



Webinar – Kashmir Solidarity Day

Report

Kashmir Dispute: Ideological, Legal and a Humanitarian Perspective

February 3, 2023

Prepared by

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Webinar – Kashmir Solidarity Day

“Kashmir Dispute: Ideological, Legal and a Humanitarian Perspective”

Strategic Vision Institute (SVI) held a webinar on “**Kashmir Dispute: Ideological, Legal and a Humanitarian Perspective**” in commemoration of Kashmir Solidarity Day on February 3, 2023. Brig. Khurshid Khan, Former Principal Palandri Cadet College, AJK; Mr. Oves Anwar, Director Research, Research Society of International Law (RSIL), Islamabad; and Ms. Farzana Yaqoob, Former AJK Minister and Secretary General, Kashmir Study Group, Institute of Policy Studies, Islamabad were invited as speakers.

The webinar was organized to express solidarity with the people of Kashmir in their struggle for the right to self-determination. The speakers deliberated upon the following areas:

- **Reappraisal of Kashmir Conflict: Indigenous Freedom Movement**
- **Indian Illegal Occupation of J&K: An International Law Perspective**
- **Indian Repression in Kashmir in the Post-2019 period: Options for Pakistan**

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WEBINAR – KASHMIR SOLIDARITY DAY

Kashmir Dispute: Ideological, Legal and a Humanitarian Perspective

Date: February 3, 2023
Time: 1000-1200 hrs (PST/GMT +5:00)

Role	Name	Organization
Chair	Dr. Naeem A. Salik	Executive Director, SVI
Speaker	Brig. Khurshid Khan	Principal, Palandri Cadet College, AJK
Speaker	Mr. Muhammad Oves Anwar	Director Research, (RSIL), Islamabad
Speaker	Ms. Farzana Yaqoob	Former Minister, AJK
Moderator	Ms. Zukhruf Amin	Research Officer, SVI

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Executive Summary

The webinar reviewed the history of the Kashmir dispute, the mediation process and underlying obstacles in handling the Kashmir dispute. The responsibility for the failure to resolve the dispute lies mainly with India as Pakistan accepted UN resolutions and recommendations while India refused them all. The roots of the Kashmir issue go back to 1931, when the people of the region rose up against their oppressive rulers. In 1948, India brought the Kashmir issue to the United Nations Security Council under Article 35 of the UN Charter. The UNSC adopted two resolutions, and founded the UN Commission on India and Pakistan. Subsequent UN Resolutions reiterated that the question of the accession of Jammu and Kashmir to Pakistan or India would be decided through a free and impartial plebiscite, but both sides failed to achieve a consensus. India continued to maintain a tight grip over Indian Occupied Kashmir through domestic and international illegal manoeuvres, causing damage to Pakistan's Kashmir policy.

Pakistan needs to develop a more proactive approach in crafting a narrative on Kashmir, adopting a legal perspective on the dispute rather than relying on emotional and rhetorical messaging. One of the fundamental issues is the lack of clarity in academic literature regarding the status of the disputed territory, which has resulted in Pakistan not being able to present its legal position effectively. Furthermore, India cannot legally establish its sovereign title over Kashmir, as a free and fair plebiscite is the only way to determine the region's status. Pakistan should build its argument based on war crimes rather than human rights violations and mobilize the Kashmiri diaspora to raise awareness about the situation.

The ongoing oppression of Kashmiris and the atrocities that have taken place in Kashmir since 2019 indicate that India is following in the footsteps of Israel. With the war crimes being committed in Kashmir, the Kashmiris have the right to fight back. It is important to acknowledge Kashmiris' right to fight back and improve coordination between the AJK Government and relevant government departments in Pakistan to find a workable solution.

Key Takeaways

1. India has been following the Israeli model of occupation in IIOJK. The Indian forces are committing violations of all norms in the region, yet there is no international body to stop India from committing these criminal acts.

