



web: www.issi.org.pk
phone: +92-51-9204423, 24
fax: +92-51-9204658

Report – Seminar

“August 5, 2019- An Assault on Kashmiri Identity”

August 4, 2022



Compiled by: Muhammad Ali Baig, Shaheer Ahmad & Mahnoor Rashid

Edited by: Dr. Arshad Ali

PICTURES OF THE EVENT





The India Study Centre (ISC) at the Institute of Strategic Studies, Islamabad (ISSI) organized a seminar titled “August 5, 2019- An Assault on Kashmiri Identity” on August 4, 2022. The Chief Guest of the event was Senator Mushahid Hussain Syed, Chairman, Senate Defence Committee. Other distinguished speakers included Dr. Waleed Rasul, Director General, Institute of Multi-Track Dialogue; Justice Ali Nawaz Chowhan, former Chief Justice of the Gambia and elected International Judge of the United Nations; and Professor Dr. Kaleem Abbasi, Vice Chancellor University of Azad Jammu and Kashmir. Ms. Laura Schuurmans, a writer and independent researcher based in Indonesia, also sent in her remarks.

In his introductory remarks, Dr. Arshad Ali, Director India Study Centre, said that three years ago on August 5, 2019, India illegally and unilaterally revoked the special status of the Indian Illegally Occupied Jammu and Kashmir (IIOJK), which is not only the violation of international law but also of the UN Security Council resolutions, 4th Geneva Convention, and Shimla Accord. He emphasized that it is a well-known fact that Jammu and Kashmir is an incomplete and unfinished agenda of the partition of the subcontinent. For the past 75 years, India has resorted to ruthless oppression, committing grave human rights violations with impunity against the Kashmiri people to deny them their right of self-determination. The human rights situation in Kashmir has further deteriorated after August 5, 2019. Since then, the brutality of the Indian forces has resulted in the killing of more than 640 Kashmiris, among which 120 have been extra-judicially killed this year alone.

He further stated that the international community and the UN has repeatedly expressed their concerns over the grave human rights violations in the Indian-occupied Kashmir. He said that Pakistan needs to look into the use of lawfare by the Bharatiya Janata Party (BJP) government to politically marginalize and disempower the minority groups in India, especially the people of Jammu and Kashmir. It is evident from the new domicile laws enacted in March 2020 in Kashmir which encourage the non-Kashmiris to permanently settle in Kashmir. Thus, India is pursuing its agenda of changing the demographic composition of Kashmir by settling non-Kashmiris in the state. Moreover, a delimitation commission is formed to politically disempower the Kashmiris by giving more seats to the Hindu-dominated constituencies. However, Kashmiris

will never surrender and continue their struggle for the right to self-determination despite Indian draconian laws and ruthlessness.

Ambassador Aizaz Ahmad Chaudhary, Director General ISSI expressed that Kashmiris have resisted the oppression since 1931, initially against the Dogra rule, and since 1947 against the illegal Indian rule. However, three years ago, the most sinister move was made by the current BJP government which is an assault on the very identity of the Kashmiri people. He further stated that former Prime Minister Nehru had given a solemn pledge to resolve the conflict and PM Vajpayee also made a pledge years later that the issue will be settled through *Kashmiriat, Insaniyat, and Jamhooriyat*. However, three years back all these pledges have been violated by the BJP government. Kashmiri people should be commended for their struggle for their rights. He reminded the audience that Pakistan's efforts are also commendable as they have shown the country's firm commitment to the Kashmiri people and the principles of the UN Charter.

He further mentioned that the international community has a mixed record of condemning the Indian brutalities in Kashmir. They have never outrightly condemned India for unilaterally altering the status of the disputed territory in 2019. Therefore, the world must know that these acts have serious strategic and security implications. On this day, we assure our Kashmiri people that the Pakistani nation is standing with them through their thick and thin. Last but not the least, he expressed that he was honoured to have such illustrious people and thanked specifically Director India Study Centre for organizing the activity.

Professor Dr. Kalim Abbasi, Vice Chancellor, University of Azad Jammu and Kashmir, began his speech by thanking ISC and ISSI for upholding their commitment to providing a well informed and objective research regarding global and regional issues. He said that August 5, 2019, is the darkest day of international history when India revoked Article 370. This step was used to violate the dignity of the already suppressed people of Kashmir. The revocation of the Article 370 which has maintained the status quo in the occupied Kashmir did put the region into turmoil. The Indian decision was a deliberate violation of Article 1.1 of the International Covenant on Civil and Political Rights (ICCPR) which implies that all people have an inherent right to self-determination. This right allows the people to freely determine their political status and allow them to pursue their economic, political, and social development. He emphasized that

Kashmir is a disputed territory on the United Nations Security Council (UNSC) agenda; however, India has converted a UNSC disputed zone into its national territory, which is a total violation of the UN Security Council's resolutions on Kashmir.

