

Kashmir Crisis: Politico–Strategic Dimensions and Way Forward

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## CONCEPT NOTE

Kashmir remains the oldest unresolved issue on the UN agenda for decades owing to cruel neglect by the international community and failure of the UN to ensure *Kashmiris'* right of self-determination under UNSC Resolution 47. Unbridled Indian atrocities in Kashmir, evasion of dialogue, and revocation of Article 370 and 35A by the BJP government, make this issue a worse example of state violence and occupation. The *Kashmiris* are besieged by the use of Black Laws, POTA and 700,000 Indian troops. Human rights organizations have reported millions blinded by pellet guns, thousands raped, missing or extra-judicially killed. Curfew imposed by the Indian forces on millions of peaceful *Kashmiris* has entered into its second month, making it the biggest humanitarian crisis of 21st Century. The world is oblivious of the extent of tragedy; misery and pain the *Kashmiris* are contesting with. The communication blackout has further worsened the situation. In the current milieu the alarming humanitarian crisis in Kashmir requires immediate attention of the international community. BJP led India has its ideological foundations in the *Hindutva* philosophy which endorses the extremist views of Rashtriya Swayamvesak Sangh (RSS). PM Modi being a lifelong soldier of RSS supports its fascist agenda of "India for Hindus only and reconfiguration of its boundaries across Indus", as a corner stone for *Akhand Bharat*. Same philosophy of forceful oppression by India is evident in IOK. Revocation of Article 370 and 35A has once again made Kashmir into a nuclear flash point; rationalizing the perpetual arms race between India and Pakistan. Inveigled by the extremist RSS ideation, Modi led India is the only nuclear-weapon state entrapped in an uncompromising autocratic mistake endangering its own people, security of South Asia and the world at stake. However, rigorous diplomatic campaign by Pakistan has helped internationalize the Kashmir dispute. It remained the most debated issue at the UNGA 74<sup>th</sup> Session. Turkish President and PM of Malaysia criticized the international community for failing to pay attention to the Kashmir conflict and categorically stated that Kashmir "has been invaded and occupied" by India. Chinese Foreign Minister called for a peaceful resolution of the dispute based on the UN Charter and Security Council resolutions. A volatile Kashmir under Indian subjugation with repercussions for Pakistan, region and the world, provided enough rationale to hold this timely Seminar to discuss the politico-strategic dimensions of the Kashmir crisis and a way forward in the evolving security architecture of South Asian region.

## SEMINAR PROGRAM

1030-1050 hrs	Registration
1050-1100 hrs	National Anthem and Recitation from the Holy Quran
1100-1115 hrs	<b>Welcome Remarks</b> Mr. Ross Masood Husain (Chairperson, SVI)
	<b>Session-I (1115-1300 hrs)</b>
	<b>Session Chair: Amb. (R) Ashraf Jehangir Qazi</b> (Member Pakistan Foreign Affairs Council)
1115-1130 hrs	<b>Contextualizing the Current Situation in Kashmir</b> Speaker: Mr. Ahmer Bilal Soofi (Founder and President RSIL)
1130-1145 hrs	<b>India's Political Thinking through Hindutva and RSS</b> Speaker: Brig. (R) Samson Simon Saharf SI(M) (Political Economist)
1145-1200 hrs	<b>Discussant:</b> Lt. Gen. (R) Asad Durrnai HI(M) (Security Analyst)
1200-1215 hrs	<b>Address by the Chief Guest</b> H. E. Sardar Masood Khan (President Azad Jammu and Kashmir)
1215-1245 hrs	Question-Answer Session
1245-1300 hrs	Remarks by the Chair
1300-1400 hrs	Lunch
	<b>Session-II (1400-1640 hrs)</b>
	<b>Session Chair: Dr. Zafar Iqbal Cheema</b> (President/Executive Director, SVI)
1400-1415 hrs	<b>Evaluating India's Military Potential for Aggression</b> Speaker: AVM (R) Faaiz Amir HI(M), S Bt (Vice-Chancellor, Air University, Islamabad)
1415-1430 hrs	<b>Pakistan's Strategic and Military Options</b> Speaker: Lt. Gen (R) Masood Aslam HI, HI(M), SJ
1430-1445 hrs	<b>Dynamics and Prospects of Conflict Resolution</b> Speaker: Dr. Adil Sultan (Director, Centre for Aerospace and Security Studies, CASS)
1445-1455 hrs	<b>Discussant 01:</b> Maj. Gen (R) Qasim Qureshi HI(M), SE
1455-1505 hrs	<b>Discussant 02:</b> Lt. Gen. (R) Talat Masood HI(M), S Bt
1505-1605 hrs	Question-Answer Session
1605-1620 hrs	Remarks by the Chair
1620-1635 hrs	<b>Rapporteur Remarks</b> Dr. Zafar Khan (Asst. Prof. SS Dept, NDU)
1635-1640 hrs	Vote of Thanks Dr. Zafar Iqbal Cheema (President/Executive Director, SVI)
1640-1700 hrs	Tea

A bi-monthly seminar was held on “Kashmir Crisis: Politico-Strategic Dimensions and Way Forward,” by the Strategic Vision Institute (SVI), Islamabad, on October 14, 2019, at Islamabad Club, comprising of a galaxy of scholars, academicians, journalists, lawyers and students. Split between two sessions the seminar was aimed at generating a candid insight into some of the policy options available to the Pakistani government in the wake of the ongoing Kashmir crisis, as well as an appraisal of some of the most salient suggestions being debated within Politico-Strategic circles. His Excellency Sardar Masood Khan, President Azad Jammu and Kashmir graced the



occasion as a Chief Guest.



In his welcome remarks, Mr. Ross Masood Husain, Chairman SVI, expressed his apprehensions on the gravity of the situation that has arisen in the region due to the unilateral steps taken by the Prime Minister of India, Narendra Modi on August 5<sup>th</sup>, 2019. He emphasized on the need to explore an answer for the resolution of an issue overshadowed by the rivalry between two nuclear powers; India and Pakistan, which demands enormous deliberation especially considering how Pakistan particularly faces a hostile ruler in its neighborhood.

### **Session I**

The first session was chaired by Amb. (R) Ashraf Jehangir Qazi (Member Pakistan Foreign Affairs Council). In his opening remarks Amb. Qazi appreciated the efforts made by the SVI under the iconic and legendary leadership of Mr. Ross Masood Husain. He invited the two speakers of the session: Mr. Ahmer Bilal Soofi (Founder and President RSIL) and Brig. (R) Samson Simon Sharaf SI(M) (Political Economist), and a discussant: Lt. Gen. (R) Asad Durrani HI(M) (Security Analyst).

While “Contextualizing the Current Situation of Kashmir” Mr. Ahmer Bilal Soofi as a first speaker of the session opined rather disappointedly that the Kashmir issue has been handled mainly from the political, diplomatic and emotional point of view. Unfortunately, a hard-core

legal perspective has been ignored so far. As a result, Pakistan needs to equip itself legally. Mr. Soofi apprised the audience that according to its own law, IOK is being considered as a part of India now. On the other hand, our entire legal setting is based on the assumption that the Kashmir issue will be resolved according to the Security Council resolutions passed in early 1950's. What if that does not happen? This position poses some worrisome conjectures from the point of view of international law.

He said that by 1999, his team could already make a legal analysis that India's approach via lawfare (which is not being considered here as a doctrine) would come from Article 370 of the Constitution of India. Hence, Pakistan direly needs to review its one-track approach. Article 370 provides a critical connectivity between the Indian constitution and the occupied territories of IOK. India has always relied on that. However, a legal debate has emerged without any violent act after the revocation of the Article 370 and 35A.

Mr. Soofi informed the audience that on August 9, 1999, his team circulated the only prepared legal document explaining various options for Pakistan from a legal point of view. It explains the framework of occupying power in detail. After having made an in-depth analysis of the motion adopted by India in the J&K Reorganization Act 2019 and the Presidential Order, his team has thoroughly dissected the right of resistance people have in an occupied territory. The document also explains the nature and extent of assistance an occupied community can seek from a third country. It also defines the limitations on the internal restructuring of the Article 370 according to international law. The powers and the extent to which an occupying force can exert them are also underlined. It suggests that any legal disposition of the occupied territory requires the UN endorsement. Pakistan needs to raise questions on the Indian legal position till the time it is endorsed by the UN. On the other hand, India has to submit to the questions of international law which differs from domestic law.

Mr. Soofi argued that the contextualization of international law with the current situation in Kashmir also provides space to Pakistan. While referring to his already published articles in several newspapers, he emphasized that Article 370 of the Indian constitution, which

had granted special status to the Indian Occupied Kashmir (IOK), is evidence of India's occupying status. This is further substantiated in the provisions of Article 35A which permeates out of Article 370. Article 35A reinforces the constraints on India as an occupying power and is in fact a miniaturized version of the 4<sup>th</sup> Geneva Convention. Even if the Indian constitution changes, the application of the international law does not change and remains enforced with its restrictions on India. Pakistan has to apprise the international community with these jurisdictions which restrict India to temper with position as an occupying power. It is considered as a violation of the 4<sup>th</sup> Geneva Convention.

