

The Business

Chief Editor

Irfan Athar Qazi

E-mail: editorthebusiness@yahoo.com

thebusinesslhr@gmail.com

Tijarat House, 14-Davis Road, Lahore
0423-6312280, 6312480, 6312429, 6312462
Cell # 0321-4598258 Fax: 042-36362767

1270-B, Peoples Colony No I, Off: Chenone
Road, Faisalabad, Ph: 041-8555582
Cell: 0307-6000375, 0321-4598258

ISLAMABAD / RAWALPINDI

N-125 Circular Road, Ph: 051-5551654,
5532761, Cell # 0300-8567331

KARACHI

3rd Floor Kehkashan Mall 172-I Block II PECHS
Opp Rehmania Masjid Main Tariq Road
Ph: 021-34524550, Cell # 0300-8251534

Time for

Once again, militancy is rearing its unwelcome head in the former tribal areas and parts of Khyber Pakhtunkhwa which surround them. On Wednesday, six policemen and two soldiers were martyred in separate attacks by militants, the policemen in a Lakki Marwat area and the soldiers near the Pak-Afghan border. According to reports, the attackers used sophisticated weapons and there was hardly any time for the security personnel to respond. Since this is a mountainous area, the attackers could easily escape to their hideouts. There is a need for a comprehensive strategy to counter the increasing militancy and terror in the country. This is especially important now that it's becoming clear that the TTP has been successful in regrouping in the country. Whether that has happened because of confidence that they have natural allies across the border or because of a porous border situation that allows them to easily escape detection by Pakistani security, it is time to ensure sustainable peace and harmony in the region via a multi-pronged plan that must include a revision in the way we have been tackling terrorism. We also need to reassess the resources and training available to our police force and how vigilant our agencies are in anticipating such attacks. The way the TTP has been able to strike at will in recent months, especially near bordering regions, should be a cause of concern for our foreign ministry as well. Perhaps, some diplomatic outreach regarding border patrolling would also help.

More than anything else, it is the people of the affected regions that are suffering the most under this renewed militancy. Waziristan and Swat have recently seen protests calling for peace and a return to normalcy so that people can lead ordinary lives and not live in the terror which protesters say they are once again facing. The fresh spate of attacks has only heightened fears among people of a greater threat emerging in these areas. This is why there is a need to involve the local people in security efforts through community policing mechanisms. Thousands of our brave soldiers and policemen have already sacrificed their lives to maintain peace in the country. The resolve is still there but it seems that just resolve is not going to eliminate terrorism unless everyone in the country takes ownership of this struggle against terrorism. The lesson we should have learned from the 1980s and 1990s is that turning a blind eye to militant groups is not a sustainable policy. It is time to manifest this lesson and listen to the people of the areas where militancy seems to be increasing. They have already sacrificed homes and families for the 'war on terror'. Most of those displaced by the military operations in the former tribal areas have now returned home; they cannot possibly be expected to bear another

Civil-military leadership and challenges in Kashmir

DR SYED NAZIR GILANI

Civil and military leadership in Pakistan are faced with challenges of climate disaster, a serious debate on the civil-military relationship and duties towards the right of self-determination of the people of Jammu and Kashmir. On the home front, there is an emerging realisation that solutions have to be found in the constitution and rule of law. We need to learn from Justice Mathew Nicklin a judge in London court who refused adjournment to Shehbaz Sharif's lawyers in the Daily Mail case to be able to consult their very busy client – the Prime Minister of Pakistan. The judge said that "in this court, the prime minister and the common man are equal." The dust has started settling down in Pakistan and we shall have a new army chief by the end of November. The appointment would follow with a fresh election as appropriate under the constitution or as required in the best interests of the country.

The new civil and military relationship has an aggravated challenge on the Kashmir front. Indian action of 5 August 2019 has been discussed in several ways. It is generally agreed that the leadership in Pakistan failed to take appropriate and pointed actions, available to it. There have been street actions, closed-door debates and webinars, which could not be considered proportionate and pointed responses.

The role of military leadership in politics in Pakistan is a public debate and the army has come out with a detailed assurance of ironing its uniform for an all-time preparedness to defend the country and come to the aid of civil administration when asked under the constitution.

