



Post Event Report National Conference on

*Legal Ramifications of Forced Demographic
Change and Delimitation Process In IIOJK*

29 Oct 2021

Islamabad Institute of Conflict Resolution (IICR)

EXECUTIVE DIRECTOR WORDS

Islamabad Institute of Conflict Resolution aims to draw strategically comprehensive analysis on the contemporary conflicts. Moreover we not only aims to draw analysis but also to present foreseeable way-forward to the peaceful end of the conflicts.

I personally believe that it is that time when our country need think-tanks to play actively the role they are destined to. It is time that nation works collectively to overcome national and international hurdles. Yet there is a marathon to run in this regard

Sincerely,

Ms. Sabah Aslam

Founder/Executive Director IICR

IICR



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ABOUT IICR



Islamabad Institute of Conflict Resolution (IICR) is an autonomous, independent research based think tank which believes in ethics of research. Regular research is conducted with the aim of a deep and insight based analysis in order to resolve various issues associated with peace and conflict at the domestic, regional and international level. IICR has a vibrant team of experts, researchers and scholars who have immersed themselves to make the purpose a success.

Mission

Apart IICR believes in conducting in-depth research keeping research ethics into consideration. Our mission is to conduct an independent and unbiased research to propose sound solutions and policy recommendations to deal with humanitarian and security challenges of Pakistan and the region.

Goals

- a) To conduct in-depth research on issues concerning Pakistan.
- b) To identify key areas of cooperation especially in the field of security.
- c) To document, disseminate and strengthen peace and conflict resolution efforts through analytical discourse.
- d) To identify, articulate and evaluate conflict issues through research and other academic pillars i.e. round-tables, workshops, seminars, and conferences.
- e) To promote post-conflict rehabilitation while initiating and contributing to local, national, and regional peace and conflict transformation initiatives.
- f) To remain committed to promote core social values, as well as public awareness and practice of constructive conflict resolution.
- g) To enhance socio-economic and security environment through informed dialogue, and debate on key issues.
- h) To critically analyse Pakistan's political, socio-economic and foreign policy challenges and to support efforts to integrate the country.
- i) To integrate youth in research work particularly to conflict resolution and making peace efforts.
- j) To secure friendly and cooperative international system, &
- k) To present actual positive image of Pakistan.

Publications

Reports, Monthly Briefs, Special Reports, and Weekly Rundown

Concept Note

India tailored its secular image over time by subduing its natural face. Its over-exhausted soft power faded away from the hatred brewing inside its society. In 2014 BJP led Narendra Modi came to hold power reigns and what was obscured from the world became known to everyone. Bit by bit, BJP driven India took steps to exercise complete control over changing Indian society by subjugating its minorities. It started with the obvious; Indian Occupied Kashmir. In 2019 BJP went ahead with its intention to strip Kashmiris of their constitutional rights. By abrogating Articles 370 and 35-A, Delhi committed constitutional genocide of our Kashmiri brethren. As time passed, more ill intentions of Delhi came to the world canvas. The further objective was to introduce demographic change in Kashmir and eliminate Kashmiri culture and history by giving land acquisition to the Hindus of India. This project re-colonization of Kashmir has far-reaching consequences in Kashmir Conflict. To explore and highlight the developing dynamics and effects of Kashmir conflict amid Delhi's growing project implementing demographic change in Kashmir.



Summary

The Conference was scheduled to start at 1530 hrs PST. Ms. Sabah Aslam, Founder IICR welcomed the distinguished guests and panelists. The conference was well attended by the people from all walks of life including politician, diplomats, scholars, practitioners, media, and students.

Speakers' Profile



Dr. Riffat Hussain

Dr Syed Riffat Hussain is Professor and Head of Department of Government and Public Policy in School of Social Sciences and Humanities at National University Sciences and Technology (NUST), Islamabad, Pakistan

He has been Chair of the Department of Defence and Strategic Studies at Quaid-i-Azam University, Islamabad and also served as the Chair of the Department of Peace and Conflict Studies at the National University in Islamabad

He served as the Executive Director of the Regional Centre for Strategic Studies in Colombo, Sri Lanka

He has also taught at the Political Science Department, Stanford University, California, USA.

Dr Riffat Hussain is the author of numerous books and publications, including Afghanistan and 9/11: The Anatomy of a Conflict (2002); From Dependence to Intervention: Soviet-Afghanistan Relations During the Brezhnev Era (1964-1982)(1994); "Liberation Tigers of Tamil Eelam (LTTE): An Elusive Quest for a "homeland" "Pakistan's Changing Outlook on Kashmir," in South Asian Survey.



Mr. Farooq Rehmani

Muhammad Farooq Rehmani is the Convenor of All Parties Hurriyat Conference (APHC) Azad Kashmir Chapter. He is also the chairman of Jammu and Kashmir People's Freedom League.

Muhammad Farooq Rehmani was educated in Bandipora and served as a secondary school teacher from 1961 to 1968, and also became a journalist. From July 1978, he became the chairman of the Jammu and Kashmir People's Freedom League and was imprisoned many times by India and for his struggle for plebiscite in Kashmir.



Ms. Victoria Schofield

Victoria Schofield is an historian and commentator on international affairs, with specialist knowledge and love of South Asia, having travelled widely in India, Pakistan and Afghanistan.

She is acknowledged as one of the leading international experts on the disputed region of Jammu and Kashmir and has given lectures on the subject in India, Pakistan, the United States, Europe and Australia.

Schofield is a frequent contributor to BBC World TV, BBC World Service and other news outlets including Al Jazeera. She has also written primarily on South Asia for British newspapers as well as for *The Round Table: The Commonwealth Journal of International Affairs* and *Asian Affairs*. Her books include *Kashmir in the Crossfire* (1996), *Kashmir in Conflict: India, Pakistan and the Unending War* (2000, 2002, 2010) and *Afghan Frontier: at the Crossroads of Conflict* (2003, 2010).

She has also written the first full-length biography of Earl Wavell entitled *Wavell: Soldier and Statesman* (2006, 2010) and the official history of *The Black Watch* in two volumes. The first volume: *The Highland Furies, The Black Watch 1739-1899* was published in 2012 and the second volume, *The Black Watch, Fighting in the Frontline 1899-2006*, was published in 2017.

Victoria Schofield read Modern History at the University of Oxford and was President of the Oxford Union in 1977. In 2004-05 she was the Visiting Alistair Horne Fellow at St Antony's College, Oxford in order to research and write the first biography of military historian and royal biographer, Sir John Wheeler-Bennett, entitled *Witness to History: The Life of John Wheeler-Bennett* (2012).