Similarly, Mr. Soofi explained in detail that it is obligatory for the P5, due to the commitment made to the UNSC based on resolution 1172, to mediate between the two warring nations. The Indian prime minister's letter to the UNSC written earlier on reaffirms that commitment in which he has agreed to negotiate with Pakistan bilaterally on the Kashmir issue as per the Simla agreement. That letter has still not been withdrawn and holds legal significance. Leaning on that letter, Pakistan once again can remind the UNSC and the international community to fulfill that commitment.

While talking about the binding aspects of the resolutions, Mr. Soofi said that Chapter 6 and Chapter 7 of UNSC rules are binding in nature and are applicable to the resolutions already passed in the Security Council. They have not been formally interpreted contrary to what India perceives. Pakistan must take a principled position to consider them as binding for all the members of the UN.

Mr. Soofi shared portions of the ongoing research being conducted by his team in collaboration with the National Defence University (NDU), on various judicial judgments given by the Indian Supreme Court and High Court in which Article 370 has been significantly sanctified. The Indian judiciary endorses Article 370. Even judicial assessments of the High Court of the IOK condemned the steps taken by the Indian government recently. Their own courts use phrases like "Jammu & Kashmir retains sovereignty." Several articles have been written by the Indian judges who provide strength to the constitutional interpretation. He suggested that



Pakistan needs to hold India on those evidential and constitutional findings and interpretations more proactively since they have been authenticated by their own courts. Even the flag of Kashmir has been made according to a legal Act and the High Court of Kashmir has refused to take any decision against the demand for its removal recently. Pakistan should take the international community into confidence. Similarly, contradiction in the judicial interpretation of Article 370, taken by the Attorney General earlier and now, must be highlighted by Pakistan.

In the end, he suggested to take Indian lawyers and the Supreme Court on board as well and address the issue from Pakistan's strength which vitally dwells in the prevalent international law and the constitutional interpretation of Indian lawyers themselves. Modi's government must be compelled to submit to international law. He shared that foreign diplomats in Pakistan are desired of an unambiguous understanding of our aspirations on the issue and require Pakistan's clear stance.

Brig. (R) Samson Simon Sharaf presented an extensively researched paper on "India's Political Thinking through *Hindutva* and RSS." He is a prominent political economist whose research is mainly based on Hindu mythology traced back to the times of ancient religions. It has evolved around regions, tribes and castes in diverse forms of worship from the Southern tip of India to Hindukush, Indonesia and even the Pacific islands. He observed that Hindu philosophy is by and large hegemonic in nature and the very essence of the Indian Military mind resides in the epics of the Mahabharata of pre-classical Hinduism.



The linkage between the Western understanding and Hinduism can also be traced back to the British times when the British Raj started a Hindu Renaissance in the 19th century. It profoundly changed the perceptions of Hinduism in both India and the West. Western researchers created the false notion of "Hinduism" as a unified body of religious praxis and the popular picture of 'mystical India'.

In the 20th century, Hinduism also gained prominence as a political force and a source for Hindu national identity in India. Both evolved and grew together. Previously coined by Chandranath Basu, to create a collective "Hindu" identity as an essence of Bharat, Vinayak Damodar Savarkar, a practitioner of Hindu philosophy joined the Hindu Mahasabha and popularized the term *Hindutva* (Hinduness).

Savarkar believed that the Indian subcontinent, which included the area South of the Himalayas and the Hindu Kush, or "Akhand Bharat", is the homeland of the Hindus. In its early formulation, the concepts of racism and nationalism were incorporated. In the post-independence period, *Hindutva* thought among many Indians has tried to align itself with the culture and national axes. Savarkar was greatly influenced by the ideology of Nazism and Fascism and often compared Germany's German majority and Jewish minority as analogous to India's Hindu majority and Muslim minority. The movement grew with the formulation and development of the *Hindutva* ideology and the establishment of Rashtriya Swayamsevak Sangh (RSS) in 1925; and the entry, and later success, of RSS offshoots Jana Sangh and Bharatiya Janata Party (BJP) in electoral politics. His *Hindutva* beliefs oppose Pan-Islamism most vehemently. Savarkar was also considered as a great admirer of far-right concepts of racism and nationalism. He believed that the friends of Hindus must support military might and consider Akhand Bharat as a homeland for Hindus.

Rashtriya Swayamsevak Sangh (RSS) was formed in 1925 by Dr. Keshav Baliram Hedgewar at Nagpur. He was an ardent admirer of Savarkar and strongly believed in the execution of Savarkar's beliefs. He decided to set up the largest Hindu nationalist, para-military volunteer organization RSS. Formed in collaboration with the Bharatiya Jana Sangh and RSS, the right-wing Bharatiya Janata Party (BJP) was formed in 1951, by Syama Prasad Mukherjee of Jawahar Lal Nehru's cabinet. Its policies are historically and ideologically reflected in Hindu nationalist positions and have close organizational links to the RSS.

Although the BJP's defeat in the 2004 Indian elections was disappointing, long time Gujarat Chief Minister Narendra Damodardas Modi (an RSS member) led it to victory in the



2014 general elections. In 2018, BJP won a landslide victory. Modi had been able to successfully revitalize the India of antiquity in BJP's motivational drive for ethnic, religious and racial cleansing. Brig. Sharaf suggested that Modi is convinced that he is the chosen one by gods to lead the charge. The land he must hail with fire is Pakistan to re-carve an *Akhand Bharat*. The sway of *Rig Vedas Mahabhart*a and the Indian kingdom is persuasively ordained in its five legs;

- The 11 co-organizations of the RSS
- Indian Media.
- Private International and National Businessmen.
- RSS control of establishment.
- US containment of Pakistan akin with Hindu gods: Vishva Hindu Parishad (VHP), Media, businessmen and bureaucracy.

In fact, the Indian bureaucracy is flooded with RSS.

In his concluding remarks he stated that the international politics is fast moving towards nationalism and is equally contributory to these populous thoughts. India would try and find space within international concerns and geo strategic objectives against Pakistan and fit into them. Brig. Sharaf opined that India would try and discredit Pakistan through every possible allegation, notably; financing terrorism, proliferation, military establishment, separatist movements, Baluchistan, human rights, military, minorities, *madaris* and CPEC. India will also try and exercise its influence across international financial institutions to twist Pakistan's arms. It will look at China, but focus would remain on Pakistan.

In his insightful remarks Lt. Gen. (R) Assad Durrani, as a discussant for the first session, suggested that Pakistan needs to painstakingly synergize several factors which contribute to the making of a cohesive strategy. The most substantial would be to act. The Establishment is often reluctant to do so leaving few options for the strategic framework to get adopted. While talking on the rationalization



that “war is no option”, he observed that Pakistan is already caught in a hybrid war. He also declined the argument that Pakistan’s economic position is not supportive of war and gave the example of the Afghan war. Quoting a prominent commentator Rosa Brooks on the war he stated, “sticks and stones will always overcome our planes and drones.” We also need to come out of this mercantile mindset and should not rely on the business community to call off the standoff. Similarly, every state has kinetic resources and it is capable of using them to accomplish its objectives without being blamed as a warmonger. He agreed that the current situation or timings are not favorable, but Pakistan itself cannot be sacrificed for that.

Lt. Gen. Durrani also recommended that the Kashmiri people have to be ensured of Pakistan’s resolve in order to keep their motivation alive. Pakistan should not wait for the curfew to be lifted and more serious commitment has to be displayed to both Kashmiris and Pakistanis. Wasting time on procrastination may end up with the loss of vigor and hope in Kashmiris who have fought admirably for so long. He also suggested that Pakistan needs to emphasize on raising funds for the Kashmir cause even if we have to hit the grass root levels by going into the schools and contacting children. He questioned the origin of the rhetoric “*Kashmir baneyga Pakistan*” which mainly has its roots in the political objectives of a few politicians. Pakistan only wants a right of self-determination for the people of Kashmir in spirit and soul. General Durrani agreed with Mr. Soofi that resistance in an occupied territory is legal and Pakistan must not refrain from giving any kind of support to resistance. While discussing Dr. Sharaf’s paper, Gen. Durrani proposed to take the Indian piece meal strategy very seriously. Since the Indian ideology will never confine itself to Akhand Bharat only. The best way would be not to allow India to take time.



Lt. Gen. Durrani’s remarks were followed by the comments of Amb. (R) Qazi in his capacity as session chair. He suggested that Pakistan needs to change its thinking and approach to address this issue while equipping itself more thoroughly with the legal standing. Furthermore, *Hindutva* has virtually taken over India and no sane or articulate thinking from the opposing rationale or analyses is being considered

fairly even by a vast majority in India. Amb. Qazi expressed his disbelief in the likelihood of Modi's will to reverse his decision on the revocation of Article 370 as that would put his own political career at stake. Similarly, the sustainability of the resistance is also under question which has so far shown a brave face though. Moreover, he enquired what is Pakistan to do if this genocide escalates? He suggested that Pakistan must let go of the pessimism that it is in. With no political, economic or diplomatic position to do something shall it leave *Kashmiris* high and dry? Kashmir is already experiencing genocide; the expansionist wave of *Hindutva* is already on its way of which Pakistan will have to bear the consequences in the long run. So, a *naya* Pakistan has to respond with all its strength to counter this threat.

