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Report- Seminar

“Solving the Kashmir Dispute: Exercise of the Right to Self- Determination”

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Pictures of the Event



The Institute of Strategic Studies Islamabad (ISSI) organised a seminar on “*Solving the Kashmir Dispute: Exercise of the Right to Self-Determination*” on February 2, 2017. The Chief Guest on the occasion was, Honourable Sardar Awaiz Ahmed Khan Leghari, Chairperson of the Standing Committee of National Assembly on Foreign Affairs. Eminent speakers at the seminar included, Mr. Ghulam Muhammad Safi, Convener APHC; Ms. Mushaal Hussein Mullick, human rights activist; Mr. Mohammad Farooq Rehmani, senior leader APHC; Mr. Ahmed Quraishi, CEO Youth Forum for Kashmir; and Ms Tooba Khurshid, Research Fellow, Institute of Strategic Studies, Islamabad.

Welcoming the Chief Guest, speakers and the distinguished audience, Ambassador Khalid Mahmood, Chairman Board of Governors of ISSI, in his welcome remarks reiterated that the international community in general, and the people of Pakistan in particular are well aware of the genesis of the Kashmir dispute. He highlighted that it was decided in all United Nations resolutions that the future of the Kashmiri people will be decided by an impartial plebiscite under the auspices of the UN, which was accepted by India, Pakistan and the international community. In violation of these resolutions, Indian repression continues to this date with 800,000 military and paramilitary forces being deployed in the region and countless atrocities being carried out against the innocent civilians in Kashmir.

He highlighted the decades long resistance of the Kashmiri people to the oppression by the Indian forces. He said that this resistance has entered a new phase since the death of the Burhan Wani in June 2016. This led to an uprising by the Kashmiri youth. In the aftermath of Wani's death, widespread protests erupted in the Kashmir valley. It also unleashed a new wave of atrocities by India which led to the killing of 162 Kashmiris, injuring over 19,000 and blinding of hundreds of people as a result of use of pellet guns by Indian forces. He stressed that the role played by the youth of the Indian-held Kashmir (IHK) in their legitimate struggle for their right to self-determination is certainly commendable.

The most important point he brought home was that the issue of Jammu and Kashmir is not a territorial dispute between Pakistan and India, but a movement for the right to self-determination which is enshrined in the human rights' charter of the UN. He condemned India's vain attempts to equate their struggle with terrorism and extremism.

Pakistan's commitment and fidelity to the cause of Kashmir remain as firm as ever. At the same time, India continues with its reign of oppression through draconian laws. Powerful states are reluctant to put pressure on India for its oppression and human rights violations due to their own geostrategic, geopolitical and economic interests. He concluded on the words of Martin Luther King, “The ultimate tragedy is not repression by bad people but the silence over it by the good people.” He concluded by saying that it is in India's own interests to resolve the Kashmir issue on its way to a great power status that it seeks.

Mr. Ghulam Muhammad Safi stated that the issue of Jammu and Kashmir has remained unresolved since the past seven decades. The road map given by UN in 1948 and 1949 for the resolution of this issue comprised of a ceasefire, synchronised withdrawal of troops and an impartial plebiscite to decide the fate of the Kashmiri people which has not been implemented due to the obduracy of the Indian government.

Kashmiris have remained firm that a plebiscite is the only way forward. He went on to say that Kashmiris as basic party to the dispute have every right to decide their own fate. However, India has kept harping that Kashmir is an integral part of India. He stressed that the elections held by India in the Indian Held Kashmir are not contiguous with the text of the UN resolutions that demands a neutral and objective plebiscite. United Nations Security Council Resolution 122 of 1957 makes it clear that Kashmiris have been promised a plebiscite, not elections under India.

He highlighted that Kashmiris should also be a party to any dialogue or negotiations between India and Pakistan on the issue of Kashmir. He also stressed that it was up to the Kashmiris and Pakistan to draw the international attention towards the human rights violations and atrocities being committed by India.

He emphasised that the people of Kashmir, as well as their leaders such as Syed Ali Gillani, Mirwaiz Umer Farooq, Yaseen Malik and Aasia Andrabi have all remained staunch on one narrative, i.e. the right to self-determination for the people of Kashmir. In conclusion, he said that Pakistan needed to have a national policy on Kashmir whereby Pakistan should speak with one voice. He also said that Pakistan needed a consistent policy on Kashmir.

Ms. Mushaal Hussein Mullick in her speech stated that the people of Jammu and Kashmir who are larger in number than 123 currently independent nations, having a defined historical identity have been for decades engaged in a massive, indigenous and non-violent struggle to win their freedom from the foreign occupation of their land. This struggle is not motivated by bigotry or ethnic prejudice but the right of self-determination as per UNSC resolutions. Kashmir has been plagued by the denial of the right to self-determination.

