



Institute of Policy Studies
Islamabad

Jammu & Kashmir

One Year After **August 5, 2019** and Way Forward



Policy Brief

July 30, 2020



Institute of Policy Studies
Islamabad

Jammu and Kashmir

One Year After August 5, 2019 and Way Forward

Policy Brief

July 30, 2020

Contents

Introduction	3
Executive Summary	5
Policy Recommendations	7
1. Political	7
2. Diplomatic	8
3. Psycho-Social	10
4. Law-fare	13
5. Economic	14
6. Strategic	14

Introduction

Institute of Policy Studies (IPS) was founded in 1979 as an independent think tank that aims to add intellectual value to policy process related to key global, regional and national issues on a regular basis.

Since its early years, the Institute has regularly contributed towards the critical issue of Kashmir in the form of conferences, seminars, roundtables, policy briefs, research papers, monographs, books, and other publications. The objectives of these events and publications have been to provide an informed, timely and independent policy inputs and consolidate new ideas with existing knowledge and practical experiences. In addition, these events and publications have also contributed towards enriching the public discourse through public diplomacy to help shape public opinion and generate international awareness on critical issues.

IPS has a dedicated Working Group on Kashmir (IPS-WGK) that regularly meets to review the evolving global, regional and domestic scenario related to Kashmir and offers timely and informed policy advice. This diverse Working Group enables seasoned politicians, top diplomats, defence and legal experts, scholars, journalists and human rights and social activists to regularly meet and share ideas and experiences on Kashmir issue. Its participants also include representatives from AJK, IOK, GB and Kashmiri international diaspora to help generate a comprehensive and well-informed perspective.

This policy brief encapsulates the ideas, knowledge and experiences, based on nine meetings and three international seminars, held since August 5, 2019 to-date. It summarizes the policy recommendations presented during these sessions, by classifying them in six distinct policy domains. These include Political, Diplomatic, Psycho-social, Law-fare, Economic and Military/Strategic policy domains. Thus, it offers focused policy proposals in each respective domain for the consideration of relevant institutions and stakeholders.

One year after the Indian August 5, 2019 actions, the global, regional and national significance of Kashmir issue has immensely increased. Therefore, the Working Group on Kashmir will continue its regular sessions and follow-up on each of these domain specific policy recommendations by evolving a more specific action agenda in the near future.

Executive Summary

IPS is of the view that Pakistan, Kashmir and this entire region are at the epicenter of an intensifying and unprecedented global and regional hybrid warfare, in all traditional and non-traditional security domains. Therefore, Kashmir issue deserves a fresh and comprehensive perspective in the context of rapidly changing global, regional and domestic realities. This rapidly evolving strategic environment requires an innovative and multi-disciplinary policy approach towards Kashmir issue without compromising on the principled stance of its resolution through UN-led plebiscite, the synergized employment of all the elements of national power and proactive involvement of all relevant stakeholders and institutions.

This will enable a stronger global narrative on Kashmir that can simultaneously reflect the aspirations of Kashmiri people, promote Pakistan's national and regional security interests and further deepen global concerns towards the Kashmir issue. This requires close and regular coordination between the national and strategic leadership, all relevant institutions and stakeholders. It is critical not only to globally promote Kashmir issue more effectively as a growing international security challenge, a deepening regional stability threat but also as a vital national security policy imperative, on which the State, the nation and Kashmiris must remain on the same page.

The most important national security imperative is to maintain and strengthen the national consensus on the Kashmir issue, above and beyond all social, political, cultural, economic or ethnic fault-lines. However, strengthening of this national consensus requires a proportionate political will that can manifest itself through (a) a timely, regular and comprehensive policy review, (b) evolution of a multi-dimensional roadmap and (c) a grand strategic plan, based on specific policy measures in all domains and (d) specific targets for each relevant institution.