Amb. Ashraf Jehangir Qazi then invited H.E. Sardar Masood Khan, President Azad Jammu and Kashmir, to address the audience. The President in his opening remarks admired the seminal work being done by Mr. Soofi to educate the people on international law pertaining to the Kashmir crisis. While talking on the response to the aggressive and illegal steps taken by Modi, he expressed optimism on the narrative crafted by the media. He was also appreciative of the world's parliaments who have spoken up on the issue, such as, the European Union and the French parliament. He believed that, though the US congress as a whole has kept silence, there are about 15 congressmen who have contested the Indian policies already. Moreover, during the recent visit of Pakistan, a delegation of US congressmen has openly criticized India. Nevertheless, the world is still reluctant to make a choice between Pakistan and India more out of *real-politick* and the prism of India is being given preference.



Moreover, leading scientists have recently also come up with detailed research suggesting that there will be a nuclear winter if a nuclear war breaks out between India and Pakistan. Both India and Pakistan are nuclear nations. There would be 13.5 million people dead and about 2.5 billion affected if a nuclear war breaks out between India and Pakistan. Nuclear fear is the only in-built deterrent for both.

President Khan also believed that war does not suit India either because the Indians do not want the world to look at the issue so closely. Modi is being generally paraded as the biggest democrat. Already, a huge backdrop of the rise of nationalism on the international milieu is a threat for the saviors of the international order. The reaction of Buddhists in Ladakh, Hindus in Srinagar and Muslims in the valley is being observed closely by India. Overall, there is a general atmosphere of hostility, since people like Mehbooba Mufti and Farooq Abdullah feel back stabbed. This atmosphere of natural reaction is brewing the whole of India into vulnerability. He feared that there are bleak chances of averting the genocide despite the efforts of the Security Council. Should we then believe that India has given *fait accompli*? Unfortunately, the world has not pushed India very hard despite public participation all over the world. There had been more than 1,000 demonstrations so far in various capitals of the world.

President Khan believed that apart from thinking in terms of changing the demography, India is also bracing for a massive genocide. The supplementary acts of changing the administrative set up by introducing *panchayat* system, the political backlash is visibly eminent. For them, alienation of Kashmir is complete and fear has replaced anger.

Hence, Pakistan needs to go back to the Security Council and Human Rights Council even more intensely. Since mediation is quite unpredictable, it must be accepted carefully. At the same time, Pakistan should continue with its efforts of outreach and engage international law. Exploring various means of financial resources is absolutely essential. Similarly, interface with the sympathizers in Indian society must be more ardently approached. President Masood Khan suggested seven vital transitions Pakistan may direct its strategy in order to counter the Indian aggression in IOK;

1. Proactive outmaneuvering measures vis-à-vis India.
2. Pakistan needs to move from a phase of protests to actions as a nation.
3. Move to action.

4. Pakistan needs to come out of the self-complimentary delusions that Kashmir issue has been internationalized. A sustainable implementation of the achievement is necessary.
5. National strategy, economy and the Kashmir policy have to move in tandem.
6. The political catchphrase that “*Kashmir baneyga Pakistan*” must be understood in its historical perspective when it was introduced before 1947. Unfortunately, it got disrupted.
7. Though the right of self-determination is also blurred with the passage of time, but the *Kashmiri* resolve cannot be ignored.

We need to understand that Pakistan is already in a state of war, but it is also an opportunity to emerge as a great nation.

### **Question and Answer Session:**

The President stayed for the question answer session followed by his address. To a question on government in exile, President AJK, Sardar Masood Khan said that in the presence of a quasi-sovereign state of Azad Kashmir, it is not needed. The government of AJK represents the entire state of Kashmir. Mr. Ahmer Bilal Soofi shared the legal interpretation of the thought and said that the government of Azad Kashmir already enjoys constitutional and international recognition. Any such move will be duplicating the already placed government.

In his answer to yet another question on the status of resistance in the international law and to the inquiry of Mr. Khalid Banuri (former DG, ACDA, SPD) that what would be the responsibility of the state of India, who is a signatory of the 4<sup>th</sup> Geneva Convention but its ratification is still pending? How would it be addressed by the Customary Law? Mr. Soofi said that the entire jurisdiction recognizes India as an occupying force in international law. Given that, even the armed resistance against the occupying forces is legal. Mr. Banuri was also inquisitive about the timings of the latest developments in view of the existing wave of ultra- nationalism which has gripped the entire world.





Dr. Imran Iqbal (Lecturer, IR Department, NUML) also raised a question on understanding the reasons of Indian act at this time; whether the objective is actually to dispense the *Hindutvai* deology or is it merely Modi's frustration being manifested in the brutalities against continued uprising in IOK. Brigadier Simon Sharaf, in his answers offered three observations where Modi cleverly has been able to touch the right chord

at the right time;

1. Both national and the international atmosphere favored him. Though BJP was slow in the beginning, it galloped in the last decade or two.
2. The world at large is already leaned towards ultra-rightism.
3. The interests of both India and the US complement significantly in view of the rise of China as a competent power.

Dr. Attique-ur-Rehman (Assistant Professor, IR Department, NUML) wanted to know about the international avenues Pakistan could use to draw its strength from.



Mr. Reza Khan (Senior Correspondent, PTV World) wanted to know Pakistan's strategy to mobilize the whole nation in general and youth in particular.

Ms. Lynley Ruth Butt (introduced herself as a New Zealander settled in Pakistan) enquired on the possibilities of increasing the role of the civil society by opening the corridors between IOK and AJK. She proposed to improve the economic activity between the two Kashmirs overlooked



by the UN, in order to minimize the hostilities. She, as a student of Futuristic and Peace studies, believed that military solution does not hold the panacea and recommended long-term measures. In response to these multiple queries, President Masood Khan expressed his satisfaction over the preparedness of Pakistan Armed forces. Similarly, he was also satisfied with the ongoing efforts of Pakistan on the diplomatic front. He opined



that India is preparing to wipe out Pakistan completely in the next 5-7 years. Earlier, there have been several corridors to facilitate the merchandise and civilian movement. Mr. Soofi however, suggested that Pakistan should be legally cautious in this respect because Pakistan is also fighting a war against perceptions. General Durrani intervened by suggesting that Pakistan needs to declare a state of emergency. Amb. Qazi remarked that everything boils down to one thing, in that the international community is insensitive to the ongoing genocide in IOK and will not do anything to stop India. Pakistan needs to recognize its existence if it wants to be heard by the world.

On the second set of questions, President Khan replied that there is already significant unreported resistance going on in IOK since there is a notable civil disobedience movement. It is generally believed that IOK is going to be India's Vietnam. On the other hand, Pakistan provides a sovereign window to the world. We, however, need to understand that the bulk of resources have to be generated from within by improving our manufacturing and service industry. Our taxation sector also has to maximize its performance. We have to learn to abandon defeatism and assert ourselves. As they say that, put the success on the table and it will come to you. We also have to designate the power of resolve to our objectives.

## Session II



In his opening remarks as chair of the second session, Dr. Zafar Iqbal Cheema (President/Executive Director, SVI) explained that while the previous session was focused more on the political and diplomatic implications of the ongoing crisis in Kashmir, the second session was to lay specific emphasis on the military dimension. Hence, in keeping with the sensitivity of the ensuing discussion, this session would be a closed-door session conducted as per Chatham House rules and would not be covered as extensively by the mainstream media. He invited the speakers of the session which included Air Vice Marshal (R) Faaiz Amir HI(M), S Bt (Vice Chancellor, Air University Islamabad), Lt. Gen. (R) Masood Aslam HI, HI(M), SJ, Dr. Adil Sultan (Director, Centre for Aerospace and Security

Studies, CASS) and the discussants Maj. Gen. (R) Qasim Qureshi HI(M), SE and Lt. Gen (R) Talat Masood HI(M), S Bt.



First speaker of the session, AVM (R) Faaiz Amir in “Evaluating India’s Military Potential for Aggression” presented a detailed breakdown of what kind of military actions were expected from India. This evaluation was based on a assessment of India’s evolving capabilities as well as the historical trajectory in which its military thinking has flowed, in anticipation of and as a response to its track record of hostilities with Pakistan. He explained that in order to ascertain the above it was imperative that the enemy’s perception of itself, its motivation and its capabilities be evaluated, specifically with reference to its most recent iterations.

He emphasized that at the heart of India’s current motivations lay its self-image of a rising global power. With a population of 1.35 billion and a GDP of almost US \$2.6 trillion, India’s self-image as a rising power is further drawn from its position as having the world’s second largest standing army, its fourth largest Air Force and seventh largest Navy. It is the fourth largest country in terms of military expenditure and has remained the biggest importer of arms for the past decade.

