

**An Indigenous Response to Pakistan's Political Narratives and  
Actions on Kashmir Conflict: The Case of Azad Jammu and  
Kashmir**



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**Registration No: 00000321031**

A thesis submitted in partial fulfillment of the requirements for the  
degree of MS Peace and Conflict Studies

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## **Thesis Acceptance Certificate**

It is certified that the contents and form of the MS thesis titled “**An Indigenous Response to Pakistan’s Political Narratives and Actions on Kashmir Conflict: The Case of Azad Jammu and Kashmir**” written by **Ms. Maida Farid** (Registration No. 00000321031) of Centre for International Peace and Stability has been vetted by the undersigned, found complete in all respects as per NUST status/regulations, is free of plagiarism, errors and mistakes and is accepted as partial fulfillment for the award of MS/MPhil Degree. It is further certified that the necessary amendments as pointed out by the GEC members of the scholars have also been incorporated in the said thesis and have been found satisfactory for the requirement of the degree.

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## **Dedication**

For all the voices screaming in silence across the Line of Control.

## **Abstract**

Kashmir Conflict remains one of the longest ongoing conflicts in the world. The lack of positive developments has kept the conflict protracted and frozen. This research aims to provide new dimensions towards the conflict resolution process by bringing forward the indigenous narrative. The research studies Pakistan's narrative on the Kashmir issue, drawing its parallel with the political reality in Azad Jammu and Kashmir (AJK) i.e., legal, and political framework in AJK. Qualitative exploratory research was conducted. And to make the data more inclusive and representative, elite interviews were conducted with a sample of 30 experts from 6 different fields. The categories included law experts, politicians, academics, think tanks, journalists, and bureaucrats. Three main findings of the research suggested a greatly felt need for inclusion of people of AJK in conflict resolution and peace process on Kashmir conflict. The people of Kashmir should be empowered, and the 1974 interim constitution should be revisited. And Pakistan needs to revisit its strategies and Kashmir policy to strengthen its narrative.



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# 1. INTRODUCTION

“At the heart of any conflict are narratives, some spoken, loudly, persistently, even articulately, backed by science and technology, and others seemingly absent or shriveled, partial, yet dense with meaning, materialized only through the presence of a wall, a shrine, a fire, or the macheted arm of a young woman” - Sara Cobb

Kashmir Conflict is believed to be one of the longest ongoing conflicts in the world. The conflict is the result of an enduring rivalry between India and Pakistan (Kapur, 2006). Different scholars have used different terms to define Kashmir Conflict, e.g., interactable (Coleman, 2003; Crocker et al., 2005; Vallacher et al., 2011), protracted (Brecher, 2016; Khan, 2015; Venugopal & Yasir, 2017), and frozen conflict (Bose, 1999; Jahn, 2015). Cobb, (2013) argues that conflicts are frozen or interacted over time when there is no evolution of meaning. Narratives must be told for the evolution of the conflict. Kashmir Conflict is unique in a manner that India and Pakistan both have their separate narratives on the conflict where Pakistan seems consistent in its stance over providing the people with their birthright of right to self-determination and India who undermining Pakistan’s narrative have always had a tendentious narrative which it buoyed given the international support (Basit, 2021). India has been committing grave human rights violations in Indian Occupied Kashmir but the anger has not yet erupted in outside world to condemn India, as White (1980) defining the value of narrative in the representation of reality suggests that using a certain narrative, the reality of event can be moralized and justified. India refers to the Kashmir conflict as an internal matter which requires no international attention (Ahlawat & Izarali, 2020) whereas, Pakistan has been demanding international attention (Sehgal, 2011; Cheema, 1995) to resolve the conflict, according to the United Nations Security Council Resolutions (UNSCR). Pakistan refers to Kashmir as an unfinished agenda of partition (Cheema, 2020) and it is clearly stated in its 1973 Constitution of Pakistan ““When the people of the State of Jammu and Kashmir decide to accede to Pakistan, the relationship between Pakistan and the State shall be determined in accordance with the wishes of the people of that State” (The 1973 Constitution of Pakistan). So, provided the political discourse, Pakistan seems to be on a high moral pedestal (Abbas, 2017) but despite this Pakistan’s advocacy has not won international support, India strategically painting Pakistan with the brush of extremism, supporting and aiding militancy in valley and terrorist activities in India especially in the post 9/11 scenario has weakened Pakistan (Bukhari, 2010; Pattanaik, 2002).

Moreover, Indian scholarship has been questioning Pakistan's narrative of the right to self-determination concerning the legal and political arrangements in AJK (R. Kaul, 2020; Noorani, 2019; B. Puri, 1995; L. Puri, 2010). The criticism is mostly regarding the AJK's 1974 Interim Constitution which significantly extended Pakistan's control in the region (Mahmud, 2021; Snedden, 2012a). In addition to the Indian propaganda, there has also been criticism coming from the international human rights bodies on the relationship between Pakistan and AJK. The issue was raised in the Office of the United Nations High Commissioner for Human Rights (OHCHR). A reference was made to the laws in the constitution which were in direct contravention to the international standards of the right to freedom of expression, assembly association, and opinion (OHCHR, 2019). These laws include part 2 section 7 of the 1974 Interim Constitution<sup>1</sup>, AJK legislative Election Ordinance Act 1970 (section5(2)(vii)).<sup>2</sup> OHCHR has referred to these developments as '*structural violations*' by Pakistan. Other human rights organizations have also raised concerns, e.g., Human Rights Watch took into account the control and over-stretched authority of Pakistan in AJK (Hassan, 2006). A report presented by Baroness Nicholson in the European Union Committee tore apart the idea of AJK being an autonomous and content region (Mehmud, 2019).

Thus, the objective of this research is to delve into the question of Pakistan's political narrative on the Kashmir conflict and what are the factors which have contributed to strengthening or weakening Pakistan's position on the Kashmir issue, with a special focus on Azad Jammu and Kashmir (AJK). The research also aims to study the relationship between Pakistan and AJK. And how the inclusion or exclusion of the people of AJK could or could not be instrumental in strengthening Pakistan's position. Provided the advocacy of the right to self-determination for the people of Kashmir, the research also studies how much the legal and political framework in AJK helps support Pakistan's narrative. This research is a significant addition to the scant data that studies the political dynamic in Azad Jammu and Kashmir. It brings forward the indigenous narrative of the people of Azad Jammu and Kashmir. The finding of the research provides an answer to what are the problems in hindering Pakistan's position

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<sup>1</sup> Part 2 section 7 of the Interim constitution of AJK - "No person or political party in Azad Jammu and Kashmir shall be permitted to propagate against or take part in activities prejudicial or detrimental to the ideology of the State's accession to Pakistan"

<sup>2</sup>AJK Legislative Assembly Election Ordinance 1970 (Section 5 (2) (vii)) - "a person would be disqualified for propagating any opinion or action in any manner prejudicial to the ideology Pakistan, the ideology of State's accession to Pakistan, or the sovereignty and integrity of Pakistan"

on the Kashmir conflict and what the people of AJK consider to be a viable solution to those problems. The lack of local discourse and academic literature makes it difficult to understand the status of AJK, holistically, whereas the limited literature available on AJK is written by foreign authors with biased and limited insight into local sentiments, local narrative, and complexities of the region. This study aims to fill the vacuum in the existing literature and brings forward the local narrative of the people of Azad Jammu and Kashmir. The research findings nonetheless intersect with existing realities and have policy implications for Pakistan.

Furthermore, the research has been divided into five chapters. Chapter 2 covers the conceptual framework as well as the literature review. Chapter 3 is data and methodology; Chapter 4 is the analysis and discussion section, and Chapter 5 is the conclusion.

## **2. LITERATURE REVIEW**

### **2.1 Conceptual Framework**

‘Narrative’ is an academic concept that traveled and spread out into non-academic fields of politics and media (Shenhav, 2006). It is through a narrative that people develop an understanding of themselves and the world around them. Martin accentuates the human need to trace oneself in the different occurrences, how and where they belong in the story, and how the world around them progresses (Martin, 1986). What people consider true and what they believe to be false is all constructed through narrative. Narratives act as a formidable social force that frames identities and guides the actions of people (Law, 2000). Given the borrowed nature of the concept, different scholars have described and understood it from different perspectives. Political scientists have provided different definitions of ‘political narrative’, some scholars have focused on institutions (i.e., parliament, cabinet, political gatherings, etc.) as key players in formulating a political narrative. However, these political narratives which originate from formal political settings and institutions or by political figures can be differentiated from those political narratives which are formed outside the political framework of institutions with a mere focus on the conclusions that could be drawn from a narrative. If the content of a narrative holds themes like power relations, compromises, collective decision-making, etc. particularly appearing in a non-political context (Shenhav, 2006).

The former understanding of political narrative provides a more accurate lens to comprehend the role political institutions and political figures play in designing a certain narrative and the goal behind it. As political narratives are shaped by the different actors, the fidelity of representation of reality however remains contested (Shenhav, 2003; 2006).

Narratives are also used to amend and challenge the existing understandings of the relationship among people, states, nations, and the way historical events are interpreted. Such goals of narrative or counter-narrative building are politically demonstrated in telling stories about national identities and how, why, and in what manner several people belong and fit together. Such a narrative building takes place through actors like formal institutions of education. The political narrative can also be understood in terms of a conceptual narrative. These conceptual narratives are constructed by social scientists, who generate scholarship on social ethos, norms, and forces, such as like political institutionalization, power dynamics, economic growth, and path dependency. But conceptual narratives do not exist in a vacuum they either reinforce or challenge the existing ontological and public narratives (Somers & Gibson, 2007).

In political science, the concept of political narrative came into prominence as an opposition to the understanding of 'political reality' (Hartley, 2016). Political narratives are not restricted to the formal political apparatus (parties, political personalities, polls), they are proliferated by media outlets and reach the social institutions (families, schools), becoming a contextual part of everyday life. Thus, a political narrative is produced and consumed throughout different settings. Narratives are designed by textual systems and such political narratives carry their logic system to which discursive rules and customs apply. Political narrative arises from political discourse. (Wilson (2001) addresses the idea of political discourse as a type of discourse that either carries thematic elements which are political in nature or one which is generated in a political context. Given Wilson's definition, political discourse can be further understood in terms of formal and informal political discourse. The formal political discourse is generated at the formal political platforms like parliament, cabinet meetings and political public demonstrations, etc., whereas the informal political discourse has a much broader horizon which includes political issues and debates concerning social issues, power relations, and various conflicts on different levels of analysis (Shenhav, 2005). Thus, political narratives can be said to be political either in content or the context in which they arise.

It is convenient as well as more logical to understand political narratives as a temporal representation of fictive or real events (Prince, 1982), than to feel the compulsion to add closure and causality as the key determining criteria of political narrative (Shenhav, 2005). Shenhav argues that such additional requirements vary from situation to situation and are more related to how a certain narrative or the understanding of the narrative is operationalized. Thus, the need for causality to strengthen a narrative especially when the focus is issues pertaining to the

identity of an individual or a group is subject to criticism. Similarly, the need for closure as an added attribute suggests a ‘beginning-middle-end structure, which in the political narrative does not fit as there is no certainty about how the future will unfold itself. Story, text, and narration are three key aspects of a narrative (Rimmon-Kenan, 2003). In contrast to the fictive narratives, in the real world, there are bodies and agents which produce a certain narrative thus generating an environment of multiplicity and collectivity giving rise to national narratives (Shenhav, 2003).

Kashmir dispute is a very relevant case study. Internationally, the dispute has become a war of narratives. To shift the focus from the Kashmir issue, India makes every effort to present Pakistan as an enabler and purveyor of terrorist activities. India has always aimed to internationally isolate Pakistan by spreading a partisan narrative (Basit, 2021; Cowshish, 2021). However, committing grave human rights violations in Indian Occupied Kashmir (IOK), depriving Kashmiris of their self-determination rights, and suppressing Kashmiris' freedom struggles. India has been successful in projecting the struggle as an extremist and terrorist phenomenon backed and funded by Pakistan (Shah, 2019). White (1980) discusses how using a narrative structure on an event, help people moralize the reality of the event. And this is how India has been using his (dominant) narrative to moralize and justify the atrocities and violations in IOK. According to Michael Vlahos, narrative lays the foundation of all strategy, “the foundation of all strategy, upon which all else — policy, rhetoric and action — is built” (Vlahos, 2006). And the same is true for both India and Pakistan, the diplomatic relationship between the two has always been framed by their Kashmir policy and the on-ground situation in Kashmir. These state narratives permeate the institutional or political boundaries and become the public narratives, gathering the support of people, and strengthening it further.

