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CHINA AS A MEMBER OF SAARC: OBSTACLES AND IMPLICATIONS

MOONIS AHMAR*

Abstract

The debate and discourse of admitting the Peoples Republic of China (PRC) as a full member of the South Asian Association of Regional Cooperation (SAARC) is not a new phenomenon but for the last decade, it is argued by one school of thought led by Pakistan that to ensure symmetry in South Asia, given a sharp power imbalance in the region and to transform SAARC as a viable regional organization, it is essential to admit China as a full member of SAARC. If the geography, demography, and resources of South Asia are analysed, more than two-thirds belong to India. Hence, India is considered the core of South Asia but China has borders with all South Asian countries except Bangladesh, Maldives, and Sri Lanka. India has around 70 per cent of the population, territory, and resources of South Asia. Therefore, by default occupies a dominant position. There is no other region in the world like South Asia where one country occupies an enormous space and has a history of discord and armed conflicts with its neighbours. This paper examines the case of China's admission in SAARC as a full member and the impediments in this regard.

Key Words: *conflict, cooperation, global warming, SAARC, SCO, CPEC, regional cooperation*

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Introduction

While the Peoples Republic of China (PRC) is not a South Asian country in a cultural and historical sense, it borders five out of eight members of the South Asian Association of Regional Cooperation (SAARC).¹ No country in South Asia is unfamiliar with Chinese investments and trade. In the last three decades, China's economic, commercial, trade, investment, political, security, and military ties with many South Asian countries seem to have reached their peak. Yet, China is culturally and historically not considered as a South Asian country and this argument is used by the opponents of China joining SAARC as a full member.²

The debate and discourse on admitting the PRC as a full member of SAARC is not a new phenomenon but for the last decade, it is argued by one school of thought led by Pakistan that to ensure symmetry in South Asia, given a sharp imbalance in the region, it is essential to admit China as a full member of SAARC. If geography, demography, and resources of South Asia are analysed, more than two-thirds belong to India. Henceforth, India is considered the core of South Asia, which has borders with all the South Asian countries except Afghanistan. Sri Lanka, geographically separated from India by sea, is located in its vicinity. India has around 70 per cent of the population, territory, and resources of South Asia and by default occupies a dominant position. There is no other region in the world like South Asia where one country occupies as enormous a space and has a history of discord and armed conflicts with its neighbours.

In South Asia, China has a conflict only with India and that conflict too is based on claims on each other's territory and has been frozen for long albeit border skirmishes between the two countries in the last few years. Following the 'open door policy' of the former Chinese President Deng Xiao Peng in the late 1970s and early 1980s, China decided not to meddle in the affairs of any country of the world and focus on economic development and progress. As a result of its

strict policy of non-interference and non-intervention in the affairs of its neighbours and by following a policy of 'peaceful coexistence', China managed to emerge as the world's foremost economic power. It is rightly argued that "Chinese neighbourhood diplomacy is increasingly characterized by the multilateral mode as has been witnessed in its deepening of engagement with the Association of Southeast Asian Nations (ASEAN), the Shanghai Cooperation Organization (SCO) and, more recently, South Asian Association for Regional Cooperation (SAARC). China is expected to use the same pattern with SAARC as it has used with ASEAN. However, given the complexities in South Asia and ineffectiveness of SAARC as a regional organization, Chinese efforts have been met with frustration."³ India on the other hand, because of its unresolved conflicts with its neighbours, particularly with Pakistan on Jammu and Kashmir and its age-old interference in neighbouring countries, is unable to emerge as a great power because, to achieve a regional and global power status, the concerned country must maintain peace with its neighbours.

This paper examines the case of China's admission in SAARC as a full member and responds to the following questions:

1. Is the Chinese case to become a full member of SAARC legitimate and based on merit?
2. Why is India opposing Chinese membership in SAARC?
3. What are the advantages and disadvantages of China becoming a full member of SAARC?
4. Can SAARC be revitalized if China becomes a full member?

Furthermore, this paper also analyses the potential of China in transforming SAARC from a stagnant to a vibrant regional organisation because of its enormous resources and expertise in preventive diplomacy.

SAARC's Paradoxical Position

SAARC was established as a full-fledged regional organisation when the first summit of South Asia was held in Dhaka, the capital of

Bangladesh, in December 1985. Launched as a result of the vision and initiative of the then President of Bangladesh Zia-ur-Rehman in 1977-78 to promote regional cooperation among the countries of South Asia, SAARC, since its inception has made a difficult journey.⁴ SAARC comprised of seven countries, viz. Bangladesh, Bhutan, India, Maldives, Nepal, Pakistan, and Sri Lanka at the time of its establishment in December 1985. Afghanistan became the eighth member of SAARC in April 2007.