Based on this image India seeks to create a security ring around itself to help insulate itself from not only external threats (such as those it perceives from China and/or Pakistan) but also a number of internal threats from numerous more localized insurgencies such as those being waged by the Naxalites, Maoists as well as the Kashmiri mujahideen to name a few. Hence, it is largely within this context that India’s self-image is at odds with a widespread range of both internal and external vulnerabilities which greatly influence its ability to project power. Specifically, within the context of Kashmir, and its historical legacy as a major flashpoint for India-Pakistan hostilities, there have been a series of doctrinal shifts as part of the Indian military’s approach and war fighting capabilities. These have been directly influenced by India’s experience of the lessons learnt since the 1999 Kargil conflict all the way to the recent Pulwama

attacks showing how the last two decades have influenced its military thinking. This influence is evident for instance in the way Indian military thinking has evolved from the Sundarji Doctrine (1982-2004) to the Cold Start Doctrine (2004) leading up to the Joint Doctrine of the Indian Armed Forces (JDIAF-2017), the Land Warfare Doctrine (2018) and the Ajit Doval Doctrine (2014-2015).

In explaining these doctrinal shifts, AVM Faaiz Amir contrasted and compared each of these shifts, highlighting the salient points at each step of this evolution of Indian military thinking. Starting with the Sundarji Doctrine he explained how it was based on deterrence by denial and punishment approach based on the large-scale mobilization forces aimed at bisecting Pakistan. The limitations of such an approach however were laid bare in the 1999 Kargil Operation as well as Operation Parakram in 2001, where Pakistan was able to muster an adequate defence coupled with diplomatic support before India was able to mobilize its forces according to its overall strategy. In response, India then came up with what it called the Cold Start Doctrine where several small integrated battle groups were to make rapid, shallow territorial gains that would be used to extract concessions in post-conflict negotiations. Their limited objective was also to ensure that Pakistan's nuclear redlines were not crossed. Citing Walter Ladwig III, AVM Faaiz Amir explained that the Cold Start Doctrine would force Pakistan to keep its response as unlimited as possible, even to a limited conventional war.

The 2017 Joint Warfare Doctrine took this idea of a limited conventional war further to the sub conventional level where it recognized the inherent risks of conflict escalation and associate international intervention. It presented the notion of 'surgical strikes' as a viable response to terror provocations that would be subsumed in the sub-conventional spectrum while recognizing the possibility of sub-conventional escalating towards the conventional. This approach was also echoed in the 2018 Land Warfare Doctrine which in recognizing a collusive threat from both China and Pakistan emphasized on the ever-shrinking space for a conventional engagement by its adversaries. It still however emphasized the maintenance of escalation dominance and to systemize surgical strikes.

Whereas, Pakistan in its response to India's 'surgical' air strikes in Balakot, was successful in reestablishing its deterrent capabilities near the conventional level for the time being, there was still the workings of Ajit Doval's Defensive Offensive Doctrine (2014) in play which needed to be countered. This entails exploiting Pakistan's vulnerabilities such as its economy, internal security, political instability and alleged terror sponsorship while also pushing it towards global isolation through diplomatic and economic coercion.

AVM Faaiz Amir after presenting a brief over-view of each stage of the Indian military's doctrinal development over the last 40 years, linked each phase with the previously mentioned crises and conflicts leading from the Kashmir uprising in 1986-87, all the way to this year's Pulwama military bus ambush. He observed that out of the most recent developments, Pakistan's introduction of the Nasr tactical nuclear weapons system in 2011 did checkmate the Cold Start Doctrine and its attempts at creating space for a limited conventional war with Pakistan. As a result, however, Indian policy makers while taking into account the risks and costs associated with direct military engagement, have gone the Ajit Doval way of hybrid warfare by exploiting Pakistan's vulnerabilities.

Thus, based on these developments India's potential for military aggression is evident in its most recent military acquisitions such as Rafale fighter jets and the S-400 air defence system. In the next 4-5 years, these are likely to provide India with enhanced standoff and air strike capabilities as these systems become fully operationalized and incorporated within the Indian military. This could consequently lead to a further aerial quid pro quo that has the possibility of escalating beyond the LOC onto civilian targets across the international border. There is also the threat of increased tensions between the two countries at sea where the Indian Navy outnumbered the Pakistan Navy by about 5:1.

It is also worth noting that future battlegrounds are also likely to become increasingly complex with the inclusion of Artificial Intelligence, electronic and cyber warfare, countering which would propose new challenges. Within this scenario a breakdown of deterrence would have serious consequences. Emphasizing the importance of maintaining deterrence, AVM Faaiz

Amir concluded with Sun Tzu's timeless quote stating, 'the supreme art of war is to subdue the enemy without fighting.'



Second speaker of the session, Lt. Gen (R) Masood Aslam, while speaking on "Pakistan's Strategic and Military Options", presented a broad-ranging break-down of the current politico-military options available to the Pakistan government. These were based on the historic and expected trajectory of India's approach for assimilating the Jammu and Kashmir region, based on the BJP's historical development as well as its declared policy drawn from its *Hindutva* roots. He showed that the most recent actions taken with regard to the reorganization act of 5<sup>th</sup> August as well as the appointment of Lt. Governors in J&K and Ladakh (as part of the BJP's attempts at settler colonialism) represented the culmination of almost a century's bigotry and aspirations of supremacy. This started from the formation of the RSS in 1925 and has continued through to its subsequent formation of the BJP in 1980s. The steady rise of the BJP which was represented by its first government under Vajpayee in 1996 later set the stage for Modi's electoral victory in 2014 in which the systematic annexation of Jammu and Kashmir was stated clearly in its election manifesto.

Drawing on this history, Lt. Gen Aslam also shared what to expect in the next 5-6 years if the BJP were to continue to pursue its stated objectives. This he stated would comprise of the setting up of mass detention centers and the repatriation of pundits by 2020, paving the way for fresh elections in the J&K assembly before mid-2021. These would be followed by the completion of several hydel projects throughout the J&K region between the years 2222 and 2223 as the Indus Water Treaty is scrapped and there begins the manipulation and denial of vital water supplies to Pakistan. These events are likely to also be closely correlated to the Sangh Parivar target year for the Hindu Rashtra which is set for 2023. All of this is likely to pave the way for another BJP victory in the 2024 Indian elections which are likely to set the stage and tone for the RSS centennial in 2025.

Despite being stated in the election manifesto in 2014, Modi's move to scrap articles 370 and 35A had taken the Pakistani government by surprise. The failure to prepare and anticipate such a move was further compounded by the lack of political consensus in parliament with opposition parties engaging in politics over the issue. The slow revival of an already weakened economy, the looming threat of the FATF issue as well as a general lack of international support especially from the Muslim world have all contributed to the present government's difficulties and lack of an adequate response to the deepening crisis. While the issue has been raised vociferously at various international organizations such as the UNGA and even the UNSC leading to widespread protests abroad as well as attention from the international media, there is not much that Pakistan has gained with respect to any concrete action across the LOC. All despite the fact that this issue impacts at least four key areas of national interest at least three of which are vital. The issues of Kashmir, CPEC and water resources all represent vital interests while the defence and territorial integrity of Pakistan to which there is a direct and declared threat from India is a matter of the country's very survival. Not to mention the effects of the ongoing crisis on Pakistan's economy, its troubled relations with Afghanistan, as well as its impact on world opinion regarding Pakistan.

In order to ensure the protection of these interests Lt. Gen Aslam offered six possible options representing varying degrees of intensity regarding their desired national security objective as well as each of its associated grand strategy or policy. The first option he stated, was based primarily on a humanitarian objective which demanded the lifting of the ongoing curfew, the restoration of basic human rights and services and the release of all detainees following the Reorganization act of August 5<sup>th</sup>. Its associated policy would thus be to publicize the issue through greater advocacy while exercising restraint and perhaps even cooperation. This he said was currently the preferred policy being employed by the government which he summarized as 'not rocking the boat'.

The second option which is a step above this is based on pursuing a more political as opposed to purely humanitarian objective; where in addition to the demands of the previous option there is the added demand of reverting to the pre 5 August 2019 political status and to



restore articles 370 and 35A. This he said would be accompanied by the willingness to deny, disrupt or perhaps even sabotage the political engineering process (settler colonialism) currently underway through the local body polls being conducted. Its associated policy approach would be to sponsor and support dissident elements engaged in civil disobedience by offering at the very least material and moral support in addition to the current advocacy campaign being conducted. The restraint being exercised in the previous option would now be based more on deterrence as opposed to cooperation.

The third option he explained would add a further international dimension to the preceding option by including a UN supervised 'plebiscite' under UNSC Resolution 47 as part of its overall objective. The means for obtaining this objective would now incorporate moral and material support for an indigenous insurgency (remaining within the confines of the Fourth Geneva Convention) in addition to the civil disobedience movement highlighted in the previous option.

The fourth option as a step further would demand a UN supervised referendum and place Indian occupied J&K under an interim UN administration along similar lines to the UN resolutions 1244 (Kosovo) and 1246 (East Timor). Its associated policy would be to apply even greater pressure and support for the civil disobedience movement as well as the indigenous insurgency. This increased support however would carry with it an escalating level of risks, threats and uncertainty.