2. The discourse of India's leadership demonstrates their unwillingness to talk on Kashmir dispute and consider the UNSC Resolutions though remain valid, have practically lost their value due to the unwillingness of Indian leadership to talk on Kashmir issue.
3. The stalemate over Kashmir dispute can lead to a renewed armed struggle that will have serious implications for sustainable peace in the region.
4. Since there is a state of armed conflict in Kashmir, not just a dispute; therefore, Pakistan needs to highlight it as a violation of laws of war i.e., war crimes and not just crimes against humanity.
5. It is of utmost importance to 'Name and Shame' the security personnel involved in committing war crimes so that they face denial of visas and face restrictions on international travel.
6. Mobilization of the Kashmiri diaspora to utilize their support is another critical aspect. They can be useful in changing the narrative from the human rights violations to war crimes and crimes against humanity.
7. The Government of AJK needs to improve its coordination with relevant government departments/ministries and synchronize its efforts with the Government of Pakistan to find a workable solution to Kashmir dispute.

Proceedings of the Webinar

Executive Director SVI, Dr. Naeem A. Salik, while opening the session, highlighted the importance of revisiting the history of the Kashmir dispute and its various aspects. He drew attention to two historical documents: “**The Kashmir Dispute After Six Years**” written by Mr. Joseph Corbel, a diplomat from Czechoslovakia, appointed as Special Representative of the UN in India and Pakistan for the resolution of Kashmir in the early days of the dispute, and “**Kashmir: A Case Study United Nations Mediation,**” which analyzed the mediation process, underlying obstacles, and hurdles in handling the issue. The issue continued to linger as there was a vague understanding of the UN resolutions, their implications, and context. Joseph Corbel’s book highlights how this issue became entangled in India-Pakistan rivalry. The records of six years of mediation in the Kashmir conflict clearly point to the responsibilities of the Governments of India and Pakistan. Pakistan cannot be blamed for the failure to resolve the dispute as it accepted the UNSC Resolutions, Sir Owen Dixon’s proposals, and most of Dr. Graham’s recommendations. It was willing to submit the proposal of demilitarization to an arbitrator and welcomed the British Commonwealth’s informal suggestions. However, India refused them all, and therefore, it cannot escape major responsibility for failing to resolve the Kashmir dispute. So, the onus lies on India for creating hurdles for resolution, even in the early years of the dispute.

It is noteworthy that the Simla Agreement established that all disputes between India and Pakistan would be resolved bilaterally, without the involvement of international organizations. However, towards the end of the Agreement, Pakistan managed to add a sentence stating that its position on Kashmir should be resolved according to the UN resolutions, without prejudice to the stated position of the two parties.

Brig. Khurshid was the first guest speaker of the webinar. He asserted that the roots of the Kashmir issue can be traced back to 1931 when the people of the region rose up against their oppressive rulers. The tension between the Maharaja and the local population persisted until 1934 when he allowed limited democracy in the form of a legislative assembly consisting of the Council of Ministers. However, this did not satisfy the local community, and the partition of the subcontinent made matters worse. The state of Jammu and Kashmir became embroiled in a dispute that could not be resolved, and was sabotaged by the Maharaja with the full support of the British.

From May 1947 to October 1957, the Maharaja was preparing to join India without publicly declaring it. His attempt to disarm Kashmiri Muslims, especially those belonging to the Poonch Division, was an indication of his intent. However, this was met with resistance, and as a result, a guerrilla movement developed in the areas that are part of the present-day state of Azad Kashmir. The movement drew strength from ex-soldiers from the Poonch Division who had earlier participated in World War II as part of the British Indian Army. Maharaja's double standards followed by India's military intelligence move led to the first India-Pakistan war over Kashmir. Brig. Khurshid said that he believe if Sheikh Abdullah, a pro-Indian Kashmiri leader from the Valley, had not played into Indian hands and helped mobilize the people from Kashmir Valley, in collaboration with the movement initiated by the people of Azad Kashmir, the situation would have been different.

In 1948, India brought the Kashmir problem to the United Nations Security Council (UNSC) under Article 35 of the UN Charter. UN intervention resulted in a ceasefire between the forces of the two countries. The UNSC adopted two resolutions, one each on February 5, 1948, and August 13, 1948, and founded the UN Commission on India and Pakistan (UNCIP). The UNCIP stated that the question of the accession of the State of Jammu and Kashmir to India or Pakistan would be decided through a free and impartial plebiscite. Subsequent UN Resolutions on the subject also reiterated the same stance. However, both sides failed to achieve consensus despite the sincere efforts made by the UN-sponsored mediators.