## **2.2 Indigenous People and Their Rights**

The term ‘indigenous’ is synonymous to words like native, local, original, aboriginal etc. (Dictionary, 1989). In the current study, the term ‘indigenous’ is defined as people who are born in a specific place (Stevenson, 2010) i.e., people of erstwhile state of Jammu and Kashmir. Barker (2015) quotes Franke Wilmer statement in his book *Self-determination* stating that the indigenous people are a collective non-state entity which holds a right to self-determination under international and customary law. These laws affirms that the rights of the indigenous people are linked with territorial integrity, sovereignty of governance and cultural autonomy (Barker, 2015). It was after the world wars that the international law made efforts

to indigenize itself, making space for the indigenous people where the indigenous population was included nominally. In the case of being in a contested space, the position of the indigenous people has been seen to be weaker as compared to the other (international) political and social actors involved in the process (Cirkovic, 2006). The international body's function is based upon common interests and collective experience which may not always suit the indigenous population. Therefore, involving the indigenous population in the peace processes means openness to negotiations (Koskenniemi, 2004). Many anthropologists refer to indigenous people as a group of people who distinguish themselves from their political elite (Bowen, 2000).

For many years indigenous people have been trying to garner support from the international community to be recognized as the legitimate stakeholders in demanding the right to live, govern and develop as a distinct community based on their historical roots (Anaya & Anaya, 2004). Anaya (2004) further suggests that the indigenous communities have had some success in making their place in customary and conventional international law. There are cases of indigenous people having won autonomy for themselves. The case of Nunavut is one such example with a population of 27000 residents. Indigenous populations around the globe and especially in the western hemisphere are exploring similar strategies to negotiate considerable autonomy for them. The stress in terms is more on the right to decide for themselves rather than being in the background. It is important to note that the right to self-determination cannot be reduced to a successionist agenda run by an indigenous population. Because in most cases factors like size, location, security concerns, and limited resources, secession has a very limited practical value attached to it (Daes, 1993). In many cases, it has been seen that the focus of the demands of the indigenous population is not to dismantle nation-states but to empower themselves more to gain autonomy and authority over their territories, resources, and internal and external affairs to maintain their distinct identity. The case of Quebec is a very relevant case study where the Cree people intended to utilize their right to self-determination to remain part of Canada (Graham, 1999). But the conflict regions, where the indigenous population face oppression and human rights violations, succession is the appropriate strategy to go about (Anaya & Anaya, 2004). These include regions like East Timorese, Kosovo Albanians, and Kashmiris.

Young (2005) argues that it is useful that the indigenous people's demand for their right to self-determination should be dealt with as a paradigmatic event rather than treating it as exceptional. Despite the indigenous people have made their presence felt in the



international arena they do not believe that they have been successful in achieving any meaningful result so far as yet. Indigenous people anywhere in the world remain the group subject to discrimination, injustice, and domination, starting from their colonial rule to the aftereffects of the colonial rule which have caused many territorial and identity conflicts across the globe fueling the cycle of exploitation and discrimination. The indigenous people's right to self-determination demands to have control over the territory and resources because according to the indigenous people their material improvement depends on their autonomy over their land and to be able to make autonomous decisions as individuals and as a group (Levy, 2000). When working on peacebuilding it is essential for the international non-government organizations and other international bodies to pay appropriate attention to the historical and contextual factors of the conflict in a demographic as well as chronological manner. The peacebuilding efforts are unsuccessful because there is a lack of coordination between internal and external partners. As the external partners i.e. the international community always take the leadership role and determine what is best for the internal partners i.e., the indigenous people and primary victims of the conflict (Werner, 2010). Indigenous people advocate for the peacemaking processes and institutions which are located in the local values and co-exist with the international bodies like the International Court of Justice to resolve the conflict (John, 2013).

East Timor, Crimea, Kosovo, Palestine, Quebec presents some examples where either the people of the state have acquired independence under international law or are still struggling as in the case of Palestine despite the right of self-determination rendered to Palestinians by the UN (resolutions 181 and 194) later denied by Israel. The United Nations Mission in East Timor (UNAMET) was mandated to supervise and conduct a referendum to ascertain the will and wishes of East Timorese. The referendum was held and East Timor won freedom from Indonesia (Sundararaman, 2000). Scholars debate to what extent parallels can be drawn between the case of East Timor and Kashmir and can East Timor be used as a model for Kashmir resolution. According to Singh (2001), the case of East Timor provides three core arguments to help understand both disputes. In the same light, first, the uncertainty of the legal status of the state, second, the right to self-determination enshrined upon the state by UNSCR, and third the human rights violations and Indian state atrocities demands international action in Kashmir. However, Sundararaman (2000) builds a case of the uniqueness of the case of Kashmir referring to its historic identity, stakeholders in the resolution process, and the instigators of the conflict. Despite the uniqueness of the Kashmir dispute that some scholars

may argue, the input of the UN and its firm role as an enabler to help resolve the status of the state should be considered.

### **2.3 Historical Background**

Kashmir has been an object of malice, greed, and desire for conquerors, external aggression, and occupation for centuries. Historically, this beautiful abode of nature and its people have been ruthlessly ruled by the Mughals, Afghans, Sikhs, and Dogras before the 1947 Indo-Pak partition (Ahmad, 2017). Indian Independence Act 1947 laid down the legal foundations for the departure of the British from the sub-continent, dividing British India into two dominions i.e., India and Pakistan. British left Indian princes to take their decision, to accede to either of the dominions. Maharaja Hari Singh of Jammu and Kashmir was one of the last princes to decide on accession. Hari Singh's accession to Pakistan was geographically and economically not only feasible but also desirable. But his identity of being a Hindu ruler of a Muslim majority state caused him a dilemma (Snedden, 2012a). However, before Hari Singh could sign the Instrument of Accession on Oct 26, 1947, three significant events occurred which were a clear indication that Hari Singh had lost control of the region and was in no position to take any decision vis-à-vis the future of the state of Jammu and Kashmir or the Kashmiri; *the Jammu massacre, the Poonch uprising and the liberation of a large area of the state from Dogra raj* including the formation of the Azad Jammu and Kashmir governments (Haider, 2020; Snedden, 2012a).

India took the case of Kashmir to the UN in 1948 (under the debate of 'Kashmir Question' and 'The India-Pakistan Question'), the Security Council passed many resolutions and suggested a plebiscite to be held in the region to which both states agreed. Security Council stressed the need for peaceful settlement of the problem and suggested some arrangements to be made to ensure free and fair plebiscite to be held (Korbel, 1949). However, despite the willingness for a free and impartial plebiscite, both countries could not agree on the arrangements. Each state showed mistrust against the other. The UN resolution initiated and recommended the United Nations Commission for India and Pakistan's (UNCIP) to ensure its presence in the disputed territory for a fair plebiscite when the parties to the conflict had made the said arrangements (Lourie, 1955). But all efforts came to halt when India and Pakistan showed reservation over the commission (Korbel, 1953).

For Kashmiris, the Kashmir dispute is a struggle for their right to self-determination. Kashmir, home to more than 14 million people, having its indigenous history, culture, and

language that validate all the necessary features of a nation-state. And the institution of the state has been the key driver in articulating the national identity. And under international standards, people of a nation-state have the right to self-determination (Khurshid, 2016b). Under the UNSCR it is repetitively emphasized that ‘the future of the state would be determined through a plebiscite in accordance with will and wishes of its people’ (UN Documents for Jammu and Kashmir). The review of the literature reveals that India and Pakistan both acknowledged the right to self-determination of the Kashmiris but over the period of time India has diverted from its obligation by changing its stance on Kashmir (Dulat & Sinha, 2017; Snedden, 2015). The recent revocation of Article 370 and 35A undermined the self-determination right of Kashmiris which is a core principle of international law, protected by the UN charter as well as by the International Covenant on Civil and Political Rights has been practiced in different parts of the world under the international law (Self Determination (International Law)).

Provided the history of more than seven decades of Kashmir dispute and the social and political dynamics from across the Line of Control (LOC), one cannot draw parallels between Indian Occupied Kashmir (IOK) and Pakistan Administered Kashmir or better known as ‘*Azad*’(independent) Kashmir. Where Kashmiris under Indian occupation are struggling for freedom, the Azad Kashmiris have also been voicing the freedom of their brethren living across the LOC. However, the legal status of the liberated part of Kashmir, under Pakistan’s administration remains unclear. Various descriptions on the status of AJK could be drawn from different UN Security Council (UNSC) and the UN Commission for India and Pakistan (UNCIP). A close analysis shows that AJK is neither a sovereign state nor a province of Pakistan, but it is largely considered a Local Authority, given the responsibility it holds under the ceasefire agreement (Thomas, 1992). The Part II of the UN’s August 1948 resolution states that “Pending a final solution, the territory evacuated by the Pakistani troops will be administered by the local authorities under the surveillance of the Commission” (UN Documents for Jammu and Kashmir, n.d.).

Kashmir is viewed as both a cause and consequence of the Indo-Pak enigma. It carries many aspects ranging from justice for the people of Kashmir ( a narrative repeatedly pressed by Pakistan) to its strategic, territorial, and ideological basis (a concern for both India and Pakistan) (Blank, 2009), which makes it a zero-sum game for both regions (Hagerty et al., 1998). The dispute has become a struggle to build a stronger narrative than the other state, thus creating a non-tangible Kashmir within the minds of people (international community,

politicians, policymakers, ideologues). Thus, every person who come-across these narratives carries a picture that is somewhat independent of the on-ground realities, making, their own national identities which drive the Kashmir issues with a more nationalist lens (Behera, 2007). Despite sharing a common past, India and Pakistan both narrate their histories differently when it comes to the Kashmir conflict (Joshi, 2010). Thus, giving rise to two different narratives. Over more than seven decades Kashmir conflict has become a ‘war of narratives between the two countries. Such projection of the Kashmir dispute under India-Pakistan dynamic and dichotomous historical realities has been counterproductive and fallacious. In the case of Pakistan, it is important to revisit the fact that the strength of its narrative relies upon the Kashmiris' right to self-determination and not on territorial grounds (Kamal, 2021). It is interesting to note that despite being called the most militarized zone, the world’s longest-running dispute, and an intractable geopolitical conflict, the narrative, and their lived experience remain under-publicized in IOK. (Osuri, 2019). The voice and narrative of Kashmiris have colluded to be silenced by the Indian state since the very inception of the conflict. There is a reason that all the bilateral developments and negotiations including the Tashkent declaration (1966),<sup>3</sup> the Shimla agreement (1972)<sup>4</sup>, and the Lahore declaration (1999)<sup>5</sup> towards the Kashmir dispute, failed. The sufferings of Kashmiris in IOK continue as their political flag keeps on being operated by the very hands who have driven the subjects of the state to the wall by their pulverizing policies in the state(Sharma & Mir, 2020).

Despite its atrocities and evident violation of human rights in the valley, India keeps on justifying and covering its behavior by blaming Pakistan and portraying it as the problem creator. Kashmir issue has become a continuous blame game between the two countries which restricts and slows down the resolution process. For India, Pakistan-fueled militancy is detrimental to the cause, meanwhile, India has killed thousands of Kashmiris in cold blood labeling them as terrorists or militants (Bukhari, 2010). India has been committing these human rights violations in IOK since 1990 (after the uprising in IOK by Kashmiris in the late 1980s).

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<sup>3</sup> January 10, 1966 Tashkent accord was signed between India and Pakistan by India’s prime minister Lal Bahadur Shastri and Pakistan’s president Ayyub Khan, which ended a 17-day war between Pakistan and India of Aug–Sept 1965.

<sup>4</sup> Under 1972 Simla Agreement it was decided between India and Pakistan that the Kashmir dispute is a bilateral issue which should be resolved through bilateral negotiations.