The fifth option while remaining within a more political and internationalist national security objective would emphasize the containment of the Hindu Rashtra and prevent its associated aim of settler colonialism by launching alternate hot-spots and proxies elsewhere throughout the Indian territory beyond just J&K. While this would be done in addition to all the above stated options, it would also greatly increase the risks, threats and uncertainty associated with its implementation which needs to be taken into account. Furthermore, for this option to be successful, the groundwork and preparation for such a move needs to be laid now, for such an option to be even available if the need for escalation arises.

Finally, the sixth option culminates to employing a mix of political and kinetic force with the aim of protecting vital water sources and forcing Indian occupation forces out of Jammu and Kashmir. This is likely to lead to spillover effects onto Pakistan's side of the LOC in the form of a limited conventional war. It is worth noting however that such an option is in no way being suggested in isolation and should only be considered as the culmination of the results and environment created after employing all the above stated options.

Keeping in mind all options it is also important to ensure that Pakistan synergizes all its instruments of national power so that they are utilized to their fullest. These include its political, economic, military and information and technology strategies all of which need to work in tandem towards the above stated national security objectives and their associated policy requirements. It is also based on these capabilities and instruments of national power that the above options can be better compared and evaluated based on certain key factors. These include each option's varying strategic and financial appeal, their individual implementation challenges, and their acceptability to the international community as well as their associated risks and uncertainties. Helping form a coherent evaluation matrix, the above options can thus range between having the best appeal and international acceptability coupled with the least difficulties and risks at one end of the spectrum and then the highest risks/difficulties but least international acceptability at the other end.

In conclusion the Lt. Gen (R) Masood Aslam stated that based on the current situation in Kashmir, there is a valid opportunity for Pakistan to actually change the situation on the ground. This needs to be emphasized especially considering that Modi's current popularity leaves little hope for Indian civil society and its own opposition to bring about a meaningful change in Kashmir that would be conducive to Pakistan's interests. This is evident in the fact that of all the fact-finding missions carried out within India, no one is talking about extending the right of self-determination for Kashmiris. All they are talking about is an easing of restrictions based on humanitarian grounds as opposed to supporting Kashmir's political struggle. Similarly, the Indian government's rationale based on improving lives and bringing

about development in the J&K region is being bought at the international level. This is evident in the recommendations being made by Indian civil society.

In light of these scenarios the most suitable course of action which can be taken at the earliest by Pakistan is to make the Indian government's drive towards settler colonialism as untenable as possible. Especially considering how Pakistan's very jugular vein is under stress, a more serious and concerted course of action is required as opposed to the present policy being pursued.



The next speaker, Dr. Adil Sultan in elaborating on the “Dynamics and Prospects of Conflict Escalation” began by highlighting the fact that it was the 70<sup>th</sup> day since Indian Occupied Kashmir (IOK) had been placed under siege. While almost a similar number of conferences/seminars had been held during this period to discuss the Kashmir issue, this issue still remains unresolved for over the past 70 years now. He stated that this raises important questions regarding whether we have been able to draw some lessons from these discussions? If the answer is ‘Yes’ then what are the plausible options? And, if we are still grappling with the situation and have not been able to outline the next steps, then does this mean that we may be on the wrong side of the road?

He stated that these questions merit serious attention and would hopefully allow policy makers to take the necessary course correction and steps that could ease the suffering of the Kashmiri people and lead to the permanent solution of the Kashmir dispute. Before moving towards the dynamics and prospects of conflict escalation between India and Pakistan, however Dr. Sultan contextualized the issue by first clarifying whether Kashmir was a political or an ideological issue, and whether Kashmir presented a case for a ‘Just War’ as guided by the Geneva Convention.

On whether Kashmir is a political or an ideological issue, he stated that the growing influence of extremist ideology within India's decision-making elite may eventually transform the Kashmir dispute, from being a political and humanitarian issue, to an ideological conflict. The August 5, 2019 Indian action of altering the status of Kashmir and keeping the Kashmiri population under siege for more than two months has further reinforced this perception. But given a favorable domestic and international environment, and looking at India's strategic objectives, any government in India would have probably followed a similar course of action. For instance, in 1971, it was the Congress party that supported insurgency in East Pakistan and intervened by sending the troops, which eventually led to the creation of Bangladesh.

Notwithstanding the evolving dominant narrative of *Hindutva*, Kashmir remains a political and humanitarian issue, which was the basis for several UNSC Resolutions that support the right of self-determination for the Kashmiris. Coloring it as an ideological conflict, would not only undermine the humanitarian aspect, but could also help the BJP to flaunt it as a clash of civilizations to the domestic audience for strengthening their nationalist credentials, and also at the international level to exploit prevalent Islamophobia in the West, and de-legitimize the legitimate Kashmir struggle.

On the issue of whether Kashmir could be considered as a case for a 'Just War', Dr. Adil argued that in the recent history the concept of 'Just War' gained more traction when the United States intervened in Vietnam (1955), and more recently in Iraq (1991) and in the post 9/11 period in Afghanistan. Other examples of 'Just War' include Bosnia, Rwanda and Kosovo, where the international community decided on the use of force in the aid of humanity. As such, a 'Just War' has two main elements. One, it must meet certain conditions to justify a military action (*jus ad bellum*), e.g. to stop genocide and other illegal acts that violate fundamental human rights; and second, 'Just War' cannot be indiscriminate and should be governed by certain rules (*jus in bello*), so as to ensure that the extent of violence is proportional to the nature of threat or grievances.

Kashmir may be a perfect case for a 'Just War' due to the ongoing atrocities by the Indian forces, but it would be unrealistic to expect that the Western powers, who otherwise champion the humanitarian cause and have used military force in the past, would ever come to the aid of Kashmiris. This leaves it to Pakistan to decide whether it would be willing to initiate the conflict citing the impending humanitarian disaster, or whether it would opt to continue pursuing the diplomatic and political path and wait for an opportune time when the conflict becomes unavoidable. This decision has to be guided by the hard reality that a military conflict between the two nuclear powers is unlikely to remain limited, and most likely will end up in nuclear exchange. And in a nuclear war, it will be impossible to retain the principle of proportionality.

He went on to state that since the other two panelists before him had discussed India's military potential and options for Pakistan, his focus would now be on presenting perhaps a more balanced evaluation of the dynamics and prospects of escalation from a third-party perspective. But before moving ahead, it would be useful to briefly review India's persistent efforts in the past to explore space for a limited conflict, as this could provide useful insight to what India could possibly attempt in the future.

There is a consensus that the nuclearization of the region precluded the possibility of a major war between the two South Asian adversaries. But India had been continuously attempting to exploit its conventional military advantage and explore space for a limited war, which came out in the form of Cold Start Doctrine, and more recently in the form of surgical strikes. India's inability to operationalize its Cold Start Doctrine (CSD) due to the introduction of SRBMs or the TNWs by Pakistan may have encouraged India to launch a land-based surgical strike in 2016. Pakistan denied the Indian claim and therefore did not respond. There is a view that had Pakistan retaliated in response to the Indian claim, even if there was no surgical strike, it would have deterred India from a more provocative action of February 26, 2019, when it carried out an aerial surgical strike inside the Pakistani territory.

The PAF riposte of February 27, 2019 that included a tit-for-tat kind of response, besides shooting down two of the Indian aircraft, however, not only helped re-establish the credibility of conventional deterrence, but it may have eased pressure on Pakistan's strategic deterrence that could have otherwise become questionable for the lack of resolve from the Pakistani side. Frustrated with the humiliation caused by Pakistan's response, Indian decision makers embarked on the dangerous path of engaging in *nuclearism* behavior. PM Modi's statement of 'Qatal Ki Raat' (the night of massacre); deployment of missiles across the international border; and more recently, the statement made by India's Defense Minister from the symbolic place of 'Pokhran', that India could possibly give up its 'No First Use' posture – have all intended to create space for a future conventional conflict by dissuading Pakistan from the early use of its nuclear weapons. But such signaling could force Pakistan to take corrective measures that could inadvertently shorten the escalation ladder, with both sides engaging in nuclear brinkmanship at a very early stage of the conflict.

To overcome its proven shortcomings, India is in the process of modernizing its military capabilities. The acquisition of S-400 missile defence system from Russia and the Rafale fighter aircraft from France could significantly alter the balance and India could be tempted to launch a more robust aerial strike(s) against Pakistan with the confidence that its S-400 systems would deter Pakistan from generating an effective counter-response. This could be the more plausible scenario for the future, but it may take a few years before India would be able to reap operational dividends from the Rafale aircraft and other high-tech military systems that it is acquiring. With all this at its disposal, the Indian military would also be under tremendous pressure not to repeat the February 27, 2019 episode. While Pakistan being a smaller force may still be able to absorb the reputational cost, if few of its aircraft are shot down, the case of the IAF losing number of aircrafts including the French Rafale would be very different. India's over emphasis on Rafale as a game changer may have already damaged the reputation of the Russian SU-30, as well as the French Mirage-2000 aircraft that failed to deliver their payloads on their designated target back in February, but what if the French Rafale also fail to deliver the desired results? One possible alternative that Indian decision makers could consider in the future is the use of its conventional BrahMos missiles or other hypersonic missiles that India is



developing. This could bring a new challenge for Pakistani decision makers, since responding through aerial strikes could possibly lead to some losses for the PAF, and the use of missiles even with conventional warheads, is likely to quickly escalate the conflict to the nuclear level.