She further said that life for the Kashmiris has oscillated between the grisly and the gruesome for the past 69 years. Approximately 800,000 Indian military and paramilitary forces occupy Kashmir and de facto impose Martial Law. At present, Kashmir has been under curfew for more than 6 months post Burhan Wani martyrdom. IOK is exploding, angrier than ever before after the latest intifada. The uprising is not incident based, nor is it because of a sense of alienation. It is a sentiments based movement built on decades long struggle. It is a bold expression of their political aspirations and it is deliberately being criminalised by the Indian state. Indian Occupied Kashmir (IOK) must be the only place in the world where the oppressor seeks refuge in the narrative of victimhood. She asked who is in charge of killing 162 civilians, injuring over 19,000, blinding over a 1200, arresting 10,000, disappearance of over 180 people, banning newspapers and internet, as well as setting up an economic blockade. India has not spared hospitals and ambulances, and even women and children. The indiscriminate use of pellets blinds people forever. After all these atrocities, India is still calling itself a victim.

The mass uprising of the Kashmiris has evoked two reactions from India. One is extreme repression, and the second is the threat of war. On September 24, 2016 Indian Prime minister Narendra Modi spoke to the Pakistani people "I want to say to you that India is ready to fight you. We will isolate you, I will work for that."

She also spoke about the disruption in the education of the youth as a result of the extended curfew. She said that Kashmiris volunteers are working to ensure that the education is continued through makeshift arrangements, but it is not enough and the money is short as well. It must never be that the children have to carry the burden of a freedom struggle. Kashmir needs help.

In conclusion, she said that the world is changing and the winds of change are blowing over the Subcontinent. It is about time that we don't tilt against the windmill but go with the flow and accept this change. She emphasised that no better contribution can be made to the world than to work for peace and freedom and what better way than to start with Kashmir.

Mr. Mohammad Farooq Rehmani stated that the rise of 'Hindutva' in the shape of Modi is a great threat to peaceful co-existence and the right to self-determination of the Kashmiri people.

He said that we are living in a time when might is right. The law of the jungle prevails and the powerful and mighty states do as they like. The Modi regime wants perpetration of state terror in Jammu and Kashmir. Kashmiris only want freedom and the right of self-determination according to the UNSC resolutions, accepted both by India and Pakistan. Instead of holding a plebiscite according to the auspices of the US, India has continued with ethnic cleansing of Kashmiris for the past 26 years. 2016 has been a year of grief and gloom in Kashmir where India has continued with its atrocities against the people. Now Kashmiris have lost fear of the Indian forces. They are more eager to die resisting highhandedness than to live a life of discrimination and humiliation.

He said that under Article 42 of the 1907 Hague Regulations (HR), and Article 2 of the fourth Geneva Convention of 1949, India is established as an occupying force and under the International Humanitarian Law India is guilty of gross violation of the basic human rights.

He further pointed out that India is also systematically working to alter the demography of Kashmir by establishing settlements for Hindu Pundits. A campaign of brutalising Kashmiris has not come to an end due to the silence of the world. Powerful states are not helping Kashmiris for fear of antagonising India.

He said that fighting for the right of self-determination of the Kashmiris should be the hallmark of the year 2017. He urged Muslims all over the world to boycott Indian goods as a method of peaceful protest and to make India feel the pinch of the consequences of its brutalities in Kashmir.

In conclusion, he appealed to Pakistan to draw a result-oriented strategy for the resolution of the issue of Jammu and Kashmir.

Mr. Ahmed Quraishi saluted the brave youth of Kashmir upon defeating the world's second largest army everyday by merely standing up to it, peacefully. This is not highlighted enough.

India succeeds by way of its large market by its diplomatic relations, by its image enhancement campaigns in the international arena. It succeeds by eclipsing this brave and amazing struggle for freedom that the Kashmiris are mounting for the last seven decades.

He recalled a saying: there is no way that your right will be lost for as long as even one person claiming it. So the rights of Kashmiris will not be lost. Kashmiris stand at a higher moral ground than the republic of India. He expressed optimism that Kashmiris are on the path to freedom. In 2016, the UN broke its silence of decades in September when the top official in charge of human rights, US High Commissioner for Human Rights in a policy statement at the human rights council in Geneva while discussing Ukraine, Syria, and other hot spots of the world included Jammu and Kashmir. He spoke of reports of very serious human rights violations in Kashmir by India. He said he is confident and the way the Kashmiris are demanding their rights, they will get it.

Talking about Pakistan's role in the Kashmir struggle, he emphasised the needs for focus and consistency. He went on to say that Kashmir is the first line of defence of Pakistan against India's hegemony. If India ever decides that it wants to live peacefully with Pakistan, we would see it on the ground in Kashmir. Kashmir is the barometer where Indian sincerity can be tested. In conclusion, he said that owing to the relentless and just struggle of the Kashmiri people, their cause has finally gained the recognition that it deserves on the international level.

Ms. Tooba Khurshid in her presentation highlighted that from the legal standpoint, the right to self-determination is the right of indigenous people who have deep-rooted cultural links to their land. Kashmir has all these elements such as a territory that is home to more than 13.65 million people and a long history of independence and self-governance. She stressed that India is crushing Kashmiris right of self-determination through excessive use of force and whatever is happening in IOK is worst form of subjugation of humanity and the right of the self-determination of the people of Kashmir.

