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*Report – Roundtable
with*
“4-member Canadian Delegation”
December 13, 2019



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The Institute of Strategic Studies Islamabad (ISSI) organized a roundtable discussion on “*The Kashmir Dispute: The Role of the Civil Society*” with 4-member delegation from Canada on December 13, 2019. Members of the Canadian delegation included: Mr. Zafar Bangash, Director, Institute of Contemporary Islamic Thought & Convener, Friends of Kashmir Canada; Dr. Jonathan Kuttub, eminent human rights lawyer; Ms. Karen Rodman, founder & Executive Director “Just Peace Advocates”; and Ms. Michaela Lavis, a student working on Kashmir. The discussion was chaired by Ambassador Aizaz Ahmad Chaudhry, Director General, ISSI.

Participants at the discussion table included: Syed Faiz Naqashbandi, Convener All Parties Hurriyat Conference (APHC); Mr. Ghulam Muhammad Safi, APHC; Mr. Mehmood Saghar, APHC; Mr. Altaf Hussain Wani, Chairman Kashmir Institute of International Relations (KIIR); Ambassador Leena Moazzam; Ambassador Faisal Niaz Tirmizi, Coordinator, Kashmir Cell, Ministry of Foreign Affairs (MoFA); Mr. Shahras Asim, Director Kashmir Affairs, MOFA; and members of the ISSI research team.

Welcoming the delegation and the participants, Ambassador Aizaz Ahmad Chaudhry stated that several wars between India and Pakistan took place as United Nations Security Council (UNSC) resolutions were not implemented. He highlighted that since August 5, 2019 the situation in India has undergone a qualitative change mainly because legally India has violated more than 13 UNSC standing resolutions, particularly UNSC resolution 38 which obligated India to inform of any material change, and not only inform the UNSC but also consult it. The Simla Agreement also states that both countries’ bilateral relations would be governed by the UN Charter. Therefore, India also violated the Simla Agreement by making this material change in the status of Indian Occupied Kashmir (IOK).

Giving an overview of the global geo-politics, Ambassador Chaudhry indicated that we can see the major developments that are happening in the world and the way the world is changing. He was of the opinion that the rise of China has brought us to the cusp of a New Cold War. India has been prepared by the US as a counterweight to China in its so called Indo-Pacific Strategy. Unfortunately, all this seems to have emboldened the Indian leadership which is now taking a heavy-handed approach all across India and is visible in India’s behavior. Recently, India adopted the Citizenship Amendment Bill which was passed by both the houses that seeks to exclude Muslim immigrants living in India for years from Indian citizenship.

Adding on, he pointed out that Kashmir is under lockdown for the last 4 months. There is a virtual curfew and the political leadership has been either put under house arrest, or is being persecuted. Highlighting Indian atrocities in Kashmir, he stated that young boys are being taken away from their houses. Killings are happening, arrests are taking place, people are being blinded by those notorious pellet guns and this is a matter of grave concern not only for the 8 million helpless people of Kashmir who are being subjected to these atrocities, but also for the world at large. He informed the delegation that Pakistan has rejected this change in status of the disputed territory of Jammu and Kashmir and has also taken some steps and approached the UNSC. We saw that the world reaction was initially slow to pick up, but now it has gained momentum. The UN Secretary General and the OIC have given very clear messages. United States Congress has really led the discussion on the Kashmir issue. Many Congressmen and

women like Dr. Natasha Cole and Dr. Chatterji have expressed their concerns. A resolution has also been moved in the US House of Commons which incidentally has been heralded by an American of Indian origin. Turkey, China, Malaysia, Iran and Saudi Arabia have also expressed their support. Now even within India, people are raising their voices. He stated that all these developments are encouraging.

He appreciated Canada's efforts in defending human rights and stated that Canada is taking a lead in raising their voice against human rights violations for humanistic causes. Prime Minister Justin Trudeau also issued a powerful message on the Human Rights Day. However, he was of the opinion that the response from the Canadian government has been lukewarm. Kashmiri Canadian Council and Canadian Kashmiri Diaspora are also urging Canada to take a position on human rights violations happening in IOK. Human rights violations, he said, are above political expediencies.

Mr. Zafar Bangash commented that Kashmir cause is a cause of justice and as conscientious human beings, we cannot remain silent about the issue of Kashmir. He highlighted the need to engage with students around the world and encourage them to undertake studies regarding Kashmir. This, he said, will help in getting the message across to a much larger audience. He informed about the efforts and steps taken by the Friends of Kashmir Canada, an NGO engaging with civil society and members of the government. When the August 5 incident happened, it launched a petition. Within 2 days, around 2000 petitions were sent to the Prime Minister of Canada who promised to act upon the matter. He stated that a meeting with the Canadian Foreign Minister was also held. During the meeting, it was requested that Human Rights Committee of the Canadian Parliament should hold hearing of gross human rights violation going on in Indian Occupied Kashmir and invite Kashmiris to speak on the issue. It was also suggested that the Kashmir issue should be raised with the G7 members in order to ensure that concrete steps are taken.