Three major realities about SAARC need to be considered while analysing its performance in the last 36 years. First, inspired by the success of the European Economic Community (EEC), now the European Union (EU), and the Association for South-East Asian Nations (ASEAN), the countries of South Asia tried to unleash the process of regionalism in the region. Thus, promoting meaningful economic, trade, commercial, travel, cultural, educational, environmental, water, and energy cooperation. The process of regionalism requires free movement of goods, services, capital, and people so that connectivity and minimum restrictions on the flow of people help the region progress and develop.

Even before SAARC was established, several meetings of Foreign Secretaries and Foreign Ministers of South Asian countries were held from 1981 to 1985 in which areas of cooperation among the regional countries ranging from rural development, forestry, civil aviation, tourism, education, and so forth were examined. A lot of paperwork was done before and after the establishment of SAARC to promote regional cooperation in South Asia. The question that arises is that why did SAARC fail to promote meaningful regional cooperation despite so much brainstorming and planning? Unfortunately, trade among SAARC countries is only 5 per cent of the total trade of its members as compared to 60 per cent among the ASEAN and 40 per cent among the EU member countries. Furthermore, the EU for most of its nationals is visa-free and ASEAN has a liberal visa regime for its

members. SAARC has a long way to go as far as easing travel restrictions is concerned. SAARC is also lagging in terms of connectivity, as to a large extent their capitals lack direct flights. Airlines from South Asia particularly of India and Pakistan and Pakistan and Bangladesh do not fly to each other's capitals. If one wishes to fly to Nepal from Pakistan and vice versa, there are no direct flights and one has to fly to Dubai, Muscat, or Doha to reach Karachi or Kathmandu.

It is not only the case of lack of travel, connectivity, and meagre trade among the SAARC countries but also the existing lull in this regional organisation following India's refusal to attend the 19th SAARC summit, which was scheduled to be held in Islamabad in November 2016, that has augmented the SAARC stalemate. Boycotting the SAARC summit creates a wrong precedent. It is not for the first time India has boycotted a SAARC summit. India refused to attend the 1991 Colombo SAARC summit when it sided with Bhutan's argument that its King could not attend the Colombo summit because of domestic reasons. Second, SAARC is often referred to as a hostage to Indo-Pak conflicts and it is rightly said that unless there is a normalisation of relations between the two neighbours, SAARC would continue to suffer. No regional organisation can progress without seeking harmony in its rank and file, which is not the case for SAARC. This is why it is suggested to admit the PRC as a full member of SAARC to strike a balance in this regional cooperation mechanism.

SAARC's predicament is that India is the largest country in South Asia, which takes other members of SAARC for granted. Its only impediment is Pakistan, which resists New Delhi's perceived domination and hegemony in the region. In April 2018, when the Prime Minister of Nepal visited New Delhi, the Indian Prime Minister Narendra Modi suggested that like India, Bangladesh, Afghanistan, and Bhutan, Nepal should also refuse to participate in the 19th SAARC summit which was scheduled to be held in Islamabad in November

2016 but was subverted because India refused to participate on its allegations of cross-border terrorism from Pakistan. Third, when SAARC was established in December 1985, it was rightly thought that discussing bilateral contentious issues might derail the nascent process of regional cooperation in South Asia. Therefore, Article X was inserted in the charter of SAARC, which barred member countries from discussing conflictual bilateral matters under the ambit of this regional organisation. However, 35 years after the formation of SAARC, it is high time that Article X be removed from the charter of SAARC because SAARC has come of age and now it can afford to discuss contentious bilateral issues provided it is done professionally and prudently.

One can illustrate countless reasons for the marginalisation of SAARC *vis-à-vis* other regional organisations and its failure to perform better. Yet some of the reasons like the absence of political will and determination, lack of commitment to take the process of regional cooperation to its logical conclusion, and the absence of dynamic leadership in South Asia contributed to the derailment of the SAARC process. However, much can be done to revitalise SAARC if member states take cognisance of lethal challenges to South Asia like climate change, global warming, poverty, underdevelopment, the rise of extremism, intolerance and violence, and the role of non-state actors who, in connivance with drug mafia, tend to destabilise South Asia. The issues of climate change and global warming alone should be enough to unite the members of SAARC to cope with challenges threatening the future of 1.8 billion people. Certainly, if China is admitted as a full member of SAARC, one can expect this regional organisation to become vibrant and successful in the years to come.

Map of China and South Asia



Source: <https://revolutionaryfrontlines.files.wordpress.com/2010/10/china-map-of-east-asia1.jpg> accessed on 4 March 2021.

China as a Full Member of SAARC

China and South Asia are not distant but immediate neighbours as rightly pointed out by Shahnawaz in the following words:

South Asia and China have much to gain from each other in the present century, especially in light of the developments of the last decade. The emergence of China as an economic power has been noticed by many but not welcomed by all.