Justice Ali Nawaz Chowhan

The first Chairman of National Commission for Human Rights, Pakistan. Also served as Honorable Chief Justice of the Republic of the Gambia; Elected International Judge of the United Nations (By the General Assembly) and worked as such for The UN at The Hague in Netherlands from 2006 – 2009 with a (Diplomatic) status of Under Secretary General of the UN. Mr. Chowhan served as Consultant to the president of Pakistan on administrative law and international law with the status of a justice. He was also alternate chairman of UNESCO appeal (judicial) board Paris, France. He served as Visiting professor of law / Thomas Jefferson fellow. Chairman Judicial

service Commission of The Gambia; Chairman of the General Legal Council of The Gambia; Justice Superior Judiciary Pakistan and Advocate Supreme Court of Pakistan.



Amb. Abdul Basit

Abdul Basit is a retired Pakistani diplomat who served as the former high commissioner of Pakistan to India. He was appointed to his position in 2014 and was based at the Pakistani High Commission in New Delhi. Previously, he served as Pakistan's ambassador to Germany from May 2012 to March 2014. During his career, he has been posted at Moscow, New York, Sana'a, Geneva and London.



Mr. Nasir Qadri

Mr. Nasir Qadri is a human Rights lawyer from IOJK, and is pursuing PhD in Law of Armed Conflict. He also heads an Islamabad based international advocacy group Legal Forum for Oppressed voices of Kashmir (LFOVK).

Conference Proceedings

The Conference was scheduled to start at 1530 hrs PST. Ms. Sabah Aslam, Founder IICR, welcomed the distinguished guests and the speakers. After the welcome remarks Ms. Naureen Ibrahim, MNA Government of Pakistan, gave her inaugural address after which the working session began with Dr. Rifaat Hussain, HOD Department of Government and Public Policy at (NUST), Islamabad, Pakistan, chairing the session.

Mrs. Naureen Ibrahim

Member National Assembly, Member Kashmir Committee

On August 5, 2019, India unilaterally and illegally removed Articles 370 and 35-A from its Constitution. This unilateral move by India is illegal in every way. Kashmir is a historical dispute between Pakistan and India, but it is a global issue that must ultimately be resolved under international law.

However, India, showing stubbornness, bigotry, and bullying, declared it its internal issue and tried to unilaterally end its special status, which is reprehensible in every way.

On November 8, 1947, Jawaharlal Nehru, the Prime Minister of India, proposed to the Prime Minister of Pakistan Liaqat Ali Khan that:

"The Governments of India and Pakistan should make a joint request to the U.N. to undertake a plebiscite in Kashmir at the earliest possible date."

Kashmir is a recognized dispute between Pakistan and India, which India can never change unilaterally.

Sir Goopal Swamy Ayyangar, at the Security Council on January 15, 1948, categorically announced that:

"The question whether she (Kashmir) should withdraw from her accession to India, and either accede to Pakistan or remain independent with a right to claim admission as a member of the U.N. --- all this we have recognized to be a matter for unfettered decision by the people of Kashmir."

In this context, we see that the U.N. resolutions, international agreements like Tashkent Agreement, Shimla Agreement, and China's claim to Aksai Chin Region, etc.

All these facts negate the Indian narrative on Kashmir.

The question arises as to why India abolished 35-A from its Constitution. It is only to change the demography of Kashmir. Why does he want to change this demographic? To get as many votes as possible in any future plebiscite. Moreover, this is the most dangerous impact of this Demographic Change, which is of great concern to every Kashmiri and Pakistani.

The international community has expressed but mild concern about the current situation in Jammu and Kashmir, likely out of desires to retain trade and strategic relationships with India. Nevertheless, are international agreements merely words intended to make the leaders who sign them feel morally just?

The unilateral and undemocratic changes governing Jammu and Kashmir, unabated human rights violations, denial of basic facilities, and land-grabbing due to militarization violate international law, U.N. resolutions India's constitutional framework, and India's commitment to Kashmiris. India can only feel encouraged to continue its violent policy because of the lack of international moral leadership.

Conclusively, the elimination of 35-A is tantamount to erasing the identity of Kashmiris. When many Indian citizens are resettled in Kashmir, it will turn the majority of Kashmiris into a minority, and they will become strangers in their area. Therefore, we can say that the elimination of 35-A is more of a concern than the elimination of 370, for which every possible step should be taken for an immediate restoration.

Mr. Farooq Rehmani

Convener All Parties Hurriyat Conference – APHC

India's Nefarious Design to Exterminate Muslim Population of J&K.

Times have changed, but the minds of expansionists and their fascistic approaches have remained the same. As has been said, power corrupts; absolute power corrupts absolutely. The colonial period's corrupt legacy reflects itself in post-independence Indian duplicity, Machiavellian machinations in Kashmir, and political and religious malice against the Muslims and minorities of India.

There are graphic descriptions of horrific stories of what has happened with the Muslims of India and the Muslims of Jammu and Kashmir in the near past and is happening today. In the words of LF. Stone, in "The Trial of Socrates," "All through History the narrower the base of a dictatorship, the more dreadful is the terror it feels necessary to maintain itself in power." In today's India, it is the Hindutva racism with all the features and characteristics of the past oppressive and repressive regimes.

Kashmiris were never unaware of Hindutva's communal menace in the Indian body politic, so they demonstrated their anger against their State's fake and illegal accession with it from day one. Partition of India was not just and honorable, and therefore, Kashmir was the first plot which, as a nation, the people of the State rejected and continued their struggle for freedom. Those who supported this nefarious plot were never happy, but guns of the Delhi regime with the connivance of the colonial rulers silenced them. Although, Pt. Nehru repeated his assurances about holding a free and fair plebiscite in J&K, Saying, "we don't believe in forced unions or in forced marriages." Again, he warned his colleagues and the members of the Indian parliament that they should keep in mind the difference between the sentiments of the Kashmiris and their own. They (Kashmiris) were different people with their history and culture different from other states of India. However, the first PM of India failed to uphold his commitments with the Kashmiris and with the UN at large. Therefore, he allowed rigging of elections in J&K in his times by saying that J&K could not afford the luxury of democracy.

However, this was not enough, Jammu and Kashmir as a whole and province-wise had a predominantly Muslim majority character, but the Indian racist and fascist mind were not ready to

tolerate it. With the connivance of the RSS and Maharaja, Hari Singh completed ethnic cleansing of the Muslims of Jammu in November 1947. About five hundred thousand Muslims were massacred and forced to flee to Pakistan. This was the initial stage of horrors perpetrated on the Muslims of Jammu.

Rest followed and is reflected in the census figures of 1941, 1951- 1991, as provided by sources of the census of India. According to these sources, the Muslim population in J&K decreased after 1951. In 1951 J&K, the Muslims were shown as 70% of the total population of J&K, while in 1991, it had gone down to 62% of the total population, despite the higher birth rate among the Muslims compared to the Hindus. The Kashmiris always doubted Indian claims of transparency in census reports of the authorities. For a long time, they had been watching census maneuverings and plans of Indian leaders of different parties and people in business and professionals.