Dr. Abbasi said that according to Kashmiri Media Service (KMS), since 1989 over 100,000 have been killed by the Indian forces. He further stated that by abrogating Articles 370 and 35-A, India has taken the established right of the Kashmiris to permanent residence, acquisition of property, employment, and education. The same year, the BJP government enacted more than 109 laws to start the settler colonial project which aims to bring demographic changes that will convert the Muslim majority into a minority. People of Jammu and Kashmir also fear the loss of representation in the state legislative assembly. He referred to a document released by the Indian government which claimed that 4 million domiciles have been issued to the people to settle in Indian-occupied Kashmir. This policy has a resemblance to the illegal settlement of Israel in the occupied land of Palestine.

Dr. Abbasi alarmed the audience that after the abrogation of Article 370, the treatment of the Kashmir leaders has also worsened. Many pro-freedom leaders are under detention and interrogation camps have been set up that force political activists to discard their quest for freedom and liberty under duress. He referred to Yaseen Malik who has been denied the right to a fair trial and is currently on the hunger strike. After the revocation of the article, the valley has witnessed ethnic cleansing, war crimes, blatant violations of Geneva Convention, and the UN charter. The territory is one of the most militarized zones in the world where the movement of ordinary people is resisted.

While suggesting the way forward, Prof. Dr. Abbasi suggested that keeping in view the situation in Kashmir, we need to put our own house in order to take the freedom movement to its logical end. It is unfortunate that Pakistan's dire economic condition, political instability, and polarization among different political groups are more detrimental than the Indian guns. He further said that Pakistan should utilize the anger of Arab and West Asian states expressed over the derogatory remarks toward the Prophet Muhammad (PBUH) by two Indian officials. Moreover, Pakistan should accelerate the process of frequent visits of international

parliamentarians, international experts, and human rights activists to Azad Jammu and Kashmir and Indian-occupied Kashmir to gain international support.

Ms. Laura Schuurmans, a writer and independent researcher, sent her remarks on the Deafening Silence of the International Community. She said that she is grateful to Pakistan which even during the Pandemic has never silenced any issues related to the Kashmir issue while the entire world was in lockdown. The deafening silence of the International Community, on the other hand, is a very sad fact, as Kashmir is not only a territorial dispute between India and Pakistan but perhaps more importantly this issue involves millions of Kashmiris who have become a victim of the conflict for the past seven decades and with no clear end to the conflict in sight. She said that she has completed her book on the Kashmir issue, which is due to be published. In her book, she narrated the stories of many Kashmiris who were actively involved in Kashmir.

Ms. Laura emphasized that there are tens of thousands of Kashmiris who have died in the Kashmir conflict and the international community has largely remained silent, not even willing to discuss the Kashmir issue in a balanced, mature and honest manner. She said that she can speak from her own experiences when she started writing her book on Kashmir. She thought it was logical that people would want to speak with her to find a peaceful solution to Kashmir but instead, the doors either closed or those who wanted to speak about Kashmir, mostly only spoke informally or anonymously.

Building peace requires a lot of efforts, for which many concessions will have to be made. This often starts with leaving the bitter past and bitter memories behind and starting with a new track of talks without going on a journey of vengeance. If India and Pakistan could draw one step closer together, this could also improve the overall security conditions in the Kashmir Valley where the problems and the unrest have been rooted. This, as a result, will ultimately reduce the human rights abuses that are committed in the Kashmir region where Kashmiris may also consider lying down their arms and sitting around the negotiating table instead. Talks do not do any harm to anyone, but weapons do.

To conclude, the conflict in Kashmir has been going on for more than seven decades. Both India and Pakistan are nuclear-armed nations. With continuous oppression in Kashmir valley, the

chances of an effective dialogue between the two nations seem increasingly slim. We can choose to be silent, or we can choose to protect the citizens of this world, which include the people of Kashmir, and advocate to start a dialogue.

Dr. Waleed Rasul, Director General, Multi-TRACK Dialogue Institute spoke on the delimitation- a step further towards political disempowerment of Kashmiris. He started off with what happened in the post-August 5 situation. He stated that the situation demands an empirical study on the basis of deductive and inductive reasoning. He stated that we must understand the classical realism advocated in the *Arthashastra*, which is now the playbook of Modi's foreign and domestic policy. Pakistan's dilemma is that India is successful in portraying itself as a responsible power, despite being an aggressor.