Many see it as a challenge to their supremacy but for others, China's economic impact is beneficial. They see it as the centre of a 'virtuous trade cycle' that is helpful to most developing economies in the region. Many South Asian countries, but not all, fall in the second category. China is affecting South Asia both directly and indirectly. Its direct impact can be seen in its emerging role in the South Asian Association for Regional Cooperation (SAARC), its involvement in the efforts to stabilize Afghanistan and its possible role in bringing SAARC and the Association of Southeast Asian Nations (ASEAN) closer to each other... The inclusion of China can enhance the scope of SAFTA. When it comes to trade, ASEAN countries are facing tough competition from China in the international market, especially the US and Japan."⁵

According to the charter of SAARC, there should be consensus for admitting a member. Therefore, when Afghanistan applied for membership, given Pakistan's reservations, its case was delayed until consensus was reached. This is not the case with the PRC because it has not yet applied for membership and, perhaps, Beijing is judging the response of the members of SAARC before it formally applies for membership. But one can gauge the situation if China applies as a full member of SAARC. Consequently, "it is obvious that China will not limit itself to observer status. It has already expressed its desire for full membership and has initiated its desire in this regard. Inclusion of China as a member holds promise for a new chapter in the functioning of SAARC as it will neutralize India's hegemonic role."⁶

According to speakers in a conference *South Asia Amidst A New World Order* held in Kathmandu in March 2018, China needs to be considered for admission as a full member of SAARC. According to a news report on the proceedings of the conference, the suggested way out of the structural imbalance in SAARC was to grant full membership to China, which could not materialise because of India's opposition.

The report further stated that China shared borders with at least five of the total eight member states of SAARC.⁷ Therefore, Muntazir Ali rightly argues:

China became an integral part of South Asia's geopolitical and strategic environment, following its takeover of Tibet in the early 1950s. It shares borders with Afghanistan, Pakistan, India, Bhutan and Nepal. Traditionally, China's external relationships in the region have been built on defense and intelligence ties, military transfers and political support. South Asia holds vital security, diplomatic and economic interests for China. The stability and security of China's two troubled provinces, Tibet and Xinxiang, is inextricably linked to South Asian states. After Russia, China shares its longest border with India — a 4,000 kilometers stretch — which is still unsettled between the two countries.⁸

As Shahnawaz also argues:

The growing influence of China in South Asia is driven by economic, strategic and security imperatives. In order to fuel its growing economy, China requires natural resources such as oil and other essential minerals. Furthermore, it requires new markets for its products. Strategically, China needs to balance India's influence in the region. It appears that China would be more willing to win India's trust through enhanced bilateral trade than encircle it through the 'Strings of Pearls' strategy. China-India collaboration can ensure strategic stability in South Asia and may pave the way forward for a peaceful post-NATO Afghanistan. To counter the 'three evil forces', China requires greater cooperation with South Asian countries.⁹

In 2005, China was granted an observer status in SAARC, whereas, on the occasion of the 18th SAARC summit held in Kathmandu Nepal on 26-27 November 2014, China expressed its

desire to join the regional organisation as a full-fledged member.¹⁰ Pakistan, Nepal, and Sri Lanka favour Beijing's aspiration to join SAARC, but India and Bhutan will oppose China's application. Afghanistan, Bangladesh, and the Maldives, given the huge Chinese investments and engagements, may remain neutral and not openly oppose the PRC's membership application in SAARC. At the 12th SAARC summit held in Islamabad, the Chinese Prime Minister Wen Jiabao sent a message of greetings to the SAARC member countries. It was at this summit that the SAARC leaders agreed to establish a dialogue partnership with other regional bodies and with states.¹¹

Therefore, it is argued that China is keen to become a full member of SAARC. "India rejected the demand saying that the member nations of SAARC first need to deepen their cooperation amongst themselves and later think of extending the membership to observer nations. There are pros and cons of China getting full membership and to add to it, there is the special bond China is known to share with Pakistan, training its armies and providing hidden support to them against India."¹² Those who are suspicious of China's ambition to become a full member of SAARC believe that "China seems to be silently playing its cards to influence the geopolitical environment of South Asia. Silent moves, though, are now growing into powerful voices seeking and demanding full SAARC membership for China."¹³ China entered SAARC as an observer in 2005, supported by most member states. Observer states collaborate with SAARC members on specific initiatives but do not have voting rights. However, as recently as November 2014, during the SAARC summit in Nepal, China expressed its desire of joining the SAARC as a full-member.