Over time, India continued to maintain a tight grip over Indian Illegally Occupied Jammu and Kashmir (IIOJK) through domestic and international oppressive manoeuvres. The frustrated Kashmiris from IIOJK decided to take up arms against Indian forces deployed in the Valley. The Government of Pakistan decided to support the indigenous Kashmir struggle through diplomatic, political, and military means. The Kashmiri Mujahideen in their fight against the Indian forces continued to get local support and caused extensive damage to India's military setups. Brig. Khurshid noted that Pakistan's intention was always to keep the situation under control and at no stage it should lead to an open war with India. During the early 1980s, the Kashmiri community both Muslims and Hindu Pundits were working together to fight against India. However, the Indian intelligence agencies managed to make an ingress in the ranks and file of the mujahedeen from IIOJK and Pakistan, gaining success in creating rifts within them.

The nuclear tests in 1998, the Kargil Conflict, and the attacks of 9/11, had a profound impact on the freedom struggle in Kashmir and Pakistan's Kashmir policy. As a result of these events, Pakistan's efforts to support the Kashmir cause suffered a setback. India emerged as the primary beneficiary of the 9/11 attacks.

Following the 9/11 attacks, the legitimate struggle of the Kashmiri people for self-determination was unjustly labelled as terrorism, benefiting India in the process. In the ensuing decade, the Indian military was successful in isolating and eliminating various freedom fighting groups operating within the IIOJK.

In 2019, India deployed a substantial number of troops, approximately 35000, into the already heavily militarized Kashmir Valley and launched a campaign against the people as part of a campaign to change Kashmir's demography. Since then, India has been changing the demographic composition of the Valley by bringing in Hindu settlers from India, which is a blatant violation of international laws. In August 2019, the Indian government abrogated Article 370 and 35(A) of the Indian constitution, which granted special status to Jammu and Kashmir. The move was widely rejected by Pakistan, which considers it a violation of the UN resolutions and the Simla Agreement. The annulment of Article 370 cleared the path for a complete settler-colonial undertaking in Kashmir, similar to the Jewish settlements established in the West Bank.

Consequently, the Kashmiris feel a sense of injustice, disillusionment, and humiliation. The transformation of IIOJK into a union territory was viewed as a political catastrophe that has been inflicted upon the people. Kashmiri scholar, Anuradha Bhasin, expressed concerns that the gradual erosion of Kashmiri rights and the increasing likelihood of colonization could lead to an escalation in violence. The people of IIOJK consider this move as a political betrayal and the beginning of an era where the use of violence will be deemed justifiable. Syed Babar, a lawyer based in Srinagar, expressed fears that India's decision would fuel radicalization and act as an **“invitation to foreign militants.”** He also highlighted that dialogue is no longer an option, as the Indian government has eliminated any space for politics, leaving nothing to negotiate between the Kashmiri people and the Indian government.

There has been a perception that Pakistan has not been taking a firm stance regarding its moral and legal support for the Kashmir indigenous freedom movement. Pakistan's support has been limited to rhetoric and symbolic representation since the beginning of the 21st century. President

Musharraf's proposal in 2004 to demilitarize seven zones of Kashmir based on religion, language, and culture was met with criticism within Pakistan for rolling back the Kashmir policy. Indian Prime Minister Manmohan Singh rejected the proposal, stating that India would not agree to redraw boundaries or partition. Since 9/11, India's position on Kashmir has become more rigid. India's leadership has shown reluctance to discuss the Kashmir dispute, thus the UNSC resolutions, although still valid, have lost their practical value.

The world's indifferent response to India's unilateral move of August 2019 reflects the attitudes of major powers and the Arab world led by Saudi Arabia. India has been following an Israeli model of occupation in IIOJK, with its forces violating the basic human rights in the region. Despite the severity of the situation, there is no international body to prevent India from carrying out these criminal acts. The Indian police force in Kashmir is a particularly nefarious institution that engages in war crimes and has complete impunity to act against the Kashmiri population. The UN, which is dominated by the vested interests of certain major powers, has shown no concern for the human rights violations taking place in IIOJK or other parts of India.