<sup>5</sup> The Lahore Declaration was signed between India and Pakistan on 21 February 1999. The declaration reaffirmed India and Pakistan’s commitment to find peaceful solution to the Kashmir issue and to take immediate steps to ensure the accidental and authorized use of nuclear weapons.

Under the draconian rule and India's state-sponsored terrorism, India empowered its security forces, implementing repressive laws, which allowed arrest and detention without any conviction by the court of law. The Indian government provided unconstrained power to use force against people of Jammu and Kashmir, these acts (the J&K Disturbed Area Act; the J&K Public Safety Act, 1990 and the Armed Forces (J&K) Special Powers Act, 1990) resulted in indiscriminate and extra-judicial killings of unarmed civilians, detaining and torturing youth and destructing civilian properties (Ranjah, 2020).

Over the last few decades, the scholars of Critical Kashmir Studies have been mapping how India's relationship with Kashmir is colonial (Anand, 2012; N. Kaul, 2019; Osuri, 2017). (Duschinski & Bhan, 2017) have gone to the extent to call it 'occupational constitutionalism'. India has built a narrative that builds upon referring to Kashmir as *an integral part of India*. Whereas, in reality, the ill-treatment of Kashmiris by the Indian forces has given rise to the narrative of 'self-determination' and has strengthened it over time (Sharma & Mir, 2020). Pakistan has had its narrative on Kashmir as it has repeatedly called Kashmir an '*unfinished agenda*' of partition. In the war of narratives, where each country tries to strengthen its narrative, they also prove the other narrative erroneous. In a recent event an anti-Pakistan global network of fake websites, NGOs, and think tanks including 265 websites operating across 65 countries was discovered and reported by the EU Disinfo Lab. These websites were traced back to an Indian company involved in lobbying and disseminating propaganda against Pakistan in order to seek to control the narrative ("Pro-Indian 'Fake Websites Targeted Decision Makers in Europe,'" 2019). The narrative formation is a process of evolution that in the present era are formed and fed by social media websites. (Ranganathan, 2006) has written about the potential and capability of the internet to present historical events in a certain fashion to reinforce an existing narrative or to construct a new one.

It is important to take into consideration that the Kashmiris are the main stakeholders to the dispute and not a third party to the dispute. But it is also a reality that the Kashmiri narrative seems to be largely fractured based upon the 1947 partition which divided the people of Kashmir across LoC and restricted their communication. Given the fractured nature of narratives, there has been an increased demand for intra-state narratives between both parts of Kashmir, and the demand for Kashmiris to be included in the settlement process (Akhtar, 2012). The zero-sum game and 'head I win, tails you lose' approach of both India and Pakistan since 1947 have had negative repercussions on politics and economy of the region, as they experience more control than autonomy, under what has become a war where they have been

reduced to a third-party to the dispute (Asif, 2006). Studies show that the only appropriate method of governance in the disputed areas remains a well-negotiated power-sharing structure which gives a sense of territorial autonomy to the subjects of the disputed land (Tansey, 2011). Benedikter (2008) in his paper presents case studies of several European countries which have addressed the conflict between central and territorial governments by adapting to better power-sharing structures including Finland's act of self-government 1991 giving autonomy to Alands. Others include Catalonia (Spain) Scotland, Wales, and Northern Island (United Kingdom).

Scholars have also debated the formation of democratic and autonomous governance structures in the states which have considerable external control and influence can lead to problematic outcomes and consequences. Such a lopsided power-sharing relationship causes conflict between the two bodies. Hayat (2015) writes that AJK shares a similar imbalance relationship with Pakistan which has weakened the institutional capacity of AJK, failing to formalize legitimate government structures. In the initial days of independence, due to the uncertainty of the situation, there were no concrete measures taken to formalize the relationship between Pakistan and AJK. The power and political relationship between Pakistan and AJK have evolved and are still in the process of evolution. From the initial presidential rule to the 1970 Act to the later 1974 interim constitution, the people of AJK strived hard to acquire a proper governance setup. On one hand, where the 1970 Act provided AJK with full legislative and executive powers to make a major decision, the 1974 Interim Constitution Act made drastic changes, such as introducing the parliamentary system in the state, introducing a new administrative federal body called Kashmir Council which transferred control of major areas to the federal government, and restricting AJK government's control over the region (Snedden, 2017). The political decisions made under the uncertainty does not seem to suit the AJK state, they have restricted the state to exercise independence (Alam & Bali, 2012)

According to Singh (2013), the report presented by Baroness Emma Nicholson's at the EU for the first time put international focus on the AJK. In retrospect, Pakistan's Kashmir policy over the decades has remained unchanged and constant concerning its core component i.e., the right to self-determination of the people of Kashmir as enshrined in Article 257 of the Pakistan constitution. The wars fought between India and Pakistan have increased the feelings of hostility between the two nations (Cohen, 2002). However, they damaged Pakistan's position more as compared to India. Ghori (2007) argues the wars did not dent India's tenacity to hold on to Kashmir, they have isolated Pakistan on the Kashmir issue the decades-old status quo has weakened Pakistan's initial goal to bend India and to get some concession to get the resolution

process going. Furthermore, Pakistan's military alliance and role in Kashmiri Jihad had damaged Pakistan's position in the past, damaging its narrative and losing all or a little moral support it had in the international arena. 1972 Simla Agreement between India and Pakistan proves to be a bigger wrong committed by Zulfikar Ali Bhutto. Simla Agreement reduced the Kashmir conflict's international status to a bilateral issue between the two nations. Where it degraded the dispute, it restricted the third-party mediation and any sort of UN role in the dispute. These developments tremendously damaged Pakistan's foreign policy interests (Ghori, 2007; Hussain, 2009). In retrospect, it is also important to note that India has been able to build a narrative that shrinks the status of the Kashmir issue to a bilateral dispute between India and Pakistan. Whereas, this is not the reality (Khurshid, 2016b). It is stated in Para I of the Simla Agreement that both India and Pakistan would fulfill their assumed responsibilities to resolve the Kashmir conflict following the UN resolution under Chapter VI. Hence both countries still remain obliged to implement the resolutions and cannot debunk themselves from it. Khurshid (2016a) argues that the denial of India to a third-party mediation and calling it the violation of the Simla Agreement has no logical and legal standing.

In the post 9/11 time period, Pakistan opted for more diplomacy-led solutions. President Musharraf presented 3 different proposals stressing the need to demilitarize the region, to enable self-governance of the region, and India and Pakistan mutually administering it. This turn in the Kashmir policy generated new debates, it was welcomed by the moderate parties but not by the hardliners across LoC. Despite President Musharraf's proposal and impetus towards peace and resolution, the Indian response was very limited and not very welcoming. However, later the elected democratic government dismissed these developments (Shafiq, 2015). Fast-forwarding to August 5, 2019, India abrogated Article 370 of the Indian constitution and illegally annexing IOK with the Indian Union, stripping Kashmir of its so-called autonomous status, along with eradicating Article 35A thus, putting an end to the special privileges given to Kashmiris under the Indian constitution. These unilateral measures were followed by strict curfew, complete communication blackout, and deploying 38,000 troops of the Central Armed Police Force in the Kashmir Valley (reported in India Today). These grave human rights violations attracted some international attention from the UN and some foreign countries (M. Ganguly, 2020). These developments once again draw the contrast between the narratives of the two countries. Since the illegal annexation of the state by the Indian government, Pakistan has been garnering international support through its friendly neighbor China (a permanent member of the UN Security Council), and on the other side, India is still

adamant to call it an internal bilateral matter between India and Pakistan (Ahlawat & Izarali, 2020). But subsequently, India had taken many unilateral measures of a dispute it always refers to as bilateral. Pakistan has been committed to resolving the Kashmir dispute peacefully and under the UN resolution, but it is a pertinent question on how Pakistan would strengthen its narrative and how it will manage the issue in the coming future.

### 3. DATA AND METHODOLOGY

#### 3.1 Data Collection

The data collection for the current research has been conducted through elite interviews. The sample was drawn from the people belonging to Azad Jammu and Kashmir. Those, whose professions make them part of the forum that generates political discourse. A total number of 30 interviews were conducted. To ensure the validity and inclusiveness of the data, the sample was not only drawn from among the indigenous people within AJK, but they were further divided into six categories i.e., *Law experts, Politicians, Bureaucrats, Think-Tanks, Academics, and Journalists*. For each category, the most suitable experts were identified, according to the below-given selection criteria in Table 1:

*Table 1: The sample and criteria of selection*

| <b>Serial no.</b> | <b>Category</b> | <b>Criteria</b>   |
|-------------------|-----------------|---|
| 1                 | Politicians     | Only the senior leadership of AJK political parties   |
| 2                 | Law Experts     | Retired chief justice(s) of AJK Supreme Court, senior advocate Supreme Court AJK and experts on international law and peacekeeping from AJK |
| 3                 | Academia        | Scholars (from AJK) who are related to the field of international relations and Peace and Conflict Studies.                                 |
| 4                 | Journalists     | The AJK based journalists, who are currently active and have a thorough focus on Kashmir Conflict   |
| 5                 | Think-Tanks     | Members of national and international Think-Tanks/non-governmental organizations working on Kashmir Conflict                                |



Five experts were shortlisted and interviewed. Face to face and online interviews were conducted and recorded. An interview questionnaire comprising of 10 questions was designed (questionnaire in the appendix section). Each interviewee was given a code (e.g., V1, V2 V3. . . V30). The questionnaire was designed after a thorough review of the literature and identifying the gaps in the existing literature. The questions were designed to gather the understanding of experts from six different areas on the political narrative of Pakistan and its actions vis-à-vis the Kashmir Conflict. During the interviews, interviewees responded to all questions in detail. The average time taken by each interview was around 45 minutes. The interviews were later transcribed, followed by the coding process and thematic division. Thirteen themes emerged throughout the interviews.

### 3.2 Analysis

The qualitative thematic analysis has been used as the analysis tool for this research study. The thematic analysis includes a six-phased analytical process which starts with the first step of **familiarizing with the data** to get a hold of the data set prior to the data collection in order to gather a thorough understanding of your data through a deep engagement. Second step is **code generation**, the researcher starts off by labeling the data contextually, systematically, and thoroughly. Coding helps in generating insight and comprehending the collected data. Once the codes have been generated comes the phase of identifying patterns within the codes that have been generated. In the current research, the research questions worked as a guide to create themes and other themes that emerged from the dataset. these potential themes are **reviewed** and then **defined and named** (Terry et al., 2017). The qualitative to the quantitative conversion of the data increase the methodological validity of the research. Thematic analysis is a significant research tool for anatomizing new dimensions to a particular topic by delineating and encapsulating the gaps in the existing literature. In the current study, multiple themes emerged but only the themes fulfilling the scope of the research were selected and critically and contextually analyzed.

## 4. RESULTS AND DISCUSSION

### 4.1 Results

To carry out the inter-rater reliability analysis, 20% of the data i.e., 6 interviews were given to a second-rater with a list of themes and their operational definitions. After receiving the coded files from the second-rater, the inter-class correlation coefficient (ICC) test was conducted on *Statistical Package for the Social Sciences (SPSS)* to confirm agreement on the identified themes. The ICC had a value above .60 for all the given themes (see appendix 2). After confirmation of themes for the 20% remaining interviews were transcribed.