Tanvi Madan of the Brookings Institution, Washington DC, in a 2014 report titled *China Role in SAARC*, states:

A number of SAARC countries have reportedly supported full membership for China, including ally Pakistan, as well as

Nepal and Sri Lanka. For the smaller SAARC states, China is a growing economic player in their countries; moreover, having another large Asian state in SAARC presents the possibility of limiting India's influence or playing one off against the other to elicit maximum benefits. India has not been a supporter of full membership for China in SAARC. It has traditionally frowned upon too much external influence in South Asia (though it has worked with other third parties in the region to curb Chinese influence).¹⁴

The report further states:

Those in India who support Chinese membership assert that through geography and its links with SAARC members, China is a "South Asian" country. They note that the region and the Sino-Indian relationship could benefit from Chinese membership. Other analysts state that SAARC is not that relevant any way and thus there would be little harm in including China. Yet others note that China is already engaging with South Asian countries bilaterally in a way that excludes India; this way India could be part of that engagement. Those who oppose Chinese membership, including within the Indian government, question the inclusion of a non-South Asian country. Their concerns include China potentially dominating the organization and working against India interests within it; Sino-Indian political difficulties limiting SAARC's effectiveness and activities, as India-Pakistan ones have done; and Sino-Indian interactions within SAARC exacerbating China-India mistrust.¹⁵

The smaller SAARC states not only see China as a balancing and stabilising factor but also beneficial for trade and investment cooperation.¹⁶ As Ali argues:

There are more prospects than problems of China playing a stabilizing role in South Asia. These prospects are related not only to China's own domestic and regional imperatives but also to South Asia's changing political equation.¹⁷

China-Pakistan Economic Corridor (CPEC) and Beijing's Belt and Road Initiative (BRI) also prove China's growing interest in South Asia. As pointed out by Surendar Kumar in his article *China's SAARC Membership: A debate*, China became a SAARC observer member at the Dhaka Summit in 2005, with Pakistan, Nepal, and Bangladesh supporting the move, and India, Bhutan, Afghanistan, and the Maldives opposing it. Ever since China has made significant progress in terms of its participation in SAARC. The China-South Asia Business Forum, founded in 2004, which primarily focuses on "communication, cooperation, development and mutual benefits has been further strengthened with China's engagement with SAARC. In 2006, the China-South Asia Business Council was established to act as a link between Chinese companies and SAARC Chambers of Commerce and Industry. From 2007, it has attended the successive SAARC summits; it continues to invite senior diplomats from the region to China; and has hosted the South Asian countries' commodity fair and China-SAARC senior officials' meeting."¹⁸

Three conclusions could be drawn from the above facts: first, small states in South Asia favour China's membership in SAARC because of the obvious reason of balancing India's influence and power in the region. Second, a school of thought in India subscribes to the notion that the PRC should become a full member of SAARC as China is a South Asian country because of its geographical links in the region. Third, in the last two decades, China has strengthened its economic engagements in South Asia by establishing China-South Asia Business Forum and China-South Asia Business Council. As the debate on admitting China as a full member of SAARC continues, one

may ask: is SAARC beneficial for China? To what extent China can gain from its full membership in SAARC?

China is the world's second-largest economic power after the United States and the first in terms of its foreign exchange reserves with a high economic growth rate. Therefore, it is South Asia that needs China and not vice-versa. The following arguments are given in favour of and against China becoming a full member of SAARC.

Arguments in Favour of China Becoming a Full Member of SAARC¹⁹

1. China will be a stabilising force if it joins SAARC and will help mitigate polarisation in this regional organisation particularly between India and Pakistan.
2. China's enormous financial resources may be used for further progress and modernisation of SAARC.
3. SAARC will get an impetus in terms of infrastructure development particularly its railway system and communication networks. China has one of the best railway systems in the world, which it can bring to bear for the modernisation of South Asia.

Arguments Against China Becoming a Full Member of SAARC

1. China is not a South Asian country and does not share its culture, history, and way of life. With such vast societal contradictions between China and South Asia, it is not qualified to become a member of a regional organisation representing South Asia.
2. It is certainly not in the interest of India to support China's membership in SAARC because such a step will undermine New Delhi's influence in the region. Age-old Sino-Pak strategic, security, and military cooperation also tends to deepen India's reservations on China's admission as a full member of SAARC.

3. Since there are reservations from some quarters about Chinese acts in expanding its influence in different parts of the world, to admit the PRC as a new member will generate new conflicts in the region.