The Kashmiri people are disillusioned with both India and Pakistan due to the loss of life, property, honor, and the sufferings they have endured. The ongoing stalemate over the Kashmir dispute may lead to a renewed armed struggle, which could have serious implications for sustainable peace in the region. The people of IIOJK have been at war with India since 1947. They are presently isolated and at the mercy of India, with global opinion increasingly turning against them.

Brig. Khurshid expressed concern over the current state of Pakistan, citing social and political polarization, and a lack of institutional strength as significant challenges. He stated that Pakistan has limited ability to pursue its foreign policy effectively and aggressively. Thus, Pakistan does not want to initiate a war with India, but it still might have to because of the latter's continuous provocations that might force Pakistan into a "**do or die**" mission for its survival.

Mr. Oves Anwar was the second guest speaker of the webinar. He stated that Pakistan needs to be more proactive in developing a narrative on Kashmir. He pointed out that one of the fundamental aspects of this notion is that there is a vacuum on Kashmir in the academic literature. Therefore, there is a lack of clarity regarding the status of disputed territory internationally, and Pakistan has not invested in the academic literature to support its stakes in Kashmir. He indicated that Pakistan

needs to develop a more international legal aspect of the Kashmir dispute, rather than relying on an emotional and rhetorical approach.

Mr. Anwar discussed the legal parlance that Pakistan uses in its messaging: “**Indian Illegally Occupied Kashmir.**” He explained that legally, the term “**occupied**” has a very distinct meaning. An occupation is a type of armed conflict that takes place, when armed conflicts take place, the Laws of War, known as International Humanitarian Law, are applied. There are certain requirements that need to be met to qualify as an occupation, such as a certain territory placed under the control of the hostile enemy. The International Committee of the Red Cross (ICRC) defines an occupation as “**unconsented to effective control over territory to which you do not have Sovereign title.**”

Regarding Kashmir, India established its sovereign title by stating that there was an Instrument of Accession that was in its favour. A constituent assembly was established in 1951, which was dissolved in 1957. In 1954, India ratified the Instrument of Accession and declared Kashmir to be part of India. However, from an international law perspective, there is one problem for India. In 1951, the UN Security Council passed a resolution stating that any decision by the constituent assembly would not be accepted, and the only solution for transfer of title to India is through the act of a free and fair plebiscite. When the constituent assembly ended its exercise, another Security Council Resolution was passed which stated that the decision of the constituent assembly would not be accepted under international law. The only way that the title of Kashmir can be determined is through a free and fair plebiscite. Therefore, India cannot establish sovereign title over Kashmir legally.

The second requirement for an occupation is effective control. India has 900,000 soldiers in the disputed territory, and there are security personnel who are maintaining the control. India has extended its illegal control to the entire region. Through the control, they have suppressed any indigenous freedom struggle, which India labels as terrorism. The Indian troops were invited by Maharaja Hari Singh after the Instrument of Accession was signed, and there existed an inherent conflict of interest regarding the decision of Sovereign as ultimately the decision lies with the people of Kashmir through a free and fair plebiscite. The Indian troops are preventing them from exercising this right, and there is an ICJ ruling that justifies the claim. It says that this concept of conflict of interest vitiates any consent that could have been given before or that any invitation

was made. Therefore, all three requirements have been met under international law, and Pakistan's legal proposition is very strong when calling Kashmir "**under occupation.**"

Mr. Oves Anwar highlighted that in a wartime situation or armed conflict situation, the atrocities are not termed as human rights violation as it becomes a secondary thing. They are rather termed as a violation of the Laws of War or war crimes. Therefore, Pakistan needs to build its argument based on war crimes in Kashmir. There is also another justification that proves the presence of an armed conflict in Kashmir: the fact that there exists a Line of Control (LoC) and armed troops. Before the ceasefire, there was a continuous barrage of shelling and gunfire between the two countries. This proves the notion of an armed conflict, which is defined as the first bullet fired across an international border. Mr. Anwar further went on to indicate that the actions taken by India in Kashmir constitute crimes against humanity, including the use of pellet guns, torture, and murder, all of which are part of a systematic campaign to target the civilian population. These actions, according to the statement, require the application of International Humanitarian Law or the Laws of War. The statement emphasizes the need to address the magnitude of atrocities committed in Kashmir, and argues that Pakistan has various options available under international law, such as documenting the atrocities in a formal manner.