While addressing the Kashmir front, the civil-military leadership, individually and combined have to check upon the work done and duties neglected under the UN template on Kashmir.

There has been a neglect of the assumed duties in Azad Kashmir and Gilgit-Baltistan, under the UNCIP Resolutions, the Karachi Agreement of April 1949 and the Azad Kashmir Constitution Act 1974. Pakistan and India have a pending share of their duties under the UN template on Kashmir. Pakistan has created a regime of shared responsibilities with the Government of Azad Kashmir under the Karachi Agreement and Constitution Act 1974. Under this arrangement Government of Pakistan has taken upon to discharge responsibilities under UNCIP Resolutions, take care of the defence and security of Azad Jammu and Kashmir, the current coin of the issue of any bills, notes or other paper currency and the external affairs of Azad Jammu and Kashmir including foreign trade and foreign aid.

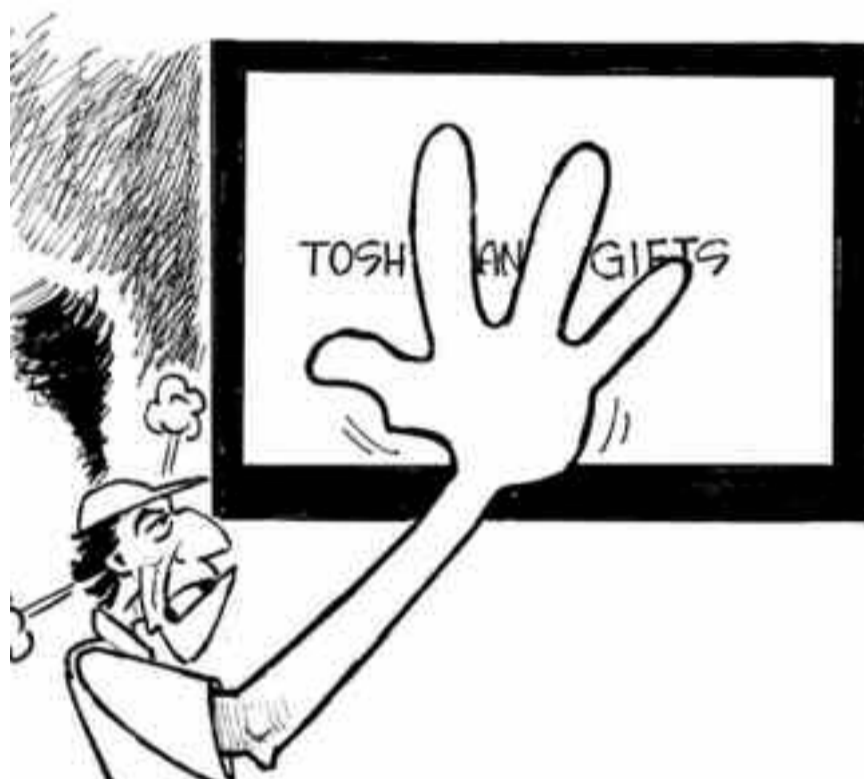
This arrangement has been influencing the behaviour and make-up of the Governments in Azad Kashmir. Unfortunately, this arrangement has not remained transparent and its efficiency to advance the case of Kashmir has never been debated in the Azad Kashmir Assembly, the National Assembly of Pakistan or the Senate. As in Pakistan, Azad Kashmir does not have a vocal press. Therefore, the people's grievances or any quid pro quo could not be brought into public discussion. The judiciary in Azad Kashmir may have done some rudimentary good work, but its role in the interpretation of assumed relationship under UNCIP Resolutions or of a negotiated future relationship with Pakistan under article 257 of the constitution of Pakistan stands at zero. On the other hand, a division bench of the High Court at Srinagar has given a landmark judgement on the inherent sovereignty of the Jammu and Kashmir governments in May 1951. Indian authority in its administered part of Kashmir is explained in detail by CJ Janki Nath Wazir and J Shahmiri of Jammu and Kashmir High Court in the Maghar

