would have secured places on both sides of the Jehlum River in order to make the demographic changes or divided the Muslim population as a whole.

He shared that another strategy for them is the Bentostan. This strategy has been basically the idea of the apartheid rule in South Africa that is to have the secured areas for the Pundits on strategic locations and for that two years back 17,000 kanals land in Kashmir was allotted for these Bentosta. He said that there is that slow and gradual construction of those houses, and today if you are really looking that why there is a mass resistance of the youth. That's not only against Indian occupation. But that's also against what the demographic changes are being made in the Valley. Mr Khan told that if he recalls what Narendra Modi in July 2014 said in Ladakh and Kargil area. Modi said to the residents of those areas that you have a different identity and if you vote for the BJPd we are going to bring massive changes as far as your socio-economic condition is concerned because you are suffering and you are languishing in these hilly areas Nobody; particularly in Srinagar, cares about you. But he cares. Mr khan mentioned that this is indeed the indirect strategy. This is how they are doing away with the Kashmiriat of Kashmiris and weakening the Kashmir segment of the Kashmir. Kashmiris are fighting against that.

Mr Khan specified that there is another direct strategy of India for Kashmir as he mentioned earlier. He added that the process started somewhere in 1947 and continuing till yet. It got momentum in 1991 when Kashmiris started their massive uprising for the freedom from the Indian yoke. Unfortunately they could not secure the freedom as yet, but definitely their struggle is going on and for this struggle, as a matter of fact, they have to pay a lot for it, as far as the human losses are concerned. The honourable speaker informed that more than 98 thousand human losses in the form of the killings, 11 thousand or more women have been raped and then there also have been the custodial killings. Then they are having torture Centers. He said that a very recent report just released three days back on 20th of May 2019. This report has been compiled and consisted of about on 560 pages with case studies of more than 450. These case studies are all about what the United Nations Human Rights Commission the on Kashmir of 14 June 2018 said that a sort of court of Inquiry, which is to be established. He maintained that Though these are the local NGOs, these are local Human Rights Organization, but they have proved.

Mr Khan again called the attention of the audience to the new report of 20th may 2019 about Human Right violations, and said that the theme of the entire report is that torture is being used as an instrument for controlling the entire Kashmiri population in the Indian Occupied Kashmir. The report indeed discusses where the case studies that today at home Ms A and Ms B, how she was raped, how the boys were killed. What torture they have to pass? And this process server? This particular report covers almost the decade from 1990 but very few cases they indeed could lay hand where they could get the facts and figures, but the United Nations report, which was issued on 14th July 2018 highlighted the entire spectrum of the massive human rights violations, which are going on at the hands of the Indian occupying forces. He said that then as far as the killings, torture and rapes, the Indian security forces have the Impunity as far as

the arrest, as far as any sort of the accountability in the form of special powers act and public safety act.

Mr Khan continued and said that, two more instruments for ethnic cleansing are being used by the Indian security forces. He said that it is the 2016 new special act. And according to this new special act Indian government has indeed introduced this act in order to tell entire Kashmir that anybody talking about the Indian Union and freedom or about anything that is the pro-independence he or she is going to be taken to the task. He then highlighted that recently NIA has been introduced. That NIA is an instrument to target all parties Huriat conference leadership. They are being targeted for petty reasons like why you have the television at your home etc. It almost tantamount to what actually was the Dogra rule and it is indeed a difficult time for the people of Kashmir what they have been passing through.

Mr Muhammad Khan stated that some of his students are from IOK and when they came back after the summer vacations. They shared their stories of how Indian forces use to harass them at military check posts by asking questions like what were they doing in Pakistan and like they were taking Guerrilla training for the armed struggle in IOK. He said there is a fear among the parents and women when they pass through these military posts which are in every corner of IOK. He added that Unfortunately, what's happening in Palestine come to the mainstream. Every picture, every incident, every killing that's being reported because international media has access to go there, but unfortunately as far as Kashmir is concerned there is no media access there and particularly not free media access, a neutral media, even India's own neutral media is allowed there. He highlighted that Human rights organizations have reported these violations through very difficult times and for through many sleepless nights in order to get this data that reach us today, but truth is that you cannot have that access,

you cannot know what exactly is going on, you cannot tell what brutalities have been unleashed.

The honourable speaker then mentioned the youth struggle and said there was a strategy introduced by General Bipin upon his taking over as the Indian Army Chief On 31st of December 2016. By mid-feburary he was able to give a strategy known as the Bipin Rawat Strategy. It has four points :

1. Anybody hoisting the Pakistani flag, just kill him.
2. Anybody hoisting the Pakistani flag on his residence detonates that whole house or burn it down.
3. Anybody even throwing the stones against the Indian military, he has to be killed.
4. The most drastic and terrifying is that the youth are picked up from the streets, from educational institutes. They are taken to the torture centres and are tortured for weeks for months and even years. After that when they are about to die they are taken to isolated places and are killed in the fake encounters by falsely declaring that they were fighting the Army.

Mr khan further said that at that time these arrested youth are taking to some houses in order to find an excuse for detonating those houses on the pretext that they were terrorists occupying those houses.

While concluding his viewpoint, he said that these are the strategies that the Kashmiris are facing. From his point of view, he said that as a way forward Definitely the Pakistan foreign office, the Pakistani diplomats and diplomatic corps all around the world have to do a lot. He requested the youth of Pakistan that they should make use of social media. He also suggested let make these case studies, let make a story against each torture, against each killing and each

rape. That story would serve as evidence when Pakistan put the case of the Kashmiris at the international level. He urged that We need to awaken the Consciousness of the International Community. There does a crisis exist but we have not been able to put across our point of view. Our youth, our media, our academia, our diplomats and I think everyone in Pakistan; it's our moral duty that we give the International Community the first knowledge about the brutalities which is ongoing in Indian occupied Jammu and Kashmir.



Suggestions:

1. There is a strong need to reach out to the international community and to the international media in order to raise the Kashmir issue. They must have knowledge about the issue so that they can support us.

2. For us, as a part of this blessed yet cursed people's land, we would recommend that the need of the hour is to generate awareness among the natives of another side of the border i.e. Azad Kashmir.
3. The only viable solution for the resolution of this perpetuating conflict is to make it a trilateral issue.
4. Since this issue has been transformed from being an International issue to a bilateral one after the Agra Summit, this mutated bilateral issue with India and Pakistan as the parties to the conflict should include the persecuted people of Kashmiri's as a third party.
5. The attention of the international community should play a role in the transfiguration of this issue into a trilateral that served the foundational cornerstone of hitherto UN Resolutions preceded by the Partition Plan regarding the princely States of Indian sub-continent
6. Pakistan needs to build a community on social media to make the story of every incident with the pictorial view and float it on social media so that people may know what is happening in this region.
7. There should be a proper coherent policy of Kashmir.
8. There is a need to document atrocities happening in Kashmir.
9. A proper legal division is required to pursue the case of Kashmir on the international level.