In the political domain, the Kashmir movement requires greater psychological, intellectual and tangible support. This is particularly significant after one year of Indian August 5, 2019 actions in order to maintain strong Kashmiri commitment towards their struggle and Pakistan. In addition, adequate and timely consideration of the concerns, hopes and interests of all the subjects of the State of Jammu and Kashmir including AJK and Gilgit-Baltistan is a national security imperative. Internal governance arrangements of the Federation of Pakistan with AJK and Gilgit-Baltistan should be reviewed to ensure that no governance issue could affect the commitment and resolve of the relevant people towards the Kashmir cause. Encouraging and building closer geographical, economic, social and cultural ties between the people of AJK and Gilgit-Baltistan will politically reinforce the Kashmir struggle. Similarly, greater synergy and more frequent interactions between Pakistani and AJK legislatures, Parliamentary Committee on Kashmir, executive (Foreign Office), defence experts, think tanks and intellectuals will help improve the Kashmir policy process in a manner to meet the aspirations of Kashmiri people, make it nationally acceptable and internationally more influential.

In the diplomatic domain, Prime Minister's address at the upcoming UN General Assembly session in September 2020 will be critical for the world, Kashmiris, Pakistani nation and India to gauge whether Pakistan's commitment and resolve is strengthening or weakening. Moreover, appointing a Special

Envoy on Kashmir, similar to a dedicated special Ambassador on Afghanistan, will help engage international community on a high-level and frequent basis and give a new impetus to the international Kashmir diplomacy. All Kashmir related UN resolutions, official statements, speeches, international reports by UN Human Rights Council, Genocide Watch, Amnesty International and OIC must be prominently displayed and regularly updated on the Foreign Office website. Spearheaded by the Kashmiri diaspora and AJK government, a campaign for building an international case for humanitarian intervention in IOK, through international relief and medical organizations is needed, to provide relief to the Kashmiri people. In addition, allocating adequate funds to Pakistan's foreign missions for establishing Kashmir Section in all major overseas diplomatic missions that can work with Kashmiri and Pakistani diaspora, will help expose India globally and reduce its soft power. Greater outreach towards Africa and Latin America could help yield stronger support at multilateral forums from the non-permanent UNSC members and UN General Assembly.

In the psychological and social domain, the Kashmir issue is mostly raised at the political level but requires a matching reinforcement at the civil society level to ensure that it is not perceived merely as a State or government-led agenda but an international issue enjoying national consensus. This requires a comprehensive strategic communication strategy that capitalizes on the talents, resources and creativity of the entire social strata, both nationally and internationally. This can include regular engagements with youth forums, human rights activists, think tanks, academic institutions, artists, musicians, film industry as well as electronic, print and social media at the national level. At the international level, world's top celebrities associated with humanitarian causes can be engaged to highlight the humanitarian tragedy unfolding in IOK.

In terms of law-fare, Kashmir issue should not be internationally presented merely as a human rights issue but in the context of an **international armed conflict**. This position can be developed on the basis of foreign military occupation by India and well-documented and verifiable proofs of violent Indian acts. This will gradually help build a case of war crimes against India and implicate concerned officials and involved individuals as war criminals. It will also legally justify the internationally recognized right of armed resistance against foreign military occupation, by local Kashmiri population and legitimize their international support from the Kashmiri diaspora across the globe.

In the economic dimension, building a FATF case against India should be considered for allowing Indian government officials, BJP, RSS and Bajrang Dal leaders, activists and workers to commit human rights violations and atrocities against Muslim community and minorities. Similarly, a case for considering Visa restrictions on the travel, study and business of those Indian government officials, BJP, RSS and Bajrang Dal leaders, activists and workers should be built with OIC member countries to increase the cost of Indian behavior towards Muslims in particular and minorities in general.

