

# FUTURE OF KASHMIR'S SELF DETERMINATION MOVEMENT

RESEARCH REPORT

A Special Report of the CCSR South Asia Security Program.



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**CSCR** | CENTRE FOR STRATEGIC &  
CONTEMPORARY RESEARCH

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# South Asia Security Program

The South Asia Security program focuses on the security landscape of South Asia. It also analyses the political trends and activities while simultaneously recording the responses of regional players.

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## **Recommended citation:**

Maryam Raashed et al, “Future of Kashmir's Self Determination Movement,” *Centre for Strategic and Contemporary Research*, last modified September 2021.

## Acknowledgement

I extend my sincerest gratitude to the Centre for Strategic and Contemporary Research (CSCR) for allowing me to become a part of this research project. I am immensely thankful to Mr. Anas Abdullah, the Executive Director of CSCR for entrusting me with this initiative.

I am extremely thankful to Mr. Talha Ibrahim, the Director Academics at CSCR, who earnestly led and supervised this research project. I would also appreciate the Editorial Board at the CSCR, specifically Ms. Ailiya Naqvi, the Managing Editor at CSCR for leading the editorial process of this research report. Pertinent to mention here is the role of my colleagues from the Academics Directorate, who contributed their constructive criticism and insights into this project. I also appreciate the efforts of the Creative Directorate, the Operations and Outreach Directorate, and the Social Media Team for designing, promoting, and executing this project.

Most importantly, I would like to express my immense gratitude and utmost regard to all the survey respondents who responded promptly and positively towards my questionnaires and queries. Certainly, conducting this research was not possible without gaining the learned expertise of professionals coming from different sectors of Pakistan's academic and strategic community.

Lastly, I want to thank my workplace seniors, colleagues, family members, and friends for supporting me through out this experience of professional and personal learning and growth.

- Maryam Raashed

# Contents

About CSCR.....	iii
South Asia Security Program .....	v
Acknowledgement.....	vi
List of Abbreviations.....	1
Executive Summary .....	6
<b>Chapter 1</b>	
Introduction.....	8
<b>Chapter 2</b>	
Historical Background.....	11
<b>Chapter 3</b>	
Current Situational Analysis .....	21
<b>Chapter 4</b>	
Lessons From Other Self-Determination Movements .....	28
<b>Chapter 5</b>	
Political Dimension Of Kashmir's Self-Determination Movement .	42
<b>Chapter 6</b>	
Armed Struggle Of Kashmir Self-Determination Movement .....	46
<b>Chapter 7</b>	
Assessing the Role of China .....	55
<b>Chapter 8</b>	
Survey Report.....	62
<b>Chapter 9:</b>	
Pakistan Facilitation of Kashmir Self-Determination Movment.....	82
<b>Chapter 10</b>	
Conclusion and Recommendations .....	86
<b>Chapter 11:</b>	
Notes .....	89

# List of Abbreviations

## -A-

**APEC:** Asia-Pacific Economic Cooperation

**APHC:** All Parties Hurriyat Conference

**AFSPA:** Armed Forces Special Powers Act

**ALN:** Armée de Libération Nationale – National Liberation Army of Algeria

**AJK:** Azad Jammu and Kashmir

## -B-

**BJP:** Bharatiya Janata Party

**BRI:** Belt and Road Initiative

## -C-

**CIIR:** Catholic Institute for International Relations

**CRPF:** Central Reserve Police Force

**CPEC:** China-Pakistan Economic Corridor

**CPI:** Communist Party of India

**CPI-M:** Communist Party of India (Marxist)

**CRUA:** Revolutionary Committee of Unity and Action

## -D-

**DDC:** District Development Council

**DeM:** Dukhtaran-e-Millat

**DSDBO:** Darbuk-Shyok-Daulat Beg Oldi

-E-

**ELF:** Eritrean Liberation Front

**EPLF:** Eritrean People's Liberation Front

-F-

**FLN:** Front de Libération Nationale, Algerian National Liberation Front

**FATF:** Financial Action Task Force

-H-

**HuM:** Hizbul Mujahideen

-I-

**ICJ:** International Court of Justice

**ICTs:** Information and Communication Technologies

**IIOJ&K:** Indian Illegally Occupied Jammu and Kashmir

**IOJ&K:** Indian Occupied Jammu and Kashmir

**IS:** Islamic State

**ISI:** Inter-Services Intelligence

**ISPR:** Inter Services Public Relations

**-J-**

**J&K:** Jammu and Kahsmir

**JeM:** Jaish-e-Mohammed

**JKCCS:** J&K Coalition of Civil Society

**JKDPF:** J&K Democratic Freedom Party

**JKLF:** J&K Liberation Front

**JKNLF:** J&K National Liberation Front

**-L-**

**LAC:** Line of Actual Control

**LeT:** Lashkar-e-Taiba

**LOC:** Line of Control

**-M-**

**MENA:** Middle East and North Africa

**-N-**

**NATO:** North Atlantic Treaty Organization

**NC:** National Conference

**NCP:** National Congress Party

**NWFP:** North-West Frontier Province

**-O-**

**OAU:** Organisation of African Unity

**OIC:** Organisation of Islamic Cooperation

-P-

**PDP:** Peoples Democratic Party

**PIPFPD:** Pakistan-India Peoples' Forum for Peace and Democracy

**PFF:** People's Anti-Fascist Front

-R-

**RSS:** Rashtriya Swayamsevak Sangh

**RENETIL:** Resistência Nacional dos Estudantes de Timor Leste, National - Resistance of East Timorese Students

-T-

**TTG:** Transnational Terrorist Group

**TuM:** Tehreek-ul-Mujahideen

-U-

**UDHR:** Universal Declaration of Human Rights

**UN:** United Nations

**UNGA:** United Nations General Assembly

**UNHCR:** United Nations High Commissioner for Refugees

**UNSC:** United Nations Security Council

**UNSCR:** United Nations Security Council Resolution

**USIP:** United States Institute of Peace

**USSR:** Union of Soviet Socialist Republics

-W-

**WIPSA:** Women's Initiative for Peace in South Asia

## Executive Summary

The self-determination movement of Kashmir entered a critical juncture following India's unilateral revocation of Articles 370 and 35-A from its constitution. This watershed development for the Indian-occupied Kashmir, as well as the larger South Asian region, was followed by increasing Indian hegemonic activities in the disputed territory. This was also coupled with an increase in human rights violations ensued by an escalation in restrictions on political, social, economic liberties, along with extra-judicial killings, arbitrary detentions and an indiscriminate counter-insurgency operation launched by the Indian government.

As of now, Kashmir's self-determination movement enters its 74th year employing strategic and political dimensions, with a role of indigenous political parties along with armed struggle. Youth and women of the disputed territory have also played a characteristic role in this struggle. However, structural repressions and curbs by the Indian government have considerably shrunk political activity in the region, specifically after August 2019.

As per the international law, self-determination is a legitimate and legal right that allows people and nations in any country to practice statehood, sovereignty of governance, territorial integrity, and cultural autonomy as per their free will. Studying the self-determination movements of East Timor, Eritrea, and Algeria suggest that successful self-determination movements are ensued with conducive international political environment, international support, effective and inclusive political activism, and a strategic armed struggle.

Amid the rising tide of nationalism across the globe, the thriving forces of economic interdependence, and the growing convergence of India with the West, the international response to India's illegal actions and policies has not been much impactful. Also, from differing Indian domestic circles, the popular and hyper-nationalist BJP government has received appreciation for the illegal revocation of Article 370 and 35-A. It is in this backdrop, that a majority of Pakistan-based experts believe that status quo over the Kashmir issue may prevail in the future.

Around 71 per cent of Pakistan's academic and strategic experts over the Kashmir

issue believe that the revocation of Article 370 and 35-A is a direct consequence of expansionist Hindutva ideology, taking roots in India. Another 86 per cent of experts believe that there are negligible chances of socio-economic development in IOJ&K post August 2019. These findings have been gained from a survey conducted by CSCR, as a part of this special research report. The survey has also revealed that a majority of Pakistan's expert, approximately 80 per cent believe that there prevails a likelihood of limited confrontation over the Kashmir dispute between India and Pakistan. 67 per cent experts believe that a nuclear confrontation between the two countries may take place over the Kashmir issue. Hence, appropriating academic and research faculties towards understanding this issue is even more pertinent now.

In a post-August 2019 scenario, it is important that the people of Kashmir recalibrate and rethink the strategic and non-strategic dimensions of the struggle. Regarding armed struggle, around 62 per cent of Pakistan's experts believe that the indigenous people of Kashmir should continue their armed struggle. A characteristic role can be played by the Kashmiri diaspora by actively pitching in to shape international opinions. It is also pertinent that Kashmiri's right of self-determination and armed struggle be sensitised as the legitimate and legal right of the people. The provisions under Geneva Convention, International Covenant on Civil and Political Rights, and the International Humanitarian Law can be tapped for strengthening the legal case of disputed Kashmir.

Around 40 per cent of Pakistani experts believe that Pakistan's inability to devise a cogent and comprehensive action plan is a major shortcoming in Pakistan's Kashmir policy. While 92 per cent of the experts displayed their dissatisfaction towards the performance of the Parliamentary Committee on Kashmir, an overwhelming majority does not consider it to be a major shortcoming in Pakistan's Kashmir policy. Hence, Pakistan can take up several new initiatives in this regard. 36 per cent of the respondents believe that Pakistan should improve its economic standing in order to create a conducive environment for Kashmir and Pakistan. The government of Pakistan can gain the ICJ's advisory opinion on the Kashmir dispute; however, this is subject to the UNSC and UNGA referral. Pakistan can also push for the establishment and functioning of independent and impartial investigative/fact-finding bodies that can probe into the human rights violations and war crimes perpetrated by the Indian government.

## CHAPTER 1

# Introduction

In August 2019, the Indian government abrogated Article 370 and Article 35-A from the Indian constitution. Consequently, the IOJ&K, which has remained under the Indian control for over seven decades now, lost the legal grounds that mandated it the status of a disputed territory under the constitution of India. The Indian action is deemed as a unilateral occupation of the disputed territory, which comes at a stark disregard of the popular sentiment that prevails in the occupied valley against the Indian government. Termed as a watershed moment in the history of Kashmir, the occupied valley now stands at a critical juncture with no clarity about the future of its self-determination struggle. It is under this backdrop, that the CSCR plans to formulate a special report that entails a comprehensive strategy on how the people of Kashmir should uphold their struggle for self-determination through both peaceful and legitimate violent means. The report also sheds light on the policy options that can be opted by policymakers in Pakistan to attach greater political and diplomatic support to the Kashmir issue.

## Research Questions

The research questions of the report are as follows:

1. What is the current political, economic and security situation of the IOJ&K?
2. What can the Kashmiri freedom movement learn from other self-determination movements that have met a successful end in the past?
3. How Kashmiri youth can be mobilised to highlight Kashmir issue?
4. What forceful means should Kashmiri people explore under the international law for armed struggle?
5. How can Pakistan facilitate Kashmiri people in the current situation?

## Significance of the Research

Ever since the unilateral occupation of the Kashmir valley by the Indian government, policymakers in Pakistan have largely remained unclear over devising a future roadmap to diplomatically highlight the issue. Moreover, decades of continuing Kashmiri struggle against the Indian control have also borne little results. As the self-determination movement of Kashmir sets on the tread of an even more uncertain future, it is pertinent that appropriate response mechanisms for the people of Kashmir and policy makers in Pakistan be devised. In this regard, this report shall help in filling the existing policy gaps by establishing a research-based comprehensive strategy that ensures the continuation and sustainability of Kashmir's self-determination movement against the Indian occupation.

## Report Layout

The report will be divided into eight sections. The first section will provide a comprehensive overview of the report. The next section of the report shall present the historical context of Kashmir's self-determination movement. A situational analysis of current political, economic and security situation of the occupied valley will be provided in the third section. The fourth section of the report shall incorporate a study of different successful self-determination movements that have existed in the past, to deduce some lessons for the Kashmir self-determination movement. The fifth section will cover the political dimension of the movement with a special focus on the potential future role of Kashmiri youth and women in highlighting the issue. The fifth section will cover the armed struggle aspect of the movement. This section will explore the modalities that might ensure effective indigenous Kashmiri armed struggle against the Indian forces. The seventh section will examine the ways through which Pakistan can facilitate the Kashmiri movement in the future. Conclusion and recommendations will be provided in the last section.

## Methodology

The research design that is employed for this report is descriptive in nature. The research approach will be mixed methods. For the report, both primary (surveys etc.) and secondary sources (research papers, newspaper articles,

documentaries, books, monographs, working papers, website analyses, issue briefs, reports, etc.) will be used.

## CHAPTER 2

# Historical Background

The dispute over the self-determination of J&K spans over seven decades. Located in South Asia, the land of J&K has remained subject to a territorial dispute between India and Pakistan. This territorial dispute has however, compromised the human and political rights of those in the disputed areas of J&K where the Indian state exercises its control. Following August 2019, the Indian government has institutionalised its direct control in this territory, through domestic legislative measures that are subject to contestations as per international laws and obligations. This chapter shall present a comprehensive history of the dispute, beginning from 1947 i.e. the exit of British rule from the Indian subcontinent leading to the formation of two independent countries, India and Pakistan.

### 1947 to 1950s

In 1947, J&K, one of some 560 princely states in the Indian subcontinent, was mandated to accede to either of the newly formed dominions after the lapse of British paramountcy. As a princely state, J&K possessed complete legislative and jurisdictional powers, under the British paramountcy.<sup>1</sup> It was a Muslim majority state ruled by ethnic Dogras - upper-caste Hindus. According to the 1941 British census, Muslims constituted 77 per cent, whereas Hindus and other religious minorities constituted 23 per cent of the total population of J&K.<sup>2</sup> It was territorially contiguous to both India and Pakistan, however, it had close trade, commercial and transport ties with Pakistan's western Punjab and NWFP.<sup>3</sup> Although the Maharaja signed a Standstill Agreement with Pakistan on August 12, he remained indecisive over Kashmir's accession.<sup>4</sup>

Muslims' political mobilisation against the Maharaja's rule in J&K had taken a head up as early as in 1930s.<sup>5</sup> In October 1947, this transpired into a full-blown confrontation between India and Pakistan. Earlier, in June 1947, the Muslims of Poonch initiated a "No Tax Campaign" against the rule of Maharaja, which quickly transpired into a successionist movement. The situation further escalated when the Muslims in Poonch and Srinagar

celebrated Pakistan Day on 14 August 1947, rather than Kashmir Day which was historically celebrated in Kashmir on the same date since 1931.<sup>6</sup> For managing the brewing situation, martial law was enforced in the territory. However, Muslims' riots against state forces continued to grow. In Jammu, where the Hindus and Sikhs lived in majority, communal clashes increased. In view of mass protests against the Maharaja, Muslims in Jagir of Poonch were disarmed. The arms confiscated from Muslims of Poonch ironically acceded to the non-Muslims of the area, resulting into atrocities perpetrated by RSS extremists and the state's armed and police forces against Muslims.<sup>7</sup> Thereafter, the Poonch resistance acquired its weaponry from the erstwhile North West Frontier Province, which had historically manufactured and smuggled arms. It is also suggested that local tribesmen from NWFP and small groups of volunteers from the West Bank of Jhelum also infiltrated the Poonch resistance, to fight along the Muslims' resistance in Poonch, Jagir and Srinagar.<sup>8</sup>

As the Poonch resistance gathered strength, the Maharaja quickly signed an instrument of accession with the Indian government on 27 October 1947, the validity of which is subject to several contestations.<sup>9</sup> A factor exclusive to this instrument of accession was J&K's retention of a semi-autonomous status, affording India control over matters of defence, external affairs and communication only.<sup>10</sup>

The infiltration of Pakistani volunteers in J&K, was perceived by the Indian state as Pakistan's aggression against a territory that had expectedly qualified as an Indian territory after the signing of the instrument of accession. Soon after, on India's command, an Indian armed forces battalion was dispatched to Srinagar.<sup>11</sup> In Pakistan, Muhammad Ali Jinnah, the governor general, ordered General Douglas Gracey, the Commander-in-Chief of Pakistan Army to dispatch Pakistani troops. This was however not materialised, due to General Gracey's resistance against the deployment.<sup>12</sup>

Confrontation between the Indian forces and Kashmiri resistance movement continued. Initially, though the resistance movement was greater in magnitude and more acquainted with the terrain, but the state forces enjoyed an upper hand. However, as winter approached and snowfall started, the insurgency quickly reclaimed its initial gains. The insurgent forces were able to hold control over the areas in Poonch, Mirpur and

Muzaffarabad. On 3 October 1947, these western Jammu districts were announced to be *Azad* (Free) Jammu and Kashmir, under a provisional government in Rawalpindi.<sup>13</sup> As the situation slipped out of Indian hands, Lord Mountbatten, the then Governor-General of India, proposed the involvement of the UN in the conflict. In January 1948, India filed its complaint against Pakistan to the Security Council under Article 35 of Chapter 6 (corresponding to pacific settlement of disputes) of the UN Charter. In response, the UNSC adopted resolution 38 on January 17<sup>th</sup>, resolution 39 on January 20<sup>th</sup> and resolution 47 on April 21<sup>st</sup>. As adopted under Chapter 6, the resolutions were non-binding in nature. Resolution 38 and 47 called for plebiscite in Kashmir. Resolution 47 also called for withdrawal of Pakistani tribesmen, with Indian forces following the suit and ensuring minimum presence of the Indian forces in the area. India was also guided to set up a plebiscite administration apparatus. The resolutions were never enforced due to failure in the two-step demilitarisation process.<sup>14</sup> Even after the subsequent passage of UNSC Resolution 80 that called for joint withdrawal of militaries of India and Pakistan, India continue to use UNSCR 47 as a pretext for its abstention from troops withdrawal.

In March 1948, the Maharaja formed an interim government with Sheikh Abdullah as the Prime Minister of the state. A year later, after Hari Singh's abdication of power in the favour of his son Karan Singh, the political leadership of J&K joined the Indian constituent assembly to discuss the provisions of Article 370 under the Indian constitution. Resultantly, J&K was accorded a special status under Article 370 of the Indian constitution.<sup>15</sup>

In March 1950, a landmark development in the legal case of the Kashmir dispute took place, with the passage and adoption of UNSCR 80. The UNSCR 80 called India and Pakistan for a simultaneous and progressive withdrawal of their respective controlled territories of J&K. This was a shift from UNSCR 47, which demanded Pakistan to initiate troops withdrawal on prior basis.<sup>16</sup> More importantly, at the time of the adoption of resolution 80, India was also a part of the UNSC as a non-permanent member. Hence, India itself voted for a simultaneous troop withdrawal from J&K. Another important aspect of UNSCR 80 is its de-facto acceptance of AJK, as it equated AJK troops with IIOJK troops.

## 1960s to 1970s

During the 1960s, a new face of Kashmiri struggle based on the notion of '*Kashmiriyat*' or the Kashmiri identity emerged. Essentially being secular in its nature, this Kashmiri nationalist movement was informed by the idea that Kashmiri identity was an amalgam of Muslim, Hindu and other traditions. Hence, this movement demanded the establishment of an independent and democratic state of Kashmir as it existed prior to 1947.<sup>17</sup> Among the number of parties and organisations spearheading this movement, the JKNLF established in 1965, was the most prominent one.<sup>18</sup> For decades to come, JKNLF remained a prominent secular movement pushing for the independence of Kashmir.