Singh Case of May 1953. Pakistan has been giving political, diplomatic and moral support to the people's struggle for self-determination. We have supported the authors of the militancy and All Parties Hurriyat Conference (a collective of various organisations). Be it so. But at the same time, Pakistan ignored to check upon and enforce the constitutional duties of the Government of Azad Kashmir towards self-determination. Under the Act 1970 Government of Azad Kashmir had to appoint a Plebiscite Advisor to institutionalise and advance the work on Plebiscite. This Act required consultation with the Government of Pakistan. However, under the 1974 Act, the appointment of a Plebiscite Advisor became an exclusive duty of the Government of Azad Kashmir. In December 1992 Jammu and Kashmir Council for Human Rights (JKCHR) filed a petition in this regard. A detailed full court judgement was given after seven years in April 1999. It stands as a guide in the appointment of a Plebiscite Advisor. Unfortunately, the Government of Azad Kashmir has failed to carry out its constitutional duty towards Plebiscite for the last 52 years since 1970 and has remained in contempt of court for the last 23 years since 1999. All Parties Hurriyat Conference (APHC) was a new experiment in collective leadership. It failed to observe its constitutional discipline adopted on 31 July 1993 to "make peaceful struggle to secure the people of the State of Jammu and Kashmir the exercise of the right of self-determination in accordance with the UN Charter and the resolutions adopted by the UN Security Council" and "make endeavours for an alternative negotiated settlement of the Kashmir dispute...under the auspices of UN or any other friendly countries".

The new civil and military leadership in Pakistan has to assess, the merits of its moral, political and diplomatic

support given to APHC and the failure of the experiment. The experiment of militancy should have been the last resort, after exhausting the many other options available under the UN template on Kashmir. As a consequence, Indian security forces used it as an excuse to kill a generation in Kashmir and hurt the people. Our politics (APHC) and our guns (Militancy) have fallen silent in Kashmir. We are left with a UN template. India has been able to enforce its "will" which it could not dare to impose for 71 years from January 1948 to 5 August 2019. The reasons for this failure are fully discussed by Adrian Levy and Cathy Scot-Clark in their book "The Meadow" and by Owen Bennett Jones in his book "Pakistan eye of the storm." President Musharraf in his memoirs "In the Line of Fire" has admitted how support for militancy was switched off. Authors of APHC and Militancy have accrued civil and criminal liability. Hurriyat does not have the capacity, expertise or confidence to address the situation caused by the Indian action of 5 August 2019. The amalgam had 26 years from 31 July 1993 to 5 August 2019 when the Government of India took an action which is averse to the habitat and the people. Azad Kashmir has also failed to establish a credible institutional framework, which could advance the work on the UN template on Kashmir. The new civil-military leadership shall have to return to a full audit of the successes and failures from January 1990 in particular. November 2000 event held in Delhi on "Give Peace A Chance" jointly organised by the International Centre for Peace Initiatives, India and the Institute of Regional Studies, Pakistan, had its problems. It did not have an expert and independent input. There is a need to learn and perfect the art of storytelling.

The writer is President Jammu and



An infernal island

MIR ADNAN AZIZ

The Guantanamo Bay detention centre remains a sordid emblem of torture, indefinite incarceration and gross human rights violations. The Presidential Military Order that enabled it was "to detain and try suspects for violation of the laws of war and other applicable laws". The malicious dichotomy was that these individuals were detained at Guantanamo because no court had any jurisdiction there. This was a premeditated ploy to arbitrarily revoke the universally accepted right of these detainees to a free and fair trial.

Of the 779 men incarcerated at Guantanamo, nine committed suicide. Five pleaded guilty as a result of pre-trial agreements before a military commission. Devoid of any legal recourse whatsoever, a guilty plea was the only means to be shifted out of what was an infernal island to a US federal prison. According to case files, 17 detainees were below the age of 18 and two were below 14, while 732 detainees were released without ever being charged. They remain scarred for life due to the years long horrors meted out to them.