In the strategic realm, a grand strategy, in close collaboration with China may be considered to externally divide and internally exhaust Indian military capabilities by creating several fronts for their armed forces. Similarly, greater geopolitical, geostrategic and geo-economic collaboration with Beijing in long-term planning as well as operational mobilization, could help manage the growing Indian threats for both countries in land, air, sea, space, cyber security and strategic domains. In addition, quietly reviving paramilitary forces in AJK and Gilgit-Baltistan, such as Jammu & Kashmir Rifles, Mujahid Force and Gilgit Scouts, could militarily reinforce Pak military forces deployed in Jammu & Kashmir theatre, mitigate the significant conventional asymmetry in Pakistan Army's 10 Corps and PAF Northern Air Command's area of responsibility. It will also strengthen Pakistan's indirect strategy, improve asymmetrical warfare capabilities and military options in future crisis and conflict scenarios.

Policy Recommendations

The transforming world order has further intensified the regional geo-politics, geo-economics and geo-strategic environment. This has made Kashmir issue more complex and critical than ever before. Therefore, is a critical national security imperative to maintain and strengthen the national consensus on the Kashmir issue, above and beyond all social, political, cultural, economic or ethnic fault-lines. However, strengthening of this national consensus will not be possible without a resolute and consistent political will. The empirical evidence of this political will be in the form of (a) timely, annual and comprehensive Kashmir policy review (b) evolution of a multi-dimensional roadmap (c) a grand strategic plan, based on specific policy measures in all domains and (d) specific targets for each relevant institution.

The policy recommendations given below is the result of nine extensive sessions of the Working Group on Kashmir and three international seminars held during the last one year, since August 5, 2019. These have been classified in six specific policy domains in this section of the policy brief including political, diplomatic, psycho-social, law-fare, economic and strategic domains.

1. Political

1.1 Kashmir issue deserves a fresh and comprehensive perspective in the context of rapidly changing global, regional and domestic realities. This rapidly evolving strategic environment requires an innovative and multi-disciplinary policy approach towards Kashmir issue without compromising on the principled stance of its resolution through UN-led plebiscite, the synergized employment of all the elements of national power and proactive involvement of all relevant stakeholders and institutions.

1.2 After August 5, 2019, Kashmir movement is facing unprecedented psychological, political, economic and security challenges. Therefore, it requires a proactive role at the highest level by the Pakistani and Kashmiri political leaderships to think out-of-the-box to address them.

1.2 Greater synergy and more frequent interactions between Pakistani and AJK legislatures, Parliamentary Committee on Kashmir, executive (Foreign Office), defence experts, think tanks and intellectuals will help improve the Kashmir policy process in a manner to meet the aspirations of Kashmiri people, make it nationally acceptable and internationally more influential.

1.3 More frequent political, economic and social engagements are needed across all social strata between the leadership and people of IoK, AJK and GB and their diaspora in Pakistan and abroad. This will incrementally expand the Kashmir issue debate beyond AJK and also translate into greater national and international political mobilization and awareness of the Kashmir issue.

1.4 It is recommended that improving the Azad Jammu and Kashmir Legislative system beyond its current unicameral status into a bicameral legislative body with representation of Kashmir, Gilgit-Baltistan and even APHC leaders (similar to the role of Muslim Conference in the Karachi Agreement signed in 1949) will develop a forum in the form of Senate/Upper House of Azad Jammu and Kashmir

Legislative Assembly, to which the primary stakeholders of Kashmir issue could relate. In addition, this will give people of GB and IOK Hurriyat leadership a common legislative forum, give greater stake to Hurriyat leaders in Kashmir related discussions and accord more legitimacy to the AJK legislative structure. This will also help neutralize the Indian narrative that Pakistan has violated UNSC resolutions by altering the status of Kashmir and separating GB from Jammu and Kashmir.

1.6 Regular interactions between Pakistani and AJK legislature, Parliamentary Kashmir Committee, executive (Foreign Office), defence experts, think tanks and academia are required. This will help synergize political, executive, intellectual resources and yield coordinated efforts to comprehensively review evolving scenario and internationally promote a more coherent and well-considered narrative on Kashmir.

2. Diplomatic

2.1 A special envoy on Kashmir, similar to the one on Afghanistan, is needed to enable a dedicated, seasoned and influential diplomat to conduct full-time Kashmir diplomacy with a greater impetus.