**Table 2: Themes and their Operational Definitions**

| <b>Themes</b>            | <b>Definition</b>   |
|--------------------------|---|
| Political narrative      | Pakistan's stance on the Kashmir Conflict and what are the viable solution and arguments that Pakistan advocate at international forums for the resolution of the conflict. |
| Kashmir policy           | The strategic and diplomatic measures that Pakistan has taken on national and international levels in advocacy of Kashmir Conflict  |
| Self-determination       | The right of the people of the erstwhile state of Jammu and Kashmir, to determine their future status (with India and Pakistan) through a plebiscite                        |
| Contradictions           | The gaps and inconsistencies that might be seen in the political narrative of Pakistan and legal and political developments in Azad Jammu and Kashmir (political reality).  |
| Over-stretched authority | The extension of Pakistan's control and authority in AJK which might seem in conflict with what Article 257 of the constitution of Pakistan suggest                         |
| Intra-Kashmir narratives | The aspirations of people of Jammu and Kashmir across Line of Control (LOC)   |
| Intra-Kashmir dialogue   | Communication and dialogue between people of AJK and Indian Occupied Kashmir (IOK)  |
| Kashmiri inclusion       | Engagement of people of AJK in the peace processes and Conflict Resolution processes on national and international forums   |

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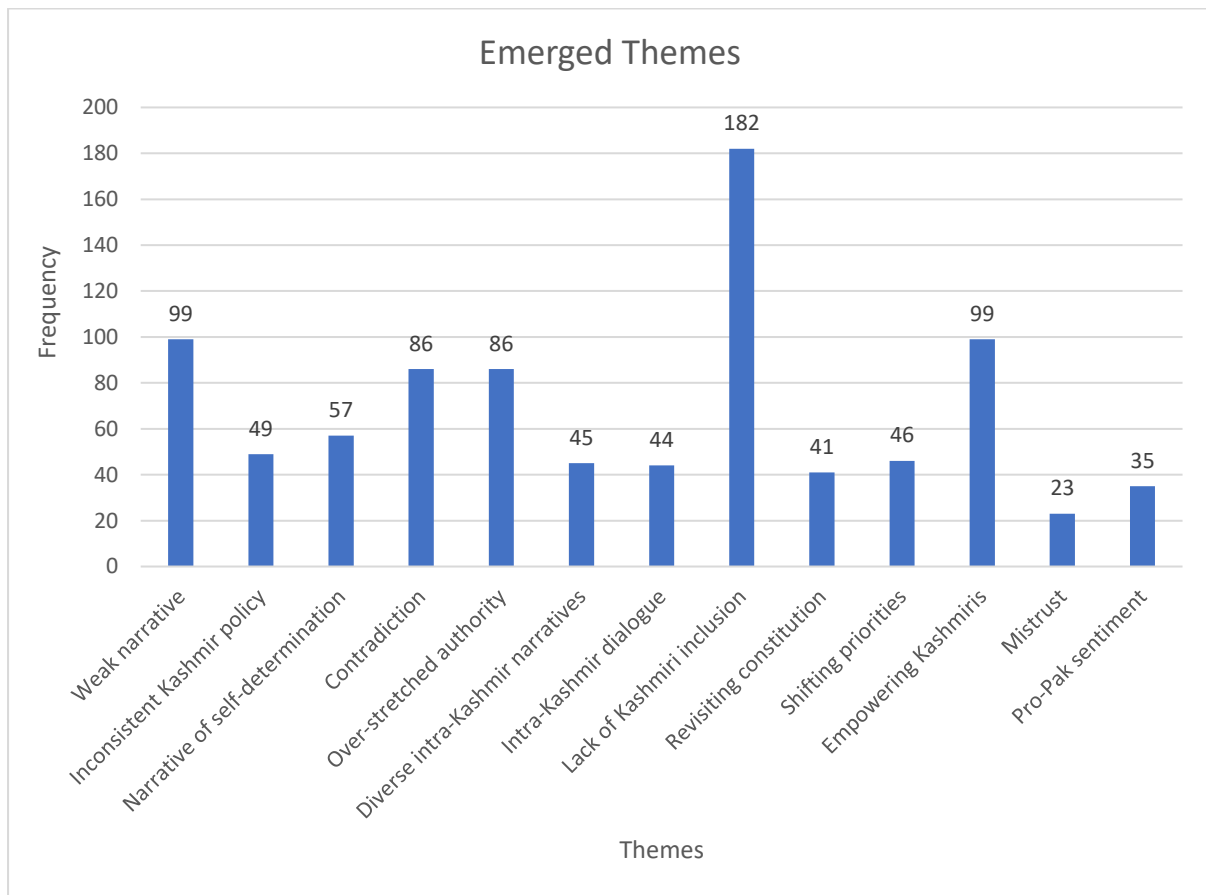
|                         |   |
|-------------------------|---|
| Revisiting constitution | The amendments (possible addition or subtractions) are required in the constitution.  |
| Shifting priorities     | Since 1947 all the political developments at the internal and external levels might have shifted Pakistan focus from the Kashmir issue. |
| Empowering Kashmiris    | Giving internal and external autonomy to people of AJK  |
| Mistrust                | Lack of confidence in people of AJK.  |
| Pro-Pak sentiment       | Support of state's accession to Pakistan.   |

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## **4.2 Discussion**

The common themes shared across thirty interviews, and their respective occurrences have been illustrated in figure 1.

**Figure 1: The re-occurring themes and their frequency of occurrence**



For the analysis, the overlapping themes were grouped under three overarching themes and divided into three chapters as shown below in Table 2:

**Table 3: Tables of overarching themes and sub-themes**

| Over-arching themes |  |   |                                    |
|---------------------|--|---|------------------------------------|
|                     | <b>Pakistan’s narrative on Kashmir</b> | <b>Legal and Political framework of AJK</b> | <b>Inclusion of People of AJK</b>  |
| <b>Sub-themes</b>   | Weak narrative                         | Contradictions                              | Inclusion of indigenous population |
|                     | Narrative of self-determination        | Overstretched Pakistani authority           | Diverse intra-Kashmir narrative    |
|                     | Inconsistent Kashmir policy            | Revisiting the constitution                 | Intra-Kashmir dialogue             |
|                     | Shifting priorities                    |   | Mistrust towards AJK leadership    |
|                     |  |   | Pro-Pakistan sentiment             |

#### 4.2.1 Pakistan's Narrative on Kashmir

This chapter covers four sub-themes that come under the overarching theme of Pakistan's narrative on Kashmir. These sub-themes include the *narrative of self-determination*, *weak narrative*, *inconsistent Kashmir policies*, and *shifting priorities* (Table 4). Cobb (2013) writes that at the heart of any conflict lies narratives. These narratives are formed by different means and methods. The written and spoken discourse when transforms into a 'master narrative', penetrates through multiple levels of analysis, mostly through a top-down approach (Hagström & Gustafsson, 2019). Building a narrative translates into building a case. Similar is true for the Kashmir conflict. Kashmir conflict is an intractable conflict (Coleman, 2003; Vallacher et al., 2011; Kriesberg, 1993) with multiple actors being involved and the main players at the forefront being India and Pakistan. Since the independence from the British Raj, Kashmir has been the nucleus of hostile relationships between India and Pakistan. The hostility and dispute between both countries are multi-layered and so seems the Kashmir conflict itself. The literature available on the topic provides us with multiple lenses through which to look at the conflict. Some questions legality of India's claim of Maharaja's accession to India, and its colonial rule (Lamb, 1991), and occupational constitutionalism in IJK (Duschinski & Ghosh, 2017) at the same time, Pakistan has been under scrutiny for its role in Indian-occupied Kashmir, starting from Pukhtoon invasion in October 1947 till date when Pakistan is accused of backing 'militancy' in IOK (Behera, 2007; Lamb, 1991; Snedden, 2015) and terrorism in India (Basit, 2021).

Unlike India's claim of Kashmir being its integral part, Pakistan considers Kashmir as an unfinished agenda of partition (Cheema, 2020). Both countries have talked about the right to self-determination of people of Kashmir and to resolve the issue through a plebiscite under UNSCR but historical events like Simla Agreement reduced the status of Kashmir conflict from an international to a bilateral issue, undermining the presence or inclusion of the primary party (people of Jammu and Kashmir) in the decisions taken on their behalf (Cohen, 2002). The argument was endorsed by a former diplomat V28 who stated:

Kashmir is a trilateral issue, to which the people of Kashmir are the principal party. This narrative was widely accepted internationally till about the mid-60s; then dents and fissures weakened it. Simla Agreement was a watershed event for the Kashmir dispute when we implicitly accepted that Kashmir was a bilateral dispute. It gave a very strong argument to India to rebut our case.

India who already does not think the principle of self-determination is applicable to the Kashmir case (Saini, 2001) referring to it as '*atoot ang*' (inseparable part) further strengthened its argument on the conflict. But the people of Jammu and Kashmir want to be provided their due right of the plebiscite and the right to self-determination (Sehgal, 2011). The people of Jammu and Kashmir were promised a plebiscite by India, Pakistan, and the United Nations through multiple resolutions from 1948-1971. India may seem wary of the UN involvement and implementation of the UN resolutions now, but it was the first one to internationalize the issue by taking it up to the UN under article 35 in 1948. Article 35 of the Charter of the United Nations states, "*any member may bring any situation, whose continuance is likely to endanger the maintenance of international peace and security to the attention of the Security Council*", referring to Pakistan as an aggressor who had acceded to India, requesting the Security Council to call upon Pakistan to end this act of aggression. As a result of which the UNSC issued many resolutions, and Security Council Resolution 47 stipulates India and Pakistan to withdraw their military presence from Jammu and Kashmir for the plebiscite to be held and to allow them to choose which dominion they want to accede (S/RES/47). Resolution 47 in essence advocates for the right to self-determination. Despite tabling several resolutions on the Kashmir dispute the role of the UN has not been sufficient to implement those resolutions and to enforce a settlement given the lack of mandate under chapter 6 as it holds no power of direct intervention or to impose any sanctions against the concerned party (Lamb, 1991). This gives India a free pass to deny and nullify the right to self-determination. Interviewee V30 (a former diplomat) speaking on Pakistan's narrative on Kashmir conflict and the UN's limited mandate in Kashmir added:

Pakistan's narrative is not as successful in the world as it should be. The main reason for it is that the Kashmir dispute has become a territorial dispute between two countries and Nehru played a very crucial role in taking the issue to the UN under Chapter 6 of the UN charter. Thus, the UN plays a role of a facilitator, and it cannot exercise its power over the issue. The issue should have been dealt with under a partition plan where independence was also an option. In that manner, the Kashmir dispute would be presented as a case of Kashmiri's right to self-determination and when the plebiscite would have been held, Kashmiris aspire to be with Pakistan so by any means they would have voted for Pakistan.

Thus, the Kashmir conflict since its inception has been subject to a number of extraneous variables which hindered its resolution. These variables include imperial intrigues and cold war politics (Shakoor, 1998), which among many outcomes shifted Pakistan's focus to other issues and took Kashmir off the UN agenda for a long time. Many responses signaled

Pakistan's active involvement in the Afghan war and its hindering effects on overall Pakistan's Kashmir policy. Both Pakistan's internal and external political instability are contributing factors in weakening Pakistan's position in the Kashmir conflict. In chronological order, it includes martial laws, the 1971 war resulting 1972 Simla Agreement, subjective approaches, and strategies on Kashmir policy e.g. Bhutto and Zia had different attitudes to find a political formula for settling the Kashmir conflict and incapability of governments to complete their tenures, etc. (Taylor, 1991). One of the key reasons for the deadlock in the UN remains the 1972 Simla Accord, which reduced the status of the Kashmir conflict from international to bilateral dispute. The interviewee V1 (an academician from AJK) stated:

As far as the political narrative of Pakistan on the Kashmir issue is concerned, if we look at the broader perspective, we have seen in the past that Pakistani leadership remained confused, a pendulum between bilateralism and internationalism, and there were different phases of bilateralism between India and Pakistan and then again sometimes the issue of Kashmir was left at the backburner.

As the placement of the Kashmir issue in a bilateral framework restricted the internationalization of the dispute. After the separation of Bangladesh (1971) Pakistan discarded the policy of military solution in the valley. Later after the Zia era, the Simla agreement and idea of bilateralism again became the policy too, with regard to the Kashmir issue as the future scenario in Afghanistan was evolving and unclear and Pakistan could not take risk of any confrontation with India at that time (Pattanaik, 2002), these policy-shifts did not help Pakistan much in making a strong presence in the international arena and to force India to stick to the bilateral agreements(s) and to stop it from unilateral violations of these agreements. Interviewee V11 a former chief justice of AJK Supreme Court Justice Abdul Majeed Malik stating the Indian attitude and Pakistan's cold response to the violations stated added:

The Shimla Accord was the second dent to the Kashmir case (the first one being the conversion of the ceasefire line into LoC), due to which our position on Kashmir was further weakened. Shimla accord took place on 2 January 1972. And India occupied Siachen in 1982 violating the Shimla accord. Pakistan did not do anything about it. Zia ul Haqq was the president at the time and KH Khurshid gave a statement that India has violated the Shimla accord to which Zia ul Haqq responded by saying that what value Siachen holds not even grass grows on that land. And since then, Shimla has been one of the biggest troubles for Pakistan as it is under India's occupation to date. So, this was the first violation and after that India has been violating the Shimla accord till now which include the 5 August 2019 violations and Pakistan still talks about the Shimla accord and talks about dialogue and do not go to the security council. . . Article 203 of

the UN charter states that if any agreements take place between the two parties to the conflict, the priority however would be given to the UN resolutions.