In 1965, the second armed conflict between India and Pakistan took place in April at the Rann of Kutch, a piece of an arid desert land, bordering Pakistan's Sindh province and adjacent India's Rajasthan state.<sup>19</sup> This confrontation came three years after India's exhaustive engagement and defeat in the India-China war fought in 1962. The confrontation was tapered down after Britain's intervention and the signing of an accord of ceasefire between the two countries on June 30, 1965.<sup>20</sup>

Confident over its military superiority during the confrontation of Rann of Kutch, later in August, Pakistan launched Operation Gibraltar. This was a covert operation that aimed at infiltrating armed guerrilla bands to disrupt the communication systems of India, and to attack nodal points to tie up the Indian army.<sup>21</sup> Pakistan further raised the stakes by launching Operation Grand Slam. The operation was an armoured thrust, attacking the Akhnur Bridge, a strategically significant point connecting Kashmir to India. The momentum of the operation faced a break due to sudden change of command in Pakistani forces.<sup>22</sup> The escalation followed by Operation Grand Slam, however, resulted in India into opening a front in Wagah, Punjab.<sup>23</sup> On-ground confrontation between India and Pakistan continued for around 17 days, ending in stalemate after massive personnel and economic losses. However Pakistani forces displayed an impressive show of tactical and aerial superiority over Indian forces.<sup>24</sup> Ultimately, a ceasefire brokered by the Soviet Union, calling both the states to return to pre-September 1965 territorial positions was signed in Tashkent on January 10, 1966.<sup>25</sup>

In 1977, Kashmiri diaspora formed its first tangible association in Birmingham, which led to the formation of JKLF. Tracing its roots in the Indian-held Kashmir, the JKLF was a pro-independence group. It played an instrumental role in turning Kashmir issue into a global cause, raising awareness about it at global levels.<sup>26</sup>

## 1980s to 1990s

In the late 1980s, an insurgency broke out in the IIOJ&K against the state. The outbreak of this insurgency is generally attributed to rising religious fundamentalism across the globe: Mujahideen's success against the Soviet forces in Afghanistan, the establishment of an "Islamic" revolutionary government in Iran, and the Palestinian Intifada against Israeli occupation, along with the emergence of new nation states across the world.<sup>27</sup>

However, the key factor that triggered insurgency in Kashmir was the 1987 state election, faltered with rigging on a massive scale.<sup>28</sup> Despite the popular support that the coalition of the Muslim United Front had garnered owing to its pro-democratic stance, it won only four seats out of 76. On the other hand, the NC – Congress alliance won a landslide victory, securing 62 seats.<sup>29</sup> Aggrieved over the rigged and distrustful nature of the political apparatus, Kashmiri youth started joining the JKLF. Tracing its roots in the Indian-occupied Kashmir, the JKLF was established in 1977 with the aim of gaining self-determination in Kashmir via three fronts: political, diplomatic and armed struggle.<sup>30</sup> In 1986, the President's rule was imposed on the state, bringing the state directly under the central government of India.<sup>31</sup>

On 1 August 1989, the JKLF announced to begin its armed struggle. However, until January 1990, the insurgency was poorly armed that conducting limited and sporadic attacks against the police and para-military forces.<sup>32</sup> As the insurgency took strength, it invited human rights abuses against innocent and unarmed Kashmiris by the Indian forces. The Indian government deployed around 200,000 army, border security force and CRPF personnel to quench the insurgency.<sup>33</sup> By mid-1991, the Indian state had managed to contain the insurgency.<sup>34</sup> From early 1995, India started training local auxiliaries to attack the insurgent groups.<sup>35</sup> In the mid-1990s, India launched the Ikhwan-ul-Muslimoon, a counter-guerilla group, with

the aim of shifting the balance in favour of India.<sup>36</sup>

The insurgency also led to the migration of Hindu Pandits resulting from attacks against them, mainly for providing intelligence to the Indian forces. However, the attacks and migration of Pandits are contested for being overestimated, with Muslims being far greater targets.<sup>37</sup>

In 1994, The JKLF declared a ceasefire, whereas it's then Chairman Yasin Malik claimed of having adopted "Gandhian" means of non-violent struggle to achieve its goals.<sup>38</sup>

In the late 1990s, South Asia plunged into a sharp strategic disparity after India conducted its nuclear tests in May 1998. This was followed by grave threats to Pakistan's integrity by the Indian political establishment.<sup>39</sup> On May 28, 1998, Pakistan detonated its nuclear weapons by testing its short-range ballistic missiles. Pakistan's nuclear weapon was claimed to be India-centric and came in response to the India's move to destabilise the region's strategic stability.<sup>40</sup>

In the spring of 1999, India and Pakistan were once again engaged in a limited military confrontation over the issue of Kashmir. This time in the Kargil sector of J&K across the LOC. The conflict came in the backdrop of India's capturing of the Siachen glacier in 1987, and the achievement of nonconventional strategic stability between India and Pakistan. In October 1998, around 200 Northern Light Infantry troops of Pakistan initially entered into the Kargil sector.<sup>41</sup> While, the troops were to occupy around eight to ten Indian check posts, they successfully occupied around 153 posts.<sup>42</sup> Indian troops being off the posts due to extremely cold weather managed to retaliate as late as May 1999.<sup>43</sup> On Pakistan's side, the operation was fraught with information lapse and lack of communication between the political and military establishment. While Pakistan was on a military advantage, the diplomatic and political backlash to Pakistan turned out to be detrimental.<sup>44</sup>

## 2000 and onwards

In early 2000s, pursued by Pakistan, the Kashmir issue was close to some resolution. In December 2003, Pakistan's President General (R) Pervez Musharraf offered a four-point solution for the dispute over Kashmir. The initiative depicted Pakistan's commitment and will for the resolution of Kashmir issue. The four-point solution was built upon the normalisation of security situation in Kashmir, along with functional operationalisation of borders.<sup>45</sup> Pakistan also pledged to rule-out any sort of support to illegal cross-border infiltrations. The solution comprised of the following points:<sup>46</sup>

- i. Softening of borders: free movement of people and trade across the borders.
- ii. Selective/phased withdrawal of both countries' troops from identified zones of Kashmir.
- iii. Self-governance of Kashmiris in IOJ&K. (not independence)
- iv. Establishment of such mechanism that allowed both Indian and Pakistan to mutually supervise the disputed territory.

Khurshid Mahmud Kasuri, Pakistan's former Foreign Minister in his book "Neither a Hawk nor a Dove" suggests that the solution to Kashmir "was in the grasp of both governments".<sup>47</sup> The Vajpayee administration accepted Kashmir as a bilateral territorial dispute between Pakistan and India and expressed its good will for the four-point solution. However, after the establishment of Manmohan Singh's government, the Indian state reasserted India's traditional territorial claim over Kashmir.<sup>48</sup> On the other hand, Pakistan faced domestic political instability with the initiation of the lawyers' movement. The domestic political situations in both India and Pakistan, therefore, brought the Kashmir issue back to square one.

Hostility between India and Pakistan once again erupted, and the two countries were once again on the brink of war after a number of terrorist attacks took place in different parts of Mumbai for four consecutive days in November 2008. Out of 10 terrorist attackers, one who survived, Ajmal Kasab traced his origin to Pakistan. Ajmal Kasab claimed that he was associated with LeT and was provided with arms and ammunition by the ISI – Pakistan's premier spy agency.<sup>49</sup> While the government of Pakistan condemned the attacks, India was quick to blame Pakistan for sponsoring

terrorism in India.<sup>50</sup>

In the summer of 2008, the people of the IIOJ&K registered largest demonstrations of civil uprising against the Indian government since 1994.<sup>51</sup> The protests erupted when the state government handed over around 100 acres of land for pilgrims to a Hindu shrine.<sup>52</sup> In 2010, civil uprisings set up once again after the Indian Army's fake encounter and extra-judicial killing of three locals, branded as terrorists, in the Machil district of J&K.<sup>53</sup> <sup>54</sup> More than 120 civilians were killed by forces.<sup>55</sup>

In March 2015, for the first time in the political history of the IOJ&K, the BJP acquired power in the state. The PDP-BJP alliance was an inconvenient alliance that was quick to falter owing to inherent fundamental contradictions between the two parties.<sup>56</sup> This was enabled by the formation of the PDP-BJP alliance following the 2014 state election. The election had experienced a massive voter turn-out, with the PDP gaining the largest number of seats, with BJP following the PDP's lead. Soon, talks between the PDP and BJP's political leadership initiated with the aim of crafting out a common minimum program to establish an alliance for constituting the state government in the IOJ&K. Despite being utterly divergent in terms of their ideological inclinations, the two parties announced the formation of alliance in February 2015. Soon after its formation, the odd alliance was subjected to several ebbs and flows.<sup>57</sup> While the PDP, under the leadership of Mufti Muhammad Sayeed, holds a conciliatory approach towards the armed groups in the IOJ&K, the BJP on the other hand was hypercritical of them.<sup>58</sup> While the PDP pushed for the removal of the AFSPA, the BJP leadership persisted in its enforcement.<sup>59</sup> A number of other issues emerged as fault-lines between the PDP-BJP alliance, leading to social unrest and political protests at times. Within the seven days of the coalition government's formation, the two political parties locked horns over the release of Masarat Alam, a Kashmiri separatist leader.<sup>60</sup> Other key incidents that fuelled political rife included: PDP and BJP's conflict over the imposition of tax on helicopter rides to the Amarnath shrine, and BJP's assertion over the imposition of beef ban in the erstwhile state of Jammu and Kashmir.<sup>61</sup> Most crucially, the communal politics waged by the BJP over the gang rape case of an eight year old Muslim girl from Kathua triggered the two parties to finally call off the alliance.<sup>62</sup> Following the gang rape incident, two BJP cabinet ministers of the IOJ&K's coalition government

openly supported the culprits, and later resigned from the government.<sup>63</sup> As the coalition government collapsed, Governor's rule was imposed in the occupied state in 2018. The IOJ&K once again came under the President's rule, thereby affording the union cabinet with control over all types of policy decisions.<sup>64</sup> The imposition of President's rule was followed by six months of Governor's rule which was imposed for the eighth time in J&K.<sup>65</sup>

With BJP in power, the Indian state upped the ante in J&K, thereby leading to a strengthening anti-India sentiment in the masses. In 2016, the extra-judicial killing of Burhan Wani, the operational commander of HuM, by the Indian forces provoked a surge in Kashmiri's popular resistance. Wani's killing led to civilian uprising by indigenous Kashmiri youth against India. To curb the unrest, Indian state imposed around 99-days long curfew across 10 districts of Kashmir, along with a cut-off in and communication facilities.<sup>66</sup> Civilian uprising was quenched with the use of pellet guns by Indian forces against unarmed protestors. However, Wani's killing was a watershed event that set the stage for a vigorous struggle against the Indian forces by the youth of Kashmir.<sup>67</sup>

In September, the Indian forces located in the town of Uri in IOJ&K experienced an attack on their administrative camp in the 12 Brigade headquarters, killing around 19 soldiers.<sup>68</sup> While India blamed Pakistan for sponsoring the act of terrorism, Pakistan rejected India's allegations.<sup>69</sup>. As a response to the Uri attack, India also ambitiously claimed of conducting surgical strikes within Pakistani territory. However, on ground the Indian forces were understood of crossing the LOC at some points. However, they had certainly not airdropped any commandos to hit any alleged launching pads of militants within the Pakistani territory.<sup>70</sup>

In 2019, a few days before India's general election, a suicide bomb attack on a convoy of Indian security forces in Pulwama killed 44 CRPF personnel. India once again laid Pakistan responsible for the attack. Crossing the LOC, the Indian Air Force attempted to conduct "surgical strikes" in Balakot, Khyber Pakhtunkhwa, along with the claim of annihilating terrorist facilities. However, on-ground the Indian forces did not inflict any major damage to Pakistan's civilian facilities.<sup>71</sup>

In early August 2019, the Indian state put key Kashmiri political leadership

under house arrest. Next, the Indian government unilaterally scrapped the special status of J&K by revoking Article 370 and 35-A of the Indian constitution. This was followed by a state-wide lockdown that persists till today. The state further passed the J&K Reorganisation Order in April 2020 that bifurcated Kashmir into two separate union territories i.e. J&K and Laddakh, and provided legal grounds for engineering demographic alterations in the territory.<sup>72</sup>

# Current Situational Analysis

At the time of writing this chapter, the IIOJ&K is experiencing a systematic assault on the federal constitutional principles and human rights violations by an increasingly authoritarian central government. Since August 2019, the centre-state relations in the J&K have experienced landmark alterations in the domains of federalism, economic, administrative and political basis. This is coupled with the centre's attempts at bringing about demographic changes in J&K. According to the latest reports, the Indian government has issued around three million fake domiciles to non-citizens of J&K, in an attempt to engineer demographic changes in an otherwise disputed territory.<sup>73</sup>

As of now, the erstwhile state of J&K experiences direct control of the central government, more than ever in the 70 years long history of the Kashmir dispute. This has been enabled by a host of legislative instruments that have systematically stripped off the special administrative powers of the disputed territory. The local economy has been devastated by series of lockdowns, the first one which was enforced on August 5, whereas the other two resulted as a pandemic-management mechanism. It is estimated that in 2019, the economy of IIOJ&K suffered a loss of about \$2.4 billion, whereas in 2020, the loss amounted to around \$5.5 billion during the lockdown.<sup>74</sup>

The situation of human rights remains bleak, with the central government blatantly committing violation of human rights in the disputed territory. Political activity and access to information have been muted as both, the political fraternity and media experience organised state-led campaign to curb dissenting voices. While the Indian state has initiated an active all-out campaign against armed resistance movements, the recruitment to resistance groups has relatively increased, depicting an increasing resentment against Indian policies in the area. In the similar vein, the Indian government has also further stepped up militarisation of the area by increasing the deployment of security forces. The situation of healthcare, like all other major areas in J&K remains gloomy, apathetic and biased in the disfavours of the Muslim majority.

In this regard, this chapter aims to acquaint the readers regarding the current situation of the IOJ&K. In particular, this chapter shall focus on the domains of Human rights, economy, administration, politics, security, and health.

## Human Rights Situation

Violation of human rights, specifically against the Muslims of the IOJ&K is a recurring and prominent theme since the Indian occupation of the disputed territory. Human rights violations have largely persisted in the disputed territory for over several decades now. Likewise, following the revocation of Article 370, the situation of human rights in J&K has by-and-large remained grim. According to a recent report titled: “The Impact of the Lockdowns on Human Rights in Jammu and Kashmir, August 2019-July 2020”, produced by the Forum for Human Rights in Jammu and Kashmir, Indian policies in J&K have detrimentally impacted human rights issues, civilian security, and freedom of media among many other areas. The report suggests that the government-led lockdown has led to the “denial of the right to bail and fair and speedy trial, coupled with misuse of draconian legislation, such as the Public Safety Act and the Unlawful Activities Prevention Act, to stifle dissent”. Other forms of human rights violations have included frequent closures, harassment at barricades and checkpoints, and restrictions on mobile telephony and internet connectivity”<sup>75</sup>

As reported by the Human Rights Watch in August 2020, apart from detentions of political leaders and activists, the Indian police has also taken around 144 children into custody.<sup>76</sup> Most recently, in May 2021, the Indian police arrested around 20 people, including a religious leader, and an artist, along with other civilians who voiced their support for Palestinian freedom from Israeli occupation.<sup>77</sup> Other forms of human rights violations primarily include extrajudicial killings, arbitrary detentions, torture, enforced disappearances, and even vigilantism.<sup>78 79</sup>

While access to information and communication has been systematically barred by the Indian government, its crackdown on journalists is continuing so far. From August 2019 to October 2020, around 18 journalists have been categorically questioned, while many others have been assaulted.<sup>80</sup> Most prominently, a Srinagar-based award-winning journalist, Aasif Sultan has

remained under police custody for over 1,000 days now owing to the charge of harnessing resistance fighters levelled against him.<sup>81</sup> Moreover, Sultan's case has been experiencing delays from the court.

More so, the Indian government has even resorted to passively jeopardising the functioning of human rights activists and groups in Jammu and Kashmir. In September 2020, the Amnesty International, an international rights group announced to halt its work in J&K after its bank account was frozen by the Indian government.<sup>82</sup> The group also asserted that it was being "harassed" by the continuous crackdown of the Indian government.

## **Administrative Situation**

These landmark changes to the constitutional status of the erstwhile state of J&K were brought while the state was already under President rule (under Article 356 of the Indian Constitution). Following the revocation of Article 370 and 35-A, India's central government has further revved up the introduction of legislative changes that afford greater direct control of the central government in the affairs of Jammu and Kashmir. The revocation of J&K semi-autonomous status was enabled by a Presidential order, a resolution moved by the government, the J&K Reorganisation Act 2019, the Constitution Order 2019, and the "Jammu & Kashmir Reservation Act, 2019".<sup>83</sup> Resultantly, the centre is exercising wide administrative control in J&K.

Enforced in 2019, the J&K Reorganisation Act, bifurcated the erstwhile state of J&K into two separate Union Territories: Ladakh and J&K, thereby affording larger direct control of the central government in the two UTs, via the appointment of Lieutenant Governor. In April 2020, the Indian central government also passed the J&K Reorganisation Order under the mandate of Section 96 of J&K Reorganisation Act, 2019. This legislation has disempowered the state legislature of J&K from managing "permanent residents" and ensuring their right to employment in the erstwhile state. Further in August 2020, the central government introduced the "Transaction of Business of the Government of Union Territory of J&K Rules, 2019", which relegated the powers of the Chief Minister of the state, thereby appropriating the powers regarding issues of public order and policing to the Lieutenant Governor instead.<sup>84</sup> Further this legislation has

also compromised the advisory role of the Council of Ministers.<sup>85</sup> In January 2021, The J&K cadre of Indian Police Services, Indian Administrative Services and Indian Forest Service was also merged with the Arunachal Pradesh-Goa-Mizoram and Union Territory cadre, a combined cadre of the Indian union territories.<sup>86</sup>

## Economic Situation

One of the rationales, as asserted by the Indian government for revoking Article 370 and 35-A from its constitution was bringing about economic prosperity in J&K. However, as indicated by economic indicators, the economic conditions of the area have considerably deteriorated, primarily owing to India's all-out lockdown imposed since 2019, internet shutdown, the COVID-19 outbreak, and the opening up of J&K's markets to outside companies. A year before the revocation of Article 350 and 35-A, in 2018, the erstwhile state of J&K was displaying comparatively better economic performance in terms of its rankings in poverty rate, fiscal deficit, net state domestic product, and per-capita gross state domestic product.<sup>87</sup> However, the imposition of lockdown in 2019 led to a decrease in market activity and business performance, causing a drop of around 50 per cent in financial earnings in the market. Most prominently, industrial sectors of construction, handicrafts, manufacture, real estate, transport, IT, apart from agriculture and horticulture have experienced a major downward spiral. According to the President of Kashmir Traders and Manufacturers Federation, Yasin Khan, the IIOJK is currently suffering from loss worth INR 150 crore on a daily basis.