In conclusion Dr. Adil Sultan stated that by taking the extreme measure of annexing IOK, PM Modi has put at stake his entire political career and therefore cannot afford to retreat. If he ever decided to withdraw or backtrack (which in itself is highly unlikely), there would be several others in the BJP hierarchy to replace him and build their credentials by exploiting the current wave of 'militant nationalism.' It is also a fact that the international community is not likely to exert meaningful pressure on India as a result of their commercial and political interests. A few sporadic statements, highlighting their concerns over the ongoing atrocities in the Indian Occupied Kashmir are not likely to unhinge the Indian leadership.

Unfortunately, the Kashmiris who are the primary victims of Indian atrocities will have to stand up for their rights, while Pakistan at the moment can continue to provide political and diplomatic support. Left unchecked, the ongoing crisis is also likely to end up into a long drawn out war, something similar to the Afghan conflict. There is a likelihood of mass level migration from IOK with refugees pouring inside the Pakistani Administered Kashmir. This may add pressure on Pakistan to take action while ensuring the lives and property of Kashmiris residing on both sides of the LoC. There is also the possibility of a 'false flag' operation by India in which it would blame Pakistan for events that are likely to unfold once restrictions are lifted in IOK. Pakistan would have to make a choice, whether to walk into the Indian trap, or else, wait for an opportune moment to use the military option when conditions are ripe for a 'Just War.'

The scope and intensity of a future conflict would largely depend upon the choices that the leadership makes on both sides. Looking at the emotive value of Kashmir for Pakistan and the politicization of the dispute by the Indian decision makers, it seems both countries cannot give up and move back. The final question would be to see whether we as a nation are prepared to fight if war seems imminent and is imposed upon Pakistan.

Speaking in his capacity as the first discussant for the session, Maj. Gen (R) Qasim Qureshi explained that it is important to understand how one looks and approaches India. He explained that India based on its own self-perception considered itself as a hybrid between an empire and nation state. Its aspirations of becoming a major global power are drawn directly from its civilizational history which is based on achieving both; dominance and supremacy as opposed to co-existence.

Up until 5<sup>th</sup> August 2019 India's approach had been to remain within the ambit of UN resolutions. This however has changed dramatically since the unilaterally imposed Reorganization Act that has since annulled articles 370 and 35A within the Indian Constitution. As such the current direction being taken by the Indian government is markedly different from the direction that was taken



during the Musharraf era by PM Vajpayee despite the latter heading a BJP government then as well. As a result, the very principle and right of self-determination that had been associated with the Kashmiri movement is at stake.

It is worth noting however that the Indian government has only considered Indian administered Jammu and Kashmir as an Indian Union territory and has not extended the same status to GB/AJK and/or Aksai Chin. This holds considerable importance, especially when considering why India has also bi-furcated Ladakh. This has arguably been done because India intends to deal with both China and Pakistan separately regarding each of their claims over the Kashmir region. This has been reinforced in the arguments put forth by certain quarters that both China and India are close to reaching an agreement over the disputed nature of Aksai Chin.

Currently an ongoing and yet unresolved dispute between China and India, this dispute stems from the 1962 Indo-China war. While China had successfully conquered the areas which it had laid initial territorial claims over, it had unilaterally withdrawn to the Line of Actual Control which now serves as the de-facto border between both countries. As a possible

resolution to the actual dispute, there have been reports that China has privately expressed its willingness to forego its wider claim to the region, if India were to recognize the line of actual control as an international boundary and Aksai Chin as Chinese territory. There is a plausible chance that India might accept this deal in order to smooth over relations with China.

With regard to the extent to which the present clampdown in IOK has adversely affected the Kashmiri insurgency, it should be made clear that the resilience of the Kashmiri people has in no way dwindled. If anything, the latest clampdown has provided an impetus for showing renewed strength and vigor further intensifying their resolve. The next elections in J&K are likely to serve as an important benchmark in this regard. It presents an opportunity to change the politics of Kashmir.

On the international stage, India's reputation has been tarnished by Modi's ultra-right-wing nationalism. This needs to be built on and used to further strengthen Pakistan's case for international intervention and/or mediation to the Kashmir issue.

In conclusion, Maj. Gen. (R) Qasim Qureshi stated that while he was for providing military support to the Kashmiri insurgency, the case for providing such support needed to be made carefully and within the Fourth Geneva Convention, keeping in view the nuances of the post 9/11 world order. He also stated that there was a definite need for greater introspection on the domestic side as well. Although Pakistan has done well in GB and AJK, there are certain things that can still be done better.



As the second discussant for the session, Lt. Gen (R) Talat Masood presented a cogent overview of the diplomatic support Pakistan had so far received since 5<sup>th</sup> August 2019 and its various implications on the options presently available to Pakistan. He highlighted the fact that based on the evolving scenario China's support is of immense strategic value. This holds especially true at the United Nations where China has consistently supported Pakistan's position at the UN Security Council, particularly during a time when the rest of the world has

been closing its eyes. This support has gone to the extent that China has even somewhat duplicated the language Pakistan has used to present Pakistan's case at the UN and the UNSC regarding Kashmir.

However, Lt. Gen Masood did state that he was highly curious to know what had transpired between PM Modi and President Xi Jinping at their latest informal summit held in India where they were together for two days. While there was no joint statement and reports have indicated that they primarily discussed trade and economic issues, it is hard to believe that Kashmir and/or India-Pakistan relations failed to come up even once between the two regional leaders.

Apart from Pakistan's relations with China, improving relationship with the US is also of grave importance for Pakistan in the long-term, especially since the US needs Pakistan in Afghanistan. Maintaining a positive image for Pakistan and its contributions is thus a key to leveraging the media and other institutions based in the US to Pakistan's advantage, especially on the issue of Kashmir. This would go a long way in helping garner support on Pakistan's principled stance based on human rights, freedom and self-determination all of which are values once championed by the West. In the same vein closer cooperation with other civil society and international organizations are key to furthering blackening India's case and exposing its true intentions.

Support from the Muslim countries in general however has been disappointing except for a few countries such as Turkey and Malaysia. However, it is not surprising as most of these countries (especially those in the Gulf region) do not draw their strength from their people but are dependent on others to maintain their legitimacy. In fact, it is ironic that Pakistan is at the moment, mediating between Iran and Saudi Arabia when it is faced with its own internal issues, but that is beside the point here. However, it remains that out of all of Pakistan's internal issues the economy remains the most pressing one. Economically there is a need to set the house in order, if Pakistan is to ever gain the ability to truly exert the kind of power and pressure that can influence other countries.

With respect to Pakistan's solidarity with the Kashmiri struggle, there is a need to ensure that the message keeps going. The military's state of readiness and conventional preparedness is worthy of being proud of. Its prowess and battle-hardened nature are a testament to its strength and resilience that it has developed over years of success in conflict. However, Pakistan does not want to get dragged into a prolonged conflict which is exactly one of India's objectives. It would also be detrimental to Kashmiri interests as it would take the focus away from their plight and struggles. As has been witnessed before, raising the intensity of violence along the LOC can be used to distract world attention from the plight of the Kashmiri people. The same has held true in the case of cross-border attacks emanating from Afghanistan as well for instance.

In conclusion, Lt. Gen. Talat Masood stated that it is important to see whether we can learn anything from the Palestinian conflict, and the mistakes made by them with regard to garnering international support in a timely and effective manner. We need to continue our struggles both diplomatically and politically and be emphatically clear and forthright in our position that we stand united with the Kashmiri people.

#### **Question and Answer Session:**

These talks were followed by an interactive question and answer session. Dr. Rubina Waseem (Lecturer, SS Dept, NDU) while referring to the numerous politico-military options stated by Lt. Gen Masood Aslam in his presentation pointed out that there was a difference in what she called internal stimuli representing the justified struggle of indigenous Kashmiris, and external stimuli in the form of state, individual or non-



state actors. Based on this distinction, she asked whether Pakistan was prepared to play that role of providing an external stimulus to the Kashmiri's struggle for self-determination under the present scenario. Lt. Gen Masood Aslam replied that he had intentionally left out various

things in his presentation, especially keeping in mind the kind of message that is being sent across a wider audience. There is a difference between sponsoring an insurgency/resistance and exporting terror from abroad. This difference he said could perhaps be better explained in layman's terms by Lt. Gen (R) Asad Durrani (in his capacity as the former Director General of the ISI and MI). However, in the interests of clarity it should be noted that we should ideally not be sending operatives over to Kashmir from our territory. Supporting or even sponsoring an indigenous uprising in form of material support or providing safe havens however is something different. It was unfortunate that the setup we had used in the 80's in the Afghan Jihad was what was transferred over to Kashmir. Especially considering the post 2004 environment this had left us isolated and has since been dismantled. However, it is worth noting that this is not an on/off switch that can be turned on and off at will. Such approaches always carry the risks of blowback with operatives going rogue and turning against you, even after such a setup has been dismantled, hence the same cannot be used now. He stated that there is a lot of space within Kashmir and inside India. Referring to what he suggested in his presentation in terms of expanding and exploring alternate hotspots in India, we need to start thinking of how to make India bleed and make its present actions in Kashmir untenable. These options need to be prepared for in advance. It is also worth noting here that India has a tremendous capacity to absorb these shocks. It is a large nation with a large economy. India has brought in over 100,000 paramilitary force in Kashmir over the last two months and can bring in another 100,000 now. It enjoys tremendous space in terms of the international acceptability of these actions. Even China as evident in the recent summit held between President Xi and PM Modi, did not mention anything related to Kashmir. They have been talking of mutual trade with the Indian government emphasizing the US \$57 billion trade surplus with China. The same way China is focusing on expanding cooperation in other areas such as the rollout of Huawei's 5G technology. China does not want India to fully join the American camp and become a bigger problem. As such the onus lays primarily on Pakistan to spearhead the Kashmiri cause. There should be no doubt about Pakistan's resolve and responsibility.