2.2 The upcoming anniversary of August 5 Indian actions and UN General Assembly session requires the national leadership to use these two opportunities to articulate a stronger and more convincing narrative that can meet the expectations of the Kashmiri people, reflects the commitment of Pakistani nation and deepens the global concern towards the Kashmir issue.

2.3 It is recommended that India should be globally forced into a defensive diplomatic stance and its global soft power should be gradually weakened by consistently exposing its tyranny in IOK and against minorities in India, around the world, through all our foreign missions. Reaching out beyond the major power centers, to African and Latin American countries as well could improve our multilateral diplomacy on important relevant forums such as the non-permanent members of the UN Security Council, UN General Assembly, UN Human Rights Council and OIC contact group on Kashmir.

2.4 All relevant United National Security Council resolutions, reports and statements by international leadership and organizations like the UN Human Rights Council, Genocide Watch, Amnesty International and OIC and its contact group at the UN should be consolidated, regularly updated and published. These documents should be prominently displayed on the website of the Foreign Office and other relevant digital sources and also shared globally through our foreign missions.

2.5 Through more frequent engagements and collaborations with international human rights organizations and NGOs, greater international pressure should be built in support for sending and keeping UN observers in IOK, who can monitor and regularly report the human rights situation there.

2.6 A campaign for building a case for humanitarian intervention in IOK, through relevant international medical and relief organizations, such as ICRC, is needed to provide relief to the Kashmiri people.

2.7 Azad government of the State of Jammu & Kashmir should spearhead the international diplomatic, lobbying and humanitarian efforts to make it more credible, not only around the world but also to ensure that Kashmiris living in IOK remain positively disposed towards AJK.

2.8 A sound and comprehensive international strategic communication strategy is required that also globally highlights the potential risks of nuclear conflict due to Kashmir conflict, in order to draw and maintain greater international concern towards Kashmir issue and discourage non-Kashmiris from settling in IOK. Please see the psycho-social domain, for some key suggestions in this regards.

2.9 The relationship with international NGOs and human rights organizations needs to be improved, both via official channels and think tanks, in order to leverage greater global interest in Kashmir issue and generate more reports on various aspects of Kashmir, on a regular basis.

2.10 Pakistan's Ministry of Foreign Affairs is urged to diversify its international engagements by also reaching out to the developing countries and African and Latin American States on the Kashmir Issue. This will help expand our influence on several multilateral forums.

2.11 Pakistan should devise a strategy to enlarge the Kashmir contact group of OIC in order to further expand multilateral support for the Kashmir issue and build greater international pressure on India.

2.12 The performance of the Foreign Office's Kashmir Cell should be regularly reviewed and a quarterly report submitted before the Parliamentary Kashmir Committee. This will not only ensure consistent institutional interest and regular oversight but also facilitate closer coordination between legislature and executive branches of government on Kashmir issue.

2.13 The deteriorating internal security and political instability within IOK in particular and India in general must be internationally highlighted to discourage non-Kashmiri and foreign settlement in IOK, Indian demographic changes, military occupation and strengthen its proxy government in IOK.

2.14 The role of Kashmiri and Pakistani diaspora is critical in globally promoting Kashmir issue at all forums including universities, think tanks, mainstream newspapers, electronic media as well as social media. Kashmiri and Pakistani diaspora should be encouraged to proactively and regularly engage with their respective constituency Congressmen/Members of Parliament and ask them to raise Kashmir issue in Parliament in Foreign, security and human rights policy debates.

2.15 Pakistan must evolve a comprehensive and long-term geopolitical, geo-economic and geostrategic strategy for this region, in close collaboration with China, to foil Indian hybrid warfare against Pakistan and Kashmir in several domains.

2.16 In addition, Pakistan must strive to gradually build greater political, cultural, economic and military influence within other regional countries as soft power and eventually contest Indian regional role.