An increase in unemployment has come in tandem. According to the latest data, unemployment rate in J&K, as recorded in July 2020, was around 18 per cent, with almost quarter of the area's youth unemployed. Recently, the Centre for Monitoring Indian Economy has suggested that more than 0.5 million people in J&K have lost their livelihoods between June 2020 and March 2021.<sup>88</sup> The situation has been further aggravated by the J&K Reorganisation Order 2020, which employs legal means to facilitate Indian citizens (outside J&K) to secure government jobs in J&K. Along with this, politically motivated layoffs have seen an increasing trend in the valley. Only in May 2021, three people were reported of being laid-off from their jobs on the charges of displaying "anti-India" sentiments.<sup>89</sup>

## Security Situation

Security situation in the occupied territory of J&K has always remained a case of concern. On one hand, J&K remains one of the most heavily militarised regions of the world owing to the deployment of the Indian security forces. On the other hand, people's resistance resulting into counter attacks by the Indian forces have remained rampant. Moreover, following the revocation of Article 370, the Indian security strategy in J&K is overwhelmingly characterised by an exclusive and heavy-handed action against resistance groups operating in the territory. This all-out "attrition strategy" has rather exacerbated public disaffection for the Indian authorities, thereby further reducing trust in the political-electoral system of the J&K administration.<sup>90</sup> Moreover, in the past two years, cases of extra-judicial killings on unarmed civilians have also been reported. For instance, in December 2020, international media reported the killing of three unarmed Kashmiri youth aged between 16 and 25 by the Indian forces. While the families of the deceased claimed that the victims were students, the Indian authorities asserted otherwise.<sup>91</sup>

Between 2012 to 2019, Kashmiri armed struggle had gained momentum, lethality and had increasingly turned localised. However, since August 2019, on-ground armed struggle has considerably reduced, primarily due to an increased Indian Forces' focus on quenching the struggle. However, during the last two years, recruitments of resistance fighters have considerably increased.<sup>92</sup> According to a report published in December 2020, titled "Kashmir's militancy: Weapon-less but far from the end" by the Observer Research Foundation, in 2019 and 2020, the numbers of recruitments in resistance groups has remained nearly similar i.e. around 145 recruits per year. However, this recruitment stands second highest in almost a decade. The report goes on to suggest that in view of the increasing trends in armed resistance, India's counter-offensive is rather a zero-sum game for itself. However, so far, the lethality of the armed resistance has been curbed by the non-availability of weaponry and logistics.<sup>93</sup> Most recently, in May 2021, the Indian government has increased the deployment of paramilitary personnel in the region, leading to public's and political leadership's apprehensions regarding the upcoming situation in J&K.<sup>94</sup>

## Political Situation

The post-August 5 political scenario in J&K has been largely characterised by India's active efforts towards stifling dissenting voices. According to a report published by the Amnesty International in 2020, around 70 political leaders were placed under detention on August 5, 2019. Among these prominent names were Farooq Abdullah, Omar Abdullah, Mehbooba Mufti, Ali Mohammad Sagar, and Sartaj Madani.<sup>95</sup> Among the estimated 70 political leaders, most detainees hailed from J&K PDP, J&K NC, J&K Peoples Movement, Indian National Congress, J&K Democratic Party Nationalist, J&K Awami Ittihad Party, Dogra Swabhimaan Sangathan and the J&K Panthers Party.<sup>96</sup> The detentions of a number of prominent political leaders were called off after six to eight months on average.

As of now, the People's Alliance for Gupkar Declaration (PAGD) is playing a dominant role on the political scene of Indian-occupied Kashmir. An alliance of seven political parties, the objective of PAGD is restoring the statehood of J&K through political and democratic means. PAGD was established prior to the revocation of Article 370 and 35-A, with the similar objective as said above. The PAGD includes PDP, NC, CPI-M, People's Conference, Awami National Conference, CPI, and the People's Movement.<sup>97</sup> During the 2019 DDC elections, the PAGD emerged as a strong political contender winning a total of 72 seats, against BJP which managed to win only three seats.<sup>98</sup> However, in the Hindu-majority Jammu, the BJP achieved a clear majority. Nevertheless, the PAGD alliance won a total of 112 seats out of 280 seats, thereby winning by a majority against the ruling BJP party.<sup>99</sup> Following the DDC elections, the first local elections having taken place after August 15, 2019 around 75 political activists were arrested in the occupied Kashmir by the Indian forces on the accusation of causing unrest.<sup>100</sup>

However, mass protests and demonstrations that have historically remained a characteristic feature of Kashmiri struggle against the Indian control, remains unpronounced so far. While sporadic instances of violence and protests have erupted, an organised public demonstration has not been registered so far. This relative quiet of the Kashmiris has been framed as the "normalisation of J&K as two separate union territories" within the people, by the Indian government. However, a major reason for this quiet is the

Indian authorities' heavy-handed military approach and strict lockdown in the occupied Kashmir.<sup>101</sup>

## Health Situation

Following the abrogation of Article 370 and 35-A and the subsequent Kashmir-wide lockdown, the Indian authorities' denial of access to life-saving drugs and medical facilities to the people of the IOJ&K emerged as a major concern.<sup>102</sup> The imposition of curfew led to the shortage of medicines in stores, obstructed obstetric emergencies, supply of medicines and other materials to hospitals.<sup>103</sup> However, health situation turned for the worst with the outbreak of the COVID-19 disease in the region. Around six months ahead of the detection of first COVID-19 positive case in J&K, around 1,000 COVID-related deaths were reported.<sup>104</sup> The health crisis was further exacerbated by internet shutdown which led to a dearth of up-to-date information regarding the novel infectious disease.

At the time of compiling this report, the disputed territory of J&K is undergoing the second wave of COVID-19.<sup>105</sup> In early May 2021, an increase of 700 per cent of COVID-19 positive cases was recorded.<sup>106</sup> On the other, the health sector continues to remain overstretched, primarily owing to inadequate health infrastructure, maladministration, and lack of preparedness. According to a latest report by the Al-Jazeera News Agency, currently, the health infrastructure of J&K's holds the capacity of providing one ICU bed for every 27,000 residents.<sup>107</sup> In a district that is home to around 400,000 people, there are only six ventilators in total. While there remains an acute shortage of trained medical staff, however, there remains a deployment of one Indian soldier against 14 residents.<sup>108</sup> In a similar case, the pace of vaccination remains slow and inefficient in the disputed territory. While inoculation of vaccines has experienced delays country-wide, in J&K vaccination has been reportedly inoculated on preferential basis with police and security forces in the area getting vaccinated on priority basis.

## CHAPTER 4

# Lessons From Other Self-Determination Movements

Self-determination movements emerged as a prominent feature in the post-WWII international order. The phenomenon gained further traction, as a number of colonised communities pushed for self-determination and self-governance across different parts of the world. From the end of the WWII till the 1960s, 36 new states were carved out in Asia and Africa, with Pakistan and India among them too.<sup>109</sup> This section of the report seeks to study some successful self-determination movements of the past, in order to draw lessons from them. For the purpose, following movements have been studied:

1. Self-Determination Movement of East Timor
2. Self-Determination Movement of Algeria
3. Self-Determination Movement of Eritrea

### 1. Self-Determination Movement of East Timor

In 1999, the southeast Asian state of East Timor gained self-determination from 24 years of Indonesia's direct control.<sup>110</sup> East Timor's self-determination movement had initiated as early as 1974 after the Indonesian forces occupied the land.<sup>111</sup> East Timor's independence from Indonesia was led by a U.N. sponsored referendum, a landmark poll in which 78.5 per cent of the locals opted for independence.<sup>112</sup>

#### East Timor As A Model for Kashmir Self-Determination Movement

The 1999 U.N. sponsored referendum in East Timor gave a renewed impetus to the cause of conducting referendum in Kashmir.<sup>113</sup> East Timorese self-determination movement has also been repeatedly referred to as a model for Kashmir self-determination struggle to adapt and learn from.<sup>114</sup> Interestingly, the two movements might not converge on several points. For instance, the self-determination of East Timor was accompanied with a wave of birth of new nation states across the world, whereas currently, the

world order is experiencing the rise of far-right nationalism and hardening of state borders.<sup>115</sup> Additionally, economic breakdown and leadership change in Indonesia during late 1990s emerged as two major external factors catalysing the process of East Timorese self-determination.<sup>116</sup> Most importantly, unlike East Timorese movement, Kashmir self-determination movement has been tainted with the narrative of religious fundamentalism.

While the context must have changed, the operational activities of East Timor's self-determination fighters offer key takeaways for Kashmir's struggle against the Indian state. An overarching aspect of East Timor's struggle against Indonesian occupation comprised the highly organised and well-coordinated violent and non-violent strategic actions of East Timorese youth against the Indonesian forces. Apart from this, coverage by international media and human rights groups also played key role in defining the positive trajectory of the self-determination movement, ultimately culminating into the territory's independence. Another key aspect of East Timor's self-determination movement was the participation of women in not only political struggle, but also in armed struggle against Indonesian forces.

Up next, the report studies the role of youth, women, international media, and international human rights groups to draw lessons that can be adopted by Kashmiri self-determination fighters.

## Youth Participation

In mid-1980s, the East Timorese youth starting undertaking several initiatives, seeking to achieve global awareness regarding the self-determination struggle of East Timor.<sup>117</sup> It is suggested that the youth's mobilisation and its active and coordinated participation played a key role in East Timorese self-determination movement.<sup>118</sup>

Initially, the young generation of East Timor established clandestine cells in East Timor as well as Indonesia. In East Timor, the youth established the East Timorese Catholic Youth Organisation.<sup>119</sup> On the other hand, East Timorese students in Indonesia initiated clandestine cells under the banner of RENETIL (National Resistance of East Timorese Students) in different Indonesian cities.<sup>120</sup> In 1998, the youth's resistance was modified to

incorporate a nationwide approach. In a nut shell, the East Timorese youth played a catalytic role in the following ways:

- **Coordinating and conducting mass resistance demonstrations**

Clandestine groups of East Timorese youth organisations became a key force in mobilising mass protests in East Timor against the Indonesian occupation. Being organised in a well-coordinated manner, these protests were able to generate greater impact. Protests followed by the visit of Pope John Paul II in 1989, and the Santa Cruz Massacre in 1991 being the two most impactful demonstrations.<sup>121 122</sup>

- **Forging ties with human rights groups**

The clandestine groups existing in Indonesia were able to forge their ties with different human right groups operating in mainland Indonesia, apprising them with Indonesian forces-led human rights violations in East Timor.<sup>123</sup>

- **Forging ties with foreign journalists and tourists**

Clandestine groups operating within East Timor used to specially organise protests on the arrival of foreign journalists and tourists in the territory.<sup>124</sup> The protestors would also inform them of the demonstrations beforehand. As the demonstrations invited Indonesian forces-led suppression against the demonstrations, Indonesia's international image faced detrimental damage.<sup>125</sup>

- **Taking up strategically nonviolent actions**

As the Indonesian strategic strength in East Timorese rose, local youth opted for strategically non-violent means for renewing its struggle for self-determination. Most prominently, during the APEC Summit held in Jakarta, Indonesia in 1994, 29 East Timorese students staged a sit-in in front of the U.S. embassy demanding to meet U.S. President Bill Clinton.<sup>126</sup> The incident invited coverage from international media.

- Establishing and implementing response mechanisms to the Indonesian sponsored-militias

In 1995, the Indonesian state introduced a militia called “Ninjas” in East Timor. Trained by the Indonesian special forces in West Timor, Ninjas attacked and intimidated people in East Timor.<sup>127</sup> In response, East Timorese youth organised self-defense squads that established early warning networks and late-night patrolling.<sup>128</sup> The squads captured several Ninja members, leading to their imprisonment. Following the failure of Ninjas, Indonesian state introduced the Young Guards Upholding Integration, that routinely organised attacks and criminal activities against East Timorese cells.<sup>129</sup> The clandestine cells quickly dismantled the effectiveness of the militia by heavy infiltration in it.<sup>130</sup>

## Women Participation

Traditional gender roles in East Timor experienced a shift after the occupation of Indonesia, leaving women exclusively responsible for household tasks, agriculture and family survival.<sup>131</sup> Despite this, women emerged as key players in the self-determination movement of East Timor. While a limited number of women fought on the frontline. However, women constituted a major proportion (around 60 per cent) of the clandestine cells operating in the territory.<sup>132</sup> As members of the clandestine cells, women were mainly responsible for the following roles

- Transferring medicine, weaponry and information and other supplies to the front.
- Conducting secret, illegal operations against the Indonesian forces and other state apparatus.<sup>133</sup>

Women's participation in East Timor's struggle prominently surfaced in January 1996, when around 10 East Timorese women, armed with household hammers, entered the British Aerospace Military Base at Warton. Calling it a “Ploughshare Action”, the women attempted to smash different parts of an aircraft, that was destined for Indonesia.<sup>134</sup>

## International Media and Human Rights Groups

In 1977, owing to increasing pressure on Indonesian image, East Timor was opened to foreign press.<sup>135</sup> Journalists from the British Observer, New York Times, Philadelphia Inquirer, Reuters, and the Wall Street Journal visited east Timor under strict Indonesian surveillance.<sup>136</sup> Although, the international press was allowed guided tours only, yet a surge in the reporting of Indonesian crimes in the occupied territory took place. While some journalists were completely unable to interact with the locals, others managed to do so. The Catholic Institute for International Relations (CIIR), based in London, published literature on the Indonesian occupation of East Timor.<sup>137</sup> A former Australian military intelligence officer, James Dunn published the Dunn Report on East Timor 1977.<sup>138</sup> Later, as East Timorese youth organisations were set up, better communication and information-sharing was forged between the locals and the foreign press. The unfolding of Indonesian atrocities, reported by the international journalists played a key role in generating a global narrative in the favour of East Timor's liberation.<sup>139</sup>

Apart from the active role played by the local population of East Timor, different human rights organisations operating in Indonesia and East Timor generated narrative against Indonesian occupation in great length and breadth. In 1985, the Amnesty International complained against the Indonesian occupation in East Timor to the 41<sup>st</sup> Session of U.N. Human Rights Commission. The complaint was based on the premise of perpetration of a) limitation of access, b) detention and resettlement c) torture, and d) extra-judicial executions.<sup>140</sup> In 1983, human rights groups from England, West Germany, Portugal, Holland and Sweden called their respective states to halt arms export to Indonesia.<sup>141</sup>

## International Political Dimension of the East Timor Self-Determination Movement

A key aspect of the East Timorese self-determination movement was the diplomatic outreach taken up by the political leadership of the movement. Apart from working with civil global society, the resistance movement managed to raise its agenda at the annual meetings of on the gained a hearing on the right to self-determination at the annual meetings of UN Special

Committee on Decolonization in New York and the UN Commission on Human Rights in Geneva.<sup>142</sup> The internationalisation of the East Timorese cause, coupled with an international activism led by different international organisations and non-governmental organisations played a key role in keeping the East Timor question alive.<sup>143</sup>

## 2. Self-Determination Movement of Algeria

The North African state of Algeria gained self-determination from 132-years long French colonial rule in 1962.<sup>144</sup> While struggle against the French colonialism had initiated by the end of the first World War, Algerian armed struggle against France was waged in 1952.<sup>145</sup> The 10 years long Algerian armed struggle culminated in a referendum. Instantaneously, Algeria's capital was proclaimed as the "Mecca of Revolutionaries" while Algerian self-determination accelerated decolonisation in Morocco, Tunisia and sub-Saharan Africa.<sup>146</sup>

Following the abrogation of the special status of Indian-administered Kashmir the civil situation in Kashmir was cited as synonymous to Algeria during its struggle for self-determination against French colonialism.<sup>147</sup> While the civil conditions may be similar for some analysts, there exist several aspects where these two resistance movements diverge. Most importantly, a unified resistance movement led by a single political body is central to the Algerian resistance movement. The Algerian resistance movement also depicts the centrality of adaptation of new and apposite political and military strategies as per the changing domestic militant and external political circumstances. The role of women in combatant and non-combatant roles during the resistance movement was unprecedented as per the societal and religious norms of the land.<sup>148</sup> Most importantly however, the Algerian resistance movement sheds guidance on ways and means of exploiting international political scenarios for its own advantage.

This section, therefore details the Algerian freedom struggle in a way that delineates takeaways on effective political and military operationality of the Kashmir self-determination movement.

## Youth Participation

Algeria's self-determination was by and large directed by the NLF. Locally known as the FLN, this revolutionary body was set up in 1954 by a group of young Algerian militants called the CRUA<sup>149</sup>. While the CRUA was designated as the political wing of FLN, The Armée de ALN was established as its military branch of FLN.<sup>150</sup> Following its inception, the FLN adopted a number of political and military strategies to dismantle French colonialism in Algeria.

Initially, the FLN embarked upon uniting the Algerian nationalist parties under FLN by reconciling the warring factions. In terms of armed struggle, the FLN's initial gambit was guerrilla warfare against the French colonialists.<sup>151</sup> However, soon in 1955, the FLN devised its two-pronged strategy of (i) internationalisation of the issue and (ii) waging an "all-out" war against the French colonialists.<sup>152</sup> However, the FLN's military strategies changed throughout the war to suit the emerging dynamics of the war.<sup>153</sup>

- **Organising mass demonstrations against French colonialism**

Algeria's armed struggle against French colonialism began with organising mass demonstration by the locals. The demonstrations invited violent suppressive responses from the French administration in Algeria, thereby escalating locals' resolve for self-determination. In this regard, the 1945 French-led massacre, killing around 45000 locals in the Algerian cities of Setif and Guelma set the stage for Algerian rebellion.<sup>154</sup>

- **Initiating guerrilla warfare**

Owing to limited resources, Algerian armed struggle against French colonialism began with asymmetrical guerrilla warfare against French infrastructures within Algeria in 1954.<sup>155</sup> Soon the targets were expanded to include sympathisers of French authorities as well. The attacks were designed to inflict maximum physical, financial and psychological impact with minimum exploitation of material resources, notwithstanding any civilian casualties.<sup>156</sup> Attacks on French military personnel were conducted to acquire weapons.<sup>157</sup> The guerrillas particularly singled out electricity generating stations, post offices, petrol depots, railway ticket halls, level

crossings, arterial roads and bridges.<sup>158</sup>

- **Waging an all-out war against French colonialists**

In 1956, the FLN announced an all-out war against French civilians living in Algeria.<sup>159</sup> This strategy was adopted to generate massive support in the favour of FLN against the French colonialists. By waging an all-out war, the ALN tricked the French authorities into provoking them to overreact aggressively to the insurgents' attacks. The indiscriminate and violent response of the French authorities to the militants' attacks on French civilians garnered further popular support to insurgency by the locals.<sup>160</sup> It also enabled the FLN to generate an anti-French discourse in the international community.