A Wikileaks 2011 document labeled "Matrix of threat indicators for enemy combatants" exhorted the ludicrous paradigm of Muslims wearing Casio F91W watches being potential suicide bombers. Dubbed the "terrorist watch", this was because of its capacity to set a bomb timer beyond 24 hours. Case files of at least 50 detainees show they were arrested after random checks found them wearing these watches. Transcripts cited their wearing a Casio as "unclassified evidence of being a terrorist". General Geoffrey Miller, Commander Joint Task Force Guantanamo, described the island prison as "a central laboratory for the war on terror". This war was a planned conduit to imperialism and a carte blanche to capture and torture Muslims. In September 2003, Miller led a special team to Iraq to impart "interrogation techniques". In Iraq alone, the post 9/11 years saw over 100,000 prisoners pass through the horrific US run detention system. Over 8000 of these were held at the infamous Abu Ghraib prison. Their inhuman internment had Seymour Hersh remarking that "Abu Ghraib had in effect become another Guantanamo". Written with toothpaste, scratched into Styrofoam cups or etched into napkins with fingernails, "The Poems from Guantanamo" is a set of 22 poems. These were smuggled out by the detainees over decades and published by Marc Falkoff, professor at Northern Illinois University of Law. The agonizing plea in "Death Poem" by 33-year-old Jumal al Dossari from Bahrain is to "let them bear the guilty burden before the world, their children and history, of this wasted sinless soul which has suffered at the hands of the protectors of peace". Dossari was held in solitary con-

finement for five years; he tried to kill himself twelve times. He was released in 2007 without ever being charged. "It is like being alive in your own grave". These were the words with which Saifullah Paracha described Guantanamo. A successful Karachi businessman, he was abducted in 2003 by US agents who had lured him to Bangkok. Held and tortured at Guantanamo for 19 years, he was one of the 17 people "detained indefinitely" and dubbed the "forever prisoners" by human rights organizations. He was finally released recently without ever being charged or having faced a trial. Uzair, Saifullah Paracha's 23-year-old son, was picked up in 2003 too from New York. An IBA graduate, he was charged with helping suspected militants to enter the US and sentenced to 30 years in prison. In 2020, Judge Sidney Stein overturned the sentence calling it "a manifest injustice to let the conviction stand". Uzair gave up his US resident status and came back to Pakistan after languishing for 17 years in the harshest of US federal prisons. Ever subdued, nobody from our side dared question Washington for this appalling travesty of human rights. Guantanamo has cost the US taxpayer over \$6 billion. The 20-year Afghan war was a criminal adventure that killed and maimed millions while costing the same taxpayer over \$3 trillion. These inhuman excesses saw Guantanamo compromising US national security by becoming a recruiting tool for militants. The futility of these atrocities also lay bare when leading Washington officials sat across the table at Doha with five Afghans, each having been detained at Guantanamo for an average 13 years, to broker a safe yet humiliating exit for American troops from Afghanistan. Guantanamo remains a reprehensible edifice symbolizing the debasement of humanity. Washington chooses to continue living with its moral and legal stain of systematic torture and utter disdain for rule of law. No contradiction could be starker than the US assigning itself the role of a champion of human rights. A dichotomy drenched in blood, Washington uses this self-ordained crown to atrociously violate humanity across the world with contempt and impunity. Successive US presidents have promised to shut down Guantanamo; the symbol that further blights Washington's ever eroding moral authority still persists. In a December 2021 Senate Judiciary Committee hearing, US senators called Guantanamo "a stain on the moral fiber of America".

More than two decades ago, Marine Corps Major General Michael Lehner was tasked with building the first cells at Guantanamo and remained its first commander. He deposited at the same hearing: "I was given 96 hours to open Guantanamo, now I want it shut down. History shall judge America harshly if we do not. Who we are cannot be separated from what we do".

India's intentions for AJK and GB

ERSHAD MAHMUD

Indian Defence Minister Rajnath Singh made a bizarre statement recently in Srinagar regarding Azad Jammu and Kashmir, and Gilgit-Baltistan, saying that India's northward journey of development would be complete after regaining control over Azad Kashmir and Gilgit-Baltistan.

This proclamation is not an off-the-cuff statement but part of an offensive strategy which aims to up the ante by expanding the battleground from Indian-held Kashmir to the areas under the Pakistan administration. It also aims at dissuading Pakistan from providing political and diplomatic support to the cause of Kashmiris' right to self-determination.

Although India has constitutionally claimed AJK and GB to be its integral part since 1949 when the ceasefire line was drawn between the two parts of the erstwhile State of Jammu and Kashmir, these areas rarely found noteworthy space in India's political discourse. India preferred to maintain the status quo based on the existing borders along the Line of Control. Additionally, the intensive debate on the Kashmir dispute over decades pushed the strategic significance of Gilgit-Baltistan into the background until the onset of the China-Pakistan Economic Corridor (CPEC) in 2016.