2.17 Our narrative and the literature on the Kashmir issue need revisiting and updating; the relevant UN resolutions and their obligation on the two countries (refuting India's false claim that plebiscite resolutions could not be implemented because Pakistan failed to withdraw 'all' its troops etc.), sham elections held by India, continued resistance by the Kashmiri people, un-abetted violence perpetrated by Indian army, reports of human rights violations by the UN Commission on Human Rights, European Parliament, US Congress, human rights organizations to be compiled in small booklets, translated in all UN languages, besides Nordic and east European languages, for distribution through our diplomatic missions.

2.18 A 'Kashmir Section' should be established in all diplomatic missions of Pakistan, headed by a dedicated officer with adequate, committed and well-informed staff. It should be given spelled out task and tangible goals with the progress to be monitored by the Head of the Mission and regularly

reported to the Ministry. The task could include reaching out to the politicians/parliamentarians, media, think tanks, universities, analysts and opinion makers, decision-making bodies of the host countries. Contributing op-eds to local newspapers, writing in think tank publications, organizing conferences and seminars, could be some of the effective tools.

2.19 Adequate funds should be made available at the disposal of the Heads of Missions, to be duly audited and accounted for with the Mission's regular monthly account. Missions in the countries with substantial consular services generate Community Welfare & Education fund. This is essentially spent on projects of facilities for the community and support educational projects. Through an executive order the fund's scope can be expanded to include cultural promotion and projection of Kashmir issue.

2.20 An unofficial diplomatic corps from AJK, Hurriyat leadership and GB (including young articulate, highly educated and motivated youth and women leaders) should be developed and assigned to key international cities for lobbying for the cause.

2.21 A list of competent political counsellors who have served in Delhi should be prepared and they should be involved in FO's Kashmir cell.

2.22 USA, UK and many European countries, besides the Gulf States, have substantial Pakistani and Kashmiri (from both sides of the LoC) community living as nationals, permanent residents and visitors (including students). Some of the (dual) nationals are active in local, councilor, constituency and parliamentary politics and have access and influence over members of parliaments and government officials, while some have even been elected as MPs. Such committed and influential individuals may be engaged and encouraged to form lobbies for Pakistan. Our Missions, in consultation with our Parliament may work to establish Pakistan friendship groups/caucuses in the parliaments of the host countries. Most of Pakistanis are organized in social and cultural associations that could be involved in promoting Kashmir cause.

2.23 Event based diplomacy has to be abandoned and we need rigorous process-based efforts.

3. Psycho-Social

3.1 In the contemporary era of the war of narratives, it is essential to realize that several lobbies and interest groups are globally involved in the Kashmir issue. Therefore, care is required not to alienate or antagonize any major group that directly or indirectly supports the cause. Instead, the key is to create awareness, which will provide motivation and lead to doable action.

3.2 A well-considered narrative on Kashmir, based on humanitarian, diplomatic, legal, economic, strategic considerations should be shaped by involving all relevant stakeholders and institutions which should be globally and consistently promoted, through all available channels such as embassies, think tanks, academia, electronic, print and social media.

3.3 The government's role is vital in promoting the Kashmir cause but the civil society has to make much greater and consistent efforts to make the world aware of the ground realities and also generate more credible international narrative to ensure that it is not seen as only a state sponsored or supported narrative.

3.4 A modern contemporary and well-equipped museum showcasing the history of Kashmir, similar to the Holocaust Museum should be developed, as a dedicated wing of the Lok Virsa Museum that international dignitaries and foreign visitors can see during their short visits.

3.5 There is ample space for political and religious parties, students, NGOs, civil society and social media to come together and devise a plan of action that not only helps maintain Kashmir consensus nationally but also present a united and strong narrative internationally. This should be in the form of a two-pronged strategy, domestic and international, and needs long, medium and short-term goals.

3.6 The atrocities in IOK should not be merely termed as human rights violations anymore and deserves a more robust narrative, based of stronger terms such as genocide, ethnic cleansing and war crimes. Stronger terms would evoke deeper emotions, attract greater international attention and also lend a sense of urgency to the issue.