Yet, there are more pros than cons as far as China's full membership of SAARC is concerned. Four major realities exist in terms of SAARC and the issue of the inclusion of China as a full member in that regional organisation:

First, the poor performance of SAARC in mitigating restrictions on the free movement of people, goods, services, and capital proves internal contradictions within South Asia. When one country of South Asia, i.e., India, which happens to possess 77 per cent of the area, population, and resources of the region and has a history of discords with neighbours, the very question of meaningful regional cooperation particularly in terms of people to people contacts, trade, and commerce cannot be ignored. Amid structural contradictions within SAARC, why China, which is the world's economic superpower, be interested in joining such a regional organization? Second, SAARC has failed to put its own house in order. Instead of dealing with challenges professionally, SAARC countries are least mindful that they have been marginalized in the global power structure and the international community doesn't take them seriously.

Third, the lack of seriousness and prudence on the part of SAARC to deal with its fault lines is a major impediment. In an era of globalization, information technology, geo-economics, and soft power, there is a cut-throat competition in seeking a place in the global economy and power structure. As long as the countries of SAARC remain a victim of suspicions, mistrust, ill-will, and paranoia, the region cannot develop and will hardly have a five per cent contribution as far as the world economy is concerned. In global sports, whether summer or winter Olympics, South Asian countries

have performed poorly to the extent that no country of the region was able to seek a gold medal. Likewise, in the arena of social and human development, South Asia is much behind than European Union or ASEAN countries.

Fourth, the economy of China is four times the economies of all the South Asian countries. In its essence, it is to the advantage of South Asia if China becomes a full member of SAARC because, except Japan, no Asian country can match with the modernization, progress, development, resources, and wealth of China. Furthermore, China is also a model for South Asian countries in terms of the rapid pace of modernization as in just one generation time it has been able to pull 500 million people from below the poverty level. Whereas, South Asia has half of the world's poor population and millions of illiterates. Instead of learning lessons from the miracle of China, India which has more than 30 per cent of its population living below the poverty line and 40 per cent illiterates, is perceived to be jealous of Beijing's progress and development. India, because of its opposition and hostility to Pakistan is also opposing China-Pakistan Economic Corridor (CPEC) and China's Belt and Road Initiative (BRI). If India has the capability, capacity, and resources, it should come forward and launch programs for the welfare, progress, development, and modernization of impoverished South Asia of which two-thirds is composed of India.

Finally, a peaceful and stable South Asia is essential for China. China's own experience in its neighbourhood is sufficient to prove the need to adopt a policy of non-interference and non-intervention in the internal affairs of any country. Peace with neighbours enabled China to rapidly progress and develop within only three decades. Therefore, "contemporary Chinese foreign policy is based on lowering tensions with adversaries and trying to create a stable political and strategic environment in the neighbourhood. The most important objective of Chinese diplomacy, in the context of South Asia, is to create a zone of peace within which it can continue its economic development. In

South Asia too, as in other regions of Asia, China seeks to use multilateral regional forums to develop common ground on issues of common concern."²⁰

China has advised both India and Pakistan to resolve their bilateral contentious issues through negotiations and dialogue instead of confrontation. Because, as rightly argued by Beijing, no country can progress and develop when it is consuming its energies in sustained conflicts with other countries. Unfortunately, India and Pakistan have failed to take the advice of the PRC seriously because both lack the courage, boldness, prudence, and wisdom to deal with their contentious issues peacefully. The last country with which China went to war was Vietnam in January 1979 and since then Beijing has not militarily engaged itself with any of its neighbours. As far as the Sino-Indian conflict in the summer of 2017 over a road crossing the territory of India, China and Bhutan at Doklan is concerned, both sides averted an armed conflict and agreed to maintain peace.²¹

Conclusion

China and South Asia are geographically, economically, and strategically connected. If the mountains of the Himalayas are a geographical barrier between China and South Asia, in an era of globalization, information technology, geo-economics, and soft power such impediments do not matter. Yet China and South Asia are geographically contagious. China has modernized its communication linkage with Tibet by laying a railway line to Lhasa. And China is also building a road to the border of Nepal. China already has an all-weather road link with Pakistan called the Karakorum Highway (KKH) operationalized in 1978, KKH is getting another boost through CPEC.

From the above discussion, it becomes clear that it is in the interest of South Asia to include China as a full member of SAARC. Yet, Beijing first needs to apply for its membership in SAARC with sound reasons so that when its case is discussed by the SAARC members it

will be quite difficult for its opponents to block such a move. India will certainly be isolated if it opposes China's application because it will be termed as an act of jealousy. Unfortunately, along with India, it is also Bhutan which sides with New Delhi on most of the issues. Bhutan is the only member of SAARC which has no diplomatic relations with the PRC because of the age-old tension between the two neighbours. Therefore, Bhutan needs to amend its policy vis-à-vis China instead of toeing the line of India on almost all regional and international issues.