Air Marshal (R) Javed Ahmed (Director CASS) while posing a question to Lt. Gen (R) Masood Aslam referred to his slide on the National Interest Mix where he had classified a few



of Pakistan's national security interests pertaining to Kashmir as ranging between peripheral, major, vital and a matter of survival. He questioned as to why interests pertaining to the CPEC and water resources were listed by him as vital as opposed to a matter of survival considering how both interests were to prove integral to Pakistan's survival in the long-term if not so much at the present. Lt. Gen (R)



Masood Aslam while responding generally agreed with Air Marshal Javed Ahmed and explained that there was a fine line between a certain national interest being a matter of survival or of vital importance. He agreed that it was an issue more of semantics in this case. He further went on to emphasize greater need for seriousness regarding the current Kashmir crisis was and mentioned that if Kashmir was Pakistan's jugular vein, were we really using all our combined strength and resources to protect it when threatened. Were we even united? What happened in parliament on the first day of the Reorganization Act was a shame. He stressed that now was the time to act and use the atrocities being faced by Kashmiris to forge consensus and present a concerted will to help remedy the deteriorating situation there.



Col. (R) Said Rasool while addressing the panel stated that since the Indian government has embarked on phase 1 of its plan to annex the J&K region in the form of the Aug 5<sup>th</sup> 2019 Reorganization Act, there are apprehensions that it would perhaps also cross over the LOC into AJK and GB and perhaps even the border over into KPK. If that happens will Pakistan will be forced to fight a conventional war?

A similar question was posed by Air Commodore (R) Tanvir Nazim Siddiqui. He stated that since Mr. Modi was not going to budge (on his stance on Kashmir) and since Pakistan had received, little if any support from the international community, doesn't that embolden the Indians to walk over the LOC? He referred to how in the buildup to the 1971 war Indian Field Marshal Sam Hormusji Manekshaw had waited till India gained superiority in numbers by at least 50:1 to intervene in East Pakistan. He stated that if



Pakistan was to face a conventional military engagement with India, now was the time to do so since India's air power and armor serviceability is low among other conditions. He clarified that while he was not suggesting that Pakistan launch an all-out offensive, there should at least be a concerted effort to raise the pressure in terms of supporting an insurgency and/or indigenous struggle that was being referred to earlier. With reference to both questions, Lt. Gen (R) Masood Aslam stated that for the last 400 years, Kashmir has never had a ruler of its own. Throughout its history, the Kashmiri people have always had this strong feeling that their rulers have always been imposed upon them by Delhi. This is Kashmiriyat. The Kashmiri people have to be brought into the equation for it is primarily their struggle as well. He further stated that as far as the present crisis escalating towards a conventional war is concerned, Pakistan needs to be prepared. There needs to be a concerted focus on enhancing the command and control requirements. For example, it was the efficacy of the command and control that was the key to the recent aerial engagement's success of Pakistan. Based on this, the next two-three years are likely to be crucial. The Indian military's induction of both the Rafales and the S-400 will take 2-3 years to become operational. This offers a limited window within which there is a need to mount an effective response even at the politico-diplomatic levels. Criticizing the current efforts being led by the Pakistani government in this regard he questioned why the PM during his last visit to the US did not address the Kashmiri diaspora abroad. He lamented that the PM should have engaged with young Kashmiris studying in the US universities for instance to help address and express solidarity with the diaspora as a whole. Adding to the discussion, AVMM Faaiz Amir while addressing the issue of India's arms acquisitions stated that for India to reap the full benefits of its latest military acquisitions such as the S-400 and the Rafale fighter jets, it would probably take 3 years at the maximum. He noted that the tide is also turning with regard to India's economy with nearly 43% of its trade now being integrated with the global economy. It is highly unlikely that the rest of the world will give up on that sort of trade relations and help isolate India. Support for the insurgency and the spirit of resistance in Kashmir must be kept alive. In response to the possibility of the present crisis escalating towards conventional war, Dr. Adil Sultan also added that while he would love to make certain jingoistic statements in support of fighting the Indian army even with nuclear weapons there are certain caveats that need to be addressed. With regard to the threat of India crossing the LOC, AJK is a different

territory than IOK. If Pakistan is really that weak there, then why isn't the Indian military crossing over already. He further added that if Pakistan were to initiate a conventional engagement then focus would shift towards the LOC away from the Kashmiri struggle. Is that the outcome we want? He further asked what was stopping such a conventional war from escalating to a nuclear war. He noted that while Pakistan had its failings with respect to Kashmir, it was also worth considering the failings of Kashmir's Muslim leadership who were selling their own people a false narrative. Adding his perspective to the ongoing discussion and elaborating on what Lt. Gen Masood Aslam had referred to earlier regarding the intricacies of proxy war, Lt. Gen (R) Asad Durrani emphatically stated that there was no such mystery to the concept. It is a common knowledge that every country uses proxies. They can be called Mukti Bahini or Blackwater, but their existence throughout history has remained an open secret. What is however worth noting is that when the Kashmiri insurgency comes in whatever form, Pakistan will be blamed either way. There is no escaping that fact. Commenting on the extent of Pakistan's influence, he rhetorically asked 'Do you really think we can control them'? Referring to the mystique and notoriety that is often associated with the powers of intelligence agencies he stated that despite common perceptions, there remained a host of complexities to assume that expected outcomes can be as clear cut as those laid out in intended objectives. He also added, that if you have a problem with non-state actors, then call them state actors. Changing the nomenclature or status will in no way change the mindset which likes to put blame on Pakistan always. He further stated that with all this emphasis and novelty that has become associated with the concept of hybrid war, to him personally hybrid war just meant fighting smart and using all the tools and resources at ones disposal to that effect. He cautioned against using the threat of nuclear weapons because that would essentially akin to claiming that one is weak.

The final question for the session was posed by Dr. Zafar Iqbal Cheema in which he asked what the outcome would be if Prime Minister Modi were to railroad the Indian democratic system and move increasingly towards a more overtly authoritarian state model. He posed the question to the panel as well as the remaining speakers from the previous session all of whom presented their opinion. AVM (R) Faaiz Amir was of the opinion that all Indian citizens

took pride in being part of the world's largest democracy. He considered any such threat to the Indian democratic system unlikely as it was one of the primary factors that was earning them prominence within the global comity of nations. Lt. Gen (R) Masood Aslam responded to the question by stating that India's democracy despite being larger than that of the British or French democracies was not a genuine democracy as such. The regional input is huge and its representation as such is based on that. It also used to be a secular democracy, but that secularism has been done away with in the face of right-wing populism. While such trends are expected to rise and continue for the next few years, there is likely to be a significant implosion. Till then however will be a very hard time for Pakistan. Dr. Adil Sultan in offering his opinion stated that just like the Islamic State and Al-Qaeda had based their ideologies on a perverse interpretation of Islam, the present *Hindutva* ideology guiding the BJP too has a shelf-life. This might happen in a year, or even less, but it will eventually happen. Brig (R) Samson Sharaf also added to the argument stating that the only time India was as big as it dreams of now becoming was during the reigns of Ashoka and Chandragupta, which also were largely characterized by secularism. Lt. Gen (R) Talat Masood in contextualizing the present discussion within a wider international framework stated that democracy in general was declining the world over, with India and its rise of right-wing nationalism being a part of this global trend. It is worth noting that it is also Indian nationalism that is asserting itself in light of its enhanced global status. However, Dr. Zafar Iqbal Cheema while disagreeing with the panel stated that it was unlikely that secular India would do much in the face of Modi's right-wing nationalism considering what little it had done to challenge it in the first place over the last ten years. He questioned whether it was prudent to hold any faith in secular India and that he himself was seriously fearful of the fact that Modi would do away with Indian democracy in its entirety.