3.7 All segments of society should be engaged to further mobilize public opinion on the issue. The experts of Islamic jurisprudence can be engaged through forums such as Islamic Ideology Council, to discuss the Islamic viewpoint regarding human rights, genocide, ethnic cleansing and war crimes in IOK. This will further strengthen psycho-social support within the nation for the Kashmir cause.

3.8 Regular events, debates and essay writing competitions on various aspects of Kashmir issue should be held at schools, colleges and universities to educate, motivate and unite the youth of AJK, GB and Pakistan on the Kashmir issue and raise greater public awareness regarding its history.

3.9 The relevant chapters of the Pakistan Studies syllabus must also include updated history, assessment and significance of Kashmir issue for school and college students throughout Pakistan.

3.10 A long, medium and short-term Strategic Communication Plan should be developed to nationally improve and internationally articulate a logical and convincing Kashmir narrative, based on comprehensively considering relevant political, legal, psychological, economic, security and cultural aspects and well-researched historical evidences and credible international documents. The resulting international narrative should be shared with all Pakistan missions abroad through diplomats, Press Counselors and Press Attaches for global and regular distribution. Some of its key ingredients could include the following:

3.10.1. The morale, hope and aspirations of the people of IOK, AJK and GB should be accorded paramount importance in articulating the narrative on Kashmir issue.

3.10.2. All the atrocities and human rights violations committed by Indian State institutions, military and political organizations should be comprehensively documented, regularly updated and presented in all UN languages to build a credible case of international armed conflict and Indian war crimes, internationally.

3.10.3. Regular coordination between all the relevant ministries, departments, institutions and AJK government is critical to strategize and operationalize an effective global, regional and national response to Indian propaganda and highlight the IOK ground realities.

3.10.4 The international narrative on Kashmir needs to be tailored in accordance with other countries' history, culture, values and sensitivities. Within the Muslim world, the narrative on Kashmir should highlight its Muslim dimension of the issue. Religious scholars, intellectuals and

journalists and writers could be engaged in these countries to promote the Kashmir cause throughout the Muslim world and multiply their voices.

3.10.5 Indian scholars, artists, writers, journalists and activists who are anti-Hindutva must also be engaged and convinced that continued subjugation of Kashmiris would be harmful to Indian economic, political interests, global image, discourage foreign investment and threaten regional security.

3.10.6 Additional international quality media organizations and outlets are needed in AJK that can promote a more credible indigenous voice and face on behalf of Kashmiris, particularly whilst IOK remains under communication blackout. An international TV channel of Azad Government of Jammu and Kashmir can be established that can have more credibility before the international community than a Pakistan-led overt narrative.

3.10.7 A secure social media enabled and highly optimized multi-media, multi-lingual web portal backed-up by a documentation Center that can professionally maintain secure and comprehensive databases, archival records, on-line library of historical evidences needs to be created. This Kashmir Documentation Center can be the pivot of providing real-time info to all diplomats, scholars, journalists and Press Counselors/Attaches in Pakistan missions around the world, to intellectually reinforce them through accurate, relevant and timely information and documents.

3.10.8 The growing Indian influence over social media platforms such as Facebook, YouTube and Whatsapp is a major impediment against globally promoting the Kashmir cause and exposing Indian actions. This challenge should be legally countered, both through relevant US domestic laws as well as international laws, by the Kashmiris and Pakistani diaspora in local and international courts, respectively as violation of fundamental rights and particularly the right of freedom of speech. In addition, Kashmiri and Pakistani diaspora should be encouraged to formally protest and point out extremist Hindutva content against Islam, Muslims, Pakistan and Kashmiris, as hate speech, to the head officers of major international social media platforms.

3.11 Most important thing is that Pakistan should appear strong and hold back its weaknesses. For that a national consensus across the institutions is necessary.

3.11.1 When India took this extreme step last year in August, it had 12-point strategy. We need to look, how much we actually countered it.