The BJP always stood for Hindutva racial supremacy in India and believed in changing the population composition in J&K. Dr. Bashir-ul-Haq, a Kashmiri author warned as early as 1995, "This party (BJP) has always believed in changing the population composition in J&K. It has not even hesitated to take and accept the advice or the Israeli government in this regard. At the time of his recent visit to India, the Israeli FM Shimon Peres, gave them clear ideas for carrying out the plan to change the dominant Muslim character of J&K" Israel has a horrific settler policy in Palestine, which is being carried out ruthlessly in the occupied region and has marginalized Palestinians during the last 70 years. India wants to repeat another Naqba in Kashmir following its RSS-designed domicile law in J&K, and the 5 August 2019 dismemberment of the State of J&K, is in line with the Zionist policies and manipulations in the Palestinian Arab lands. Both India and Israel are working for hand in glove on regional and global levels. India is simultaneously benefiting from Israel's brutal methodology in the ME.

The Kashmiris sensed these manipulations, and young intelligentsia reacted spontaneously, giving birth to history's long and hard struggle against the greedy forces of neo-colonialism and slavery, with modern imperialistic machinations. India's occupation policy became its settler policy, and the country that believed in Gandhian non-violence exposed itself as a bloody state against the pro-freedom native Kashmiris, on whom they, because of their hypocrisy, had thrust armed struggle for freedom and peace in the region. Its base and face were always popular and peaceful uprising of unprecedented nature and scope, which if India and big powers had responded

pragmatically, today this region would have been a great center of peace and prosperity. However, India failed to grab the opportunity by beginning its onslaught against all Kashmiris in the length and breadth of the occupied region.

As reported and compiled by KMS, Indian occupation forces in J&K had already been forced to migrate about 3.5m to Azad Jammu & Kashmir and martyred four hundred thousand people in the last 74 years. From 1990 until now, it has martyred 95875, custodial deaths are 7195, civilians arrested are 162, 262, structures looted and burned 110433, widows, 22934, orphans, 107842 and women molested/raped 11246.

J&K has been turned into a slaughterhouse where nobody is safe and secure. Whether a freedom fighter or a civilian, every youth is captured to kill or sentenced to life term. Their inside or outside travel is never safe. The youth are caught anywhere in India or Nepal and liquidated. Over one thousand Kashmiris are in J&K and other far-flung prisons of India. Some detainees have completed over 20 years without any trial or grounds of detention. Many pro-freedom organizations are banned, and their top leaders of Kashmir are in some high-security prisons of Tihar, Delhi, and other places. They include women leaders of Kashmir as well. It appears that the Indian Modi regime wants to detain these leaders till life. Fake encounters are another picture of this painful and grim situation. They are determined to treat other topmost Hurriyat detainees in jails like Syed Ali Geelani, M. Ashraf Sahraei, and young men as Afzal Guru.

Human rights advocates and organizations rightly say that Indian settler colonialism that, after the abrogation of articles 370 & 35 A, has moved from Patrick wolves first to the two models of colonialism. "The change was purposely made to grant the Indian government much-needed political-legal & political leverage to bring the material change in the region through the wholesale extermination of the indigenous populations. Abrogation of the 35 A had been the top priority of the BJP government because the racist regime knew that these provisions were the only legal hindrances in its way to establishing its hegemonic control over Kashmir. The current dispensation in India viewed settler colonialism as a final solution to the Kashmir dispute. Indian governments always treated Kashmir as a colony & exploited its natural resources; they killed, arrested, and maimed its population with complete impunity through heavy militarization.

India's constitutional terrorism based on its new set of rules have a hazardous impact, including demographic changes that will affect the freedom movement, its political & religious landscape,

culture, language & identity in J&K. India's manipulations and amendments are in contravention of Geneva conventions & India's international obligations. But it most minor bothers.

It is Hindutva expansionist design like Nazism and present Zionism for the region and whole world. The RSS ideology and machination are working closely to change the demography of J&K. In continuation of this policy, the J&K Re-Organization Act 2020 was adopted, and 113 central laws were extended to J&K. The laws that were repealed were exclusively for J&K. The purpose of withdrawing Article 35 A was to rob the natives of the special rights and privileges for purchase of land & immovable property. Besides, a land-grab campaign by Indian authorities has been started, residential areas have been notified, and the native owners have asked to surrender their lands and houses before the authorities.

India's onslaught and extermination policy are multi-dimensional. They want to tarnish, damage and change our culture and religion through their machinations. So, on 1 September 2020, Wednesday, they declared that Kashmir would have five official languages instead of one Urdu language, ending 131 years of official status for the Urdu language. Thus, Urdu has been relegated to the corner. This is also machinations to marginalize Urdu because it is associated with Muslims in India. Now, they aim at dismantling everything that came to be associated with the special status, like its special flag & constitution. In addition to this, names and symbols of cities, villages, rivers, fountains, roads associated with Muslims for centuries are being changed.

However, nobody in J&K is happy with the Hindutva onslaught against the special status of J&K. The people of J&K gave vent to their sentiments by their spontaneous, joyous demonstrations and enthusiasm when the Pakistani Cricket team defeated the Indian team in Dubai. It was a clear message to India that the Kashmiris will never come what may accept Indian illegal occupation of J&K and hegemony in the region.

Justice Ali Nawaz Chohan

Senior Law Expert

First of all, I would like to pay my respect to the Kashmiri brethren who actively celebrated Pakistan's victory against India in a cricket match despite knowing the risks. We have been facing the challenge of Kashmir for over 70 years. There have also been various recommendations as far as the solution is concerned, and several of these were Chatham house rules adopted by and under Gen. Musharraf, Former President of Pakistan. As a student of international law, we have to revisit the whole policy. First of all, we have tried diplomacy, we have had wars, and we tried alternate methods, and we are still where we were. So, one has to consider and think about what has been wrong. We have sacrificed a lot, our armed forces, our brothers from IOK, we have sacrificed.

We see the current political situation of Islamabad; first of all, we need to understand that nation divided will not be able to counter an enemy like India. When I was in Hague, I saw those international stakeholders and communities from up-close, and also when I read the book "The Agony of Pakistan," where it documented the way India and the British government works together. One thing is essential, and it should have kept us alert and our policy coherent; I do not think that we have a coherent policy on Kashmir, as divided we are, our faceoff is with the enemy who is clever meek in international politics. The only good thing is that the heart of the Kashmiri's is with us in all profundity, and that is where India lost. So now they have started to suppress that emotion by revoking articles 370 and 35-A. This, of course, challenges the 1927 law of Kashmir by the Maharaja of Kashmir, which states that no outsider can settle into Kashmir.

Now the important thing is what should be done. One aspect is to revisit our Kashmir policy. It is outdated while the enemy is employing new methods. We have to study that; we are not getting forward.