## **Women Participation**

Algerian women constituted an integral part of Algeria's armed struggle against French colonialism. Despite being a conservative society, women's contribution to the armed struggle was enabled due to their ability to evade French authorities with ease.<sup>161</sup> Women participation was undertaken in both combatant and non-combatant roles. As per the estimates published by Algeria's ministry for Veteran's Affairs, around 11,000 women participated in the Algerian resistance, making up around 3 per cent of the total fighters. Around 90 per cent of these women aged below 30.<sup>162</sup> Algerian women have been reported to perform the following roles during the resistance movement:

- Participation in military combats (*mujahidaat*) as para-military fighters;
- Raising funds for the armed struggle;
- Providing intelligence to the combatants;
- Transporting resources and supplies;
- Establishing communication links between combatants and local communities;
- Provision of medical facilities to the combatants;
- Provision of educational and vocational training to rural women<sup>163</sup>

## International Political Dimension of Algerian Self-Determination Struggle

A key aspect of Algeria's struggle for self-determination is its political dimensions. While the armed struggle was certainly an important component, yet Algeria's victory was more of a political and diplomatic win, rather than a military win against the French colonialists.<sup>164</sup> The propaganda generated by the political leadership of Algerian resistance coupled with a strengthening armed struggle against French authorities evidently kept the Algerian question alive until its resolution. At the onset of Algerian resistance, the FLN established its external delegation.<sup>165</sup> The primary aims of this delegation were:

- i. Diffusing French efforts of defining the Algerian issue as an internal affair.<sup>166</sup>
- ii. Taking up the Algerian question and FLN's resistance movement to the United Nations.<sup>167</sup>

For the purpose, the external delegation was tasked to guide the FLN's foreign policy. The delegation routinely participated in international conferences in the U.S. in international conferences.<sup>168</sup> It also travelled throughout the MENA region for arranging arms shipments to the resistance groups.<sup>169</sup> In 1956, the FLN further launched a program called "Voice of Algeria", broadcasted over radio.<sup>170</sup> Print media and films were distributed locally and abroad to apprise local and international audiences regarding the Algerian struggle against French rule. In 1958, the ministers of Algerian provisional government visited China requesting for provision of volunteers as well as economic and military aid.<sup>171</sup>

As a part of its efforts to internationalise the FLN chose to forge ties with the Arab countries as well. While most of the Arab states were reluctant to take up the Algerian issue in the United Nations, Saudi Arabia nevertheless petitioned the UN Security Council. The Saudi petition proved helpful in generating U.S. public opinion on Algeria.<sup>172</sup>

Another interesting aspect of the political dimension of Algerian resistance movement is its exploitation of the cold war politics. As the FLN made

inroads to the politics of the cold war, France increasingly realised the burden of Algeria on its standing in the international politics. The masterminds of Algerian internationalisation strategy clearly envisioned the political costs that the U.S. could entail, had it lost North Africa and the Arab bloc to USSR.<sup>173</sup> As the Algerian question was internationalised,, the U.S. was tricked into opting either of the Arab world or its NATO ally France.<sup>174</sup> In its effort to maintain a favourable public opinion in Algeria, the U.S. did not abandon the Algerian cause. However, it also continued persuading France to make concessions and seek a negotiated settlement for the Algerian issue.<sup>175</sup>

On the other hand, embarking upon its “new third world strategy”, the Soviet representative voted for FLN’s membership to the UN General Assembly in 1955. The vote was viewed as Soviet Union’s effort to expand its influence to the MENA region.<sup>176</sup> In 1959, the Soviet Union once again turned Algerian issue into its advantage by threatening France to shed its restraint in Algeria in case France continued backing West Germany on the Berlin issue. The Algerian question was thereafter exploited by the Soviets to achieve political concessions from France over the Berlin issue.<sup>177</sup>

## **Self-Determination Movement of Eritrea**

Eritrea, a north-east African state gained its independence from Ethiopia in 1993, after 30 years of armed struggle.<sup>178</sup> The roots of conflict date back to 1952 when Eritrea and Ethiopia were re-united as a federation. In 1962, Eritrea was annexed into Ethiopia as a province, which led to an acceleration in Eritrean struggle against Ethiopia.<sup>179</sup> Beginning in 1961, Eritrean armed struggle culminated in 1993 with a U.N.-monitored referendum in which 99 per cent Eritreans voted for independence from Ethiopian rule.<sup>180</sup>

## **Eritrea as a Model for Kashmir Self-Determination Movement**

Eritrean self-determination movement is an exceptional case of nation building through self-reliance outside any decisive international political or financial support. The resistance movement launched by the EPLF was not limited to armed struggle and political offensives alone. It is a history of 30 years of clandestine nation-building that involved political organisation and mobilisation, post-conflict societal reconstruction, establishment and

provision of administrative mechanisms, provision of local governance, healthcare and education, and indigenous industrial functioning for generation of revenues. The Eritrean resistance movement therefore offers takeaways on a wide spectrum of issues. Most importantly, this movement offers lessons for guiding resistance movements to self-determination with self-reliance in the absence of international support of any form and type.

### **International Political Dimension Of Eritrean Self-Determination Movement**

The Eritrean self-determination was largely characterised by indigenous political, economic and armed strife against the Ethiopian rule. It gained limited support from neighbouring Sudan in the form of logistical supplies, refugee intake, and humanitarian assistance.<sup>181</sup> However, it primarily operated in the absence of any major support from key regional and international players.

In the midst of the Cold War, Eritrean movement did not receive a decisive support from either the United States or the Soviet Union. While the United States initially supported the Eritrean Liberation Front (ELF), it later grew uninterested and refrained from offering any financial or military support to either the EPLF or the Ethiopian government, perceiving both to be ideologically driven by Marxist ideology.<sup>182</sup> On the other hand, Ethiopia became the client of Soviet Union after 1977 after gaining support from the US for around 20 years.<sup>183</sup> In terms of regional support, the Organisation of African Unity was increasingly sceptical of redrawing borders in the region and therefore explicitly rejected the EPLF's claim to nationhood.<sup>184</sup> Likewise, the Arab world's support to the Eritrean cause accounted to be an inconsistent and ineffective one, with number of closely-proximate states showing disinterest.<sup>185</sup>

The upcoming section of the report sheds light on the modalities and strategies acquired by the Eritrean freedom groups during their resistance movement which was largely led by indigenous struggle and self-reliance.

## Youth Participation

Eritrean armed struggle had been primarily led by two resistance groups: The Eritrean Liberation Front (ELF) established in 1961, and the Eritrean People's Liberation Front (EPLF) established in 1970. The ELF was established by young students in Egypt and was modelled on the armed struggle based on the Algerian National Liberation Front (FLN).<sup>186</sup> During the first decades of their establishment, both groups successfully recruited large numbers of local fighters.<sup>187</sup> However, in 1970 a faction of the ELF broke away to form the Eritrean People's Liberation Front (EPLF).<sup>188</sup> Initially the EPLF declared itself as a revolutionary vanguard, however, its ideological position was later broadened to include "freedom from the Ethiopian rule".<sup>189</sup> Both groups co-existed with mutual hostilities peaking in 1972 and 1974, until 1981, when the EPLF finally defeated the ELF.<sup>190</sup> Following the defeat of the ELF, the EPLF emerged as the leading resistance group, steering Eritrea towards its self-determination in 1991.

The EPLF was a highly organised and hierarchical group.<sup>191</sup> Launching an armed struggle against Ethiopia, and the organisation and politicisation of general masses along with were the two consistent themes of the EPLF's movement.<sup>192</sup> The EPLF also provided for governance mechanisms in the territories liberated by it. Political and social reforms in the Eritrean society were attached an equal commitment. During its struggle for liberation, the EPLF performed the following roles:

- **Waging guerrilla warfare**

The EPLF's armed struggle against the Ethiopian forces was characterised by a highly organised guerrilla warfare. The EPLF guerrillas were considered to be the 'most-sophisticated' guerrilla fighting forces of the world by the U.S.<sup>193</sup> The guerrillas relied on attacking Ethiopian financial and military bases in Eritrea. The EPLF achieved quick territorial gains ahead of 1980s. This resulted from its strategic retreat in the mid-1970s, based on the classic Maoists guerrilla doctrine which proved to be a defining war strategy.<sup>194</sup> Another key strategy adopted by the EPLF guerrillas was severing and acquiring essential Ethiopian land routes. In 1977, the EPLF severed road links connecting the Massawa Port to Asmara city, a highway that served as government's lifeline. This strategy halted the flow of military resources to

the Ethiopian Army, making the war considerably expensive for Ethiopia.<sup>195</sup>

The insurgents were mainly involved in hit-and-run operations against Ethiopian military instalments inflicting detrimental damage.<sup>196</sup> The 1986 attack on Ethiopia's Asmara airbase that destroyed around forty aircrafts, ammunition installations and fuel depots.<sup>197</sup> This attack was followed by a number of other attacks on Asmara airport and Asmara airbases for the next few years.<sup>198</sup>

- **Launching political offensive internationally**

Eritrean self-determination was a product of its decisive military campaign coupled with domestic political campaign. Yet, the EPLF also launched a political offensive internationally to gain international legitimacy. In 1986, the EPLF invited the U.N. Organisation of African Unity (OAU), the Arab League, and the Nonaligned Movement to recognise Eritrea as a sovereign state.<sup>199</sup> The EPLF also merged with two breakaway ELF factions to gain domestic support.<sup>200</sup>

- **Mass mobilisation**

The mass mobilisation was a characteristic feature of the EPLF's self-determination movement. Initially, the EPLF established clandestine cells in the city of Keren for organisation and politicisation of the cell-members.<sup>201</sup> The members were further trained for information collection and dissemination. As the EPLF's liberation of Eritrean territory gained momentum, the task was assigned to clandestine cells and EPLF's propaganda cells.<sup>202</sup>

- **Administrative governance**

The EPLF provided for administrative governance in the areas liberated by it. The governance included: provision of autonomous administration, establishment of locally-elected councils, introduction of social and economic policies, and introduction of land reforms and rural cooperatives.<sup>203</sup> Women and peasants association were formed.<sup>204</sup> The EPLF also engaged in post-conflict reconstruction in the Eritrean territories liberated from the Ethiopian control.<sup>205</sup>

- **Guiding industrial production**

Industrial production led by the EPLF is another aspect distinct to the Eritrean resistance movement. The EPLF heavily relied on domestic industrial production for sponsoring the insurgency.<sup>206</sup> The EPLF fighters worked in clandestine factories and cells for the production of medicines and other healthcare essentials.<sup>207</sup>

- **Provision of education**

Provision of education to the local illiterate communities was one of the integral themes of the EPLF movement which considered illiteracy as its main enemy.<sup>208</sup> In mid-1970s, the EPLF initiated free schools for poor, orphan and refugee children under the initiative of “Zero Schools”.<sup>209</sup> Further in 1983, the EPLF started a national adult literacy campaign which taught adults behind enemy lines.<sup>210</sup>

## **Women Participation**

Introduced in 1975, gender equality remained an integral element of EPLF’s revolutionary agenda in Eritrea.<sup>211</sup> By the end of Eritrean struggle for self-determination, women constituted around 30 per cent of the total Eritrean fighting force, involved in combatant as well as non-combatant roles.<sup>212</sup> Women’s contribution in the struggle ranged over a wide spectrum from participating in armed struggle to serving in politics and commercial activities of liberated territories.<sup>213</sup> The female members of EPLF were engaged in the following roles during the war:

- Fighting as frontline combatants
- Participation in politics and public administration
- Provision of health services to the combatants
- Fundraising, information distribution
- Organising protests against Ethiopian rule

Along with their war-roles, the EPLF women also served in the industrial and commercial sectors of the liberated Eritrean states. These sectors included: transportation, construction, agriculture, finance and communications.<sup>214</sup>

## CHAPTER 5

# Political Dimension Of Kashmir's Self-Determination Movement

The political geography of Kashmir comprises of three distinctive sub-regions; the Hindu dominated occupied Kashmir, the Muslim dominated Kashmir, and the Buddhist dominated Ladakh plateau. The Kashmir quagmire is not just affected by its peculiar geography but also by its political dimension that plays a critical role in forming the narratives and political discourse. To its credit the UN has been successful in the past to manage and hold the referendum in East Timor in 1999, and South Sudan in 2011 which led to the independence of both states. The same is due to achieved in the case of Kashmir where the political dimension of Kashmir movement is playing a role.

The political dimension of Kashmir comprises of mainstream political parties in occupied Kashmir as well as the political entities that are fighting for the cause of their land. Some of them vouch for an independent governance of Kashmir as a separate state, and some argue in favour of accession to India, while some of the parties and entities also favour the disassociation of the occupied Kashmir and its subsequent accession to the state of Pakistan. In either of the approaches, the concept of right of self-determination is incorporated.

### **Political Parties in Occupied Kashmir**

There are political parties in occupied Kashmir who are proponent of separate Kashmir – neither accede to India nor to Pakistan. The JKDFP is a separatist political party that was founded in 1998 by Hashim Qureshi and Shabir Ahmed Shah. The party leadership advocates for the self-rule of occupied Kashmir.

Likewise, another political party is called JKNLF which was formed by Maqbool Bhat and Amanullah Khan in 1960s. This party is operating from Indian occupied Kashmir as well as Pakistan administered Kashmir. Initially

it acted as a militant outfit, but soon it transitioned itself to be a non-violent peaceful struggle in 1995. That created a split in the party where Amanullah was proponent of utilising militant means as an insurgency against India. The current status is that the Indian side of JKLF vouch for independence of Kashmir as a separate entity while the Pakistani side vouch for accession to Pakistan.

Then comes the J&K PDP which was formed as a political organisation in 1999 by Mufti Mohammed Sayeed. This party also advocates independence of Kashmir neither acceding to Pakistan nor to India. It also attained power in the state of occupied Kashmir in 2002 elections. Presently it is being led by Mehbooba Mufti. While the state of India revoked Article 370 that granted special status to occupied Kashmir to have its own constitution, Mehbooba Mufti responded to this scrapping, "We have been let down by the same nation we ceded to" while stating that it was a "wrong choice" to be aligned with India rather than Pakistan in 1947.

Another political party in occupied Kashmir is the J&K NCP which was founded by Sheikh Abdullah in 1939 and currently headed by his grandson Omar Abdullah. It is a secular party that also proposes independence of Kashmir state from both Pakistan and India.

## **Political Entities in Occupied Kashmir**

The APHC was founded as a political entity in 1993 which acts as an alliance of 26 parties of political, religious and social dimensions in Kashmir. The objective of the APHC is to denounce the Indian control over the state of Kashmir and accede it with Pakistan while installing Islamic government. The front supports claim of Pakistan over Kashmir as the "unfinished agenda of Pakistan" and claims that the occupied territory needs to be solved "as per the aspirations of the people of Jammu and Kashmir".

## **Role of Youth and Women in Kashmir Movement**

The role of youth and women has become more prominent in the movement of Kashmir separation since the 1980s. Many individual heroic cases can be seen in tandem with small political organizations made by women while focusing on Muslim women in the valley iterating about Islamic values

and rights. Among others, the DeM is known to be a women organisation that was founded in 1981 by Asiya Andrabi. It supports the accession of Kashmir valley with the state of Pakistan.

Women's Bus for Peace was another initiative taken in 1999 where around 40 Indian women from diverse background of religion and politics came together to take a trip from New Delhi to Lahore to initiate cross border collaborations by women from Pakistan and India. The initiative was organised by WIPSA.

No only this, in the current crisis of scrapping Article 370 by Indian government, the upsurge in protests in Kashmir was also accompanied by women in large numbers rallying for slogans of Independence (Azaadi) especially in the areas of Patalpora and Bandipora.

As far as the youngsters of Kashmir valley are concerned, they have remained no less than the women and political elites. The uprising of youth and women was a direct consequence of militancy against the Kashmiri people between 1989 and 2008. Since then, the youth has been the victim of political violence in Kashmir. According to an estimate police action against a street protest killed 80 per cent of 120 people in 2010 and they were below the age of 30 years. The youth mobilisation has also come into effect after the death of Burhan Wani, a young warrior of occupied Kashmir. Burhan comes from that breed of young freedom fighters who are tech savvy in waging the resistance against the Indian occupation.

## Youth and Women in Cyberspace against the Indian Occupation

After the death of Burhan Wani, a surge has been seen in the role of youth and women, actively participating in the fight against Indian occupation through the use of social media. His killing videos went viral all across the valley where for the first time the role of social media came to fore for instigating passion in the Kashmiris while Burhan Wani becoming a new face for their motivation. This could be considered as a paradigm shift in the narrative of valley's conflict. Since then, this online war was gaining momentum where coordination was done online and through different messaging platforms. And this new wave of tech savvy youth was and still becoming uncontrollable for Indian authorities.

Where other reasons pave the way for scrapping of Article 370, one of the reasons was the rise of tech savvy young blood of Kashmiri youth and women who were equally participating in the movement. Even the coalition of the PDP-BJP could not gain momentum by countering the narrative on social media since they themselves came on these platforms for public relations campaigns.

The JKCCS is a federation of human rights activists that are working in occupied Kashmir. And one of their activists runs an e-magazine by the name of Wande. The new wave cast so much stress on the Indian leadership that one of their generals blamed Pakistan to be behind the new generation of Kashmiri youth which are active on social media. A young women journalist in the Kashmir valley used her photography skills to show the soft image of the valley as well as the atrocities committed by the Indian forces. Later she was charged for uploading the content on Facebook that according to the police was about anti-national posts. Her service rendering were around Four years.

As a counter to the narrative presented in online platforms by Kashmiri youth and women, the Indian General Bipin Rawat blamed and labelled it to be as misinformation campaigns and these campaigns have radicalised the Kashmiri youth. However, this narrative is also being countered by those who are in the prime age while negating the general argument that the movement has been in motion since 1947 where there was no social media. The role of youth and women have become more relevant than ever before. But at the same time the discontinuity of IcTs in the valley have rendered the youth's human rights in particular the right to expression and right to information has been revoked. The political dimension of Kashmir has evolved over its course of time into a matrix where the role of youth and women have become pertinent who are tech savvy and social media activists. If this aspect of info-political dimension of Kashmir remains in the dark, the politics of the valley would be all but a mere fascist dictatorship.

## CHAPTER 6

# Armed Struggle Of Kashmir Self-Determination Movement

Armed struggle is a key component of Kashmir's self-determination movement. Beginning in 1987, Kashmir's armed struggle against the Indian control was initiated by the JKLF. Since then, a number of foreign and local groups have entered and existed in the disputed region to fight Indian forces. The armed struggle has invited an indiscriminate response by the Indian forces, leading the security landscape of the disputed area into sheer chaos. Also, since its inception, the armed struggle has been attached with an Islamist and Jihadist subtext, a factor that has considerably calibrated its image at the international level.<sup>215</sup>

This section of the report seeks to comprehensively study Kashmir's armed struggle against the Indian forces and its contemporary contours. To begin with, this section discusses the key militant groups active in the disputed region. Next, this section presents the causes, along with a historical and contemporary perspective of Kashmir's armed struggle. Following this, the probable future trajectory of the Kashmir freedom movement after the revocation of Articles 370 and 35-A has been analysed.