The strategy was:

1. First and last moment to tell Kashmiris and Pakistan, what you want to achieve is unachievable.
2. To tell Kashmiris that nobody is listening to them at international level.
3. Make a situation that Pakistan is not in a position to help them.
4. Those who create impression of optimism, need to be punished, whether internal or external forces or countries.
5. All the points need be reported and reiterated to Pakistan through media repeatedly.
6. To test Pakistan's raw nerves in Baluchistan, Gilgit-Baltistan and highlight dissensions in AJK to put pressures on Pakistan.
7. To achieve territorial dominance in Kashmir by adding more forces.
8. To change mindset of Pakistan and Kashmiris. Find outlets in Pakistan media to highlight futility of their Kashmir war.
9. To make Kashmiris realize that their future is only with India.

10. To convey to pro-India or mainstream political parties like National Conference and Peoples Democratic Party to stop contesting elections on autonomy and self-rule or giving any formula on Kashmir. Be like any other political party in India to seek power.
11. Repeat to differentiate public outpouring of 1989, 2008, 2010 and 2016. The 1989 uprising was outcome of 1987 rigged election, 2008 was tension between Jammu and Kashmir Valley, 2010 was due to mis-governance. And tell world that 2016 uprising had Islamic overtones, similar to Syria and Afghanistan and therefore, needs heavy hand. Get sanctity from world capitals to use iron hand.
12. Isolate Pakistan in the region and from China. Offer China settlement of boundary dispute using Dai Bingguo formula. Convey to China that Article 370 was hindrance to settle boundary dispute, as Article 253 and 254 giving limitless powers to Indian government to enter into treaties with foreign governments was not applicable to Jammu and Kashmir.

There is need to reflect on above points and prepare counter-strategy

4. Law-fare

4.1 A dedicated group of international law experts must be established to evaluate the pros and cons of reviewing Pakistan's Kashmir narrative, based primarily on human rights and shaping a more robust international narrative that describes Kashmir as an international armed conflict. This will improve and diversify legal, political, diplomatic, military and other options in future scenarios. The cross-LOC firing and killing of unarmed, civilian Kashmiris by the Indian military could be internationally presented in this legal context, which will also justify Pakistan Army's role in protecting the lives and properties of Kashmiris living in AJK. This will help internationally distinguish the role of Pakistan Army in Kashmir from the armed occupation of India, as a force invited by the Kashmiri people to help protect them and create greater legal justification and space for future scenarios.

4.2 Sufficient legal evidences and documents are available to build and eventually file a case against India for the violation of human rights at the International Criminal Court. This requires developing a well-considered international law-fare strategy.

4.3 The legal right of the Kashmiri people to protect their lives, honor and properties and resist Indian foreign occupation is recognized by international laws and conventions. It must be frequently highlighted internationally to create greater justification, according to international law, for their right of armed struggle against foreign occupation.

4.4 Establishment of an independent Kashmir Public War Crimes Tribunal, consisting of international law experts and former ICJ judges, to regularly review and debate individual cases and present them before the world through relevant forums and channels, must be considered.

4.5 A comprehensive, dedicated study should be chartered to involve international law experts to consider the possibility of filing human rights violations cases related to IOK, before the International Criminal Court (ICC) and devising a suitable law-fare strategy accordingly. It may be recalled that the Jammu Kashmir Coalition of Civil Society (JKCCS), which works on documentation and litigation of human rights issues in IOK, has recorded 459 such cases that can be highlighted effectively at ICC.

4.6 A tie up with Jammu and Kashmir Coalition of Civil Society (JKCC) is necessary to make a list of Indian army and police officers, who can be tried in ICC or any other court outside India. At least to push countries to put travel ban on them. It is a pity, we were not able to prosecute Maj. Avtar Singh, who had killed noted lawyer Jalil Andrabi and was living in Canada and US. Current advisor of Lt. Governor Farooq Khan stands accused in killing of civilians in post Chattisinghpura Sikh massacre.

4.7 The possibility of sending the case of Kashmir to ICJ, through UNSC via Chinese intervention may be explored again, particularly due to the growing hostility between Beijing and New Delhi, after the recent conflict.