The visit of the Indian Prime Minister Narendra Modi to China and his two-day summit with the Chinese President Xi Jinping in Wuhan on 27-28 April 2018 was termed as a major event to strengthen ties between the two giant neighbours but there was no such reference in their negotiations on China's admission in SAARC as a full member.²² It seems that China wants to test the intentions of the Indian Prime Minister in reciprocating the gestures from Beijing on peaceful conflict management of its territorial disputes with New Delhi.

China is not in a hurry to get full membership in SAARC as it knows very well that a policy based on patience, prudence, and perseverance can go a long way in seeking desired results. Certainly, the majority of the SAARC members support China's inclusion in SAARC as a full member, a fact which India knows and wants to deal with unreasonably by exerting pressure on various SAARC member countries not to support the case of China in SAARC. As a result, it is SAARC that will lose instead of China because of India's age-old conflicts with Beijing and its fear of China challenging New Delhi's preponderant position in South Asia. The concept that China will act as a buffer in South Asia between the two antagonistic states, i.e., India and Pakistan, is, however, contested. Pakistan's age-old friendship with China is beyond any shadow of doubt and there are apprehensions in New Delhi that Beijing may not remain neutral in case of issues involving India and Pakistan. But because of China's focus on

diplomacy and negotiations in a crisis and conflict situation, Beijing will not tilt in favour of its age-old ally and will advise the two sides to mend fences through a process of dialogue.

In its essence, as things stand, SAARC is in limbo because of the opposition of India, along with Afghanistan, Bangladesh, and Bhutan to participate in the 19th SAARC summit, which was scheduled to be held in Islamabad in November 2016. If Prime Minister Narendra Modi in his second term transforms his country's policy on attending the 19th SAARC summit amidst tension with Pakistan, one can expect SAARC to come out of the prevailing crisis. The video link conference held in March 2020 under the initiative of the Indian Prime Minister to discuss strategies for dealing with the COVID-19 virus needs to be appreciated along with a fund that has been established to assist victims of the virus. Yet, SAARC has a long way to go to transform itself as a functional organization and China's admission in this regional organization can be a source of great help.

Notes and References

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- ¹ China has borders with Afghanistan, Bhutan, India, Nepal, and Pakistan. Whereas, Bangladesh is in the geographical proximity of PRC. Maldives and Sri Lanka are island states and located far from China, yet Beijing has enormous influence in the two SAARC member countries.
- ² Moonis Ahmar, "China in SAARC: To What Effect A Pakistani Perspective", *Strategic Analysis* (New Delhi), Vol. 35, No. 3, May 2011.
- ³ Muntazir Ali, "China as a factor of stability in South Asia: Problems and Prospects" *Pakistan Horizon* (Karachi), Vol. 63, No. 3 (July 2010), 69.
- ⁴ In 1977-78, the then President of Bangladesh, Ziaur Rehman visited India, Pakistan and Sri Lanka and mooted the idea of Regional Cooperation in South Asia. His idea advocated a regional organization of South Asia modeled like European Economic Community and Association of South East Asian Nations in order to promote trade, commerce and connectivity among the countries of South Asia. In 1981 the first meeting of Foreign Secretaries and in 1983 a meeting of Foreign Ministers of South Asia was held in which the idea of establishing a regional organization was discussed.
- ⁵ Muhammad Shahrukh Shahnawaz, "China and South Asia: Threats, Strategies, Cooperation and Expectations," *Pakistan Horizon* (Karachi), Vol. 64, No. 2 (April 2011), 65.
- ⁶ Ibid.,70-71.
- ⁷ *Daily Mirror*, (Kathmandu) 26 March 2018.
- ⁸ Ali, "China as a factor of stability in South Asia: Problems and Prospects," 68.

- ⁹ Shahnawaz, "China and South Asia: Threats, Strategies, Cooperation and Expectations," 77-78.
- ¹⁰ Apart from PRC, observer status in SAARC has been given to the United States, European Union, South Korea, Japan, Myanmar, Iran and Mauritius.
- ¹¹ Fazal-ur-Rahman, "China and SAARC: Envisioning Partnership for Development," *Pakistan Horizon* (Karachi), Vol.64, No. 4, 54.
- ¹² <https://www.careerride.com/view/should-china-be-given-full-membership-at-saarc-18143.aspx>, accessed on 24 April 2018
- ¹³ <https://www.thequint.com/voices/opinion/chinas-pitch-for-saarc-membership-threatens-indias-dominance>, accessed on 24 April 2018.
- ¹⁴ <https://www.brookings.edu/research/chinas-role-in-saarc/>, accessed on 22 April 2018.
- ¹⁵ *Ibid.*
- ¹⁶ Rahman, "China and SAARC: Envisioning Partnership for Development," 56.
- ¹⁷ Ali, "China as a factor of stability in South Asia: Problems and Prospects," p. 75.
- ¹⁸ Surendra Kumar, "China's SAARC membership: A debate" *China Studies*, Vol 6, No. 3, December 2015, 4. Nevertheless, according to the author, India has hitherto successfully blocked China's attempt to become a full-fledged member of SAARC, on the grounds that SAARC needs to work towards strengthening its ties with new partners, rather than expanding membership.
- ¹⁹ Moonis Ahmar, "Where will South Asia stand in the emerging multipolar world," *South Asia Amidst a New World Order* (Kathmandu: Konrad Adenauer Stiftung and COSATT, 2018), 56-57.
- ²⁰ Ali, "China as a factor of stability in South Asia: Problems and Prospects," 69.
- ²¹ "Chinese and Indian face off in Bhutan border dispute," *The Guardian*, available at <https://www.theguardian.com/world/>