### Active Militant Groups in the Indian-occupied Kashmir

Broadly, the militant groups currently operating in the IIOJ&K are divided into subsets in terms of their cadres: (1) Foreign militant groups, and (2) Local militant groups. The LeT and JeM are the two dominant foreign militant groups with their cadres hailing mainly from Pakistan.<sup>216</sup> In recent years, both the groups have started recruiting their foot soldiers and operational commanders from local Kashmiris.<sup>217</sup> Local militant groups, on the other hand, derive their cadres from within the disputed region of Kashmir. Currently, the following militant groups are active in the IIOJ&K:

## **Hizb-ul-Mujahideen**

HeM is a pro-Pakistan separatist group operating in the Indian-administered Kashmir with an overwhelmingly majority of its rank and file being indigenous Kashmiris.<sup>218</sup> This group was established in 1990 to fight the Indian control over J&K.<sup>219</sup> Hizb-ul-Mujahideen is one of the largest insurgent groups in the Indian-administered Jammu and Kashmir, and draws its cadres from both local and foreign recruits.<sup>220</sup> The group is currently active with around 700 to 800 members present in the erstwhile state of J&K.<sup>221</sup>

## **Lashkar-e-Taiba**

LeT is another Pakistan-based separatist group which was formed in 1990 to primarily fight the Indian control over Jammu and Kashmir. Until the mid-2000s, the LeT primarily targeted Indian security forces with bombings and shootings.<sup>222</sup> However, in 2006, the attacks conducted by LeT became deadlier as the group launched indiscriminate attacks including marketplace attacks, hostage holding, train bombings, and serial bombings. The group was outlawed by Pakistan in 2002. Since then, the group has refrained from accepting responsibility for any major attack in .<sup>223</sup>

## **Jaiesh-e-Muhammad**

JeM is also a Pakistan-based Islamist separatist group that was formed in 2000.<sup>224</sup> The group sought to undermine the Indian control in the Indian-administered Kashmir via attacks on government and security installations. The group has carried out several high-profile suicide and other attacks against Indian targets since its formation. Most notably, in 2001 the group conducted attacks on the legislative assembly building in Indian-administered Kashmir and on the Indian parliament in New Delhi. The group was outlawed by Pakistan in 2002.<sup>225</sup> The group's leadership and cadre mainly comprises local Kashmiris.<sup>226</sup>

## **The Resistance Front**

The Resistance Front emerged on the militancy landscape of Kashmir in October 2019 when an unknown militant outfit claimed responsibility for

a grenade attack in Srinagar.<sup>227</sup> Six months ahead of the first attack in 2019, the group's involvement has been reported in recent encounters which has resulted into heavy damage to army and paramilitary forces. Indian sources have claimed the group to be a new front of LeT.<sup>228</sup> The group also maintains an active presence on social media via multiple terrorist channels that allow them to disseminate propaganda.<sup>229</sup> The total strength of the group is not clear however.<sup>230</sup>

### **Ansar Ghazwat-ul-Hind**

Ansar Ghazwat-ul-Hind is an affiliate of the transnational terrorist group Al Qaeda in the IOJ&K. While the group was struggling to make inroads to India since 2014, the group has currently infiltrated into the Indian hinterland and South India.<sup>231</sup> However, its presence remains very low. The group seeks to mobilise masses to fight against Indian forces on the premise of Jihad.<sup>232</sup>

### **Al Badr**

The current version of the Al Badr group surfaced in 1998 with its cadres inducted mainly from Pakistan.<sup>233</sup> Al Badr is a separatist resistance group which is a break-away faction of HuM. The group reportedly possesses approximately 200 members, with its headquarters located in Pakistan.<sup>234</sup>

### **Islamic State – Wilayah Hind**

The establishment of the Islamic State – Wilayah Hind was announced by the Islamic State in May 2019.<sup>235</sup> However, the presence of the group surfaced in the Indian-administered J&K in 2016. The group primarily seeks to mobilise Indian masses against the state atrocities on the premise of religious fundamentalism via social media. Currently, the influence of the group is relatively small. Since August 2019, the group is seeking to make inroads to the IIOJ&K however currently it possesses very few members.<sup>236</sup>

## **People's Anti-Fascist Front**

The PFF is relatively a newer armed group which surfaced in 2020 in the Indian-administered Jammu and Kashmir. In July, the group released a sophisticated video showing a graphic logo and military fatigue-wearing terrorists claiming to have killed police personnel in the state.<sup>237</sup> The group has also aired its resolve of waging an armed struggle against the Indian government. The group is suspected to be a front of LeT by the Indian authorities.<sup>238</sup>

## **Tehreek-ul-Mujahideen**

TuM was established in June 1990 with the aim of Jammu and Kashmir's merger with Pakistan, with its headquarters based in Kathmandu, Nepal.<sup>239</sup> After its formation, the group mainly operated in Srinagar, Kupwara, Pulwama, Anantnag and Poonch. While the group faced considerable challenges after its formation, it is believed to have forged ties with like-minded groups in Kashmir and Pakistan.<sup>240</sup> It is claimed that the group has also been working through a social welfare organisation called the Welfare Organisation for Kashmiri Muslims, which has been instrumental in collecting funds from foreign sources.<sup>241</sup>

## **Causes of Kashmir Armed Struggle**

Kashmir armed struggle, as it began in 1989, was primarily fueled by people's mistrust in the Kashmir's political apparatus. Over the years, several factors have contributed to the longevity of the resistance movement. Two key factors include:

### **Institutional Decay**

Mass mobilisation resulting into armed struggle is an effect of decades of institutional decay with the state government being unable to address political demands of the public. The deliberate de-institutionalisation of political process led by the Indian state via suppression of dissent, denial of political liberties and carrying political detentions are a major force, pushing the Kashmiri citizens to voice their political demands through extra-institutional channels, political violence being one.<sup>242</sup>

## **State-led Counter-Insurgency Operations**

The counter-insurgency drive led by the Indian government is highly characterised by perpetration of indiscriminate violence against unarmed civilians. It further includes forced disappearances, arbitrary detentions, military crackdowns and raids, and custodial torture against the citizens. The Indian forces have perpetrated continuous human rights violations in the disputed territory. This has been coupled with a continuous impunity to the Indian forces, leading the people to opt for violence. Key incidents that led the locals to take up arms post 1989 include: Gawakadal massacre, Handwara massacre, Zakoora and Tengpora massacre, Hawl Massacre, and Kunan Poshpora incident.<sup>243</sup>

The situation is further exacerbated with the malfunctioning of the state's judiciary system leaving the people aggrieved against the state. The Indian state's counter insurgency drive leading to endless humiliation of the people has therefore contributed more to advancing the armed struggle than to curb it.<sup>244</sup>

## **Historical Contextualisation of Kashmir Armed Struggle**

Armed struggle in the IIOJ&K has now spanned for over decades. Owing to its characteristic features and insurgent activity, Kashmir's armed struggle is distributed among three different phases.<sup>245</sup>

### **First Phase (1987-2002):**

Beginning in 1987, the first phase of Kashmir insurgency was highly characterised by violence against the Indian state apparatus in the valley. It gained considerable external logistical and material support.<sup>246</sup> While the insurgency was primarily led by the JKLF, HeM and LeT also counted among the dominant fighting groups.<sup>247</sup>

### **Second Phase (2003-2012)**

The second phase of Kashmir insurgency experienced the least violence which significantly plummeted as the Indian state initiated indiscriminate counter-insurgency front in the disputed region.<sup>248</sup> External support to the

insurgency dwindled as the stakes of regional stability became higher with South Asia plunging into nuclear politics.<sup>249</sup> Following the 9/11 attacks, the solidity of Kashmir insurgency further declined as India launched its vigorous diplomatic offensive of branding the insurgency as an Islamist militancy sponsored by Pakistan.<sup>250</sup> This was coupled with the strengthening of Indian intelligence operations and border control across the disputed region by the Indian government as well.<sup>251</sup> While limited efforts were made to improve governance and political activity, yet state surveillance, restrictions on freedoms, impunity of security forces from legal accountability kept the underlying issues alive.<sup>252</sup>

### **Third Phase (2013-2019)**

After years of the state proclaimed ‘normalcy’ in the region, violent armed struggle once again made headways in 2013.<sup>253</sup> This time however, its nerve centre was distant from the India-Pakistan border and located in Southern Kashmir. The patterns of the third phase of Kashmiri armed struggle signalled a reorientation in its modalities and operational activities.<sup>254</sup>

A defining feature of the third phase of Kashmiri armed struggle was the introduction of ‘unarmed collective violence’ against Indian forces via. Stone pelting, attending militant funerals and leading mass interdictions.<sup>255</sup> This led to the ability of the Kashmiri resistance movement to generate visible symbolism as unarmed citizens confronted heavily armed Indian forces.<sup>256</sup> The third phase was also characterised by utilisation of internet connectivity and social media platforms for mobilisation of Kashmiri youth.<sup>257</sup> This led to an extensive and speedy influx of local youths into the resistance groups after 2012. Local youth’s participation in the armed struggle rose to around 77 per cent in 2015, as compared to approximately 30 to 40 percent in 2003.<sup>258</sup> The influx of youth infiltration gave it a strong overtone of an “indigenously-motivated and indigenously-led” insurgency, a factor that largely galvanised popular support for the armed resistance. In terms of exclusivity, the third phase engendered relatively greater representativeness of youth, women, and professionals.<sup>259</sup> Along with collective unarmed violence, the armed struggle also incorporated targeted attacks against Indian installations and security personnel. In this regard, the 2019 Pulwama attack which turned out to be the most lethal attack against Indian forces since the onset of the armed struggle, vividly brought

to fore the key ideological motivations of indigenous Kashmiri youth and their contempt for the Indian state. The incident was not only a shock for the Indian security establishment but was also expected to usher a new wave asymmetric warfare against Indian forces.<sup>260</sup>

In 2015, Burhan Wani, a member of the HuM surfaced on social media calling on the youth to participate in armed struggle against the Indian forces.<sup>261</sup> Wani, designated as the 'top recruiter of militants' by the Indian government had developed a personality cult, and was able to recruit scores of Kashmiri youth into his group.<sup>262</sup> The 2016 killing of Burhan Wani followed by oppressive security forces-led crackdown on the protestors further revved up the process of youth infiltration into armed groups.<sup>263</sup> Following Wani's lead, several young and educated indigenous Kashmiris took up arms against Indian forces.<sup>264</sup> Gradually gaining grounds in the disputed region in 2013, protests and attacks against Indian security forces peaked in 2018 when the Indian government recorded 614 such incidents' in the valley.<sup>265</sup>

## **Kashmir's Armed Struggle Post Revocation of Article 370**

Articles 370 and 35-A were revoked from the Indian constitution over the premise of ruling out militancy in the erstwhile state of Jammu and Kashmir. A recent report by the International Crisis Group however suggests that insurgency related incidents since August 5<sup>th</sup> have remained somewhat constant, with continuing incidents of attacks on Indian political personnel, and heavy fighting in Srinagar.<sup>266</sup> Initially, the recruitment figures have gone down, whereas the Indian forces have launched a highly proactive witch-hunt against the militants.<sup>267</sup> Militant recruitment in the first half of 2020 fell by more than 40 percent, and around 197 militants were killed (of which 83 percent were locals) in the first seven months of 2020.<sup>268</sup> However, more recently, owing to the antagonisation against the United States withdrawal from Afghanistan, and Taliban's return to power, India's threat perception vis-à-vis Kashmir's armed struggle can be expected to rise. As a consequence, the Indian administration may take up an even more heavy-handed approach towards Kashmir's political as well as armed struggle. As the indicators have already displayed, any indiscriminate action by the Indian government may only serve to fan Kashmir's armed struggle further. In light of the factors mentioned above, insurgency and militancy in the

Indian-administered Kashmir are expected to experience an upward trend in the future. An upward trend in militancy in the disputed region shall come with an increased collateral damage by Indian forces and militant groups alike, keeping unarmed civilians at the behest of warring groups.

In view of these developments, it is ambitiously speculated that the Kashmir insurgency is currently in its last phase.<sup>269</sup> However, it is pertinent to note that the state-wide lock down incorporating a full-blown communication black-out and restrictions on movement, currently imposed in the erstwhile state of J&K have crippled day-to-day activities. Although, contempt against the Indian government's unilateral actions in the disputed valley is greater than ever.<sup>270</sup> While the killings of Indian forces have considerably decreased from 108 killings in year 2019 to 54 killings in year 2020.<sup>271</sup> Therefore, the future trajectory of Kashmiri armed struggle is yet to be seen once normalcy (in terms of civil conditions) is restored in the valley.

## **Assessing the Future of Kashmir's Armed Struggle**

As discussed earlier, militancy and insurgency in Indian-administered Kashmir were primarily fuelled from decay of political process. It was further exacerbated by a parallel indiscriminate onslaught of innocent civilians during its counter insurgency drive. Ironically, a year after the revocation of Articles 370 and 35-A, the state of the said issues has changed for worse. The erstwhile state of J&K has already been relegated to constitute a Union Territory with limited political autonomies.<sup>272</sup> The political apparatus of the erstwhile state has been impaired by keeping senior political leaders under detentions and house arrests. A recent report by the JKCCS indicates that indiscriminate violence involving property destruction and civilian casualties inflicted by the Indian forces has rather increased after the revocation of Article 370.<sup>273</sup>

Another premise for the revocation of the special status of the erstwhile state of J&K was to drive economic development to curb militancy.<sup>274</sup> However, in terms of economic development, during the first four months of the imposition of state-wide lockdown, the erstwhile state had experienced a loss of approximately USD 2.4 billion dollars.<sup>275</sup> A year into lockdown, and a number of revenue-generating industries like agriculture, horticulture, real estate, construction, handicrafts, manufacturing, transport, tourism,

and IT experienced around 50 per cent drop in earnings.<sup>276</sup>

### **Threat of Transnational Terrorist Groups:**

Being unable to infiltrate and establish a strong presence in the Indian-administered Jammu and Kashmir, historically, transnational terrorist groups have posed little threat to the Indian state. Primarily, the territorial nature of the conflict coupled with strong opposition from prevalent militant and insurgent groups against the TTGs has restrained groups like Al Qaeda and the IS from establishing their footprints in the disputed territory.<sup>277</sup> However, as of now, TTGs seem to be poised to become an emerging challenge for the Indian state. As discussed earlier, Al Qaeda and the Islamic State, both have made inroads to the disputed territory. More importantly, the current belief patterns of the residents in the valley engendering sheer disdain for the Indian state coupled with the rising popularity of Sunni-Salafist ideology can provide a breeding ground to TTGs.<sup>278</sup> Moreover, a recent research suggests public opinion is considerably in the favour of Al Qaeda and IS in the Indian-administered Kashmir, specifically among youth.<sup>279</sup>

Considering the factors mentioned above, insurgency and militancy in the Indian-administered Kashmir are expected to experience an upward trend in the future. An upward trend in militancy in the disputed region shall come with an increased collateral damage by Indian forces and militant groups alike, keeping unarmed civilians at the behest of warring groups.

# Assessing the Role of China

Historically, the Kashmir dispute had largely been viewed internationally as a bilateral issue between India and Pakistan with great power involvement considerably limited to diplomatic support. However, in recent years, Chinese foreign policy regarding the Kashmir dispute appears to have undertaken a major re-orientation. This development has been observed following the BJP government-led abrogation of the special status of the erstwhile state of J&K. By laying territorial claim over territories that were historically disputed with either China or Pakistan, the Indian state has invited the strategic interests of the great power: China, as a relevant and aggrieved party. Consequently, as evident from the India-China border stand-off, China has asserted itself as a strong player in South Asian politics. It may be argued that with China assuming the role of a third party in the Kashmir dispute, the upcoming dynamics of the issue may be set to experience a transition in terms of their future trajectory.

This chapter of the report has been compiled to comprehend the dynamics of China's entry into the Kashmir issue. In this regard, the chapter begins with an assessment of the territorial and economic significance of Kashmir for China. The chapter then studies China's historical and contemporary foreign policy towards Kashmir. Next, an assessment of the probable consequences and contours of China's partite assumption to the Kashmir dispute. Lastly, the chapter concludes by analysing the possible implications of Chinese involvement in Kashmir dispute for Pakistan, India and Kashmir's self-determination movement.

### **Significance of Kashmir For China**

Although China is not a South Asian state, yet the disputed region of Kashmir holds significance for China, as it controls approximately one-fifth of the territory.<sup>280</sup> The recent India-China border standoff has prominently brought to fore the relevance of China in the Kashmir dispute. India's unilateral step of scrapping off the semi-autonomous status of Kashmir has raised concerns of both Pakistan and China.<sup>281</sup>

China controls around 20 per cent of the Kashmir territory, including the Aksai Chin region, which it claims to be a part of Chinese territories: Xinjiang and Tibet.<sup>282</sup> In contrast, India claims this region to be part of the Ladakh region of the IIOJ&K. The Aksai Chin links Xinjiang and Tibet (self-governed regions), which contributes to its vast significance. China comprehends the declaration of Ladakh as a union territory as a geopolitical move to weaken the Chinese position in Aksai Chin.

Moreover, China has been heavily investing in roads and infrastructure that passes through Kashmir. These investments are linked to the ambitious BRI. This project aims to enlarge the geo-economic sphere of China and the geo-political sphere of Chinese influence. The link drawn between BRI and Kashmir has contributed significantly to the territorial significance of Kashmir. Furthermore, the two Asian giants are at loggerheads with each other over the past few years. China's border contiguity with India through Kashmir makes it highly significant for China to closely monitor Indian activities.

### **China's Historical Kashmir Policy**

While China's historical policy towards Kashmir has varied over time, it has consistently favoured Pakistan's position on the issue. Initially, during 1950s China maintained a neutral stance over the issue. However, in 1959, as tensions with India rose over the issue of Tibet, and the two countries confronted in 1962 on a conventional front, China gradually acquired a pro-Pakistan position on Kashmir issue.<sup>283</sup> In 1964, China formally established strategic partnership with Pakistan, thereby adhering to Pakistan's principle stance of resolution of Kashmir issue as per the UNSC resolutions. However, as Deng Xiaoping assumed the reins of China in 1978, Chinese foreign policy experienced a re-orientation to re-setting confrontational ties with bordering states to redeem the Chinese economy. Consequently, the Deng administration asserted the Kashmir issue to be a left-over of the history, bilateral in nature, and therefore calling for a peaceful resolution between India and Pakistan. This was coupled with China's occasional references to the relevance UNSC resolutions to the issue. However, after Indian nuclear tests in 1998 and the Kargil conflict in 1999, China ardently referred to the UNSC for the resolution of Kashmir issue.<sup>284</sup> Following the 9/11 incident, while USA's strategic interests allied with Pakistan over its

counter-terror offensive in Afghanistan, Chinese stance on Kashmir issue continued to remain the same. Nevertheless, Chinese support to Pakistan for the development of its military-industrial went unhindered, even during times of India-Pakistan confrontation. With the signing of USD 46 million worth CPEC project with Pakistan in 2015, the Pak-China relations delved deeper on the grounds of geo-economic interconnectedness.<sup>285</sup> Moreover, China also continued supporting Pakistan's position over India's claims of Pakistan's alleged sponsorship of terrorism in IOJ&K.<sup>286</sup> However, during Xi presidency, China continued to assert the dispute as a bilateral issue, the resolution of which hinged upon the relevant UNSC resolutions.<sup>287</sup>

## **China's Current Kashmir Policy**

In recent years, Chinese foreign policy orientation on the Kashmir issue has stepped up from diplomatic support to Pakistan to active denouncement of Indian policies in IOJ&K. Following the revocation of the IOJ&K's semi-autonomous status in August 2019, the Kashmir issue has transformed to evidently include China as another party to the dispute. The constitutional amendment of August 5, which laid territorial claims over Aksai Chin and Ladakh, apart from Gilgit-Baltistan, was seen as a breach of its territorial sovereignty by the Chinese government.<sup>288</sup> Consequently, the Indian move was met with China's condemnation for violating China's sovereignty.<sup>289</sup> China also played a catalytic role in moving the Kashmir issue in the UNSC. While initially, Chinese response to the issue was considered as restrained and muted, relations between China and India soon spiralled down with both countries' armies facing off at the Line of Actual Control (LAC) in June 2020.<sup>290</sup> The standoff resulted into gunfire exchange for the first time since 1975 delineating an utter departure from past bilateral understanding on unmarked boundary issues, leading to around 20 Indian military casualties.<sup>291</sup> Bilateral trade between the two countries is also experiencing the reverberations of the hostile ties with the Indian government banning Chinese apps and placing embargos on Chinese imports.