Dr. Jonathan Kuttub stated that as a Palestinian, he believes that there are many similarities between Kashmir's current situation and that of Palestine. He was of the view that there is a whole world out there that needs to be addressed in particular and specific ways. A clear distinction needs to be made between political positions, human rights and legal positions. There is another world out there, the world of human rights and international law which has its own dynamics. It has its own tools, organizations and methods to deal with disputes. He was of the opinion that we need to move the discussion from a political perspective to that of a legal and human rights one. He stated that here is a universal community of solidarity of people and organizations throughout the world who may or may not share your political perspective, but who do share a set of universal values and are willing to help, support and fight for these values. They are willing to influence and pressurize their own governments because they believe in them. Then there are international organizations that have specific mandate and work only for those specific issues. A country needs to be aware of how to set up its own civil society and educate its public.

He informed the gathering that it is important to understand that what is self-evident to one person may not be to others. Most human rights violations occur in the dark, which is why India is preventing journalists from entering Indian Occupied Kashmir. If the oppressor or violators of

human rights try to avoid responsibility from hiding the facts, then the responsibility lies with the civil society to take action. It needs to collect and document the facts in a very careful and credible manner that becomes undisputed by friends and foe alike. He stressed that the quality of evidence must rise up to that level where the other side cannot dismiss it as mere propaganda, exaggeration, or mouthpiece of a political government. He stated that those working for the cause of Kashmir need to slowly build their credibility and should base their facts on evidence so that it is acknowledged worldwide. He further stressed to always remember the distinction between politics and human rights. There are universal values of civil society whose solidarity we seek and create credible institutions and evidence that is properly documented to act as a basis for your claim and for your demand. Dr. Kuttab highlighted that one of the challenges that we face vis-a-vis Kashmir is China-Pakistan Economic Corridor (CPEC). The United States does not want CPEC to succeed and is using India in order to counter China which has strengthened India further.

Ms. Karen Rodman said that within Canada, there are a couple of pieces of legislation that have been explored in the context of Palestine and Kashmir. These have been included in the letters and appeals that were made to the Canadian government and institutes in response to the early days of lockdown in IOK. Under Article 1 of the Geneva Convention, Canada is responsible for holding other countries accountable if they violate international law. She stated that upholding that Convention is a bit of a challenge considering that India is not a signatory of the Geneva Convention. She informed the gathering that under domestic law perspective, there are two laws in Canada that put accountability into the domestic framework. The first is the United Nations Act which holds Canada accountable for putting sanctions on any country that United Nations has put sanctions on. The second piece of legislation is Special Economic Measure Act which talks about putting economic sanctions and embargoes on other countries that commit systematic violations of human rights. This Act is used for political rather than for humanitarian purposes. India is committing human rights violations in Kashmir since the past 7 decades and specifically after August 5. She stated that Canada has a tangible domestic law to uphold the Rome Statue of the time when the International Criminal Court was established. She said that there are various options that need to be explored in terms of Canadian companies and individuals' involvement with India, Indian officials visiting Canada, and imposition of economic sanctions, especially after the revoking of Article 35-A. She was of the opinion that it would be difficult politically to impose economic sanctions on India, but ways need to be explored in order to support the Kashmiri people.

She highlighted that the ICRC were not allowed by India to enter Kashmir. The civil society needs to shed light on the current situation in Kashmir. There's a need to carefully monitor and document the atrocities being committed against children. She stressed that torturing a child is not appropriate in any context hence; civil society needs to engage in an accessible way specifically with children. She also said that work needs to be done on exploring what legal aspects can be applied by the civil society when furthering their cases in an effective manner.

Ms. Michaela Lavis stated that the documentation of crimes being committed in IOK should include personal stories and not just quantitatively numbering them in the reports. She was of the opinion that unfortunately, there a lack of research and academic work on Kashmir which is

horrifying. She suggested that the conversation of civil society should focus on making everyone aware about the war crimes that India is perpetuating.

Ambassador Faisal Tirmizi, while expressing his views, appreciated three points that were raised by Dr. Jonathan Kuttub. He agreed that legal and human rights aspect of the problem need to be focused on. He hoped that the delegation will hold useful interaction with Pakistani civil society and will be able to point out how they can help in furthering the cause of the oppressed Kashmiris. He also encouraged Ms. Michaela Lavis for doing her research on Kashmir and agreed that there is very little top quality scholarship on this issue. He also pointed out that India aspires to become a permanent member of the United Nations Security Council without realizing the fact that it is one of the biggest violator of UNSC resolutions passed between 1948-1957.