The advent of CPEC and the BJP's rise to power occurred almost simultaneously. The BJP has traditionally been pro-US since Vajpayee's days in power. Two factors favoured the BJP to take an aggressive stance towards Pakistan and the territories under it without any fear of international reprisal. First, American and Indian interests converged against China and successive US administrations encouraged India to play the role of counterweight to China in the region. India was given unprecedented economic and diplomatic support to enhance its regional and international standing. Second, Indian Prime Minister Narendra Modi's politics thrived by demonizing Pakistan and exploiting anti-Muslim sentiments. It greatly enhanced the BJP's global standing and served its domestic politi-

cal requirement. Therefore, the slogan to recapture AJK and GB provides the BJP with an exceptionally explosive strategy to change the narrative over the Kashmir issue and put Pakistan in defensive mode. In this context, since Modi became prime minister, AJK and GB have received exceptional attention in the Indian political and strategic discourse. Several research institutions and universities were funded to study the socio-political development taking place in Azad Kashmir and Gilgit-Baltistan on a regular basis. Several books and reports were published in India about AJK and GB, though containing distorted facts and false narratives. Above all, Indian print and electronic media give exaggerated coverage to even insignificant events happening in AJK and GB.

The Indian parliament unanimously passed a resolution on February 22, 1994, which defined the territories of Occupied J&K and made it binding on the Indian government to take back the "occupied territories" from Pakistan's control. The resolution says, "Pakistan must vacate the areas of the Indian State of Jammu and Kashmir, which they have occupied through aggression; and resolves that all attempts to interfere in the internal affairs of India will be met resolutely." These days, Indian leaders, diplomats and media frequently raise issues of human rights, economic conditions, and the so-called demographic change of AJK and Gilgit-Baltistan. Rajnath said, "The Pakistan government is sowing the seeds of hatred in PoK and time is not far when people will resort to mass rebellion there". In 2001, when India-Pakistan tensions were at a peak, the then Indian prime minister, Atal Behari Vajpayee, spoke about the political and democratic system in AJK.

On August 12, 2016; Prime Minister Modi chaired an all-party meeting over Kashmir wherein he stated that the time had come to expose the atrocities committed 'by our neighbouring nation' in Balochistan and AJK. This statement is considered a paradigm policy shift which was followed in the letter and spirit subsequently. As a result, a few days later while speaking on Independence Day, Modi said, "The

people of Gilgit and Pakistan-occupied Kashmir have thanked me a lot in the past few days. I am grateful to them".

India frequently highlights issues related to Azad Kashmir and Gilgit-Baltistan, particularly after the revocation of Article 370 of the Indian constitution in August 2019. The emphasis on Gilgit-Baltistan has considerably increased since then. Indian officials often talk about the Shaksgam Valley which Pakistan swapped with China in the 1963's border agreement, gaining some territory and conceding areas which were already under Chinese administration.

In the 1970s, India tried hard to prevent the construction of the Karakoram Highway, the sole land link between China and Pakistan, running through Gilgit-Baltistan – but to no avail. However, the developing Pakistan-China relations, and several ongoing developmental and hydropower projects funded and constructed by Chinese private companies also keep India immensely upset. India has invariably been protesting over foreign investment, and particularly Chinese investment in AJK and GB. The growing Indian interest in Azad Kashmir and Gilgit-Baltistan generated a huge wave of suspicion in Pakistan about India's intention regarding these areas. Although these two regions are largely peaceful, the issues of bad governance, corruption, and undue interference from the federal government in local affairs have often surfaced and attracted criticism but no sustained political discontent has been reported so far.

The people of Gilgit-Baltistan have been demanding full status as the fifth province of Pakistan which Pakistan is reluctant to announce due to its stance on Kashmir.

Instead of stoking unrest in AJK, India should spend its resources and intellectual capital to create regional harmony beneficial to all countries and regions for shared prosperity and regional connectivity.

The resumption of dialogue between India and Pakistan is long-awaited. The unending tension and constant suffering of the people of Occupied Kashmir can only be alleviated when a meaningful and result-oriented process of en-