The India-China border standoff was a run-up to the number of domestic developments within India that served to impinge policymakers in China. Most importantly, the Indian state, under the political leadership of BJP had and continues to sporadically display the propensity to expansionism. In November 2019, the Indian government rose controversy after the

government launched Indian political map depicting Kalapani - a disputed territory between India and Nepal - as Indian territory.<sup>292</sup> The move came ahead of India's assertion of sovereignty over Aksai Chin, Ladakh and Gilgit-Baltistan.

Practically, the Indian government had already embarked upon expanding its infrastructural build-up across the LAC in 2018.<sup>293</sup> The infrastructural build-up which included strategic roads and bridges, was initiated by the BJP government to enhance Indian military forces response preparedness against any probable Chinese incursions.<sup>294</sup> In January 2020, the government of India announced 75 per cent completion of strategic infrastructural build-up across the LAC with the plans of finishing 11 more roads by the end of the year and nine other roads by the end of 2021.<sup>295</sup> The rapid infrastructure build-up at the LAC by the Indian government became a key factor that triggered the India-China border standoff. The standoff is said to having been initiated due to India's construction of the 255 km DSDBO road that connects to a high-altitude Indian forward air base.<sup>296</sup> Nevertheless, amid the border standoff, the Indian government has considerably increased its infrastructural as well as troop-deployment across the LAC.

A key aspect, significantly driving China's contemporary foreign policy towards the Kashmir dispute is the CPEC, a flagship project of China's BRI. CPEC acquires a paramount position in China's foreign policy interests and therefore Chinese stakes for ensuring its stability remain high. Apart from offering an effectual extra-regional connectivity infrastructure to China, a functional CPEC project also delineates an increasingly strengthening geo-economic partnership between Pakistan and China.<sup>297</sup>

However, with Gilgit-Baltistan, as an integral part of the CPEC Project, the Indian government has been rejecting CPEC as an illegal project that violates the international norms of respecting the sovereignty, equality and territorial integrity of other nation states.<sup>298</sup> India fears the CPEC to be a de facto security alliance between China and Pakistan that may decapitate the disputed territories of Ladakh and J&K from India.<sup>299</sup> Pakistani authorities claim that Indian contempt for CPEC has gone as far as the Indian government setting up militias to attack and disrupt the project.<sup>300</sup> Nevertheless, months following the onset of the bitter India-China standoff, in September 2020, Pakistan and China signed a deal to initiate

developmental projects in the Pakistan-administered Kashmir as well.<sup>301</sup>

## **Consequences of China's Involvement As A Third Party In Kashmir Dispute**

With China's rising stakes in the Kashmir dispute, China is expected to increase its assertiveness over the issue, paving way for greater engagement in the inter-state politics of the South Asian region. The current status of India-China bilateral ties depicts that this development may not be a good call for India. An assertive Chinese foreign policy posture is already being observed by a number of international foreign policy analysts. Arguably, China's rising economic prowess and expansive economic engagements have led it to develop an 'aggressive outlook' with the aim of implementing the 'Beijing consensus'.<sup>302</sup> Not only has this assertiveness prominently surfaced against the United States and its allies, but has also surfaced in Chinese handling of its sovereignty disputes with Hong Kong and Taiwan.<sup>303</sup> In case of India, the current border standoff is also an attribution to China's growing assertiveness in its political outlook, delineating China's ability to put India on the defensive. Within Indian domestic circles, the India-China border is viewed as China's show of power, asserting Chinese relevance as a strong player in Asia's political landscape.

In the case of Pakistan, however, strategic ties between China may certainly experience a growing convergence, specifically on Jammu and Kashmir. Pakistan and China are expected to experience a further deepening in bilateral strategic and geo-economic ties. While the two countries have historically shared cordial ties, as mentioned earlier, CPEC has emerged as a key factor connecting the two countries. Moreover, in recent years, China has also lent active diplomatic support to Pakistan's counter-terrorism efforts for evading the FATF blacklisting. Moreover, an important aspect of China's increasing strategic ties with Pakistan revolves around conflict management and economic development in Afghanistan.<sup>304</sup> In 2014, China participated in the Murree peace talks, that were facilitated by Pakistan. China once again became a part of the Six Nations Talks in 2016 for bringing peace in Afghanistan through political means.<sup>305</sup> This suggests that Chinese involvement in the South Asian region may undertake Pakistan as a linchpin for its South Asian policy.<sup>306</sup>

The mentioned above facts suggest that the government of China is currently displaying its propensity to increase its engagement in the politics of South Asia. In recent years, Chinese interests in the region have revolved around promoting peace and stability in Pakistan and Afghanistan to curb the influence of extremism, facilitation of trade and energy corridors, and most importantly, increasing Chinese presence in the Indian Ocean Region.<sup>307</sup>

## Implications for Pakistan

While Pakistan has historically received China's support on the Kashmir issue, the implications of an increasing Chinese engagement in the region are larger than strategic interests alone. On strategic front, Pakistan may secure an ardent support on the issue of Kashmir. While this shall primarily result from China's increasing strategic and economic stakes in Kashmir, an optimal capitalisation of the said opportunity shall hinge upon a proactive political and diplomatic manoeuvring by Pakistan. On the economic front, the government of Pakistan already sees its economic future tied up with China.<sup>308</sup> With China stepping up its involvement in the region, Pakistan is expected to experience economic, technological and industrial development.<sup>309</sup>

## Implications for India

India, on the other hand has considerably sought to establish its strong hold on peripheral south Asian states.<sup>310</sup> With Chinese engagement incrementing in the region, India already views an upsetting South Asian geo-political balance to India's disinterest.<sup>311</sup> As a starter, the Chinese entry into Kashmir conflict as a relevant and aggrieved party has compromised India's position on the issue, along with an active internationalisation of the issue.<sup>312</sup> To India's displeasure, China's regional engagement via BRI has already engaged a number of peripheral South Asian states that were once under the ambit of India's regional hegemony.<sup>313</sup> While India had historically relied on political, societal and cultural ideals to forge ties with regional states, China's financially-driven engagements in the South Asia are expected to overrule Indian diplomatic footprint seamlessly.<sup>314</sup>

## **Implications for Kashmir's Self-Determination Movement**

While recent political developments in South Asia have considerably altered the security matrix in South Asia, the implications of these developments on Kashmir's self-determination movement need further introspection. China already enjoys popular support in the IIOJ&K valley.<sup>315</sup> The India-China border standoff at the LAC was welcomed as a positive development across masses in Indian-occupied Kashmir. India's domestic policies regarding Kashmir have already invited China as party to the conflict. The consequent border standoff has incurred on India that its traditional high-handed policies, unilaterally deciding the political and legislative standing of the IIOJ&K may not be met with a restrained response, particularly from China.<sup>316</sup> In the current scenario, owing to China's historical profile of amicably resolving territorial disputes with neighbouring states may set a precedent in the case of IIOJ&K.<sup>317</sup> However, on the contrary, India's historical record of outright revisionist approach to resolving border disputes presents a bleak opportunity of a trilateral discussions-oriented resolution of Kashmir dispute.<sup>318</sup> In light of the above-mentioned facts, it may be argued that in the future, Kashmir's self-determination movement may haul the positive externalities stemming from an increasing internationalisation of the issue due to China's engagement.

## CHAPTER 8

### Survey Report

As discussed in the previous chapters, the regional and local dynamics surrounding the IIOJ&K have considerably evolved and altered since 2019 when India unilaterally revoked the IOJ&K's status of a special state. Hence, with the changing dynamics of the Kashmir issue, the CSCR realised the need of presenting an evidence-based study on how Pakistan needs to revisit its Kashmir policy accordingly. In one of the first Pakistan-based pilot surveys since August 2019, the CSCR conducted an experts' perception survey to gauge and consolidate an understanding of the overarching Pakistan-based expert opinion on the future of Kashmir's self-determination movement. This survey collects opinions of members of Pakistan's academic, strategic, and political community who hold professional and academic expertise on the subject. This survey shall establish an evidence-based understanding of how Pakistan views the future of Kashmir's self-determination movement, in order to guide policymaking in Pakistan. While Pakistan's state-level stance towards Kashmir has been traditionally derived from sources like official speeches, statements, government documents, interviews, and media analyses, this survey shall provide a systematic collective thinking of Pakistan's decision-makers and influencers on the future of Kashmir conflict.

As its starting point, this survey assumes that the opinion of Pakistan's academic community and the community of experts on Kashmir is vital for future policy-making and ensuring regional political stability, and wider global security. In this respect, going forward, this special survey report takes guidance for recommending the way forward to Pakistan's future policy-making regarding the Kashmir issue.

This chapter of the special report seeks to present the results of this survey conducted by the academics' directorate of the CSCR. This chapter begins with outlining the research methodology for the survey conducted, next it presents a demographic overview of the respondents with reference to their professional background, age, gender, and role in decision making. This section shall put forward the findings of the conducted survey in

a detailed and sequential manner. Following this the chapter presents a detailed analysis of the survey results as recorded. The results of the survey have been divided into 7 broad themes that include: perspectives on the revocation of Kashmir's special status, the Kashmiri armed struggle, the future of the Kashmir dispute, the future of South Asian stability, Pakistan's response mechanism, China as a party to Kashmir dispute, and finally the way forward for Pakistan to effectively highlight the Kashmir dispute.

The findings of this survey have also been employed by the researchers' team in chapter number 10 of the special report to inform policy-oriented recommendations and for drawing practical conclusions.



Figure 1: Exhibit showing some major findings of the survey

## Research Methodology

The Kashmir conflict constitutes a major foreign policy issue for the state of Pakistan. However, surveys designed to present a consolidated expert opinion on the issue remain limited. In this regard, this survey by the CSCR is an attempt to fill this gap and encourage research-based policy making. The questionnaire was designed in Google Forms, comprising 18 questions, was sent via E-mail invitations for participation to approximately 100 Pakistan-based experts on Kashmir and India-Pakistan bilateral relations. These experts were chosen from the fields of academia, research and policy institutes, mainstream media, politics, bureaucracy, and the military forces of Pakistan. In response, the questionnaire was filled by 38 recipients (38.0 per cent) by June 2021. While the survey was kept anonymous, in order to ensure its credibility, individual email addresses were recorded. Responding to all 18 questions was made mandatory. However questions related to theme V and VII were open to more than a single response per given options.

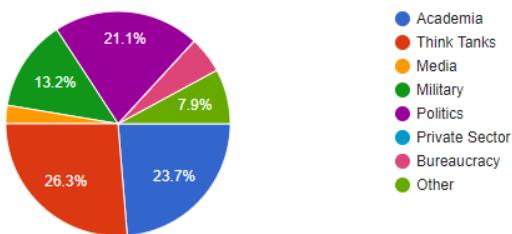
### Profession-wise distribution of respondents

The respondents of this survey primarily include professionals of Pakistan from the fields of military, academia, think tanks, media, bureaucracy and politics. Out of 38 total responses, the largest contribution has been made by professionals from different private and government-led think tanks of Pakistan. In total, there are 10 respondents from think tanks/ research centres, thereby making around 26.3 per cent of the overall responses. Respondents from Pakistan's academic community are also 9 in number, making around 23.7 per cent of the overall respondents. These respondents include academics of Pakistan working in local as well as international universities around the world. Total 8 responses from Pakistan's political community have been recorded. These politicians mainly come from Pakistan's mainstream political parties and a part of provincial and federal legislative bodies. In total, 21.1 per cent of responses of the survey have been recorded from Pakistan's political community. A total of five responses have been recorded from military officers of Pakistan, two responses from Pakistan's bureaucracy (5.3 per cent of overall responses) and one response from the media industry (2.6 per cent of the overall responses). three respondents (7.9 per cent of the overall responses) chose to specify their

profession as “other” than those specified in the survey questionnaire. (see exhibit 2) On the basis of gender, a total of 21 males (55.2 per cent of the overall responses) and 17 (44.7 per cent) females have responded to this survey. (See Exhibit 3)

Select the sector where you have spent most of the time of your professional career

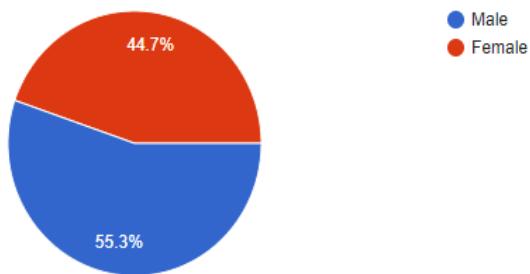
38 responses



*Exhibit 2: pie-chart showing professional demographics of the respondents*

Gender

38 responses



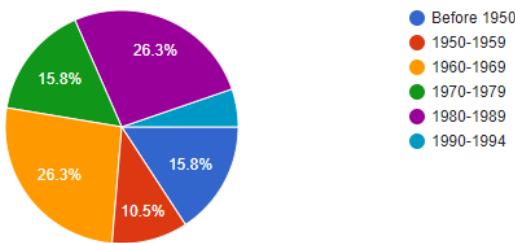
*Exhibit 3: pie-chart showing gender-wise distribution of the respondents*

## Age-wise distribution of respondents

A total of 52.6 per cent (total 20 in numbers) responses have been recorded from the age groups of 60s and 40s, each contributing 26.3 per cent (total 10 in numbers, respectively) of the total responses. While, 31.6 per cent (total 12 in number) of responses have been recorded from participants falling in age groups of more than 70s and 50s, each contributing 15.8 per cent (total 6 in numbers, respectively) of total responses. 10.5 per cent (total 4 in numbers) of responses came from participants in their 70s. Whereas, least number of responses have been recorded from participants in their 30s i.e., only 5.3 per cents (total 2 in numbers). (See Exhibit 4)

Select the time period in which you were born

38 responses

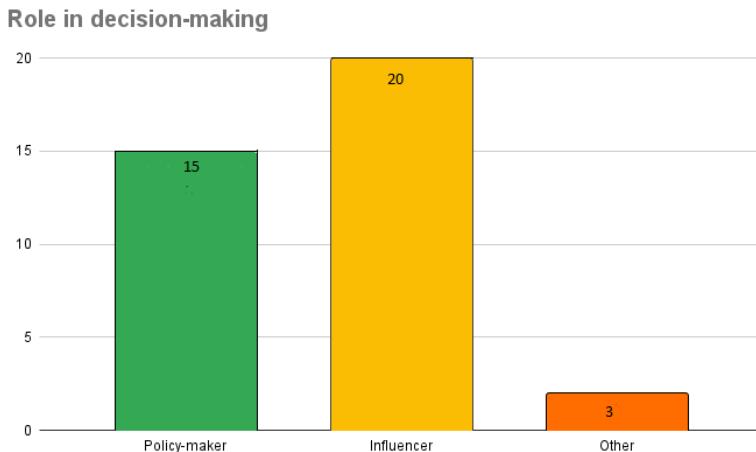


*Exhibit 4: Pie-chart representing age-wise distribution of respondents*

## Role in decision-making

The respondents have been divided into two categories based on their role in the decision-making process. Those who play an active and direct role in the decision-making have been classified as the “policy-makers”, whereas those having an indirect role in decision making have been characterised as “influencers”. The category of policymakers includes responses from politicians, bureaucrats and military personnel. 39.4 per cent of responses have been segregated into this category, with a total of 15 responses. However, a larger proportion of responses has been recorded from the influencers category. Responses from influencers account for 55.6 per cent of responses, with a total of 20 responses. 5.6 per cent of responses have been categorised into neither of the two categories, owing to the mixed

professional background of the respondents. (See Exhibit 5)



*Exhibit 5: Bar-chart showing the role of respondents in decision-making*

## Survey findings

This section shall put forward the findings of the conducted survey in a detailed and sequential manner. The findings shall be sequenced as per the following themes:

- i. Perspectives on the revocation of Kashmir's special status
- ii. Perspectives on the Kashmiri armed struggle
- iii. Perspectives on the future of the Kashmir dispute
- iv. Perspectives on the future of South Asian Stability
- v. Perspectives on Pakistan's response mechanism
- vi. Perspectives on China as a party to Kashmir dispute
- vii. Way forward for Pakistan to effectively highlight the Kashmir dispute

## **Theme I: Perspectives on the revocation of Kashmir's special status**

On the theme of India's unilateral revocation of Article 370 and 35-A, the respondents were asked about the two most-defining motivating factors behind the Indian move. The responses were asked to choose from the following options:

**America's probable withdrawal from Afghanistan:** No respondent chose this option as the most characteristic reason; however, one respondent chose this as the second major reason for India's revocation of Article 370 and 35-A. (See Exhibit 6)

**The anticipated rise of militancy in IOJ&K as a consequence of the Afghan peace deal and the consequent troops withdrawal from the country:** No respondent considered this to be the most defining reason. 4 respondents (10.5 per cent) among all believed that this could be second most defining reason for India's revocation of Article 370 and 35A. 89.5 per cent of the respondents believed this factor not to be among the two most defining reasons. (See Exhibit 6)

**BJP's political compulsion of fulfilling its promise of revoking the special status of IOJ&K, which was a part of its electoral manifesto:** 16 respondents (42 per cent) believed that the most defining factor behind India's revocation of Article 370 and 35-A was this promise as a part of its electoral manifesto. 58 per cent (total 7 in numbers) of respondents believed this factor to be the second most defining reason. (See Exhibit 6)

**BJP's ideological inclination for its expansionist Hindutva agenda in the region:** 29 per cent of the respondents believed that the most-defining factor behind India's revocation of Article 370 and 35-A was its ideological inclination for its expansionist Hindutva agenda in the region. Another 29 per cent believed this factor to be the second most defining factor. In total, around 58 per cent respondents believed that BJP's Hindutva expansionist agenda is a characteristic reason behind India's revocation of Article 370. However, 42 per cent of the respondents believed this factor not to be among the two most defining reasons. (See Exhibit 6)

**BJP's intention to transform the demography of IIOJ&K in the anticipation of a future UN-supervised plebiscite:** 34.2 per cent (total 13 in numbers) of respondents believed that BJP's intention to alter the demographics of the IOJ&K in the favour of the Hindu religious minority in the region, in case of a plebiscite is a reason behind India's revocation of Article 370. Almost 21 per cent (total 8 in numbers) of the respondents believed it to be the most-defining factor, whereas, 13 per cent (total 5 in numbers) believed it to be the second most defining factor. However, around 65.8 per cent of the respondents believed this factor not to be among the two most defining reasons. (See Exhibit 6)

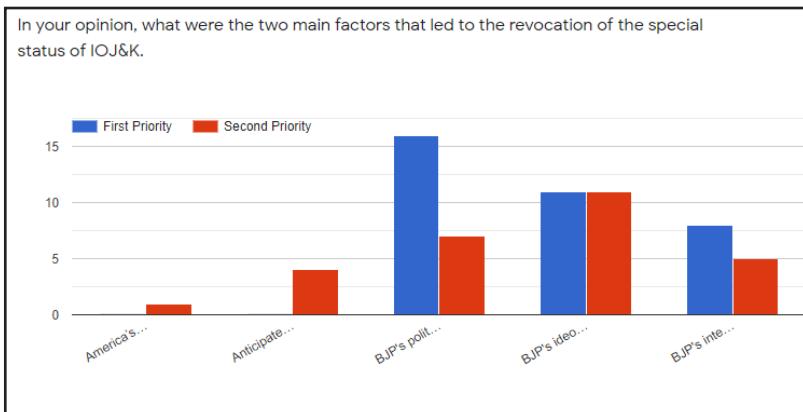


Exhibit 6: Bar Chart showing responses for the two main factors that led to the revocation of the special status of IOJ&K

### Economic future of IOJ&K following the revocation of Article 370 and 35-A

One of the premises as presented by the Indian government for the revocation of Article 370 and 35-A was to bring about economic prosperity in the region. However, as discussed in chapter three of this report, that the economic trends have been signalling the economic conditions to be deteriorating. An overwhelming majority i.e. 87 per cent (total 33 in numbers) of the respondents, when asked, also believed that the Indian government shall not bring about economic prosperity for the people of IOJ&K. Meanwhile, around 13.2 per cent (total 5 in numbers) of respondents believed otherwise. (See Exhibit 7)

One of the premises of revoking the special status Jammu and Kashmir was to bring about economic prosperity in IOJ&K. Do you think that India will fulfill its promises of economic prosperity for the people of IOJ&K?