Second, what is a peaceful remedy, the state of Pakistan seems reluctant to take human rights issues to ICJ, unlike what the Gambia has done in the case of Myanmar

The other remedy which comes to mind is respect and responsibility to protect. Jimmy Carter, the former president of the USA, while addressing the UNGA of 1977, stated that no member of the UN could claim that maltreatment of his people is solely his responsibility. The concept of sovereignty vested in the Westphalian concept needs to be revisited; otherwise, crimes like

genocide ethnic cleansing committed in many countries will go unnoticed. Rome statute was one answer but accepted by states for revoking jurisdiction impedes Pakistan did not ratify the Rome treaty.

Anyway, we are left with R2P. In its 65th session of the General Assembly, the largest gathering of heads of states and government, including our prime minister and Indian Prime Minister, made a millennium declaration and established international law to halt the massive atrocities as a collective responsibility of nations. It called for timely and decisive collective Security Council actions when national authorities manifestly failed to protect its population or population under occupation, like in the case of India, from gruesome crimes. The UN resolution 1674 affirmed the declaration of the 2005 summit outcome document and asked the Security Council to act and protect the civilian population in armed conflict, a global center for R2P was created and strengthened Human Rights Council. This council has its headquarters in Geneva; it has already supported Gaza, Lebanon, and conflict Rohingya Muslims even hosted Hamas, so that mechanism was established, and you have to use it. I have been in Geneva and saw how active groups agitate. So, the answer is that we should petition the Secretary-General on R2P to bring to his notice the war crimes committed by India recurrently.

We also should bring in what India is doing as far as demographic change is concerned. International law recognizes this as a war crime. Moreover, it happened right from when the conflict arose between two tutus and other groups when their population and demographic were being changed. So, as you say, it is a juice cogent that this is the customary law war crime. So, we should agitate this. Now. I know that anybody can go any group can go.

Moreover, I would like our petition the Secretary-General and ask him under Charters Article 99 to place the matter before the Security Council and take an adjudication of what India is doing, notwithstanding that India is also a member of the Security Council. That makes no difference. Nevertheless, are we agitating, we already sent a draft to the Secretary-General, but we find that matter calls for further follow-up and a concerted effort on the part of Pakistan to look to this remedy because other remedies do not seem to have brought about any good and we still have stuck up with this challenge and should you move forward there must be a momentum? Moreover, the other part is that our human rights ministry should have taken on these issues as far as human rights violations are concerned. There are 160 national institutes of human rights all over the world.

Furthermore, we have an internet that could be exploited. I have experience and exposure to knowing these institutions. I am a member of the gallery in Sweden and Geneva, and so on. Nevertheless, look, we are not exploiting these things. These are independent bodies, independent under the Paris Principles; their government does not govern them. However, we are not choosing our ministry not to use it, and they do not have the right kind of people to go for advocacy.

As far as this is concerned, we should have had town hall meetings, where ever we have the diaspora, it be the UK or in New York or elsewhere keep this alive and at the same time agitate what is the aspect of war crimes as far as R2P is concerned, and to have skepticism over R2P to be is somewhat naive because this has never been tried.

Never forget that India is occupying force, and this is an international conflict. So, we are essential stakeholders who take it and agitate it there. Having worked for United Nations and having worked abroad, I am confident that something has happened if the Gambia could do it all far away from the Burmese government and take the prime minister over there. So why can't we do it? 55 Muslim countries agitate on this, and you can do it, but then again, I conclude that we need to revisit be more townhall discussions, find out how we can go for a viable solution as far as Kashmir is concerned, and we have the answer. However, the present policy seems stuck up, and we have to. I mean, they are doing their best government is doing its best yet. You see, we have to see all the code for the innovative policy to bring about results and take those Indian officers who have committed war crimes as happened in the case of Yugoslavia.

Amb. Abdul Basit

Former High Commissioner to India

The Occupied Jammu and Kashmir is a story of the fake instrument of accession, the criminal constitution measures in occupied Jammu and Kashmir, and gruesome state terrorism. If you look at it purely from a legal point of view, one can easily draw concrete conclusions that whatever India has been doing since 27 October 1947, has been based on illegality. On 9 October 2015, giving a judgment on a petition filed by BJP diehard disciple in occupied J&K, the high Court of occupied J&K categorically said that articles 370 and 35-A can neither be changed nor amended nor repeat; they are public.

Then, the BJP took the same issue to the Indian Supreme Court, and on fourth April 2018, the Indian Supreme Court also, in its ruling, said and said very clearly that article 370 has assumed a permanent character and cannot be amended nor can it be repeated. So, now, India has committed something not against its constitution but the judgment of the occupied Jammu and Kashmir High Court and the Indian Supreme court. Unfortunately, we have seen the world happening by large impervious; few leaders may have been some perfunctory statements here and there. However, we do not see a robust response on the part of the International Community. I will not criticise the Government of Pakistan for its incoherence or indecisiveness because diplomacy, in its essence, despises incoherence and indecisiveness. I can understand the limitation of the Government, but I would fully agree with justice Chohan that perhaps the time has come to take individuals on board and take this issue new momentum because India has made up its mind; it is not going to relent.

India is gradually systematically bringing demographic changes and occupying J&K. At the time of independence, the Muslim population was close to 85%. How does it come down to 68% and the 5-10 years down the road from today? Indian Government is issuing domiciles. It indicates that almost 3.4 billion domicile certificates have already been issued. So you can imagine if it was more international pressure on India, where we would have ended up in occupied Jammu and Kashmir. So the question is how to move forward now these are not the strategies in my view to make recommendations as to how to get about it because sometimes, you know, as a former diplomat, we do have ideas as to what can be done, what should be done under the obtained circumstances.

However, the question is, are we willing to go to the Hill to have a plan of action, something tangible and completed and then have, you know, the capacity to sustain the initiative. Unfortunately, from what we have seen in the last 74 years, I am not particularly accusing any government. However, we have seen in the past how we have been inconsistent in our approach in J&K from General Pervaiz Musharraf 4 point formula to Egypt, joint statement, which was issued on 9 July 16, July 2009, in Shaikh-ul-shaikh between Prime Minister Yousaf Raza Geelani and Prime Minister Manmohan Singh for the first time in Pakistan-India's history a statement was issued with did not mention J&K that was 16 July 2009. Then what you see during Prime Minister Nawaz sharif's diplomacy, on 10 July 2015, the second time a joint statement J&Ks is conspicuous

by its absence, there was no mention of J&K. So if we have an inconsistency in our approach, if we are not willing to up the ante, the world, of course, will not listen to us.

Over the years, we have rented ourselves in credit, when it comes to the international community whereas, this dispute warrants seriousness of us, sincerity of us, I can assure you that you will continue commemorating 27th October 5 February 13, July and August every year, nothing is moved forward. Unless we are sincere to give due importance to this long lingering dispute. Unless we do that, do not expect the world to come to your desk, you need to do something yours first, and then perhaps you can realistically expect the world to respond. You are not ready to make sacrifices, and you expect the world to come to your rescue and support your J&K. It is realpolitik.