Another important aspect is the involvement of Indian security personnel in committing atrocities. Numerous cases have been filed with the Indian Supreme Court - thoroughly documenting these incidents. Unfortunately, these individuals have been granted impunity and, at times, even rewarded with medals for their heinous actions. These acts, as per international law, international human rights statutes, and the laws of war, constitute war crimes. It is noteworthy that the Magnitsky Legislation presents an interesting aspect. These are unilateral sanctions against human rights violators. It is imperative to "**Name and Shame**" the security personnel responsible for committing war crimes, so they face denial of visas and travel restrictions, as exemplified by the denial of entry into the US for Modi after the Gujarat pogrom.

As there is a state of armed conflict in Kashmir, rather than just a dispute, it is crucial for Pakistan to highlight the situation as a violation of the laws of war, i.e., war crimes. Additionally, mobilizing the support of the Kashmiri diaspora to effectively project the Kashmir issue is a critical aspect that needs attention. They can be instrumental in altering the narrative from human rights violations to war crimes and crimes against humanity. Mr. Anwar opined that it is vital to realize

that the status quo is no longer viable, especially after the abrogation of Article 370. He suggested that Pakistan should approach the ICJ. Although India has blocked all channels for taking the issue to the ICJ, Pakistan can seek an advisory opinion by getting a vote from one of the UN organs. Despite the challenges, this vote could alter the status quo.

Ms. Farzana Yaqoob was the last guest speaker of the webinar. In her discussion, she emphasized the importance of finding a solution for the ongoing oppression of Kashmiris. She drew attention to a case filed by Kashmiri lawyers in the UK known as Metropolitan War Crime. This case involves a resident of Azad Kashmir who crossed over into the IIOJK and was subsequently apprehended and murdered. His family took up the case, which Ms. Farzana cited as an example of how Kashmiris are moving forward in seeking justice.

Ms. Farzana went on to highlight the atrocities that have taken place in Kashmir since 2019, stressing that India is following in the footsteps of Israel. She pointed out that whatever Israel has done to Palestine in their territory is being done to Kashmiris. The Indian government has been taking away the properties of Kashmiris, including the houses of political representatives, particularly the Hurriyat Representatives. Recently, the Indian government issued a list of around 8000 pages that includes the properties to be taken away, including the office of United Nations Military Observer Group in India and Pakistan (UNMOGIP) in Kashmir. Ms. Farzana said that it is not just the Kashmiris who are facing the brunt of oppression, but international organizations as well.

Despite these challenges, some Kashmiris working for international media have been recognized and awarded for their efforts, talent, and skills, particularly given the difficulty of working in an occupied territory. Ms. Farzana cited Khurram Pervaiz as an example, a human rights defender who has been incarcerated for a long time and was recently awarded the “**Martin Ennals Award**” in acknowledgment of his services. However, he was unable to receive the award in person due to his imprisonment in an Indian jail in New Delhi.

Ms. Farzana agreed with Mr. Oves Anwar’s statement that war crimes have been committed in Kashmir, highlighting the existence of 900,000 forces in the disputed territory. She stressed that this gives Kashmiris the right to fight back, even if it is just by using stones. She said that Pakistan tends to be slightly apologetic in its stance on the Kashmir issue and emphasized the importance

of acknowledging Kashmiris' right to fight back; owning and acknowledging them for their bravery and courage.

According to Ms. Farzana, Pakistan is the only country that is vocal in highlighting the Kashmir issue, but the government of AJK needs to improve its coordination with relevant government departments in Pakistan. The AJK Government needs to synchronize its efforts with the Government of Pakistan to find a workable solution to the Kashmir dispute. The Kashmiris need to be present on the table to represent Kashmir as it is not a bilateral issue, but a trilateral one. Without the involvement of Kashmiris, progress is unlikely.