With the passage of time the big Power rivalries and the interplay of political forces in the region led to a deadlock in the United Nations (Mustafa, 1972) Commenting on the UN's role and Pakistan's position on Kashmir conflict a former V15 Justice Manzoor Gillani a former Chief Justice of AJK supreme court added:

These resolutions made a sound footing for Pakistan to make a sound narrative and it secured the support of nations. This was the main factor that enabled Pakistan to put a strong case on Kashmir. Even the blame of tribal aggression by India against Pakistan after accession was condoned by directing to ensure that "the tribes' men and people not ordinarily residents of areas of the state under the control of Pakistan must leave the area". This was the biggest contributing factor that needed aggressive diplomacy to sustain and strengthen it, but political instability affected it after the mid-'50s... Except for the first six to seven years of its birth when it achieved a milestone in obtaining the UNCIP resolutions, Pakistan has not been able to sufficiently and effectively represent the Kashmir case.

Other respondents seem to agree with the statement given by the former Chief Justice Manzoor Gillani, that Pakistan was very assertive at the beginning of the conflict but after the Shimla accord, it no more had the upper hand. The narrative of self-determination however was one of the themes which emerged during current research. But it was accompanied by the themes of weak narrative, inconsistent Kashmir policy, and shifting priorities as shown in Graph 1.

The data suggest that Pakistan has not been able to stick to a consistent Kashmir policy. But the policy keeps fluctuating based on the interest of the country at a given time. Pakistan lacked the assertiveness that was needed to advocate for the rights of Kashmiris. The engagement of Pakistan in the Afghan war and then post 9/11 international politics forced Pakistan to change its position on how it looks at the Kashmir issue as a result, bringing shift in its Kashmir policy (Pattanaik, 2008). Pattanaik further argues that there seems to be a consensus in Pakistan regarding its claim on Kashmir as just, but there is a lack of consensus on the fluctuating strategies which have often render the Kashmir policy inconsistent. Post 9/11 politics again had a significant impact on Pakistan's Kashmir policy as the president at the time General Pervaiz Musharraf adopted a more flexible approach to deal with the issue offering a four-point formula (Noorani, 2001). An approach in which India and Pakistan had to mutually recognize the geographical region of Jammu and Kashmir where resolution is required. The next step was to demilitarize the identified regions and to curtail the militant aspect of the freedom struggle. The third step was to empower the people of Jammu and Kashmir and



allowing them to run their affairs. And fourth and most important point was the proposal of a joint-mechanism with all the three parties involved to oversee the subjects common to everyone's interest and those which would be beyond the scope of self-governance (Musharraf, 2006). This four-point formula as mentioned by V26 was "an approach to the easement" and many respondents mentioned it as "an out-of-the-box solution" and some criticized it, calling it to be an approach of an easy way out and surrendering to the Indians. So there seemed to be mixed sentiments about how this proposal has been received. As aforementioned, such strategic shifts in Kashmir policy resulted in an ambiguity in what exactly Pakistan wanted to do. As interviewee V27 (a serving bureaucrat from AJK) commented on Musharraf's four-point formula comparing it with the Shimla Agreement as "utter confusion at the ministry level foreign affairs". Especially given the divergence and deceit that Pakistan has a face from India as a result of the Shimla agreement. Commenting further on shortcoming of Kashmir policy interviewee V8 chairman of a political party stated:

If talking of the Kashmir policy, then I would have to say that with a heavy heart that being a member of the freedom movement, two times PM of the AJK state and chairman of the biggest political party of AJK, I do not think that the GOP has a Kashmir policy. If you listen to PM Khan's address and the speeches of the foreign minister it feels like Kashmir will be free tomorrow. . . Now, what does Kashmir policy means, it means that from Kathmandu to Brazil your foreign office should be speaking the same language. Pakistani ambassadors across the globe should have the same stance. But here Kashmir policy varies from person to person from party to party. And as of today, there is no Kashmir policy as such.

The weakness of narrative and its linkage with the Kashmir policy is what Shenhav (2003; 2006) points at, as he underlines the role that the formal institutions and political figures play in the formation of a narrative. So, when the institutions and the political entities would not be aligned with one another, the narrative that the state wants to build may be weakened and this is what the result of the study suggests that despite being straightforward about where Pakistan stands on the Kashmir issue, it has not been able to win the case for Kashmir. In the case of Kashmir, the intention of the involved actors and fidelity of representation of the 'reality' seem to be compromised by the measures taken by those in authority at a given time. Pakistan's narrative is aligned with the formal political discourse in the form of the UN resolutions as stated by Ms. Sardar Nabila Khan:

Pakistan's grip, legal and political stance on the Kashmir issue is based on very high moral grounds. Since 1947 onwards Pakistan has been very consistent and had

continuity in its stance of right to self-determination of people of J&K, to which Pakistan is also a signatory.

As stated by a chairperson of a regional political party from AJK: Pakistan says that the Kashmir issue should be resolved according to the will and wishes of the people of Kashmir and whatever choice they make Pakistan will accept it. However, Pakistan to some extent has been unsuccessful in engaging the international community/civil society. And the reason for that has not only been the government/s in Pakistan but also the governments which have been ruling in AJK have also failed to play their part.

#### **4.2.2 Legal and Political Framework of AJK**

Article 257 of the constitution of Pakistan states: “When the people of the State of Jammu and Kashmir decide to accede to Pakistan, the relationship between Pakistan and that State shall be determined in accordance with the wishes of the people of that State” (The 1973 Constitution of Pakistan). The Pakistani constitution reflects its narrative and advocacy of the right to self-determination of the people of Jammu and Kashmir. This defines the nature of the relationship of Pakistan with the ‘state’ of Jammu and Kashmir and the ‘people’ of Jammu and Kashmir. Article 257 refers to the entire state of Jammu and Kashmir including both the Indian Occupied Kashmir and Azad Jammu and Kashmir. However, the status of AJK remains subject to utter confusion in the limited scholarship that deals particularly with Azad Jammu and Kashmir. The best definition that one can find in the literature defines AJK as a ‘local authority’. The UN Office for Public Administration defines local authority or local government as:

A political subdivision of a nation or (in a federal system) state, which is constituted by law and has substantial control of local affairs, including the powers to impose taxes or to exact labor for prescribed purposes. The governing body of such an entity is elected or otherwise locally selected (Tonwe, 2011).

The local government has the authority over its territory and population, it has financial, legislative, and executive functions, a legal identity can make binding decisions in some local policy areas (Whalen, 1960). Azad Kashmir has its flag, prime minister, constitution, anthem, supreme court, and legislative assembly. It has kept intact all the characteristics of a sovereign state. But the limited literature available on political dynamics and status of AJK keeps tapping the question of ‘how ‘*azad*’ is Azad Kashmir. This criticism comes mostly from the anti-Pakistan Indian section (Noorani, 2019; L. Puri, 2010; P. Singh, 2013) but it is important to deal with the questions of possible inconsistencies between the political narrative that Pakistan holds on the Kashmir issue and the political and legal developments in the part of Kashmir that

Pakistan administer. The data gathered on the question of legal arrangements between Pakistan and Azad Jammu and Kashmir and AJK's status has helped provide a detailed account of how the experts look at the issue. This helps to fill the gap and correct the lack of Kashmiri narrative that characterizes the existing literature on the subject of Kashmir. As shown in Chart 1 there are three themes that identify with Pakistan's legal and political role in Azad Jammu and Kashmir, *contradictions* (between Pakistan's narrative of self-determination and the legal framework and limited authority of AJK), the *over-stretched authority of Pakistan in AJK* and *the need to revisit the AJK constitution* in order to strengthen Pakistan's narrative. The contradictions that have been highlighted mostly with reference to certain clauses in the 1974 Constitution of the AJK violate the basic democratic rights of the people of Azad Jammu and Kashmir. For example, Part 2 section 7 of the 1974 interim Constitution states: "*No person or political party in Azad Jammu and Kashmir shall be permitted to propagate against or take part in activities prejudicial or detrimental to the ideology of the State's accession to Pakistan*". Section 5 (2) (vii) of the AJK Legislative Assembly Election Ordinance 1970 states that a person would be disqualified from the legislative assembly if he is found propagating against the states' ideology of accession to Pakistan. Similarly, to contest in the state election one has to sign the affidavit of allegiance to the state's ideology of accession to Pakistan "*[I] have consented to the above nomination and that I am not subject to any disqualification for being, or being elected as a member of the Legislative Assembly and in particular, I solemnly declare that I believe in the Ideology of Pakistan, the Ideology of State's Accession to Pakistan and the integrity and sovereignty of Pakistan.*" and similar is true to acquire a government job (Mahmud, 2006). Article 43, Article 50, and Article 56 of 1974 interim Constitution regarding the appointment of judges, the appointment of the chairman election commission, and dismissal of any (elected) AJK constituent assembly respectively. The interviews of law experts have provided a detailed account on what are the lacunas in the existing constitution of AJK (1974 interim Constitution). (Hayat, 2015) In the 'Declaration of Independence by Provisional Government of Azad Jammu and Kashmir', issued on 24 October 1947 at the time of formation of the Azad government, the document stated:

The provisional government. . . hopes that both the dominions will sympathize with the people of Jammu and Kashmir in an effort to exercise their birthright of political freedom. The provisional government is further anxious to safeguard its political entity.

It can be deduced from the 24 October Declaration that the provisional government of AJK was determined to be actively involved in the political process for the freedom of Kashmir as

the main party to the conflict referring to itself as a *'war council'*. But many upcoming developments undermined the authority of the state and made AJK a sub-ordinate state to Pakistan. The formation of Ministry of Kashmir Affairs and Northern Areas (MKANA) was formed for liaison between Azad Kashmir and Pakistan, however people of Kashmir have had their reservations about its role (Mahmud, 2006). (Snedden, 2012b) writes that Pakistan has manipulated the people of AJK and has denied them any meaningful authority. The 1949 Karachi agreement signed between Pakistan and then leadership of AJK legitimized Pakistan's presence in AJK. Many in AJK consider the Karachi agreement to be a blow from which AJK has not recovered. An ex-ambassador of Pakistan of Kashmiri origin stated:

Similarly, the Karachi agreement, in my personal opinion, had no legal standing it was nothing more than a memoir or a letter of intent.

Linking the 1974 interim constitution, a Kashmiri researcher and executive head of a think-tank based in Islamabad stated:

1974 interim constitution flows along with Karachi Agreement. Karachi agreement was the first agreement between the government of Pakistan and AJK. In which government did division of power or responsibilities. Among which eight major subjects were given to Pakistan and others were delegated to AJK. As AJK becomes a territory. From day one there was a sense that the government of AJK was the successor of Maharaj. So, the president was appointed on the same grounds and then followed all the procedures of formulating courts and appointing judges, etc. Pakistan gaining control which put AJK in a sub-ordinate position . . . The division of power structure was determined on the same framework.