The world, as you know, is not based on morality; decisions are not taken purely based on ethics; decisions are taken based on interests. Unfortunately, what we see on the ground is that not much has been done I understand that governments will not respond to Pakistan because of their interest. India's scout is rising; there is no doubt about that. We are up against big odds. So we need to innovate something to reach out to the media, reach out to international civil society and think that to build some momentum from within different states, essential categories as Dr. Rifaat Hussain mentioned the UN.

One thing we need to understand is that decisions are not taken in New York or Geneva. The decisions are taken in Washington DC, in Tehran in Riyadh, in Berlin. A multilateral system does not work in a vacuum. I mean, ambassadors are not independent to take decisions. So we need to invest in our bilateral relations to make our bilateral relations more substantive to get positive responses from different states. Now, the Government did a brilliant job by issuing a dossier on Jammu and Kashmir.

Nevertheless, then we do not see any follow up. I was certain that the dossier, for the first time, also contained audio clips of security personnel, the things they are doing, the atrocities they are perpetrating In occupied J&K, why don't we take those individuals to the International Court of Justice, International Criminal Court, what stops us we have already declared except this jurisdiction in 2017. Barring a few security matters, but you want to dive into declaration need some amendments, you can take those individuals because the International Criminal Court cannot take states that can take individuals.

So the first step, I think, would be to identify a few individuals, even the army chief could be taken due to the atrocities they are perpetrating in IOK; the first step could be that the few individuals find any NGO in Pakistan and on behalf of Kashmiri can do that. Start creating some momentum and then sustain; unless we do that, we will keep meeting like this. In my opinion, because I have seen during my 36 years of career in the Foreign Service, we had to make his statements online for domestic consumption. I remember 1994, in February 1994, we are planning to present the resolution in the then Human Rights Commission, nowadays Human Rights Council, and then it was human rights commission in Geneva.

Moreover, we had the support of the OIC countries. Nevertheless, you know, we were planning to put to the table that resolution on the 27th of February 1994. And then, on the 22nd of February 1994, the Indian parliament adopted the resolution. They even included Azad Jammu and Kashmir as the Indian state of Jammu. And then, after that resolution was passed, we lost the support of Iran and one other country. Then we gave up the idea of presenting that resolution to HRC. So this thing indecisiveness, I fully understand that Pakistan does have some limitation, we have economic problems. We have other issues.

Nevertheless, the question is, if we attach importance to this long-standing issue, then we cannot be casual about this. 8-11million people are up against state terrorism day in and day out? How could you look the other way? I mean, if you cannot do enough, then for God sake leave it and decide once and for all, you do not have the wherewithal not have the gravitas to deal with the challenges confronting us in the context of Jammu and Kashmir. However, I strongly believe that no matter how much India spends in occupied Jammu and Kashmir, it cannot, it can never win the hearts and minds of the people of J&K. If we were to do something purposeful, something meaningful. I think this Government has an opportunity to do things differently because our prime minister has said that he would be working as an ambassador of Kashmir in his very first UNGA address. So, we hope that they will be able to do something different by the end of this term.

Ms. Victoria Scofield

Historian

Greetings to you all from London. Moreover, it is nice to see you all sitting together for a change instead of us all being in our separate homes. The topic of my presentation, which I have been

asked to address, is whether I think the situation in Afghanistan can have a repercussion in Kashmir. Furthermore, I interpreted whether or not the same sort of spirit will transfer into Jammu and Kashmir. My actual feeling is that these movements are very different. The Afghan movement is not a national movement. As we know, Daesh's elements are the Islamic State, but it is not the same. Furthermore, the movement in Jammu and Kashmir is intensely national. It is not a universal movement of jihad. It is very much a movement focused on human rights, good governance, the rule of law, the right to life, liberty, and the pursuit of happiness, all the principles we take for granted. Thus, my short answer to this question is that I do not believe it will transfer over.

However, as with all movements, they do gain inspiration from other countries. Furthermore, if the movement, if the situation remains unresolved, there is always the danger of more extreme elements penetrating and having an effect. Thus, my urgent plea, and it has been my plea for decades now, is to resolve the issue. Moreover, I think one of your previous speakers I was listening to might have been Mr. Abdul Basit. I could not hear so well. At the time. We were talking about what is the way forward; this is the million-dollar question. How do we move forward on this issue because this is what we know? Moreover, this is from our own life's experience is that it does not resolve itself. Moreover, if anything, it gets more dangerous. I think someone who has been following this issue for over 25 years now published my first book Kashmir in the crossfire in 1996. The fifth edition is now out in 2021. As I say, decades have gone by, and what have we had? We have had a more dangerous world we have had nuclear. You both countries are now nuclearized. Both countries are desperately in need of poverty eradication, development programs, and education. While all these issues are not being addressed, your people are suffering, the people of India are suffering, and most importantly, Jammu and Kashmir are suffering. I was privileged to be in the Valley of Kashmir in 2019, shortly before August 2019.

Moreover, I witnessed the young people, these young ones, schoolgirls, schoolboys, who have grown up in conflict. We cannot imagine that ourselves, you know, we have had enough with two years almost of the pandemic and being locked up in our houses. However, imagine what it is like daily, having to lead your life in conflict, not knowing if your school will be open or closed, not knowing if one of your relatives is going to be killed in an intolerable situation.

Furthermore, it is on the world's conscience. I think I don't myself have much optimism for a bilateral agreement between India and Pakistan; we all know the tenor of the Indian government

at present; I think opportunities were missed, we can go back again on the history. However, whatever was missed, it was too late. Now we have got to deal with the situation as it is, but the only way forward is an amicable agreement between the governments of India and Pakistan but including a representative voice of the inhabitants of the disputed state. This is critical. We found this before that you cannot agree with the UN, above the heads of the state's inhabitants. How do we achieve that? As I say, I think the prospects of sitting down with the Government of India at the moment and saying we have disputed issue and we would like to resolve it are pretty well nil at present, because as you have seen from the recent pronouncements of the Indian government, not only have they made their dispositions within the two-thirds of the state that they have controlled since 1947.

Nevertheless, the most recent map, which they produced in 2019, clearly indicates that the Ladakh Union Territory includes Gilgit Baltistan and that the cache Jammu Kashmir Union Territory includes a Jammu Kashmir. So, we are a long way, we are a long way, even from where we were in Shimla or any of the other talks that have been held between the two governments because this is a very, I would say aggressive movement. In terms of indicating what the Indian government believes is legal, it is under its control. Of course, this is disputed by Pakistan. Nevertheless, it has not, has not brought any, and you have not got any further with the dispute. You disagree with them, but there is no resolution of the dispute. I would say that if we are going to have any resolution, and this is touching on what Abdul Basit has just said, in terms of the international community, and alerting the international community and using the clout of the international community as it is, which is why it is so important to explain the history, so important to understand what the issues are. Because we have known ourselves, we in the United Kingdom had difficulties with Northern Ireland; we could bring in the United States to help with facilitation; there is no shame in having facilitation. Furthermore, here I would mention the similar agreement in 1972. I have said this recently in several addresses that I think the international community got fixated with the narrative that India and Pakistan had agreed to resolve disputes between the Jammu and Kashmir bilaterally, and this was somehow set the rest of the world asleep. They thought, well, you know, they are going to resolve it bilaterally. We do not have to be concerned ourselves. This is very important not only as we know did similar not take such an interest in having a consultation with the inhabitants of the disputed state. However, the next part of that clause was that they resolved to use any other means mutually agreed upon. This means it did not preclude having

international facilitation and mediation, but somehow everyone has forgotten about that part of the clause. That clause is related not to Jammu and Kashmir but is related to all disputes.