Ms. Farzana also pointed out that the coverage Pakistani media gives to Kashmir needs to improve. Kashmir is not just a human rights issue; there are many other perspectives attached to it. To name and shame the Indian security personnel, Ms. Farzana mentioned a book titled "**Structures of Violence**," which compiles war crimes committed by the Indian army and the Indian Government. She stated that Pakistanis should be more vocal highlighting Indian atrocities in Kashmir.

During the question/answer session, the participants deliberated on the **significance of the UN Peace Keeping Mission in Kashmir**. Mr. Oves Anwar explained that the mission was created by the UN Security Council to signify the existence of a dispute. He emphasized that there was no permanent international border between Pakistan and India in the Kashmir region. The presence of ceasefire observers indicated the presence of an armed conflict, which meant that the rules of International Humanitarian Law applied. He stated that India's non-recognition of UNMOGIP was illegal since India tried to fulfil the free and fair plebiscite requirement of the UNSC through the Constituent Assembly.

Regarding a question on **Pakistan's responsibility to represent Kashmiris on the foreign policy front**, Ms. Farzana responded that from 2011-2016, there was a close coordination between the Government of Pakistan and AJK. She emphasized the need to further improve the working relationship between both governments and suggested that think tanks in Pakistan should provide policy options for improving the working relationship.

A question regarding the Kashmir Conflict in the post-2001 period was raised. In response, Brig. Khurshid stated that after 9/11, the beneficiary was India. He emphasized the need for a consistent policy on Kashmir. Mr. Anwar stated that there needed to be clarity on the lack of

options and lack of capability. He explained that after 9/11 Pakistan was accused of being complicit in terrorism, and supporting the Taliban entities in Afghanistan. In such a firefighting situation, Pakistan was unable to make the best choices, which resulted in Pakistan not challenging India's labelling of the Kashmiri freedom struggle as a terrorist movement. Mr. Anwar brought to light that after 9/11, our country's role in supporting self-determination was significantly weakened. To remedy this situation, we now have the option to restore our image. However, this will require support from the Kashmiri freedom fighters themselves. Another potent tool that can be utilized is the voluntary acceptance of IHL. The Laws of War primarily apply to States or high contracting parties. Nevertheless, some entities are fighting against states. These entities can voluntarily adopt IHL to counter the narrative and re-establish themselves as part of the freedom struggle. It is a declaration of the entity's belief that they are not a terrorist organization.

Regarding a question on **the impact of the change of nomenclature from Ceasefire Line to Line of Control of 1972 on the legality of the Kashmir issue and its implications for Pakistan**, Mr. Anwar answered that there was no fundamental difference legally between the two terms. For Pakistan, the abrogation of Article 370 and Article 35(A) is akin to the original illegality that occurred in 1954. The abrogation of these articles finally justified our position since 1948. However, the most significant challenge lies with India itself. The manner in which Article 370, a constitutional provision, was removed was against constitutional norms. Legally, it requires a two-thirds majority to change the Constitution. Abrogating Article 370 required the consent of the Constituent Assembly. Nonetheless, the Constituent Assembly concluded in 1957. The High Court of Jammu and Kashmir stated that Article 370 has received permanence, even though it is referred to as a temporary provision, as the Constituent Assembly has ceased to exist. Modi changed the interpretation clause, and the Constituent Assembly became the Legislative Assembly. Since the legislative assembly was not in session in 1954, Modi argued that the Indian Parliament could make decisions on behalf of Kashmir. Therefore, the resolution to abrogate the Article was passed. The Supreme Court of India has not taken up the case since 2019 and has been delaying proceedings. These tactics gave Modi the space to divert the situation and make demographic changes in the region. The upcoming G20 Summit meeting in Srinagar will pose a foreign policy challenge for us since the Summit would imply the international community's acceptance of the region's dynamics. Therefore, apart from the abrogation of the special status, the important aspect is that a free and fair plebiscite cannot occur if there is a dilution of demographics. Demographics

must be maintained, and even under IHL, there are articles to ensure that a region's demographics are preserved. Pakistan must be cognizant of the fact that the forceful transfer of populations into or out of an occupied region is a blatant violation of the Geneva Conventions.