2017/jul/06/china-india-bhutan-standoff-disputed-territory,
accessed on 6 June 2019.

- ²² "What was the motive behind Modi's visit to China?" *India Today*
(New Delhi), 28 April 2018.

AFGHANISTAN PEACE PROCESS: IMPLICATIONS FOR THE REGION

MARYAM MASTOOR*

With more than 100,000 civilians killed and injured since the United Nations began systemic documentation of the civilian casualties in 2009, the time is long overdue to put an end to the human misery and the tragedy. The best way to halt the killings and maiming of civilians is to stop the fighting.

Tadamichi Yamamoto

UN Special Representative of the Secretary-General of Afghanistan
February 2020

Abstract

Peace in Afghanistan will certainly help in achieving some semblance of normalcy in the turbulent region of South Asia. This paper aims at elaborating upon the ongoing peace process in Afghanistan. First, it sheds some light on the factors that compelled the US and its allies to reach a peace agreement with the Taliban. Second, it analyses the salient features of the US and Taliban deal, which focuses on four main elements: ceasefire, withdrawal of the foreign troops, intra-Afghan dialogue, and counterterrorism assurances. Finally, the paper touches upon the characteristic attributes of Afghanistan that will impact the intra-Afghan dialogue. In the backdrop of intra-Afghan dialogue, there can be two emerging scenarios: either the foreign troops will completely withdraw or there will be no or partial withdrawal of troops.

Keywords: Afghanistan, peace process, Taliban US deal, South Asia, intra-Afghan dialogue

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Introduction

Afghanistan is a victim of the 9/11 incident. On 11 September 2001, some 3,000 US citizens died in attacks on Pentagon and the World Trade Centre, allegedly conducted by a non-state actor, Al Qaeda, headed by a Saudi national, Osama Bin Laden. It was presumed that Al Qaeda conducted attacks on the Pentagon and the World Trade Centre in collaboration with the Taliban government in Afghanistan. It is ironic to note that neither Al Qaeda nor the Taliban has explicitly accepted responsibility for conducting the attacks, in response to which thousands of people have died in Afghanistan.

After the incident of 9/11, the US took a rash decision to launch a war against the Al-Qaeda network, whose leadership was, unfortunately, residing in Afghanistan. If the leadership was in Saudi Arabia, would the US have launched an attack? The answer to this question is: probably not. Attacking Afghanistan was in line with other strategic interests of the US. On 20 September 2001, President Bush called for the extradition of Osama Bin Laden. In response, the Taliban demanded evidence from the US government to warrant a trial of Osama Bin Laden, which the Taliban offered to handle in an Islamic Court.¹

The Bush administration refused to provide evidence and invaded Afghanistan in October 2001.² The 'light footprint strategy' comprised of heavy air offensive but minimum troop presence was adopted by the Bush administration at the initial level which eventually led to 'dispersal' of the Taliban. The dispersal was also momentary. The Taliban resurged with full power in 2003. In 2003, 148 attacks were conducted by the insurgents.³ Time proved that the Taliban did not retreat but dispersed temporarily. It has been eighteen years since the US has consumed all its efforts in achieving its 'proclaimed' objective of stabilisation, but it could not happen.

The Taliban, owing to their resilience, have pushed the US to finally plan a withdrawal strategy. For which a meaningful peace