So, I think you in Pakistan, something you can usefully do is point out to the international community that it is not that you agreed in 1972 to resolve the Jammu Kashmir issue bilaterally with India because you must read the small print of what the clauses are. However, as I say, I think the danger of lack of resolution is so manifest in the 21st century that we must not lose sight of the issues involved. The stakes are high for the inhabitants of the state and the region for the stability of the region. And especially now with the unstable situation in Afghanistan. India and Pakistan are still fighting 75 years later, nearly 75 years later, over the status of Jammu and Kashmir are hazardous for the region and the inhabitants. Because as I say, both countries are running out of water, you are sitting on a demographic time bomb, your population in 1951 was recorded at 35 million. If you take current statistics, you now have 210 million living in the same land space. As they say, you have a possibly 50% education rate, which means 50%. Over 100 million people are uneducated and therefore unable to get sustainable jobs that have casual labour jobs.

So there is a lot to be thought about in terms of the developmental aspects. Moreover, spending much money valuable budget on military operations against India is not the way forward. Moreover, I know it is challenging at the moment, but I would like to say that the current government in India will not always be there. India prides itself on being a democracy, the largest democracy in the world. Thus, hopefully, they will have a different government, which will take, take power. Furthermore, you have to think also of civil society, I have travelled in India, and there are so many Indians who would like to see a resolution because they would like to have amicable relations with Pakistan. They would like, just as you would like to go and see the Taj Mahal, they would like to go and see the bad Shai mosque and the other beautiful monuments which exist in Pakistan. So I would urge you not to lose sight of what an amicable resolution could be and a peaceful relationship between India and Pakistan.

About Afghanistan, I have always said, India and Pakistan should not be rivals in Afghanistan; they should not compete in Afghanistan; they should help cooperate because Afghanistan itself is a difficult situation. Furthermore, we would not want an overspill either into Pakistan or indeed into Jammu and Kashmir. So with those words, I thank you so much for asking me to attend the conference. Kashmir remains very close to my heart; I am continuing, as I say, since I first went

there in 1981, to hold the region close to my heart and to hope that one day these people will be able to live with peace, dignity, the rule of law, as we do, because they deserve that kind of life, rather than living in a life of protecting perpetual conflict.

Adv. Nasir Qadri

Director Legal Forum for Kashmir (LFOVK)

The Constitutionality of Delimitation Process in UN Recognized Disputed of J&K

The dramatic re-organization of the Jammu and Kashmir into two union territories after a change in its constitutional status has reopened the delimitation question that otherwise would have remained a far-off dream for the occupier. It is known that even before August 5, 2019, carving out of J&K's Assembly seats was carried out under the J&K Constitution and Jammu & Kashmir Representation of the People Act, 1957.

We need to understand that J&K saw the delimitation exercise in 1994-95, after 22 years, which increased the number of assembly constituencies from 76 to 87. The Jammu region saw an increase of the five seats (from 32 to 37 seats), the Kashmir region an increase of four seats (from 42 to 46) and Ladakh two seats (from two to four). The Jammu region saw an increase of five seats (from 32 to 37 seats), the Kashmir region an increase of four seats (from 42 to 46) and Laddakh two seats (from two to four).

It is here necessary to understand that what delimitation is? It is the process of redrawing boundaries of Lok Sabha and state Assembly seats to represent changes in the population. The main task of the delimitation commission is rewarding the boundaries of the various assembly and Lok Sabha constituencies based on the recent census. In the process, the number of seats allocated to states in Lok Sabha or the legislative Assembly may also change. Lastly, it also reserves Assembly seats for scheduled castes and scheduled tribes by the constitution.

Now, what changed after August 5's constitutional murder. Post-August 5, 2019 and the split of the state into two union territories, the complexion of assembly changed, and the Union Territory of Ladakh seats were declared void, reducing the strength of the J&K assembly to 83 from 87. So, the delimitation Commission headed by retired Supreme Court Judge Justice Ranjana Prakash

Desai was constituted on March 6, 2020, to delineate seven more constituencies based on the 2001 census – even though the new census is due this year – taking the strength of seats to 90.

It is coming to how it was practically done. Once the census is done and exercise is carried out, the orders are laid before the Lok Sabha and the respective State Legislative Assemblies. However, the modification was not allowed. The Parliament enacts a Delimitation Act under Article 82 of the constitution, and the Delimitation Commission is constituted to carry out the exercise.

The Delimitation Commission is a powerful and independent body whose orders cannot be challenged in any court of law. It will become a central poll plank for the BJP in upcoming polls to highlight how it tried to break the domination of the Kashmir region by increasing seats in the Jammu region. Constitutionally, there is no correlation between the two exercises, delimitation and elections. “Both are independent exercises. However, the BJP wants to put a sequence to it.”

In order to understand the broader spectrum of events, we need to understand that delimitation to settlements is connected to India’s settler agenda to change the demography of occupied territory, as we all know that August 5 marked a critical turning point in the Kashmir dispute. India has applied the colonial lens in Kashmir. Everyone knows that settler colonialism is premised on the recruitment of a settler class whose goal is to occupy indigenous land and eliminate the indigenes who stand in their way. Thus, as non-Kashmiris flood, the region as new residents, India’s identity as a settler state comes to the fore.

While understanding settler colonialism, it is also imperative to know the aim and objective of the settler. The primary objective of settler colonialism, by contrast, is to permanently occupy the colonized territory: settler states recruit settler classes that “bring with them a purported sovereign prerogative to establish a new state on someone else’s land.”

To sustain their dominion, settler states—with the help of a local administration is charged with maintaining order and authority on behalf of the settler state. It is to be noted that law, in particular, often cements and expands a settler-colonial project. Furthermore, the law establishes and reestablishes the allocation of land and resources and controls the distribution of violence in a settler regime.

What settler desires are the lopsided emphasis on Kashmir’s Hindu heritage has supplied non-Kashmiri Hindus with both the reason to desire the region and the justifications to do so. What

India will do now is that it will first promote Amarnath Yatra and then bring Hindu temples and relics to the fore.

Even before launching their legal attack on August 5, the Indian government waged a familiar psychological one. This began with the further militarization of the region. By August, the siege was in full swing, and it is right now much intensified.