When asked about the **shift in focus towards great power competition, principles of the liberal world order after the Ukraine War, and the need for renewed attention on the Kashmir issue**, Mr. Anwar expressed that the debate on human rights has regained prominence. However, there have been noticeable differences in the response of the international community towards Ukraine, Palestine, and Kashmir. While theoretically all states are equal, this is not reflected in practical terms. Therefore, any action that needs to be taken on Kashmir must first be taken by the Kashmiris themselves, and then supported by Pakistan.

An important point was raised that the **current international law framework has a European context and colonial baggage, as the British played a major role in its formulation and codification. This has resulted in a legal discourse that is rooted in colonialism and undermines the right to object**. Mr. Anwar added that the damage caused by colonization is not limited to the colonization of land and resources, but also includes the colonization of minds. This has resulted in serious capacity issues and a lack of confidence in our abilities to make the right decisions. However, just like Ukraine has established an international tribunal for Russian war crimes in Europe, Pakistan can also use international processes to strengthen its case on Kashmir. This can be achieved by utilizing lawfare, which involves using international law to advance one's position.

While responding to a question on **the need to prevent demographics in Kashmir against India's unrelenting attempts for demographic changes**, Mr. Anwar expressed that dilution of the domicile laws poses a challenge to the Kashmiris who were state subjects under Article 370 and 35(A) before their abrogation. He compared India's actions to the Israeli playbook in Palestine, with protected enclaves being established for Kashmiri pundits, similar to illegal Israeli settlements in Palestine. Mr. Anwar also pointed out that India's policy of collective punishment and abolishing the properties of Muslims in India and Kashmir violates IHL. He warned that Pakistan is not dealing with a rational actor, as India has become a Hindu nationalist state that wants to get rid of the Muslim majority state of Kashmir. Therefore, Pakistan needs to be aware of India's intentions and act accordingly.

Overall, the question/answer session highlighted the different dynamics of the Kashmir conflict and the challenges faced by Pakistan in resolving it. While legal options are available, they may not be effective in the absence of political and diplomatic efforts to resolve the dispute. It is clear that a concerted effort by Pakistan, the international community, and Kashmiri representatives is necessary to find a peaceful and just resolution to the conflict.

The webinar was concluded by the Executive Director, Dr. Naeem A. Salik. He referred to Sheikh Abdullah's decision in the 1950s and stated that it was an error of judgment, which has now been acknowledged by political leaders like his son Farooq Abdullah. They have recognized that the decision taken by Sheikh Abdullah and his generation was flawed. They have endorsed Jinnah's idea of creating a separate homeland for the Muslims. Dr. Salik then pointed out that the nuclearization of South Asia in 1998, while providing assurance of security, also tends to perpetuate the status quo. The military option to resolve the Kashmir problem is no longer viable due to the potential dangerous consequences. He highlighted the missed opportunities, particularly during the Sino-India War in 1962 when President Kennedy pressurized Pakistan not to take any action in Kashmir. President Ayub Khan later regretted this decision, as it was made on a vague promise by the Americans that India would come to the negotiating table once the conflict was over. This led to negotiations between Prime Minister Zulfikar Ali Bhutto and Mr. Swaran Singh in 1963, known as the Bhutto-Swaran Singh Talks, which ultimately failed.

According to Dr. Naeem A. Salik, it is our responsibility to thoroughly research and expose the incidents that India has orchestrated in Kashmir. For instance, the Chattisinghpora incident where Indian forces killed villagers and falsely accused Pakistan. The accusations coincided with President Clinton's visit to India. The US condemned the act as terrorism, which worked in India's favour. However, later investigations revealed that it was a staged operation carried out by the Indian security forces themselves. Dr. Salik expressed concern that despite the availability of social media and communication tools, we have not been able to effectively utilize them to project our stance on Kashmir. Therefore, it is crucial to present our case at international forums while keeping our national agenda in mind. We need to continue this movement at all levels, through appropriate discourse, writings, and through use of social media, to effectively raise awareness on the Kashmir issue.