This right of People of Jammu and Kashmir has been acknowledged in the various UN resolutions and Human Rights treaties. Therefore, no one country can decide the future of the people of Jammu and Kashmir. She went on to say that right of self-determination of People of Jammu and Kashmir is not different than other parts of the world. No specific method for realizing self-determination is mandated to implement right of self-determination, principles of international law dictate that whatever means are utilized, they must reflect the free will of the people.

The systematic human rights violations being committed by India in Kashmir need no evidence for they have been projected far and wide by the power of electronic, print and social media. She concluded by saying that, "India needs to realise that chains are made to be broken and Kashmir shall be liberated one day."

Honourable Sardar Awais Ahmed Khan Leghari, Chairperson of the Standing Committee of National Assembly on Foreign Affairs in his keynote address highlighted the statement by a group of former Indian officials dealing with Pakistan and Kashmir, ex-military men, academics and journalists who expressed serious concerns over the intrusions and assaults against civilians in the IOK, which are accompanied by an absence of accountability from the authorities.

He went on to say that there were three stakeholders in the Kashmir dispute: namely the Kashmiris, Pakistanis and Indians. He highlighted what he termed as the hypocrisy of the

international community and noted there is no criticism coming out on the Indian Prime Minister Narendra Modi on signaling the abrogation of Indus Water Treaty, but a Trump syndrome is going on. He spotlighted the world disparity that the international community ignores the human rights violations in IOK, but reacts to every single order of President Trump. He questioned why the global community did not take note of the atrocities happening in Kashmir and stated that such an aggressive reaction should also be shown towards the atrocities in IOK. He pointed out that such contradictions have emerged out of democracies who boast of having high morals and values and stated that Pakistan's stance is clear on the dispute issue. In this time of social media such atrocities cannot be concealed. He stressed that the struggle of people of Jammu and Kashmir is completely indigenous. Now that the youth of Indian-held Kashmir have picked up on the issue, it will not be dismissed any time soon.

He went on to say that Pakistan has been responsibly fighting terrorism- something that benefits the entire international community. He concluded by saying that this issue cannot be resolved through an act of war thus India, Pakistan including Kashmiris should start a dialogue immediately. The sooner the dialogue process starts the better for peace and stability of the entire region. Pakistan has always extended its cooperation towards India, but the latter always responded with irresponsible statements and LoC violations. However, Pakistan would not give up on the right of the people of Jammu and Kashmir to self-determination. Response to the Pakistan's recent repeated calls for justice and peace in IOK demonstrates that Pakistan's voice for Kashmiris will be heard soon.

Multiple question and answers were raised by the audience.

Q:1 How can we convince the countries interested in CPEC such UK, Iran and Russia to play their role in resolving the Kashmir dispute?

In response to the question Sardar Awais Ahmed Khan Leghari, said that on mediating the Kashmir dispute, unfortunately most of the countries still want India and Pakistan to resolve the dispute bilaterally. Bilateralism between India and Pakistan has failed in the past and there are no signs of flourishing bilateralism between the two countries unless third countries mediate. Recently, China, US, Russia and Iran have offered mediation between India and Pakistan. Pakistan has always offered dialogue to India, but India unfortunately always rejected the offer.

Q:2 What is the feedback of the delegation of Pakistan's emissaries for Kashmir across the world?

Responding to the question, Sardar Awais Ahmed Khan Leghari, said that the emissaries responsibilities and expectations were to sensitise the Kashmir dispute and human rights violations committed by India in IOK. Parliamentarian and societies on human rights violations have taken the issue seriously and condemned the Indian atrocities and raised the issue with the responding governments and authorities. We need to consistently keep pushing the world on the human rights violations.

Q:3 Due to Indian response, should we expect the Government of Pakistan to reject the bilateral dialogue with India, especially on Kashmir?

Sardar Awais Ahmed Khan Leghari, said that Pakistan has never rejected bilateral dialogue with any country neither it would do so in future. Pakistan will continue to engage India in a dialogue process on all the major issues, including Kashmir.

Q:4 Does the Simla Agreement prohibits the countries to mediate and restricts the Kashmir dispute to bilateralism?

Sardar Awais Ahmed Khan Leghari said that it is just a convenient excuse given by the countries to safeguard their own economic interests. No agreement bars any country to mediate between the two countries.

Mr. Ghulam Muhammad Safi, Convener APHC highlighted the fact that through Article 103 of UN Charter which states that “In the event of a conflict between the obligations of the Members of the United Nations under the present Charter and their obligations under any other international agreement, their obligations under the present Charter shall prevail” So an agreement between India and Pakistan cannot override the UN Charter or the agreement that has three parties.

Ambassador Khalid Mahmood, Chairman Board of Governors of ISSI concluded the seminar by thanking the participants and stated in his concluding remarks that Kashmir belongs to the Kashmiris. It is in the best interests of both Pakistan and India to resolve this issue, if not through bilateralism, then through other methods mentioned in the UN Charter such as arbitration, mediation and judicial decisions. Pakistan’s commitments to the Kashmiri cause is firm. He saluted the just struggle of the people of IOK with a conviction that they will succeed as their cause is just and has strong legal and moral foundations.