In the preceding chapter, we discussed the political narrative of Pakistan on the Kashmir issue in detail. It is important here to understand that discussing the legal and political developments, the relationship status between Pakistan and AJK is an effort to assess the reality and to see if the political reality is consistent with the narrative. Shenhav (2006b) presents (political) reality possessing the same features on expression and chronological structure as a narrative. In the case of Pakistan's narrative and the reality we can easily identify that on one hand, Pakistan has been consistent in its advocacy for the right to self-determination for the people of Kashmir, and simultaneously the political/legal developments in AJK had been consistently reflective of *over-stretched authority* and control of the federation in AJK which is opposite of the narrative Pakistan holds. Some of the events are listed in Table 4:

**Table 4: Important legal and political development in Azad Jammu and Kashmir**

| Sr.no | Major Events (1947-1974)  | Year |
|-------|---|------|
| 1.    | Formulation of the Azad Government  | 1947 |
| 2.    | Karachi Agreement   | 1949 |
| 3.    | Formulation of Rules of business  | 1950 |
| 4.    | Un-ceremonial dismissal of Sardar Ibrahim (the founding president of the region)  | 1950 |
| 5.    | Rules of business were revised, reducing the local autonomy of the region   | 1952 |
| 6.    | K. H. Khurshid was appointed the new president of AJK   | 1959 |
| 7.    | Presidential Election Act   | 1960 |
| 8.    | AJK Government Act  | 1964 |
| 9.    | AJK Government Act  | 1968 |
| 10.   | Protests erupted in the region to end the traditional system of government in AJK and to revoke the Ministry of Kashmir Affairs | 1969 |
| 11.   | 1970 AJK Government Act which enacted as AJK's constitution   | 1970 |
| 12.   | 1974 Constitution Act   | 1974 |

In Table 4 some of the key events are identified only. These political and legal developments testify to a system of uneven and power-sharing mechanisms between AJK and Pakistan, converting AJK into a sub-ordinate and quasi-autonomous state. The AJK state has no control over its financial, administrative, and legislative power which as (Snedden, 2012b) says makes 'Azad' Kashmir a misnomer.

What we see here is over-stretch Pakistan's involvement in administrative, political, and legislative affairs. It cannot be stressed enough how Pakistan's constitution is in stark inconsistency with the AJK legal developments. These arrangements restrict the formation of enough space for any autonomous government in AJK (Hayat, 2015). Pro-independence forces though in minority should not be excluded from the formal setup and they should be recognized and made part of the political process, such democratic value would only benefit Pakistan (Bose, 1999). The responses gathered from senior political leadership from AJK all agreed on

the idea of the inclusion of the nationalist (pro-independence) political parties. As stated by interviewee V9, Sardar Nabila Khan, Chairperson Jammu Kashmir democratic party (JKDP):

we should allow people of different ideologies to participate, either they want accession with Pakistan or an independent state. It is important for them and for the people to know the position of such political parties and how much support they have.

Criticizing the presence of Pakistan's political franchises in AJK, a prominent strategic analyst, interviewee V22, Mr. Ejaz Haider added:

[...] today, as a matter of fact, this is interesting that in Indian occupied Kashmir neither Congress nor the BJP has ever been able to electorally succeed, without an alliance with either national conference or some other party whereas in AJK what we call *riyasti jamaataiN* (state parties) have all but disappeared. You have an extension of Pakistani political parties in Azad Kashmir.

This could have negative repercussions for Pakistan's position in the Kashmir cause. The majority of AJK holds '*pro-Pakistan sentiments*' (Figure 1) but at the same time, they do not want their political will and wishes undermined. Data from this study shows a strong urge of the people to revisit the constitutional and legal framework in AJK to empower the people of AJK. These trends are consistent with Javaid Hayat's work which talks about the people's desire of seeking empowerment through constitutional reforms at the internal level (Hayat, 2015). These reforms are directed to the current constitutional framework of the 1974 interim constitution which has encapsulated AJK in an imbalanced power-sharing framework. A law expert from AJK stated:

AJK Constitution is not at all reflective of the will and wishes of its people. It is not made, discussed, and promulgated by a constituent Assembly of AJK, even not by constituent Assembly or parliament of Pakistan whose government has "Proposed and Authorized the President of AJK to introduce and present the bill in the Assembly (AJK) for consideration and passage." So, it is not reflective of the will and wishes of the people of AJK. The predominant majority of People of AJK want to be with Pakistan but with an autonomous status as a "Local Authority "till plebiscite is held and people of state accede to Pakistan in accordance with provisions of Art. 257 of the constitution of Pakistan.

A majority of respondents refer to the 1974 interim constitution as inconsistent with Pakistan's narrative and damaging to Pakistan's position of Kashmir issue internationally. These ideas are reflected by the statement given by Dr. Nazir Gillani (V12) a law expert and General Secretary of Jammu and Kashmir Commission on Human Rights:

First of all, the 1974 act did not fulfill the definition or standards of a constitution. You frame a constitution to serve the people and it does not say a word about the people of AJK... Even your loyalist of the people will tell you that these clauses are damaging to the Kashmir cause. Pakistan has a lot of advantages that India does not have. Pakistan has massive support for Kashmiris. But acts and clauses like these generate misunderstanding. And that too before plebiscite is not a good practice.

However, a few participants who disagreed with the views of contradiction and inconsistencies between the political narrative and on-ground realities of Pakistan vis-à-vis AJK had a shared belief that even if there are some shortcomings in the current constitution of AJK but when compared with the Indian-Occupied Kashmir, it can be seen that AJK is at a much better place. This viewpoint remains a majority point of view.

One must recognize that the right to self-determination is not just restricted to the idea of a plebiscite. Pakistan needs to ensure both external and internal self-determination for the people of AJK. External right to self-determination embodies the international status of people of a state or region (reflected in Pakistan's narrative) whereas, internal self-determination is the right of people to be free to choose their political, economic, and social system. And people who have state-like formation or a statehood fulfill the mandate to have internal self-determination. People's demand for internal self-determination is to ensure that their rights are respected and there is no presence for the governing or administering body (Senese, 1989). This study by Senese summarizes the significance of internal self-determination in AJK to strengthen its advocacy for external self-determination of AJK. Connecting the concepts of internal and external self-determination with internal and external autonomy the scholar and author Javaid Hayat (V2) stated:

Then came the 1974 act. And the recent changes that have been introduced through the 13th amendment, through those the state got some financial autonomy. Other than that the control is still there. I have focused upon that a new social contract is needed. And also the internal autonomy. When we use the term self-determination. There are two types of self-determinations 1) internal self-determination and external self-determination. External self-determination is what has been promised through the UN resolutions and India and Pakistan are its signatories. Whereas, under the umbrella of internal self-determination they should have internal autonomy.

Not much has changed since the 1974 interim constitution except the 13<sup>th</sup> amendment which gave AJK government some financial autonomy but was not sufficient. The inconsistencies and contradictions still exist (all those mentioned at the start of this chapter). As the results of the current study suggest the need to revisit the constitution of the state it is important to introduce amendments in the 1974 interim constitution that are favorable to AJK and in turn

strengthen Pakistan's position on the Kashmir issue. In recent years, the criticism that Pakistan has faced by the international human rights bodies especially the report by the Office of the United Nations High Commission for Human Rights (OHCHR) raises serious concern over the *'restrictions on the rights to freedom of expression and association'*. Thus, what is the reality on the ground is causing a dent in Pakistan's international position and there is little left to doubt this argument.

#### **4.2.3 Inclusion and Empowerment of People of Azad Jammu and Kashmir**

A significant number of scholarship available on the Kashmir issue refer to it as a 'territorial dispute' between India and Pakistan, totally undermining the significance of the people of Jammu and Kashmir and their role as a primary party to the conflict. Kashmir as much as is a territorial issue, is an issue of the right to self-determination of the people of the region. Kashmiris' struggle at the intra-state level has always been focused on their pursuit for socio-political and economic empowerment intertwined with their political identity. Identity has a very central role in determining the aspirations of the people of Kashmir. The idea of 'Kashmiriyat' has always been at the core of the nationalist parties i.e. All Party Hurriyat Conference (APHC) and Jammu and Kashmir Liberation Front (JKLF). Kashmiriyat is the general quality of being a Kashmiri which could be referred as Kashmirin-ess. It is an ideology that prevails among Kashmiris to constitute a national identity (Ali, 2009). However, different international scholars have defined and understood Kashmiriyat differently, some have referred to it as Islamization, others as a secular approach, etc. Anant (2009) argues that the concept of Kashmiriyat is engrained in the fabric of society and everyone might have their definition. For example, for JKLF Kashmiriyat does not imply religious identity but it incorporates people of all beliefs as said by a JKLF member 'It is about our dress, language, folk songs, customs, marriage ceremonies, etc. that are distinct though we are Muslims'. There is a dire need of looking at the Kashmir issue as a conflict of aspirations of its people rather than limiting it to a territorial dispute. Commenting on the nature of the conflict V26 (former) ambassador, Mr Arif Kamal stated:

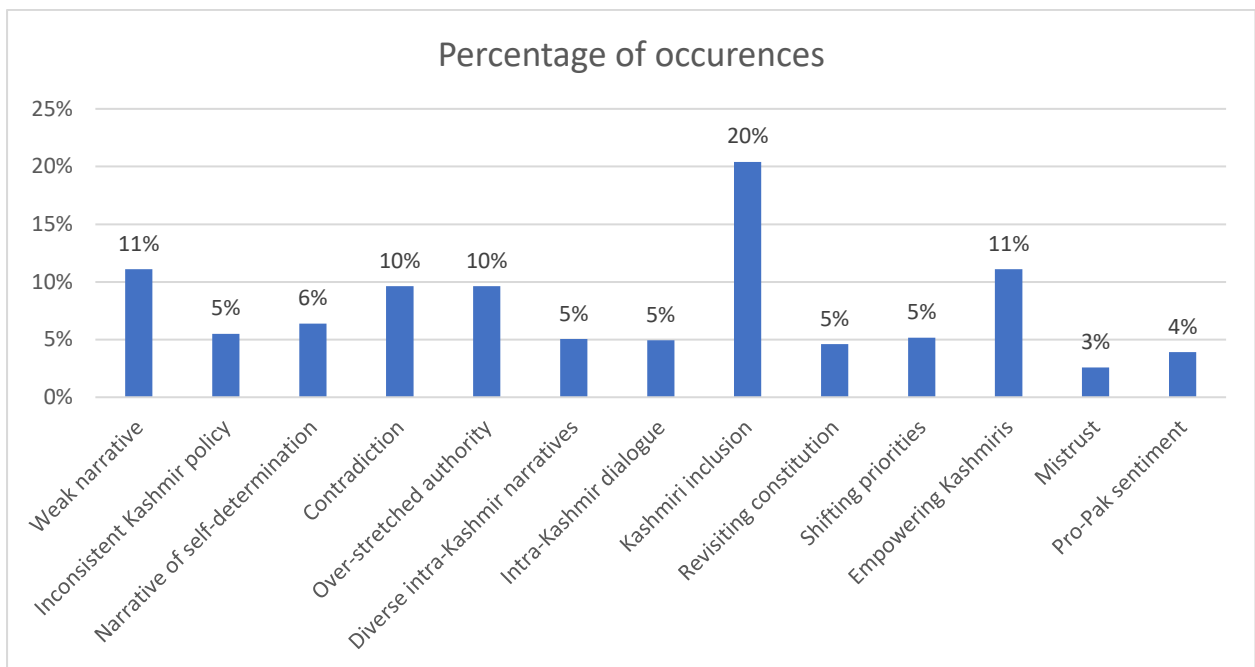
Kashmir issue is not a matter of dividing land, it is a question of identity. The cause of identity is very pronounced and if it wasn't there, then there would have been no article 257 in Pakistan's constitution. Article 257 is something that makes Kashmir distinct from the provinces of Pakistan, it's not just one more province it is a question of identity, not in terms of how you recognize it, but it is about the people of the erstwhile state and what they think about themselves. . .If you take Umar Abdullah on one hand and Mir Waiz Umar Farooq on other hand and thought two belong from different



ideologies, one being pro-India and would have probably remained there and the other is seen as a Pakistan support and would probably always stay a Pakistan supporter but this is a question of identity and from inside, they both think and feel as Kashmiri. And I am talking about political identity.

For a successful peace process, it is very important to engage the people who are the direct sufferers and primary victims of the conflict between India and Pakistan. The results of the current study show that ‘Kashmiri inclusion’ is an emerged dominant theme. As shown in Figure 2.