Mr. Shahras Asim said that Pakistan has received number of delegations previously which included members of British parliament and the APPKG in the UK Parliament. There was a former Norwegian Prime Minister who visited Azad Kashmir and the LoC. But civil society, which is an important element, has been missing. There was great awareness within the Ministry of Foreign Affairs that members of civil society should also visit Kashmir and look at the situation on ground and the way it stands. The civil society could play an important part in highlighting this dispute at the international level.

He was of the view that right now, the most dangerous dynamic that is going on in South Asia is of power disparity and misperception that exists in India. Prime Minister Imran Khan made a speech where he said that all wars are started because one party overestimates its own power relative to the other party. India got two very dramatic reality checks recently. First, militarily after the Pulwama incident, when their pilot was captured. The second has been the backlash of the international community after India's actions of August 5, 2019. Article after article were written and published in Washington Post and New York Times criticizing India. The Indian government expected to get away with its action and the backlash caught them off guard. This momentum needs to be preserved.

Syed Faiz Naqashbandi said that Kashmir dispute has two dimensions- political and human rights. On the political front, it is a UN recognized disputed territory for which the UN has passed a number of resolutions which India had also accepted. Pakistan demands the implementation of UN resolutions but unfortunately, India is refusing implementation of these resolutions. Kashmiris are demanding their promised right - the right of self-determination. This promise of right to self-determination is supported by 13 UN resolutions. He said that right to self-determination is as important as right to life. Kashmiris are demanding the implementation of the UN resolutions in letter and spirit.

The second aspect of human rights is equally important. There are mass graves in Indian occupied Kashmir. The European Parliament has passed a resolution on mass graves. Kashmiris have seen the use of chemical weapons by the Indian forces. Kashmiris have also seen use of pellet guns. There is no freedom of expression or assembly. Injured are not allowed to be taken to the hospital for the treatment, which again is a violation of UN resolutions and Geneva conventions. India has framed a series of laws that gives unprecedented powers to its armed forces like Armed Forces Special Powers Act and Public Safety Act. Section 4 of the AFSPA

gives right to the soldiers to kill anyone on discretion. The unilateral action of August 5 by the government of India again is a violation of UN laws. The situation there is really grim. The UN team requested India to allow its team to visit IOK, but India did not allow because India does not want the world to know the extent of human rights violations being committed by its security forces.

Mr. Naqashbandi said that Article 4 of UN Charter says if a member state persistently violates the Charter, its membership to the UN can be cancelled by the General Assembly on the recommendation of the Security Council. UN resolutions have been passed, but India is continuously dodging their implementation which amounts to refusal of the UN Charter.

Dr. Jonathan Kuttub expressed his doubts that India could be removed from the UN, but said that human rights issues need to be brought up repeatedly to the point that it becomes very difficult and embarrassing for India. No country including India can sustain long term defiance of international law if it is forced to deal with its consequences.

Mr. Ghulam Muhammad Safi said Canada and China are two countries in the world who have refused visa to the generals of the Indian Army who were involved in the massacre of the Kashmiri people. The US also once refused visa to Narendra Modi when he was the Chief Minister of Gujarat. But once he became Prime Minister of India, things changed and he was given a red carpet welcome. Canada gave a very strong message to the Kashmiri people that though Canada may not be able to provide Kashmiris the right to self-determination, but those who are hell-bent on killing innocent Kashmiris are condemned. He wondered how much more authentic reports can be published than the two reports of the UN High Commissioner for Human Rights. He also highlighted that ICRC in India could not help the Kashmiris in these testing times. More than four months have passed, people are dying and no relief could reach the people of Kashmir. He enquired whether ICRC Pakistan, in any way, help or connect with the ICRC of India to provide relief to the Kashmiri people.

Mr. Altaf Hussain Wani said that over a period of time in Indian occupied Kashmir a civil society has been established. Despite the reprisals on the part of the government of India, that civil society has produced a number of reports the reflection of which was also seen in the reports of UN High Commissioner. Civil society in Pakistan is handicapped in this regard because it lacks access to information. On December 5, a report was released by an IoK civil society group Association of Parents of Disappeared Persons. Unfortunately, International civil society is not responding the way it should have. But at the same time, Kashmiris are thankful to the international media for publishing reports on Kashmir which created lot of awareness in the US.

The Director General ISSI thanked the delegation for taking interest in an issue that is close to the hearts of Pakistan nation. He also thanked the participants for their presence and valuable contributions to the discussion on Kashmir.

PICTURES OF THE EVENT