38 responses



*Exhibit 7: pie-chart showing responses on India's fulfilment of its promise of bringing about economic prosperity.*

## Theme II: Perspectives on Kashmir's armed struggle

Though armed struggle against Indian occupation is a legitimate right of the people of J&K, however it remains a controversial subject. The questionnaire involved questions on the reason behind Kashmiri's motivation to join armed struggle, and whether it should be employed as a legitimate violent option against Indian occupation.

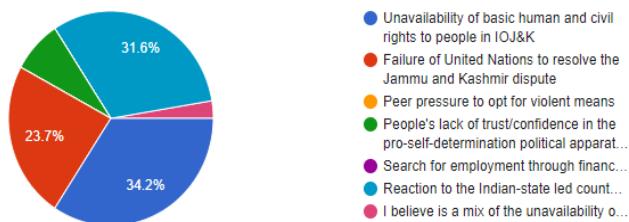
### Factors Motivating Kashmiri Youth To Join Armed Struggle

Following the revocation of Article 370 and 35-A, the trends of Kashmiri youth joining armed struggle against Indian occupation have increased. When asked, 34.2 per cent (total 13 in numbers) believed that the unavailability of basic human rights to the people of IIJ&K is serving as a major factor behind an increasing recruitment of Kashmiri youth in armed struggle groups. 31.6 per cent (total 12 in numbers) of the respondents believed that India's indiscriminate counter insurgency operations leading to human rights violations is motivating the Kashmiri youth to join the armed struggle. Around 23.7 per cent (total 9 in numbers) of the respondents believed that the failure of the UN to resolve the J&K dispute as a major reason. Whereas 7.9 per cent (total 3 in numbers) respondents believed that the lack of Kashmiris' trust in the pro-self-determination movement of J&K has led the Kashmiri youth towards joining armed struggle. 2.6 per cent (total 1 in numbers) respondents opted

for other reasons. (See Exhibit 8)

What factors are motivating Kashmiri youth to join militancy?

38 responses



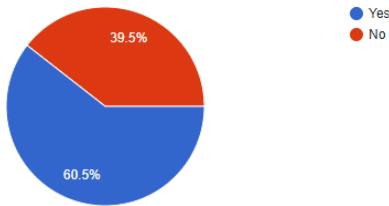
*Exhibit 8: Pie-chart representing factors motivating Kashmiri youth to joining armed struggle*

### The Question Of Kashmiri Armed Struggle

On being asked that whether the people of IJ&K should employ violent means for its self-determination struggle against Indian control, 60.5 per cent (total 23 in numbers) of respondents voted in the favour of Kashmiris' employment of armed struggle. Whereas 39.5 per cent (total 15 in numbers) respondents voted otherwise (See Exhibit 9)

Do you support use of violent means by people of Jammu and Kashmir under international humanitarian law for armed struggle against Indian forces?

38 responses



*Exhibit 9: pie-chart representing respondents' opinion on violent means as a means for Kashmiri self-determination struggle*

### Theme III: Perspectives on the future of Kashmir dispute

On the question of the probable future of the Kashmir conflict, around 55.2 per cent of respondents (total 21 in numbers) believed that the prevalence

of status quo in the Kashmir issue is less likely to prevail. Whereas 48 per cent (total 17 in numbers) respondents believed that status quo/no conflict resolution in the Kashmir dispute is likely to prevail in the future. (See Exhibit 10)

**In your opinion, is it likely that a status quo over the Kashmir dispute prevail in future?**

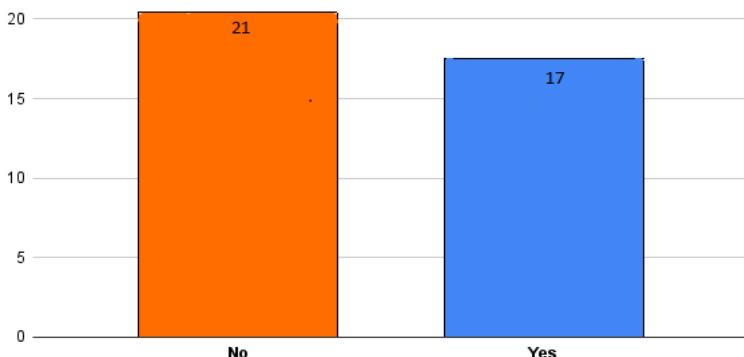


Exhibit 10: Bar-chart representing responses on likelihood of prevalence of Estatus quo in the Kashmir dispute

Among those who believed that the prevalence of status quo in the Kashmir is unlikely, around 44.7 per cent (total 17 in numbers) believe that a U.N.-supervised plebiscite may take place. 15.8 per cent (total 6 in numbers) respondents believed in the likelihood of J&K becoming an independent state. Another 13.2 per cent respondents (total 5 in numbers) believe in the likelihood of both India and Pakistan merging their respective parts of J&K as their permanent territories. 5.3 per cent (total 3 in numbers) of the respondents believed in the possibility of third-party mediation. (See Exhibit 11)

What do you think is the future of Jammu and Kashmir dispute?

38 responses

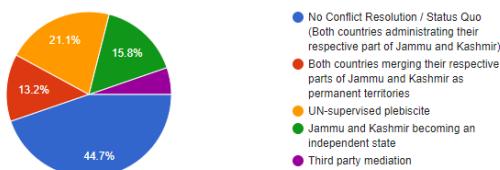
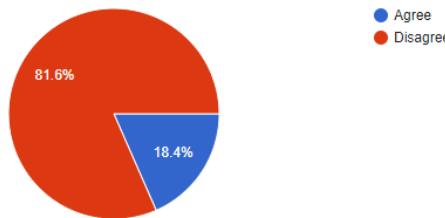


Exhibit 11: Pie-chart showing responses on the probable future of Kashmir dispute, if status quo does not prevail

On being asked, if Pakistan should merge Azad J&K into its territory, the way India has merged the IIOJ&K, an overwhelming 81.6 per cent respondents (total 31 in numbers) responded negatively. However, around 18.4 per cent respondents (total 7 in numbers) believed that Pakistan should merge the territory Azad J&K into its territory. (See Exhibit 12)

Do you think that Pakistan should merger Azad Jammu and Kashmir as India has done with IOJ&K?

38 responses

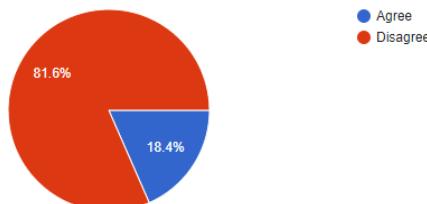


*Exhibit 12: Pie-chart representing responses on whether Pakistan should merge the territory of Azad Jammu and Kashmir*

In the similar context, the respondents were asked if Pakistan should engage in a military conflict for the resolution of Kashmir dispute. 81 per cent responded (total 31 in numbers) negatively, believing that Pakistan should not engage in a military confrontation against India for the resolution of Kashmir dispute. Around 18.4 per cent respondents (total 7 in numbers) believed otherwise. (See Exhibit 13)

Do you think that Pakistan should engage in a military conflict with India over Jammu and Kashmir dispute?

38 responses

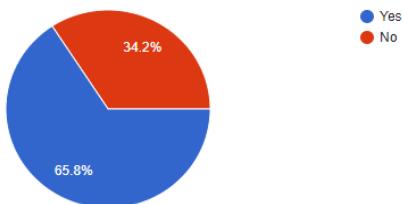


*Exhibit 13: Pie-chart representing responses for whether pakistan should engage in a military confrontation against india for the resolution of Kashmir dispute*

Pakistan's official stance regarding the Kashmir dispute remains that the disputed territory of J&K should be governed by the UN Charter and relevant UNSC resolutions. Time and again, Pakistan has also called for a 'free and impartial' plebiscite in the occupied J&K under the auspices of the UN.<sup>319</sup> In this regard, the survey collected the over-arching opinion of Pakistan's experts over the question of independence for the people of IIOJ&K. Around 66 per cent of respondents (total 25 in numbers) believed that in case of a UN-supervised plebiscite, the option of independence could be given to the people of IIOJ&K. 34.2 per cent (total 13 in numbers) of respondents responded in negative. (See Exhibit 14)

In case of UN-supervised plebiscite, can an independence option be given to the people of Jammu and Kashmir?

38 responses



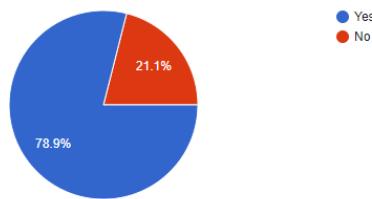
*Exhibit 14: Pie-chart representing responses regarding the possibility of an independence option for the people of IIOJ&K in case of a un-supervised plebiscite*

#### Theme IV: Perspectives on the future of South Asian Stability

India and Pakistan have repeatedly come at the brink of a nuclear confrontation, primarily emanating over the Kashmir dispute. In recent years, the nuclear threshold between India and Pakistan has also risen. Hence, in this context, the respondents were asked if the Kashmir dispute could lead to a limited-scale war between India and Pakistan. To this question, 79 per cent participants responded (total 30 in numbers) in affirmation i.e. a limited confrontation over the Kashmir dispute may take place between India and Pakistan. 21 per cent participants (total 8 in numbers) however responded in negative. (See Exhibit 15)

Do you think a future military conflict between India and Pakistan (limited war) will occur over Jammu and Kashmir dispute?

38 responses

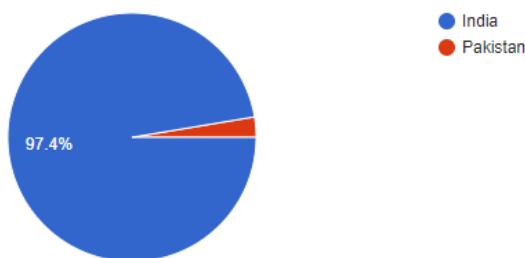


*Exhibit 15: Pie-chart representing responses on whether the kashmir dispute can lead to a limited-scale war between india and pakistan*

Next, the respondents were presented a scenario of a limited-scale military conflict taking place between India and Pakistan. The respondents were asked that which one among India and Pakistan were more likely to initiate a limited-scale military conflict. In response, 97 per cent of the respondents (total 37 in numbers) believed that India was more likely to initiate a limited scale confrontation with Pakistan. (See Exhibit 16)

Who do you think will start the future military conflict?

38 responses

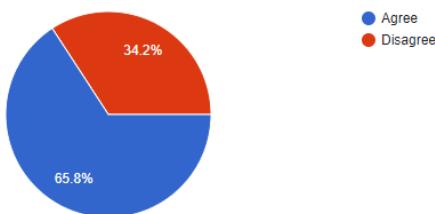


*Exhibit 16: Pie-chart representing responses regarding which of india or pakistan may initiate a limited military confrontation*

On the similar lines, the respondents were asked whether the Kashmir dispute holds the potential of aggravating into a nuclear confrontation or not. In response, around 66 per cent respondents (total 25 in numbers) opined that the Kashmir dispute has the potential of aggravating into a nuclear confrontation. 34.2 per cent respondents (total 13 in numbers) believed otherwise. (See Exhibit 17)

Do you think that Jammu and Kashmir dispute has the potential to aggravate a nuclear conflict between India and Pakistan?

38 responses



*Exhibit 17: Pie-chart representing responses over the potential of kashmir dispute in aggravating a nuclear confrontation in south asia.*

## Theme V: Perspectives on Pakistan's response mechanism

The respondents were asked a set of questions to evaluate the shortcomings in Pakistan's response mechanism to the Kashmir dispute. This set of questions was aimed at diagnosing the loopholes in Pakistan's policy towards the Kashmir dispute and devise a reflective and practical way forward. In this regard, the respondents were asked to choose the two most defining factors that have served a major shortcoming in Pakistan's efforts towards the resolution of the Kashmir dispute. The results have been presented as under: (See Exhibit 18)

**Lack of political will:** The respondents were asked if they believed that a lack of political will has served as a key shortcoming in Pakistan's efforts for resolving J&K dispute. Almost 76.4 per cent of the respondents believed that this factor was not among the top two shortcomings of Pakistan's policy-making. However, around 21 per cent of the respondents believed that a lack of political will was the most defining shortcoming. Whereas

2.6 per cent respondents believed this to be the second-most defining shortcoming.

**Limited Economic Clout and Lobbying:** The absence of an economic clout and lack of global and regional economic interdependence is usually understood as a major weakness in Pakistan's foreign policy. When asked, 21 per cent of the respondents believed that a limited economic clout leading to an ineffective and a narrow lobbying is the most defining shortcoming in Pakistan's policy. Another 21 per cent believed this to be the second-most defining factor. Whereas, around 58 per cent respondents believed this not to be among the top two major shortcomings in Pakistan's policy.

**Inability to devise a cogent and comprehensive action plan:** Next, the respondents were asked if they believed that Pakistan's inability to devise and implement a cogent action plan was among the two most defining shortcomings in Pakistan's policy. 58 per cent of the respondents did not believe this to be among the two most defining shortcomings. However, 34.2 per cent respondents believed this to be the most defining factor. Another 7.8 per cent of the respondents believed this to be the second most defining factors.

**Pakistan's inability to amplify its position on Kashmir issue to the UNSC member states:** Next, the respondents were asked if they believed that the inability of Pakistan to amplify its position regarding the dispute through diplomatic channels to former and current non-permanent UNSC member states as a major shortcoming in Pakistan's policy. Around 76.3 per cent of the respondents did not consider this to be among the two most defining factors. However, around 15.7 per cent of the respondents believed that this factor was the most defining factor. Rest, 8 per cent respondents believed this to be the second most defining factor.

**Excessive Securitization of the policymaking process:** Securitisation of the policy-making process, specifically regarding Pakistan's security interests has remained by and large a controversial subject. Hence, in order to develop an understanding on the influence of the securitisation of policy making process, the respondents were asked to evaluate if the said factor can count among the two most defining shortcomings. 5.2 per cent respondents believed this to be the most defining factor. 8 per cent of the respondents

believed this to be the second most defining reason. Whereas around 87 per cent believed the factor as not among the two most defining factors

**Reliance on great power mediation:** Next, the respondents were asked if they believed that Pakistan's reliance on the great powers for a mediation over the issue is a major shortcoming in Pakistan's Kashmir policy. None of the respondents deemed it to be the most defining factor, however, 10.5 per cent respondents deemed it to be the second most defining factor.

**Politicization of Kashmir committee and bureaucratic impasse within foreign office:** The respondents were also asked about two other factors, i.e. the politicization of the parliamentary committee on Kashmir, and the bureaucratic impasse within the foreign office. However, none of the respondents chose any of these two factors to be among the top two defining shortcomings in Pakistan's efforts towards resolving the Kashmir dispute.

What are the key shortcomings in Pakistan's efforts for resolving Jammu and Kashmir dispute?

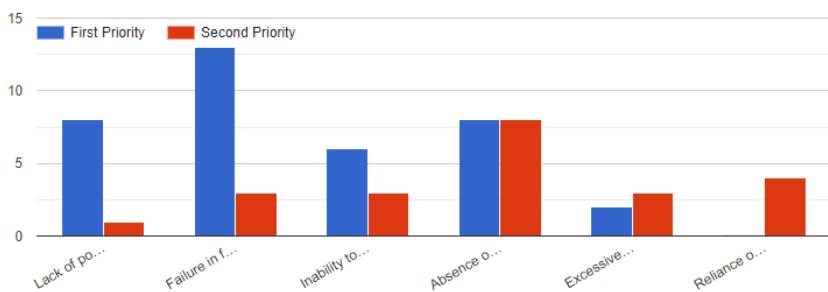


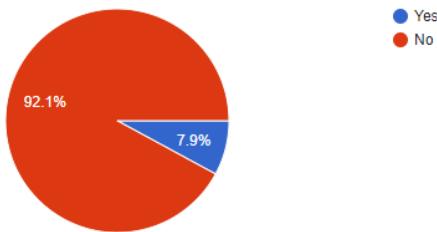
Exhibit 18: Bar-Chart showing responses for the two major shortcomings in Pakistan's efforts for resolving J&K dispute

**Performance of the Parliamentary Committee on Kashmir:** Regarding the performance of the Parliamentary Committee on Kashmir, around 92 per cent of the respondents (total 35 in numbers) shared their dissatisfaction. Whereas around 8 per cent of the respondents (total 3 in numbers) shared their satisfaction over the performance of the Kashmir Committee. (See

exhibit 19)

Are you satisfied with the performance of Parliamentary Committee on Kashmir in fulfilling its mandate?

38 responses



*Exhibit 19: Pie-chart representing responses for participants' satisfaction over the performance of Kashmir committee*

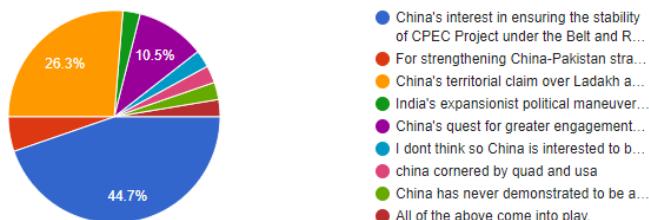
#### Theme VI: Perspectives on China as a party to Kashmir dispute

Since August 2019, China's posturing in the South Asian region has been turning assertive. This aspect was most particularly manifested in 2020, as India and China engaged in a months-long face off at the disputed territory of Ladakh.