Speaking on Pakistan's approach to the crisis and bringing the seminar to a close, Dr. Cheema stated that we as a nation are not prepared. While he emphasized that he did not believe in a military option, it was unlikely that Kashmir would become India's Vietnam as stated by President AJK. This was because Pakistan did not have leaders like Ho Chi Minh or General Vo Nguyen Giap, which Vietnam had, to provide the kind of direction and unified leadership that is required. Based on that, Dr. Cheema stated that he was highly skeptical of the

commitment and level of preparedness of the Pakistani elite. With regard to the current Kashmir crisis, a lot of ingenuity is required on Pakistan's part. Great care needs to be taken to prevent the conflict head towards the military realm. He suggested that as such the Kashmir cause should be presented and struggled for as primarily a humanitarian issue that supports the fundamental rights of the Kashmiri people.

### **Rapporteur Remarks**

Dr. Zafar Iqbal Cheema invited Dr. Zafar Khan (Asst. Prof., SS Dept, NDU) to present the Rapporteur remarks. Dr. Khan summarized the important takeaways from the discussions and talks by the speakers. He began by quoting welcome remarks by Mr. Ross Masood Husain who highlighted the central theme of the seminar while reflecting that the situation in the Indian occupied Kashmir is grim and dangerous, potentially overshadowed by the nuclear weapons since Kashmir consistently becomes the “nuclear flash point” between the South Asian rivals possessing nuclear weapons. He provided a pessimistic comparative analysis of the contemporary Kashmir issue with the 1971 East Pakistan separation while urging the speakers of the key sessions to shed lights on the contemporary Kashmir issue by providing an effective and viable way forward.

Mr. Ahmer Bilal Soofi, analyzing his perspective on the contemporary Kashmir issue through the lens of international law/legal framework while reflecting some of his key pieces published in the leading Pakistani English news outlets in the 1990s and more recently. He highlighted the importance of one of the key documents entitled, “Legal Memorandum: The Status of Jammu and Kashmir under International Law” which is a must read piece for students, researchers, and policy makers to fully comprehend the legal status of the Kashmir in order to fight well the cause of Kashmir through the legal framework both regionally and internationally. His central argument was primarily based on the following key points: a) India cannot annex the Indian occupied Kashmir by abrogating the 370 article even if the Indian Supreme Court supports this illegitimate annexation as per the international law and United Nations key resolutions on Kashmir, b) there exists P-5 (The US, UK, China, France, Russia) commitment for

mediation on Kashmir issue, and c) the key Chapter 6 of the United Nations remains legally binding to support the cause of Kashmir and the Kashmir right for self-determination to decide their own future. However, the key question remains if and when the international community is serious about the timely implementations of these UN resolutions and legally binding Chapter 6 given the contemporary rising status of India where India economically, politically, and diplomatically very much remains integrated with the major and leading world powers when it comes to a realpolitik of the contemporary international order. The very spirit of international law and institutionalism is very often undermined and compromised at the expense of realpolitik circumstances, factors, and preferences.

The second speaker Brig (R) Samson Simon Sharaf comprehensively shed an historical context of *Hidutva* and RSS in India that has been responsible for many treacherous episodes in India. He highlighted that RSS has a primary political aim which is the supremacy of Hinduism and India's hegemony. Moreover, he stated that RSS once banned in India, is now ruling the country while chipping away everything both in India against the Muslim community and now in Indian occupied Kashmir.

While wrapping up the session, Ambassador (R) Ashraf Jehangir Qazi highlighted the key points of the session that Pakistan needs to timely and effectively support the Kashmir rights for self-determination while doing more. He asserted that "walking, not talking" should be a viable option for Pakistan. This depicts what Pakistan needs to further strategize both politically and diplomatically to help win the Kashmir cause for their rights of self-determination promised by the UN resolutions if and when they are implemented.

The chief guest of the seminar President Azad Kashmir Ambassador (R) Masood Khan highlighted the political and strategic dimension of Kashmir issue which has intensified the crisis between India and Pakistan. He highlighted that criticism on India both regionally and internationally exist, but at the same there has been a wide reluctance on the Kashmir rights for self-determination. On highlighting the nuclear dimension of the Kashmir issue, the President of Azad Kashmir asserted that how quickly any limited war between India and Pakistan could

escalate to a nuclear level while killing millions of people at both sides. Therefore, war does not suit India in general and the South Asian region in particular. While drawing the main conclusions, the President of AJK stated that a) the UNSC is not doing enough on Kashmir, but at the same time Pakistan needs to be consistent in its approach while urging the UNSC for its negligence on the Kashmir issue, b) since mediation is not working effectively, Pakistan needs to adopt other options such as supporting the Pakistani Diaspora helping fight the Indian growing Diaspora in the West and working effectively on the legal framework based international law to prevent the establishment of Indian political union and the perceived settlement of Indian occupied Kashmir, c) there is a need for more pro-active rather than reactive approach towards the issue of Kashmir, d) Pakistan needs to focus on the three core pillars with regard to the contemporary Kashmir issue: 1) defence, 2) economy, and 3) Kashmir, e) the Indian illegal annexation of Kashmir is an opportunity for Pakistan to become a great nation, f) we must not have an ambitious plan for which we lack the resources, and g) Pakistan should be confident and assertive enough in its fight for the Kashmir rights for self-determination through the lens of international law/legal framework and UNSC resolutions.

The second session of the seminar chaired by Dr. Zafar Iqbal Cheema, President/Executive Director, SVI, comprised of the three key speakers to unpack the military dynamics of Kashmir issue. The first speaker Air Vice-Marshal (R) Faaiz Amir evaluated in greater detail about India's military potential for aggression while elaborating India's key military doctrines such as the Sunderji military doctrine, Cold Start, Joint Warfare Doctrine, and more recently the Land Warfare doctrines. All these doctrines reflect that India has been building up its military forces specifically targeting Pakistan with the aim to wage surgical strikes/ limited wars against Pakistan. These war-fighting doctrines have created more crises and rather enhanced India's potential for more aggression in South Asia. AVM Amir touched upon various key scenarios as to how India might be planning to attack Pakistan and how the introduction of disruptive technologies is changing the dynamics of warfare in South Asia. He concluded his talk that there is need for a viable strategy to "subdue the enemy without fighting."



The second speaker of this session Lt. Gen (R) Masood Aslam talked about Pakistan's strategic and military options when it comes to the contemporary Kashmir crisis between India and Pakistan. While revisiting the often cited saying of Sun Tzu one of the ancient Chinese military strategists, that is, to "know yourself and your enemy." This reflected what viable and effective political, diplomatic and military strategy Pakistan needs to have in order to address the grave situation with regard to India's annexation of Kashmir. Gen. Aslam highlighted in detail the time line and strategy attached with regard to India's annexation of Kashmir. While highlighting India's coercive strategy against the people of Kashmir, he urged that Pakistan needs to have its own calibrated strategy in order to contain and confront India's annexation of Kashmir. In this context, he touched out the core objectives/strategy for Pakistan to focus on that is, survival of Pakistan as a state, Kashmir, and China-Pakistan Economic Corridor (CPEC) when it comes to Pakistan's socio-economic condition. All these core principles are significant to increase the sway of Pakistan in the international community. In addition, Gen. Aslam also highlighted other imperatives/options that Pakistan may need to focus on such as restraint, deterrence, disruption, emphasis on UNSC resolutions, civil-disobedience movement in the Indian occupied Kashmir, and indigenous insurgencies if and when possible. Also, Pakistan needs to effectively utilize all instruments of national power. He emphasized that all these options can be evaluated and later decided whether or not these options are workable or viable. While presenting some of the key recommendations, he highlighted the need for more pressure on India through international community that India would uplift the curfew, immediately restore the 370 article, restore all communications, and release all detainees and prisoners.

Dr. Adil Sultan the last speaker of the second session spoke on the dynamics and prospects of conflict escalation while raising an important question whether Kashmir is an ideological or political issue. Dr. Sultan highlighted the risk of military conflict, if any, on the contemporary Kashmir issue escalating to a nuclear level. Keeping the more recent Indian annexation of Indian occupied Kashmir, he elaborated why India devised a strategy of Cold Start and how Pakistan produced effective countermeasures in order to deny the Indian CSD against

Pakistan. He asserted that such a risk of escalation exists in South Asia while putting a question as to how ready we are as a nation if there is any military conflict between India and Pakistan.

The two key discussants of this session, Lt Gen (R) Talat Massod and Maj Gen (R) Qasim Qureshi, focused on the grim situation of the Indian occupied Kashmir while highlighting the role of major powers and the Muslim world. They emphasized the need for a comprehensive introspection of Pakistan strategy toward the contemporary issues with India in order to carefully evaluate and justify the need for the use of force at some point. However, they at the same time emphasized the need for China's and the US role to not only avert the potential India's annexation of Indian occupied Kashmir, but also help resolve the core issue of Kashmir through the UNSC resolution when it comes to the legitimate Kashmir right for self-determination.

In the end President/Executive Director SVI, Dr. Zafar Iqbal Cheema brought the seminar to a close by extending thanks to all the worthy speakers, discussants, chairs and participants. He especially thanked the audience for actively participating in the discussion and posing most pertinent questions, which resulted in a thought session. SVI team members were also appreciated for their collective effort in organizing and managing a successful conference.

### **Media Coverage**

The event was covered by the National Television.

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