5. Economic

5.1 A case should be built under FATF for economic sanctions on those Indian business or commercial entities, whose shares and equity is held by RSS/Bajrang Dal members, activists and individuals involved in human rights violations in not only IOK but also in India against minorities.

5.2 Similarly, a case for considering Visa restrictions on the travel, study, employment and business of those Indians who have been involved in any human rights violations in IOK or against minorities anywhere in India should be gradually built via multilateral forums such as OIC. Those individuals who have been associated with RSS and Bajrang Dal should be gradually isolated within the Muslim world by diplomatically requesting Muslim States to require an affidavit or statement in the Visa Application that the Applicant has not been member of RSS and/or Bajrang Dal and has never been involved in any act of human rights violations or hatred campaign against Islam, its Prophet (PBUH) and Muslims and subsequent disclosure or revelation regarding these acts could lead to the cancellation of work permit/visa.

6. Strategic

6.1 The concentration of Indian military within IOK should be gradually reduced, through an indirect strategy, to provide relief to the Kashmiri people and also reduce Indian military threat towards Pakistan, AJK and GB.

6.2 Greater coordination between China and Pakistani military in deployments, training and exercises close to IOK will put greater pressure on India and reduce the risk of any Indian military adventure and further complicate their strategic calculations.

6.3 The situation in IOK warrants high state of alert by Pakistani army, air force, navy and strategic forces to ensure India does not conduct any military action to try to create a diplomatic and political diversion from the deteriorating situation in IOK and recent humiliation at the hands of the Chinese.

6.4 The Indian political, diplomatic and military strategy towards the region, Pakistan and Kashmir deserves a deeper, regular and dispassionate analysis. Relevant think tanks and academia requires sustainable support to identify and groom experts of international standing on Indian politics, economy, security and strategy. They will not only add intellectual value to Pakistan's

foreign, security, defence and Kashmir policies but also convincingly articulate Pakistan's informed narrative on international think tank, academic and media forums.

6.5 Paramilitary forces consisting of local people such as the erstwhile Jammu & Kashmir Rifles and Gilgit Scouts, should be revived. It is essential for international audience that their character should be distinct from Pakistan Army, in order to ensure that these paramilitary forces are not seen as additional formations of Pakistan Army but an indigenous force for the defence of the people of Jammu and Kashmir. This will help militarily reinforce Pak Army in case of any future crisis or conflict in the disputed territory of Jammu and Kashmir and reduce the asymmetry between Pakistan and Indian forces in the Kashmir theatre. More importantly, it will expand Pakistan's military options beyond involving Pakistan Army in a direct conflict with Indian Armed forces. In addition, in a future scenario, this could help legally build an international narrative that "local people" are fighting for their freedom against foreign occupation and to protect their families and loved ones across the LOC. However, raising new capability and paramilitary force does not mean it will have operational autonomy and act on their own but will be available when needed.



Institute of Policy Studies
Islamabad

IPS-Working Group on Kashmir

This brief is based on the analysis and deliberations of IPS-Working Group on Kashmir (IPS-WGK) - a dedicated group of relevant experts, scholars and intellectuals formed by Institute of Policy Studies (IPS), Islamabad to review and advise policy options on latest developments pertaining to Indian Occupied Kashmir (IoK) post August 5, 2019. In one year period, IPS-WGK has held nine perceptive meetings and three international seminars, apart from preparing and sharing with concerned stakeholders a strategic brief soon after the illegitimate Indian annexation of Jammu & Kashmir (J&K).

For details, visit:
ips.org.pk/ips-wgk

Institute of Policy Studies | Nasr Chambers, Plot 1, Commercial Centre, MPCHS, E-11/3, Islamabad.



+92-051-8438391-3



+92-051-8438390



info@ips.net.pk



ips.org.pk | ipsurdu.com



InstituteOfPolicyStudiesPakistan



IPS_1979



IPSTV



Institute of Policy Studies, Islamabad