**Figure 2: Percentage of re-occurring themes**



There are a number of stakeholders involved in the Kashmir conflict, namely, Kashmir, Pakistan, and China being the main stakeholders. The inclusion of civil society in the peace processes is a very important tool (Aulin, 2019). Aulin argues that the inclusion of civil society should be organized and systematic and considering the dynamic nature of the group engaging in the peace process. And one of the ways to ensure the participation and representation of all segments is through national dialogues and providing a forum to people where they could engage and find common grounds and acceptable trade-offs. As the focus of the current study is to assess the political dynamics in Azad Jammu and Kashmir, it discusses the inclusion of civil society as well as the leadership of AJK at the national and international levels.

An important work by Sumatra Bose (1999) proposed a model for conflict resolution based on the Irish model. The three dimensions of peace involved the New Delhi-Islamabad axis where India and Pakistan were to engage and conduct yearly conferences headed by the prime minister of the respective country to find a mutually beneficial plan of action arranging regular conferences. Dimension two: the New Delhi-Srinagar and Islamabad Muzaffarabad axis, Dimension three: the Srinagar-Muzaffarabad axis. Dimensions two and three emphasized the direct involvement of the people of Kashmir from both sides of LoC in the peace process. Dimension two refers to the internal incremental regularization of the relationship of Pakistan and India with their respective part of Kashmir under their administration. These steps could help foster a cooperative internal political environment. Dimension three moves a step further and proposes the direct cross-LOC interaction and communication between people of the erstwhile state of Jammu and Kashmir, which could be done by formulation of an official body comprising of members of autonomous and elected governments from both sides. The data of the current study suggest the 'felt' need for the inclusion of people of AJK in the decision-making at the national as well as international level. As a Ph.D. scholar from Rawalakot stated:

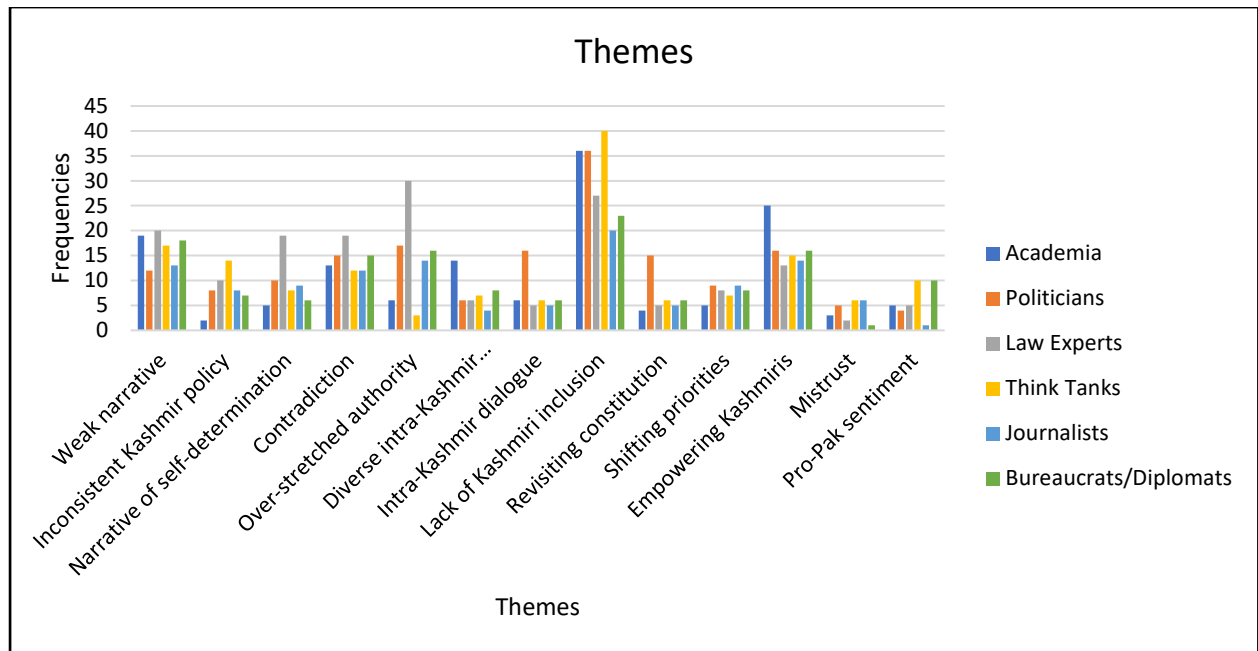
there is a debate that Pakistan wants their representation, but India always restricts it to bilateral dialogue and does not agree. But the question is that how many times has Pakistan has invited Kashmiri leaders into their parliaments and their assemblies. How many times Pakistan has sent the AJK delegation to international forums? About impact, I can say that this is the biggest gap.

This notion of lack of inclusion of people of AJK and the mistrust of the government of Pakistan towards people of AJK has been reflected throughout the current study. As stated by V24:

GOP Pakistan has never trusted AJK to go internationally and represent the case of Kashmir for Pakistan. And people who are included in Kashmir committee are unaware of Kashmir and Kashmir issue. And they could never represent the case of Kashmir in a proper perspective

The lack of inclusion of Kashmir came out as a grievance of people of the Azad state as shown in Figure 3, it shows frequency of the occurrence of the themes in the six categories the sample was divided into.

Figure 3: Category-wise occurrences of themes



So, it can be deduced that the expert from different fields has a consensus of the lack of inclusion. However, all respondents have the consensus over the idea that Kashmiri-inclusion will only strengthen Pakistan’s narrative at the regional and international level because the Kashmiri sentiments are with Pakistan. As elaborated by an executive member of an international Think-Tank:

I think in many the inclusion of people of AJK can strengthen Pakistan’s narrative... And also, the narrative for the resolution of Kashmir. And that the groups which are fighting practically, the militant groups, the separatist groups, are fighting against India, they are not fighting against Pakistan. So from that perspective, I think the political representation of Kashmiris will only strengthen Pakistan. But for that Pakistan will have to reciprocate and allow Kashmir centric viewpoint rather than just focusing on strengthening its narrative . . . whichever country is ready to do that will only gain from it.

The trends of the recent study show that any pragmatic approach to resolve the Kashmir issue includes the indispensable involvement of the people of Jammu and Kashmir (Ashraf, 2003). Kashmir is a frozen conflict that has expanded its horizon of complexity over the years and has remained unresolved (S. Ganguly et al., 2019). Over the years it seems essential that India and Pakistan both should revisit their state-centric approached in conducting the bilateral rounds of negotiations and peace talks. Events over the years and their ineffectiveness to reach any fruitful end signify the need to involve all the stakeholders in the process. As (S. Ganguly et al., 2019) argues that the Indo-Pak peace process has always had a ‘single high table’ with

only two seats for them which totally ignores and undermines the significance of the inclusion of the people of Kashmir. The lack of Kashmiri inclusion, presence, and participation of all levels exclude the experiences, demands and concerns of the local people and they remain unheard. As said by Professor Hiren Mukherjee and cited by Noorani (2008) “Even today, perhaps the best of us do not quite realize the depth of Kashmiri’s alienation and are unready to ponder ways and means of overcoming it”. The intra-Kashmir ideologies and aspirations of the people may differ from one another at some level but one thing upon which there is a huge consensus across LOC is the urgency and importance of inclusion of people of Jammu and Kashmir in the conflict resolution process. Stressing upon the need for Kashmiri involvement in the conflict-resolution and peace processes the former Chief Justice AJK Supreme Court Justice Manzoor Gillani) stated:

Nevertheless, every inch of the state is disputed under UNCIP RESOLUTIONS and subject to resolution in accordance with their aspirations, but its residents are never included as a party in any negotiations. The Indian side of the state is represented by India on the pretext of being Indian part and Indian citizens, while the Pakistani side is neither part of Pakistan under the constitution of Pakistan neither their residents are strict sense Pakistanis but still not included in negotiations for resolutions on the pretext that dispute is between Pakistan and India as if the people are chattels. The way out is to include state subjects as a party along with India & Pakistan to negotiate its peaceful settlement. The state subjects will give them way out of entanglement, be it partition (which is a ground reality) or unification (which is a remote possibility, again given to ground realities.) Inclusion is inevitable and must. The world hears and believes the principal party, not its proxy howsoever styled. The people of IJK, particularly the valley is incarcerated but are heard through their corpses, tales of horror, oppression, suppression, screaming from torture cells, vandalism by Indian armed forces, ruins of their property, molestation, and indignation. But AJK people, though free, have no internal or external status to voice their concerns, except through ex-pats representatives of AJK people. It requires the empowerment of AJK people under constitutional authority as legitimate representatives of the entire state.

In comparison with Pakistan, the internal local dynamics in Indian-held Kashmir are much a bigger challenge, given the religious and ethnic diversity and divided aspirations (B. Puri, 1983). Whereas, in Azad Jammu and Kashmir there is a Muslim majority and absence of any religious divide. The data of the current study suggest that the majority support the ideology of accession to Pakistan and hold pro-Pakistan sentiments. But at the same time, they experience a feeling of what the respondents have suggested as ‘mistrust’ and discrimination when they are not included and consulted in the decision-making and peace process. It has been seen that over many occasions, Pakistan has not missed an opportunity to engage the Hurriyat

leadership from the other side of LOC but they have rarely consulted the local leadership of AJK (S. Ganguly et al., 2019). These sentiments were shared by one of the senior members of the ruling political party in AJK at the time, who stressing upon the need for inclusion of people of AJK stated:

. . . the Kashmiris feel that till to date the negotiations and talks are between India and Pakistan and there is no direct representation of Kashmiris in the process given they are the principal party. So, this is the right of Kashmiris that being the principal party they should have their say in these processes. And we (Kashmiris) want that we should be the ones whose will and wishes and opinions in the conflict resolution process should be prioritized. There have been no efforts in this regard. However, when Pakistan is about to take any such venture, they informally engage Hurriyat or the local leadership of AJK but there is no formal involvement of them as a part of the process. So, I think this is one thing which we should insist upon that Kashmiris should be given this opportunity of coming forward and participating at the front because we are the ones suffering the most. Secondly, when Pakistan and India talk on our behalf, the world thinks of it as a territorial dispute between the two countries.

A content analysis of 46 proposals made between 1947 and 2008 to resolve the Kashmir dispute identifies ‘autonomy of the region’ as the most reoccurring pattern. Yusuf & Najam (2009) concludes that the best approach for Pakistan in the light of proposals is to divert its all efforts towards the idea of autonomy. However, such initiative by Pakistan also poses challenges as to the type of autonomy, its implementation the scope of Pakistan’s and India’s involvement and roles in autonomous Kashmir, Kashmir’s authority, etc. Autonomy in other words could be translated into empowering the people of Jammu and Kashmir, giving them the opportunity to have power and authority. The other reoccurring themes identify by Yusuf and Najam include soft borders, free human interactions, and their involvement in the process of negotiations. As shown in Table 4 we can see that there is nearly equal attention given to the ‘diverse intra-Kashmir narrative’ and ‘intra-Kashmir dialogue/communication’. This is mainly because due to lack of trade and interaction between the leadership as well as the civil society of both sides of Kashmir most of the respondents suggested there was a disconnect and somewhat difference of aspiration between the people. And to bridge this gap it is indispensable to allow and enhance the cross-LOC communication and fuel the process of intra-Kashmir dialogue. As stated by the interviewee V8 (a former Prime Minister AJK):

These are very strong, effective, and doable suggestions. And even today there exists no other proposal than Musharraf’s proposal to solve the Kashmir conflict. If people did not oppose it at that time, there would have been no 5 August 2019. The proposal had intra-Kashmir trade, intra-Kashmir travel, self-governance and it also restricted the

divide of Kashmir Therefore, the intra-Kashmir trade and travel should be strengthened, and the Kashmiris should be given the chance to meet one another so that they can build their narrative. And being a Kashmiri and representative of (not all Kashmiris) but some of them I can tell you that whenever the Kashmiris get the chance to interact more frequently, they will reach the conclusion to bridge and assist India and Pakistan and to reduce the gulf between the two countries.