Over the question regarding China's interest in becoming a party to the J&K conflict, 44.7 per cent respondents (total 17 in numbers) believed that China aims at ensuring the stability of CPEC under its ambitious Belt and Road initiative, hence it is increasing its engagement in the region. 26.3 per cent respondents (total 10 in numbers) believed that China's interest in J&K conflict is due to its territorial claims over Ladakh and Aksai Chin. 10.5 per cent of the total respondents (total 4 in numbers) chose China's quest for greater engagement in the South Asian politics as a reason of its willingness to become a party to the conflict. 5.3 per cent of the respondents (total 2 in numbers) thought that it's because China aims at strengthening its strategic partnership with Pakistan. Whereas 10.5 per cent of the respondents (total 4 in numbers) chose others option. 2.6 per cent of respondents (total 1 in numbers) chose India's expansionist political manoeuvring (See Exhibit 20).

Why China is interested in becoming a party to Jammu and Kashmir dispute?

38 responses



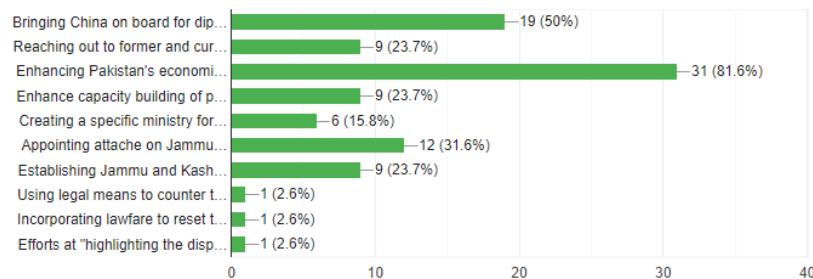
*Exhibit 20: pie-chart showing responses for why Pakistan is interested in becoming a party to the Kashmir dispute*

### Theme VII: Way forward for Pakistan to effectively highlight the Kashmir dispute

Lastly, the respondents were presented a number of measures that the government of Pakistan could take in order to highlight the Kashmir issue in an effective manner. The results of the question are presented as follows. (See Table 1). A graphical representation of the responses has also been attached. (See Exhibit 21 and Table 1)

What measures should Pakistan take to effectively highlight the dispute?

38 responses



*Exhibit 21: Chart representing responses regarding measures Pakistan must take to effectively highlight Kashmir dispute*

- Enhancing Pakistan's economic standing for securing greater political support / international lobbying over the issue - 81.6 per cent (total 31 in numbers).
- Bringing China on board for diplomatic support - 50 per cent (total 19 in numbers)
- Appointing attaché on J&K dispute in major world capitals - 31.6 per cent (total 12 in numbers)
- Establishing J&K research centres at key public universities - 23.7 per cent (total 9 in numbers)
- Enhance capacity building of parliamentarians on the historical, political and legal aspects of J&K issue - 23.7 per cent (total 9 in numbers)
- Reaching out to former and current non-permanent UNSC member states - 23.7 per cent (total 9 in numbers)
- Creating a specific ministry for acting as nodal agency for highlighting J&K dispute - 5.8 per cent (total 6 in numbers)
- Other (approximately 3 per cent)

## CHAPTER 9:

# Pakistan Facilitation of Kashmir Self-Determination Movment

### Post-August 5 Steps taken by the Government of Pakistan

Since the scrapping of the Article 370 and 35-A that grants special legal status to the occupied Kashmir, Pakistan has remained at the forefront, highlighting the issue at national, regional and international levels.<sup>320</sup> The response by the government of Pakistan is measured by a continuous reiteration of the Kashmir cause as India unilaterally annexed Kashmir thereby rendering all the international legally binding instruments obsolete and towards pre-1947 status. The scrapping of the aforesaid articles from the Indian constitution created great concern for Pakistan. In response, the Government of Pakistan, under the leadership of Prime Minister Imran Khan launched an active diplomatic campaign seeking to garner international support over the issue of Kashmir. With China's support to Pakistan in the UN Security Council, a number of UNSC closed door sessions over the issue have been conducted in August 2019.<sup>321</sup> Pakistan also sought to mobilise the Muslim world over India's unilateral revocation of the IHK's special status by calling for an emergency session of the OIC.<sup>322</sup> Though the OIC verbally condemned India's action, yet to Pakistan's dismay, the response from the OIC states was not very encouraging.<sup>323</sup> Nevertheless, Pakistan's diplomatic outreach to China, Turkey and Malaysia turned out to be reassuring.<sup>324</sup> Most importantly, the diplomatic efforts led by Pakistan's political leadership became a key force, bringing the Kashmir issue in the focus of international media.

In his annual speech at UNGA, Prime Minister Khan resounded the debacle in occupied Kashmir.<sup>325</sup>

The government of Pakistan sought removal of an Indian movie actress, Priyanka Chopra, as the UN Global Peace Ambassador for voicing pro war statements.<sup>326</sup> Pakistan also stated about taking the case of Kashmir and its related annexation move by Modi government to International Court of

Justice.<sup>327</sup> In October 2019, the government of Pakistan also invited and entertained the United States congressional delegation to Azad Kashmir, aiming to apprise the larger international community of the political stability that prevails there.<sup>328</sup> Domestically, Pakistan's political leadership called for protests and marches, showing solidarity with Kashmir. This became a regular norm in post-Article 370 scenario. Additionally, such rallies were also conducted all across the world where Muslims are living in general and Pakistanis in particular.

As the regional stability situation took the toll of India's aggressive policies, Prime Minister Khan, during his address to the annual UNGA Meeting in 2019, stated Pakistan's right to exercise self-defence in the face of a probable threat of Indian surgical strikes in the Pakistani territory. However, Pakistan refrained from establishing an offensive posture against India. Moreover, the government also clearly warned its citizens from joining the Kashmiri armed struggle.<sup>329</sup> This was to reduce the chances of the Indian state finding an excuse to crackdown further on Kashmir in the valley.<sup>330</sup> Therefore, the stance since then from the government of Pakistan is more of a soft power projection and diplomatic activities against India and exposing its actions in Kashmir.

During his visit to United States, Imran Khan was assured by Donald Trump to mediate on the issue of Kashmir.<sup>331</sup> Also, on gross human rights violations by Indian government in the Kashmir valley, Pakistan denied its airspace, as a gesture of protest, to be used by the Indian Prime Minister.<sup>332</sup> In its latest diplomatic moves, Pakistan released its official political map depicting the occupied Kashmir as "disputed territory" thereby rejecting the illegal steps taken by the Modi government.<sup>333</sup>

## **Future Plans of Civil Military Leadership of Pakistan on Kashmir**

Two years have passed since the revocation of Article 370 and 35-A by the Indian government against the special status of Kashmir. Pakistan has remained active against exposing Indian atrocities to the world through diplomacy. Another important aspect of Pakistan's plan by its civilian and military leadership is to quell India's aim of provoking Pakistan to act offensively against India and in the favor of Kashmir. That has already been sensed by the political and military leadership of Pakistan. Therefore, the

civil-military duo has cleared the air for not joining the fight for Kashmir against India for it might provide an excuse to Modi government to legitimise its actions in Kashmir more. At the moment, Pakistan cannot take any action other than diplomatic moves for obvious reasons as its economic conditions and the war in itself would be costly.

However, at the same time Modi's actions have also provided a ground for exposing and exploiting the fault-lines within the state of India. It is not clear at this point in time whether the civilian and military leadership of Pakistan are considering this option or not. However, this does provide an opportunity to Pakistan for silently paving the way for other minority communities in India to expose the Modi administration and its actions. Whatever the future plans of civilian and military leadership of Pakistan would be, one thing that is positive in this context is that both sides follow the same response strategy against India.

So, it can be stated that the future course of action would also be decided by both sides together. Pakistan would continue to expose India on the basis of its gross human rights violations in Kashmir. And this did create an impact in the form of international reports claiming and exposing violations of human rights in India.<sup>334</sup> Long term consistent diplomatic pressure and exposition of Indian atrocities in Kashmir would nonetheless remain the benchmark of Pakistan's future plans. The civil military balance has rendered a policy that enabled both sides of the coin to collaborate in an integrated strategy against India and exposing human rights violations in the valley of Kashmir.

## **Military Leadership highlighting Kashmir Cause**

The military leadership has always remained a direct stakeholder in the formulation of a response strategy against India in exposing the atrocities in Kashmir valley. The public relation arm of Pakistan Army, ISPR has been actively exposing the violations along the LOC by the Indian military forces.<sup>335</sup> Moreover, the military has also remained at the back of civilian leadership and on the same page in exposing the actions of Indian government in Kashmir since the scrapping of Article 370 and 35-A. The military of Pakistan also successfully tested surface to surface ballistic missile.<sup>336</sup> So that Indian may not become complacent about Pakistan's

strength. The essays published by the authors in “Green Book” have also manifested their own stance about exposing the Indian actions in Kashmir valley. It categorically denies the Indian unilateral action in Kashmir valley and has voiced a trend towards regional instability being sparked and led by Modi and its fascist regime<sup>337</sup>. The military has also aptly exposed the atrocities in Kashmir valley by producing songs, poems and documentaries that depict the soft yet cruel image of Kashmir created by Indians, killing innocent civilians inculding women and children. Pakistan's military has periodically arranged visits of groups of journalists and diplomats to apprise them about the situation in Azad J&K and across the LOC.<sup>338</sup>

## Role of Civil Society in Highlighting Kashmir Cause

Civil society in Pakistan also played a critical role in raising the voices against Indian atrocities in the valley of Kashmir. The academia as well as the think tanks<sup>339</sup> in Pakistan aptly conducted seminars and workshops to discuss and highlight the Kashmir cause and subsequent lockdown in the valley that has terminated the Kashmiri people from rights of expression, rights of choice, and rights to accessing digital technologies. Not just the mainstream civil society of Pakistan exposed the atrocities but the digital rights activists also played their part in consistently exposing the rights violations in digital domain. Digital Rights Monitor, an organization, has also exposed India on 100 days of lockdown of Kashmir valley denying access to the internet<sup>340</sup>. The women rights activists as well as digital and feminist groups have also raised their voices on internet blockade in Kashmir.<sup>341</sup> Many civil society organizations joined hand on the first anniversary of lockdown of Kashmir valley for a negotiated solution to the Kashmir cause. The PIPFFPD also raised their voice in exposing the issue on the lines of humanitarian grounds and not on lines of territorial issue.<sup>342</sup>

Conclusively, every sector of society of Pakistan, may it be government institutions, military or the civil society of Pakistan that accounts for digital society, rights groups and women activists, have raised their voice and are still doing so since the revocation of Article 370 and 35-A.

## CHAPTER 10

## Conclusion and Recommendations

With the rising tide of nationalism across the globe, and the growing popularity of hyper-nationalist BJP in India, the question of the “right to self-determination” of the people of Kashmir has become ever more pressing. Amid this state of affairs, the erst-while state of J&K has been experiencing an ever-increasing and excessive socio-political and economic suppression at the hands of the Indian state. However, the increasing international attention to the case of India’s human rights violations in the disputed territory, and rising recruitment trends in Kashmiri armed struggle are suggestive that Kashmir’s struggle for self-determination may experience an encouraging trajectory. In this regard, following measures can be taken by the people of IIOJ&K and the state of Pakistan:

- The indigenous Kashmiri populace can adopt non-violent strategic means, along with a strategic armed struggle, in order to generate larger international support in its favour. In this regard, it is pertinent that the people of the occupied-Kashmir take active steps to normalise their case of “armed struggle for self-determination” as a legitimate and legal right of the people of Kashmir, allowed as per the international law. Also, women should be incorporated as an integral part of Kashmir’s self-determination movement as active participants in the strategic as well as non-strategic struggle.
- An increasing emphasis should be laid down in the independent functioning of free press, media, and impartial human rights watch dogs in the occupied territory of Kashmir. This should be coupled with access to information and communication to the people of IIOJ&K, in order for indigenous Kashmiri voices to be communicated to the world. In this regard, the utilisation of social networking platforms and independent blogs can serve as media, however, this hinges on the access to internet and other communication services to IIOJ&K.
- A defining role in the movement can be played by the Kashmiri diaspora. An increased participation of Kashmiri diaspora in the non-strategic struggle involving the setting up of think tanks, study centres, advocacy groups, human rights and terrorism databases,

and contributions to mainstream media can serve to strengthen the articulation of indigenous voices on the Kashmir dispute. Two other dimensions of diaspora support to the Kashmir dispute can be establishment of communication modes between diaspora and Kashmiri leadership, and the provision of financial support to the struggle.

- The government of Pakistan can launch a highly proactive diplomatic campaign that highlights the Kashmir issue as India's illegal occupation over a disputed territory, rather than a territorial dispute. Pakistan also needs to aptly highlight the grave human rights violations and war crimes that have taken place in the occupied valley. Pakistan's diplomatic navigation should span wide enough incorporate not only states but also international media groups, prominent think tanks, human rights organisations and dominant pressure groups.
- The government of Pakistan also needs to attach a special focus to the applicability of the international law to the issue of Kashmir. There exist number of international law provisions that can be tapped by Pakistan: provisions of the Geneva Convention, International Covenant on Civil and Political Rights, and the International Humanitarian Law to list a few. Therefore, A special body of international law experts that can explore the Pakistan's legal options and guide Pakistan's case in an effective manner needs to be devised.
- It is also pertinent that the Indian-occupied Kashmir be accepted and admitted as a war-zone, in order for the relevant laws subject to war-zones to be applicable to the occupied valley. This again, hinges on the diplomatic initiatives taken up by the government of Pakistan.
- Pakistan also needs to forge better ties with groups and bodies that are already working on the situation of Jammu and Kashmir. Such bodies may include the Office of the High Commissioner for Human Rights, and the JKCCS. This measure can enable an effective information-sharing and policy-making mechanism.
- Pakistan may also mobilise indigenous Kashmiri civilians and other civil rights organisations for taking up Kashmir issue and Indian war crimes in the International Criminal Court. However, this requires robust liaising mechanisms between the state of Pakistan and the people of Kashmir.
- Pakistan can also gain the ICJ's advisory opinion over the issue of Kashmir, however, this is subject to the acquisition of the UNSC and

UNGA referral. While gaining the UNSC referral would become challenging, nevertheless, Pakistan may move impartial human right organisations and other pressure groups for the purpose. More importantly, for the ICJ's advisory opinion to be sought, Pakistan shall need to develop its legal question with great precision.

- Pakistan can also push for the establishment and functioning of independent and impartial investigative/fact-finding bodies that can probe into the human rights violations and war crimes perpetrated by the Indian government in the occupied Kashmir. While the government may not allow investigative activity to physically take place in the occupied valley, it can however be conducted remotely. In this regard, the UN Special Rapporteur can be moved. Pakistan can also push the UN High Commissioner for Human Rights for the purpose.
- The government of Pakistan should also work on deepening its economic interdependence with major economies of the world, in order to secure political objectives. Firstly, the Pakistani government must look to reap the diplomatic and political ends that may arrive from Pakistan's partnership with China. However, in the longer run, Pakistan's economic interdependence with countries of the world, resulting from its central role in the mega BRI should be actively capitalised by Pakistan.
- Additional measures, that can be taken up by Pakistan may include: appointing attaché on J&K dispute in major world capitals, establishing J&K research centres at key public universities, enhancing the capacity building of parliamentarians on the historical, political and legal aspects of J&K issue, and reaching out to former and current non-permanent UNSC member states.

## CHAPTER 11:

# Notes

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<sup>3</sup> Sumantra Bose, *Kashmir: Roots of Conflict, Paths to Peace*, (Cambridge, Havard University Press,2003), 31.

<sup>4</sup> Alastair Lamb, *Kashmir: A Disputed Legacy*, (Hertingfordbury, Roxford Books, 1991), 121.

<sup>5</sup> Sumantra Bose, *Kashmir: Roots of Conflict, Paths to Peace*, (Cambridge, Havard University Press,2003), 18.

<sup>6</sup> Alastair Lamb, *Kashmir: A Disputed Legacy*, (Hertingfordbury, Roxford Books, 1991), 123.

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<sup>8</sup> Ibid.

<sup>9</sup> Fozia Nazir Lone, "The BJP has marched into a legal bind over Kashmir's accession to India", *TRT World*, last modified August 23, 2019, <https://www.trtworld.com/opinion/the-bjp-has-marched-into-a-legal-bind-over-kashmir-s-accession-to-india-29197>

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<sup>16</sup> United Nations Security Council Resolution 80 (1950), *The India-Pakistan Question*, S/1649, (March 14, 1950), available from: <http://unscr.com/files/1950/00080.pdf>

<sup>17</sup> Yoginder Sikand, "Changing Course of Kashmiri Struggle: From National Liberation to Islamist Jihad?", *Economic and Political Weekly*, Vol. 36, No. 3 (2001): 218-227

<sup>18</sup> Alastair Lamb, *Kashmir: A Disputed Legacy*, (Hertingfordbury, Roxford Books, 1991), 292.

<sup>19</sup> Ayesha Jalal, *The Struggle for Pakistan: A Muslim Homeland and Struggle for Pakistan*, (Cambridge, Harvard University press, 2014): 118.

<sup>20</sup> Jonathan Colman, "Britain and the Indo-Pakistani Conflict: The Rann of Kutch and Kashmir, 1965." *The Journal of Imperial and Commonwealth History* 37, no. 3 (2009): 465-482.

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<sup>21</sup> M. Ilyas Khan, "Operation Gibraltar: The Pakistani troops who infiltrated Kashmir to start a rebellion," *BBC News*, last modified 5 September 2016, <https://www.bbc.com/news/world-asia-34136689>

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<sup>25</sup> Ibid.

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The self-determination movement of Kashmir is a longstanding tale of India's hegemonic actions. These hegemonic designs are a concoction of human rights violations, restricted political, social, economic liberties, extra-judicial killings, arbitrary detentions, and an indiscriminate counter-insurgency operation launched by the Indian government. The movement has entered its 74th year, and there appears no end to the structural repression by the government of India. As per the framework of international law, the act of self-determination is legitimate through which indigenous communities in any democratic country practice statehood, the sovereignty of governance, territorial integrity, and cultural autonomy as per their free will. With episodes of violence witnessing an uptick, the magnitude of the response on the plight of Kashmiris from the international community is decidedly truncated. The report primarily centres around the survey, which records the policy take of Pakistan's academic, strategic and political community. The aim of consolidating expert opinions and takeaways was to gauge the understanding and divisions along a set spectrum. The voice of Pakistan's academic and policy community on the question of Kashmir is vital for future policy-making, regional political stability, and broader global security. As the question of Kashmir hangs in the balance, the report discusses the issue from a national, regional, and international standpoint.

Under the broader ambit of the Centre for Strategic and Contemporary Research (CSCR), the South Asia Security Program focuses on the security landscape of South Asia. It also analyses the trends and activities of militant forces while simultaneously recording the responses of regional players. CSCR is an independent policy institute in Islamabad that projects strategic foresight on issues of significance for civil society stakeholders, policymakers, and state officials.