Let us understand the factual basis of this occupation. Almost 700,000 occupying troops remain stationed in Kashmir, who blatantly perpetrate intense Human Rights abuses upon Kashmiris; it is the direct outcome of the Indian militarization of Kashmir. There is no criminal prosecution of the perpetrators, and still, there is no mechanism in India through which it can be implemented.

Administrative and Legislative Changes in IOJK

Administrative and Legislative changes in IOJK

Jammu and Kashmir Reorganization Act	The government of India's approval is in line with section 96 of Jammu and Kashmir Reorganization Act 2019 that came into effect of October 31 2019.
Domicile Certificate Procedure Rules 2020	Under this new law any Indian citizen who has resided for 15 years in J&K or studied for 7 years and appeared in class 10 and class 12 examination from a school located in J&K can become a domicile, as can the children of Indian federal officials and members of Indian armed forces who have served in the IOJK for 10 years.
Amendment in Jammu and Kashmir Civil Services Decentralization and Recruitment Act	This law recognizes the spouse of a civil servant posted in the union territory of IOJK as a domicile.
Jammu and Kashmir Development Act	Under this act Indian army can proclaim an area offering strategic advantages for operational and training purposes.
The Scheduled Tribes and other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 and Forest Rights Act	This law gave forest-dwellers the right to inhabit the land and to use minor forest produce and grazing areas, as well as development and rehabilitation rights, and forest management rights.
New Education Policy 2020	Government will facilitate allotment of lands in UT from the specified available land bank and will coordinate with the concerned departments for the required approvals and clearance to facilitate the process of setting educational institutes in IOJK.

The Media Policy 2020	It allows the Directorate of Information and Public Relations (DIPR) to “examine” the content of print, electronic and various other forms of media for “fake news, plagiarism and unethical or antinational activities.” The administration also stated that the policy attempts to “thwart misinformation, fake news and tries to develop a mechanism that will raise alarm against any attempt to use the media to vitiate public peace, sovereignty and integrity of the country.
Abolishment of separate J&K cadre of the Indian Civil Service	In February (2021), the Indian parliament abolished the separate J&K cadre of the Indian civil services and merged it with Arunachal Pradesh, Goa, Mizoram, Union Territory (AGMUT) cadre. Though an overwhelming officers in J&K cadre (running the state with 68 per cent Muslim population) would be non-Muslim and non-local.
Repealing Big Landed Estate Abolition Act and changed the Agrarian Reforms Act	The new law removes the ceiling on landholdings, undoing in one stroke the reforms carried out over the last 70 years. It also does away with the restriction that allowed permanent residents of J&K alone to buy, sell and own land and property in the region. This means all of J&K’s land is now open for Indian citizens and entities to buy and use as they wish. The removal of the ceiling on landholdings will pave the way for big businesses from outside J&K to come in and take over vast chunks of land.
Repealing J&K Utilization of Land Act and the J&K Prohibition on Conversion of Land and Alienation of Orchards Act	These laws regulated the utilization of land and prevented changes in land use. The prohibition on conversion law didn’t allow for alienation of orchards except with the permission of the revenue minister. A violation of the law would attract penal provisions. Orchards are the backbone of Kashmir’s economy and the law was meant to safeguard them. Its repeal opens up orchard land for any other use.
Amendment in J&K Land Revenue Act	It eased the conversion of agricultural use to non-agricultural use. Such conversion couldn’t take place without the revenue minister’s permission earlier. Now, the deputy commissioner and, in some cases, the tehsildar can grant the permission. Similarly, the “grazing land, arak, kap or kah-i-krisham or which grows fuel or fodder and belongs to such class as is notified by the government can be used for any other purpose after the permission of the district collector”.

Repealing the J&K Common Lands Regulation Act, 1956	It would regulate common village lands
Repealing J&K Prevention of Fragmentation of Agricultural Holdings Act, 1960, and the J&K Tenancy Stay of Ejectment Proceedings Act, 1966	Both acts would safeguard tenants from being ejected from their tenements.
Repealing J&K State Lands Vesting of Ownership to the Occupants Act, 2001.	The Government may make rules for regularization of unauthorized occupation, if any, arising on account of repeal of Acts provided that such regularization may be permitted subject to payment of levy or fees to the Government at a rate not less than the fifty percent of the circle rate notified by the Government for such type of land in the particular area." The scheme runs out on December 31, 2021.
Modification to J&K Industrial Development Act and Induction of J&K Industrial Development Corporation Act	The new law lays down that "whenever any land is required by the Corporation for any purpose in furtherance of the objects of this Act, but the Corporation is unable to acquire it by agreement", the government will order acquisition of the land in the same manner it does if the land was needed for a public purpose.
Industrial Land Allotment Policy (2021-2030)	The aim of the policy is to identify and create special land banks across J&K that would be offered to businesses for industrial activity. There are incentives for this activity. Of these special industrial zones, 27 are to be set up along the Line of Control.
Indian Governments Investment Summit Plan	The top business people would be invited to set up shops in J&K. It has already taken over 1,201 acres have been identified for industrial use by companies from outside J&K.
Tirumala Tirupathi Devasthanams (TTD) trust	In March (2021), Indian government allotted 62 acres (496 kanal, 17 marla) of its land to the Tirumala Tirupathi Devasthanams (TTD) trust to build a temple and allied pilgrim infrastructure in Jammu. The Trust has to pay Rs 4960 (67 US dollars) annual rent for this land.

Courtesy: The above details were originally published in a comprehensive opinion article published by Inverse Journal, titled "Kashmir meet after two years of Ruin: A reckoning or a new track?" - Muzzamil Jalil (Senior Journalist) IOJK

Keynote Address by Chief Guest

Mr. Shehryar Khan Afridi

Chairman Parliamentary Committee on Kashmir Affairs

It shall not be forgotten that Kashmir is a vital objective of this motherland, and there shall and will be no compromise on it. It is the baseline of our Imaan. Before going further, let me bring it to the distinguished guests and audience: What was the Kashmir Committee's sole objective? When was it formed, how many members it has? What was the overall contribution of the Kashmir committee since 1993 with 28 members of both houses? The role of the parliament is something that is cherished across the globe. It is considered the political Qibla of any state.

Similarly, it is the voice of the nation. It represents all the country. The nation is representing Kashmir. There was no role of the Kashmir committee to be seen in past decades. Why is the world still clueless about the role of the Kashmir Committee? Even misperception exists here in Pakistan.

For the first time in 74 years, parliament proved its worth by becoming a part of every interaction in 76th UNGA. During my recent visit to the USA, I multiple times came across this that why we were not approached before?

It was never a bilateral issue. UN was a guarantor. The government has effectively raised the issue of Kashmir in all international forums; the United Nations has so far failed to implement its resolutions. The United Nations is not fulfilling the purpose of its establishment. It should be remembered that the League of Nations was also abolished for not fulfilling its purpose and duties. With extensive diplomatic approaches by the current government, the world community realizes that if India remains the way it is, then the region's security will be at stake. However, we still need to engage the international community constantly; we need to constantly hammer the international community and keep realizing to them what sort of threat India poses by its current designs. We all need to, especially civil society and government, make the world aware of the demographic terrorism and delimitation process in IIOJK.