Kashmir is a land of ethnic, religious, and political diversity. As Christopher Snedden wrote in his book 'The Untold Story of People of Azad Kashmir', that Kashmir was not deliverable in its entirety to either India or Pakistan at the time of partition in 1947 (Snedden, 2012b). And same stays true, for the current times. Kashmir, however, is a Muslim majority state but it has a Hindu dominant region (Jammu) and then Ladakh with a Buddhist population, and their ideologies are not aligned along the religious, regional, political, and ethnic lines. People have different aspirations. And across LOC the gap is even bigger to bridge. There has been no communication between the civil society of both sides of Kashmir and the leadership had also been subject to the blockage of communication and no significant dialogue process has taken place which could provide clarity to the leadership of both sides to formulate a common narrative (Akhtar, 2012). This could have been avoided if India and Pakistan encouraged and allowed regular intra-Kashmir dialogues, trade, and mobility of civil society across LOC. India and Pakistan need to decide whether it is a territorial conflict or an issue of self-determination of the people of Pakistan. If it is later than if not India (given its atrocities and imperialism in Kashmir) is ready to engage the Kashmiris in the resolution process, Pakistan needs to ensure the participation of the leadership of AJK. Akhtar (2012) argues that there is an evident lack of effort from Islamabad and Delhi to institutionalize a cross-LOC dialogue. Some international and non-governmental organizations work on bringing together the leadership from both sides, but those measures are not enough as they do not hold any official value being ad hoc arrangements. So, these measures alone are not enough to end the climate of mistrust and to converge their narratives at a common agreement as interviewee V28 a former diplomat of Kashmiri origin commented on the need for intra-Kashmir dialogue:

The portrayal of the Kashmir issue and wishes of the people has not been achieved without active representation and participation of the Kashmiri political leadership and the diaspora. Kashmiris' narrative and inclusion of Kashmiris are absolute of paramount importance. In the trilateral conflict, Kashmiris are the principal party and at the pinnacle of the triangle. No conflict resolution process can get started without the effective participation of Kashmiris.

Diaspora population plays a very vital role in aiding the conflict resolution and peace processes. Studies have suggested that their role cannot be ignored in contemporary conflicts (Cochrane, 2007; Kleist, 2008; Féron, 2017). Diaspora holds the power to influence political developments or conflicts back home through their political activism and lobbying, they also generate significant financial, diplomatic, religious, and social capital for their ostensible homeland (Fair, 2005). A very good example is of Turkish diaspora which played a very active and crucial role in internationalizing the conflict of low-intensity civil war which started in the 1980s. They formed lobby groups working at local, national, and supranational levels (Baser & Swain, 2008). Similarly, Kashmir has a huge diaspora settled around the world who make their presence felt for raising their voices and lobbying for the long-standing conflict back in the homeland. But unfortunately, the Kashmiri diaspora has not been provided with the support by the political elite in the manner which it deserves (Haroon, 2018). Lack of an official platform and appropriate supervision the Kashmiri diaspora seemed scattered and are barely organized. Despite their undeniable and evident international presence, they are unable to make the kind of impact they have the tendency for. Interviewee V19, Syed Ali Raza Chairman Kashmir Council, European Union commenting on the status of diaspora and their role stated:

we'll have to think about the strategies, the way we are lobbying, and the way we are conveying our message to the international community, in my opinion, it is not working, and it will not work. I think the people of Jammu and Kashmir and especially in AJK, the people and the diaspora in the western world, are to blame also. They are not united at one point agenda. They are fighting one another. There are organizations here in Europe about 2 to 3 hundred in number and every organization in championing its agenda

A Kashmiri journalist based in England added that Pakistan needs to be supportive of Kashmiris and they should back and enable the diaspora to engage diplomats and politicians around the world and have trust in them. The present data suggest that consensus of the respondents that there seems no resolution to the problem of Kashmir without Kashmiris inclusion and it is the Kashmiris who can not only win the case for themselves but their inclusion will tremendously strengthen Pakistan's narrative of self-determination for people of Jammu and Kashmir. An interviewee V23 Jalal Mughal a journalist based in AJK stated that:

From the Pakistani side, we see that no Kashmiri has even been sent to the international forum under a responsible position in order to represent their case themselves. When the PM or the president of Pakistan go on the international forums to represent Kashmir, unfortunately, they are not the elected representatives of the Kashmiri people and cannot make the impact that Kashmiris can make themselves. Legally leadership of

AJK cannot go on international forums, they only attend sideline meetings or attend the meetings as observers. As far as the indigenous character remains missing from your narrative, I don't see the international community buying our narrative on Kashmir.

(Wani & Suwirta, 2013) concluded that irrespective of what model is adopted for the resolution of Kashmir, it is important to consider the political realities. First, the religious, regional, ethnic, lingual, and cultural multiplicity of Kashmir. The second demographic characteristic of the region is pluralistic. Third, the solution to be consensus-based where all the parties to the conflict are involved in the decision-making process. The leadership from within Kashmir should present intra-Kashmir consensus-based political ideas and to enable such developments the people of Kashmir should have more cross-LOC interaction, debates, and political dialogues. An interviewee V11, Justice Abdul Majeed Malik ( a retired Chief Justice of Supreme Court AJK) stated:

If the meaning of opening routes is that whatever consensus that the Kashmiris develop over the period of time the decision will be based on that, then it makes sense. But if they allow the Kashmiris to meet and trade temporarily as it happened during Manmohan's govt but what happens is that India seals the border whenever it wants. A bus took passengers from MZD to across the LOC they did not allow the bus to pass, and it was stuck there for days. So when you are proposing a plan where India has the hegemony, this is not a pragmatic solution.

So, it is very important for Pakistan to ensure a level playing field and not to compromise with the arrogance and hegemonic behavior of India.

## **5. CONCLUSION**

The study deems the inclusion of Kashmiris in the conflict resolution and peace processes very important for the resolution of the Kashmir conflict. It suggests that there are many lacunas that need urgent attention. For Pakistan to strengthen its narrative on the Kashmir conflict, it needs to revisit its Kashmir policy and reconstruct its Kashmir narrative based on a more inclusive model of engaging the people of AJK. The inclusion and representation of people of AJK as the primary party to the conflict would help identify Kashmir conflict as an 'identity conflict' rather than limiting it to a territorial dispute between two countries. The results deduce that Pakistan needs to have a consistent Kashmir policy and it should not bend towards the politics of compromise between India and Pakistan. Secondly, the legal arrangements that are infringements of the international standards of the right to freedom of



expression, assembly association, and opinion should be revisited and amended. The overstretched authority of Pakistan in the administrative affairs of AJK needs to be reduced to a minimum level. Pakistan needs to empower AJK and present it as a model state and present the case of Kashmir as a primary party which would be very effective in strengthening Pakistan's position on the Kashmir issue.

### **5.1 Limitations and Future Implications**

This research provides an indigenous narrative of the people of Azad Jammu and Kashmir. The results of the research stress greatly on the need for intra-Kashmir dialogues to identify different narratives existing inside Kashmir. So, future research should aim to include a sample from the Indian Occupied Kashmir, so a comparative analysis can be run to have a better understanding of the narrative of the erstwhile state of Jammu and Kashmir.

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## **APPENDICES**

## Appendix 1

### Questionnaire

1. Has Pakistan been successful in forming a strong narrative on Kashmir?
2. What do you think are the contributing factors in the provided scenario?
3. Do you think that the political narrative and the political reality of Pakistan vis-à-vis AJK are consistent with one another?
4. What are your thoughts on the idea of the 1974 interim constitution restricting the autonomy of the state?
5. What do you think are the implications of *Part 2 section 7 of the Interim constitution of AJK and AJK Legislative Assembly Election Ordinance 1970 (Section 5 (2) (vii))* on the political standing of Pakistan on Kashmir issue?
6. Is AJK constitution reflective of will and wishes of its people?
7. Do you think Pakistan has been able to portray the Kashmir issues and the demands of Kashmiris sufficiently and efficiently at international forums (without their representation)?
8. How important is the Kashmiris narrative and inclusion of Kashmiris in the conflict resolution process?
9. Would empowering AJK strengthen Pakistan's narrative on J&K?
10. What would be your recommendations vis-à-vis strengthening Pakistan's position on Jammu and Kashmir?

## Appendix 2

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### *Over-arching themes*

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#### **Weak Narrative**

| <b>Intraclass Correlation Coefficient</b> |                                       |      |
|---|---------------------------------------|------|
|   | Interclass Correlation n <sup>b</sup> | Sig  |
| Single Measures                           | .690 <sup>a</sup>                     | .000 |
| Average Measures                          | .817 <sup>c</sup>                     | .000 |

#### **Inconsistent Kashmir Policy**

| <b>Intraclass Correlation Coefficient</b> |                                       |      |
|---|---------------------------------------|------|
|   | Interclass Correlation n <sup>b</sup> | Sig  |
| Single Measures                           | .628 <sup>a</sup>                     | .000 |
| Average Measures                          | .772 <sup>c</sup>                     | .000 |

#### **Narrative of Self-determination**

| <b>Intraclass Correlation Coefficient</b> |                                       |      |
|---|---------------------------------------|------|
|   | Interclass Correlation n <sup>b</sup> | Sig  |
| Single Measures                           | .833 <sup>a</sup>                     | .000 |
| Average Measures                          | .909 <sup>c</sup>                     | .000 |

#### **Contradiction in Legal Arrangements**

| <b>Intraclass Correlation Coefficient</b> |                                       |      |
|---|---------------------------------------|------|
|   | Interclass Correlation n <sup>b</sup> | Sig  |
| Single Measures                           | .782 <sup>a</sup>                     | .000 |
| Average Measures                          | .878 <sup>c</sup>                     | .000 |

#### **Over-Stretched Authority**

| <b>Intraclass Correlation Coefficient</b> |                                       |      |
|---|---------------------------------------|------|
|   | Interclass Correlation n <sup>b</sup> | Sig  |
| Single Measures                           | .730 <sup>a</sup>                     | .000 |
| Average Measures                          | .844 <sup>c</sup>                     | .000 |

### Diverse intra-Kashmir Narrative

#### Intraclass Correlation Coefficient

|                  | Interclass Correlation n <sup>b</sup> | Sig  |
|------------------|---------------------------------------|------|
| Single Measures  | .725 <sup>a</sup>                     | .000 |
| Average Measures | .841 <sup>c</sup>                     | .000 |

### Intra-Kashmir Dialogues

#### Intraclass Correlation Coefficient

|                  | Interclass Correlation n <sup>b</sup> | Sig  |
|------------------|---------------------------------------|------|
| Single Measures  | .725 <sup>a</sup>                     | .000 |
| Average Measures | .841 <sup>c</sup>                     | .000 |

### Inclusion of People of AJK

#### Intraclass Correlation Coefficient

|                  | Interclass Correlation n <sup>b</sup> | Sig  |
|------------------|---------------------------------------|------|
| Single Measures  | .725 <sup>a</sup>                     | .000 |
| Average Measures | .841 <sup>c</sup>                     | .000 |

### Revisiting the Constitution

#### Intraclass Correlation Coefficient

|                  | Interclass Correlation n <sup>b</sup> | Sig  |
|------------------|---------------------------------------|------|
| Single Measures  | .725 <sup>a</sup>                     | .000 |
| Average Measures | .841 <sup>c</sup>                     | .000 |

### Shifting

|                  | Interclass Correlation n <sup>b</sup> | Sig  |
|------------------|---------------------------------------|------|
| Single Measures  | .725 <sup>a</sup>                     | .000 |
| Average Measures | .841 <sup>c</sup>                     | .000 |

### Empowering People of AJK

#### Intraclass Correlation Coefficient

|                  | Interclass Correlation n <sup>b</sup> | Sig  |
|------------------|---------------------------------------|------|
| Single Measures  | .725 <sup>a</sup>                     | .000 |
| Average Measures | .841 <sup>c</sup>                     | .000 |

### Mistrust

#### Intraclass Correlation Coefficient

|                  | Interclass Correlation n <sup>b</sup> | Sig  |
|------------------|---------------------------------------|------|
| Single Measures  | .725 <sup>a</sup>                     | .000 |
| Average Measures | .841 <sup>c</sup>                     | .000 |

### Pro-Pakistan sentiments

#### Intraclass Correlation Coefficient

|                  | Interclass Correlation n <sup>b</sup> | Sig  |
|------------------|---------------------------------------|------|
| Single Measures  | .851 <sup>a</sup>                     | .000 |
| Average Measures | .920 <sup>c</sup>                     | .000 |



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