Dr. Waleed concluded his address by suggesting that policymakers and intelligentsia should have a futuristic approach rather than being nostalgic. According to the United Nations statistics, India will surpass China in terms of population by 2027. It means that India could apply again for permanent membership in the United Nations Security Council, and it will be hard for other nations to stop India from condemning its nefarious designs after 2027. Likewise, the Sri Lankan economic collapse and Pakistan going through its own period of economic turmoil have given India a strategic edge in the regional security dynamics. He further added that India has a large military budget and is also the fifth largest economy, so it is necessary for policymakers to realize that our capacity to resolve this conflict is shrinking day by day.

Justice Ali Nawaz Chowhan, former Chief Justice of the Gambia and elected International Judge of the United Nations spoke on Post August 5, 2019: Human rights abuses in IIOJK in the light of international law. He remarked that the Kashmir issue is a mishandled case because Pakistan did not prepare itself timely and the response generated has been insufficient. He added that the Kashmir Committee has been doing nothing substantial to voice the legitimate concerns over the Indian atrocities in Kashmir, therefore rendering the issue dormant for years. The ultimate way to address the Kashmir issue is to pursue it legally. While referring to his research, he maintained that the disputed territory of Kashmir is an international conflict; therefore, the unilateral decision taken by India is illegal and merely a bluff. Since this entails a constitutional

genocide of the Kashmiri people on the part of India, the matter should be taken to the International legal forums.

Justice Chowhan presented two solutions to the issue. The first is to take the human rights issue in Kashmir to ICJ, and the second solution is the Responsibility to Protect (R2P), endorsed by all nations in the 2005 World Summit. The latter establishes the international norms to halt the massive atrocities as a collective responsibility of nations. He said that Pakistan should use this platform and involve the special rapporteur office. The special groups in the R2P council can agitate on the issue and therefore expose India time and again. Moreover, he stated that there is a need to strengthen the National Institution of Human Rights so that it can be used to effectively convey the Indian atrocities in over 170 countries. He further criticized the Government of Azad Jammu and Kashmir for not playing its role in agitating the issue and protesting against the Illegal Indian occupation. He concluded by saying that Pakistan needs to revisit its policy in order to generate a robust response.

Senator Mushahid Hussain, the Chief Guest, stated that the Indian Illegal occupation is an assault on not only the Kashmiri identity but also the UN resolutions and bilateral agreements between India and Pakistan. He laid out some statistics showcasing Indian atrocities against the Kashmiri people including the changes made in laws, such as property laws, to enable demographic changes in Jammu and Kashmir. While outlining the scale of Indian illegal occupation, he highlighted the economic loss Kashmiris have faced in terms of unemployment. He further referred to the Indian strategy as a 3D strategy, at the centre of which was to demonize Pakistan. Another important part of this strategy according to him was the Indian narrative on Aksai Chin, Gilgit Baltistan, and Azad Jammu and Kashmir, which has invited China as another party to the issue.

Senator Mushahid proceeded to state Dr. Gregory Stanton's latest research, which concludes that there are processes of genocide by India in Assam and the Kashmir region. He further outlined the stages of genocide that have already started taking place in India at an alarming rate. The Indian foreign policy is founded upon ideological grounds to which the demonization of Pakistan plays a central role.

While suggesting a way forward to the Kashmir issue, he stated that lawfare has been under-utilized by Pakistan and the state also lacks strategic clarity over the issue. Pakistan also needs to raise the issue of Kashmiri political prisoners and human rights abuses on an international level. He further stated that thinking of reviving economic relations with India is folly because India has been involved in cross-border terrorism in Pakistan and has been trying to sabotage the progress of the China-Pakistan Economic Corridor (CPEC). The only situation in which Pakistan can allow trade with India is if it is based upon a reciprocal basis, where India provides transit trade routes between Bangladesh and Nepal to Pakistan, and Pakistan acts as a transit economy between Afghanistan and India. However, that is also conditional upon India providing relief to the Kashmiri people. He concluded by stating that relations are based on mutual interests, mutual benefit, equality, and reciprocity – and that Pakistan is interested in the betterment of the Kashmiri people.

The event organised by the ISC at ISSI was attended by a considerable number of people belonging to all walks of life. Various representatives of different embassies and members of the foreign diplomatic missions were also present at the event. Especially, the event was monitored closely by the university students and the media provided coverage in electronic and print media.