RECOMMENDATIONS:

1. The danger of exterminations in J&K must be met on war footing by Pakistan, as it is a party to the dispute and member country of the UN, OIC and other world organizations.
2. Pakistan should give first preference to Kashmir.
3. UN High Commissioners report on J&K 2019 and 2019 pressure should build to send enquiry teams to the IIOJK
4. Secretary General UN should be approached to convene meeting of the parties on the latest Kashmir situation
5. OIC special session on the Indian oppression J&K be convened to stop India from changing demography of Kashmir
6. A delegation of Pakistani experts on Kashmir be sent to world capitals to gain support for Kashmir.
7. Status quo on Kashmir is no longer tenable & Pakistan should in plain terms convey this message to the world
8. Peace without Kashmir solution should be no option
9. All countries committed to the UNSC resolutions on J&K, should reaffirm their faith in these resolutions
10. Solid steps should be taken to compel India to withdraw her draconian laws and 5 August declaration on J&K.
11. Muslim countries should not extend diplomatic relation with India via JSK.
12. Pakistan and its civil society should file a petition to the Secretary General and ask him under charters article 99 To place the matter before the Security Council and take an adjudication of what India is doing notwithstanding that India is also a member of security council.
13. Pakistan has already sent a draft to the Secretary General, but we find that matter calls for further follow up and a concerted effort on the part of Pakistan to look to this remedy, because other remedies do not seem to have brought about any good and we still have stuck up with this challenge and should you move forward there must be a momentum.
14. There are 160 national institutes' human rights all over the world. And we have an internet those could be exploited. These are independent bodies, independent under the Paris Principles, they are not governed by their governments. But we aren't doing enough for

advocacy as far as this is concerned. Ministry should appoint right kind of people and capable assets to do the required tasks

15. Pakistan's foreign mission should have townhall meetings, where ever we have the diaspora may it be the UK or in New York or elsewhere keep this alive and at the same time agitate what is the aspect of war crimes as far as R2P is concerned.
16. Reach out to the media reach out to international civil society, reach out to think that in order to build some momentum from within different states, and especially you know, important categories like UN, ICC, ICJ, ICRC, etc.
17. Need to invest in our bilateral relations make our bilateral relations more substantive in order to get positive responses from different states related to J&K. The government did a brilliant job by issuing a dossier on Jammu and Kashmir. But there needs to have follow-ups. Govt should keep hammering the international community with the facts.
18. The dossier, for the first time also contained audio clips of security personnel, the things they are doing, the atrocities they are perpetrating In occupied J&K, , Government needs to take those individuals to the international Court of Justice, International Criminal Court. Even the army chief could be taken due to the atrocities they are perpetrating in IOK.
19. First what needs to be done is to identify the individuals who have perpetrated these atrocities then support a NGO who can file the case on the behalf of Kashmiris.

20. Available Mechanism: 'ICJ Advisory opinion'

- a. There is however one specific mechanism of the ICJ which allows it to give Advisory opinion on legal issues vis a vis legal questions. The power is available under Article 96 of the UN charter and Articles 65-68 of the ICJ statute.
- b. The most Important and relevant advisory opinions concern the unilateral declaration of the independence by Kosovo (Accordance with international Law of the Unilateral Declaration of independence in Respect of Kosovo 2008) and the construction of the Palestine wall (Legal Consequences of the construction of a wall in the Occupied Palestinian Territory 2003)

21. Pakistan can only acquire an advisory opinion through the UNGA or UNSC through the following steps:

- a. Pakistan must draft a 'legal question on Kashmir concerning international law.
- b. The legal question must be raised in the UNGA or UNSC and put to a vote.

- c. Once the motion receives majority vote, the secretary General will forward a request to the ICJ for an advisory opinion.

d. The legal Question

- i. Pakistan may ask for clarification on the matter that took place on August 5th 2019, the abrogation of Article 370 and 35A. More, narrowly it must ask “is the unilateral annexation of Jammu and Kashmir by the Indian Government keeping in view the Shimla Agreement and UNSC resolutions legal under International law’?”

Media Coverage



Muslims for celebrating Pakistan's

Australian writer CJ Werleman

Afridi terms Kashmir an 'uncompromisable' issue

OUR CORRESPONDENT
ISLAMABAD

Addressing a national conference on Friday to review the steps taken by India to change the demography of Kashmir under a well-organized plan, Parliamentary Kashmir Committee Chairman Shehryar Afridi on Friday termed Kashmir as an "uncompromisable" issue.

He highlighted how the government has effectively raised the issue of Kashmir in all international forums, adding that the United Nations has so far failed to implement its resolutions.

"The United Nations is not fulfilling the purpose of its establishment. It should be remembered that the League of Nations was also abolished for not fulfilling its purpose and duties."

Afridi further said the world understands that India has become a threat to world peace.

On the occasion, former Pakistani ambassador to India, Abdul Basit, said India has issued Kashmiri domiciles to about 4 million non-natives.

He added that everything that India has done in Kashmir from 1947 till date is illegal and a sheer violation of international law.

"In this regard, the Indian Supreme Court and the High Courts have clear decisions according to which the special status of Kashmir cannot be removed," Basit said, "Despite this, India is not only taking illegal steps but also the international community has shut its eyes off this grave issue. That is why India is now trying to change the proportion of population in Kashmir."

It is pertinent to mention that Pakistan is required to remain consistent in the policy related to Kashmir.

In the past, joint meetings of former PM Yousuf Raza Gilani in 2009 and Nawaz Sharif's in 2015 with Indian prime ministers failed to highlight the Kashmir issue.

While addressing the participants of the conference, Justice (retd) Ali Nawaz Chauhan said Kashmir is a global issue. "Kashmir is neither part of India nor can India maintain its hold on Kashmir. Pakistan needs to reconsider its policy on Kashmir," he said.

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Four die in Karachi fuel station blast

EXPRESS TRIBUNE

کشمیر ایسا معاملہ، جس پر سمجھوتہ نہیں کیا جاسکتا: شہریار آفریدی

ہندوستان آبادی تناسب تبدیل کرنے پر تلا ہوا: عبدالباسط، علی نواز چوہان کا خطاب

اسلام آباد (شہیر حسین سے) کشمیر میں آبادی کا تناسب تبدیل کرنے کے اقدامات کا جائزہ لینے کیلئے قومی کانفرنس سے خطاب میں پارلیمانی کشمیر کمیٹی کے سربراہ شہریار آفریدی کا کہنا تھا کہ کشمیر ایسا معاملہ ہے جس پر کوئی سمجھوتہ نہیں کیا جاسکتا۔ کشمیر دوطرفہ معاملہ نہیں، (باقی صفحہ 5 نمبر 33)

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(احساب
سابق وزیر
ایل این جی
کے تحت
7 نمبر 11)
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