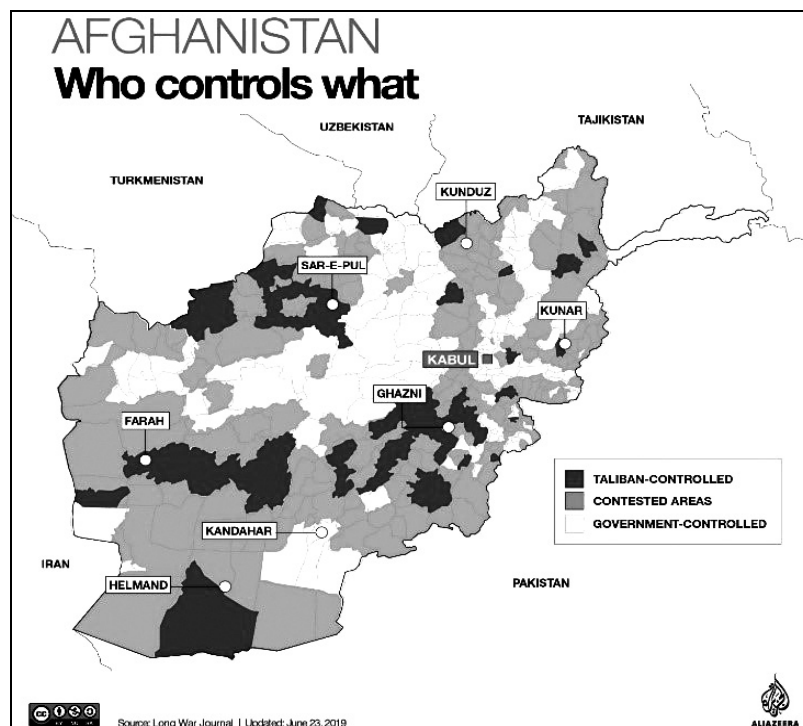
process was initiated in 2018. This paper attempts to analyse the peace process in Afghanistan and its probable outcome for Pakistan and the region. Before going into the details of the peace process, it is imperative to understand why and how the US was compelled to think about leaving Afghanistan. It is ironic to note that despite pouring in monetary and military resources, the US and its allied forces along with the Kabul government were unable to establish a hold on Afghanistan. Various factors, in tandem, eventually led to the 'withdrawal scenario'.

Factors Behind the Withdrawal Scenario

Control of Afghanistan

As per the claim of the Taliban, they control seventy per cent of the area of Afghanistan. However, according to a research study by the *Long War Journal*, Kunar, Kandahar, Farah, Helmand, Ghazni, and Sur-e-Pul are completely controlled by the Taliban, other areas are contested. However, in Kabul, Bamian, Daykundi and Oruzgan, the government of Afghanistan has control.⁴ According to a report of the Special Inspector General of Afghanistan Reconstruction (SIGAR), published in January 2018, 229 districts were under the Afghan government's control, while 59 districts were under the control of the Taliban, and 119 districts were contested.⁵

According to a list provided by a report of UN sanctions monitor, every province has a leader appointed by the Taliban,⁶ which means that they do plan to take hold of the entire Afghanistan. Another factor that led to the peace talks was the ever-growing increase in violence.

Map

Source: Aljazeera

Increase in Violence

In 2019, the most volatile area had been Kabul with 1,563 civilian casualties. The other areas where violence was considerably high were Nangarhar (1,070 casualties), Ghazni (673 casualties), Helmand (675 casualties), Faryab (665 casualties).⁷ With most of the casualties in Kabul, it can be inferred that where the Afghan government wished to tighten the noose, the conflict escalated. According to a website of the Taliban, the locals have lost trust in the Afghan government, therefore, the Taliban have started dispensing justice through their courts. This claim of the Taliban also puts a big question mark on the legitimacy of the Afghan government. The damages of the war had been numerous. Until now, more than 30,000 civilians have died nearly 60,000 people have been injured.

Table

Civilian Casualties in Afghanistan

Year	Civilian casualties
2007	1,523
2008	2,118
2009	5,978
2010	2,790
2011	3,021
2012	7,559
2013	8,615
2014	10,548
2015	11,002
2016	11,418
2017	10,453
2018	10,993
2019	10,392
2020(July)	3,458

Source: UNAMA annual reports

Green on Blue Attacks

Insider attacks have also been a key instrument of war for the Taliban. Through green on blue attacks and suicide attacks Taliban were successful in seeping fear among not only the Afghan forces but also among foreign troops. These insider attacks challenged the security arrangement of the Afghan state and exposed the vulnerability of the security apparatus in the country.

Table

Insider and suicide attacks

Month/ Day	Year	No of Soldiers (Non-Afghan)	Province	Nature of attack
February 8,	2020	2	Nangarhar	Green on Blue
July 29,	2019	2	Uruzgan	Green on Blue
November 11,	2018	1	Kabul	Green on Blue
September 3,	2018	1	Logar	Green on Blue
August 5,	2018	3	Pawan	Suicide bomber
July 7,	2018	1	Uruzgan	Green on Blue
June 10	2017	1	Nangarhar	Green on blue

Source: icasualties.org- the table excludes the casualties in non-hostile exchange of fire, small arm direct attack and IEDs

Nonetheless, the Taliban have grown stronger, more focused, and concluded a peace deal with the US on 29 February 2020. However, the dialogue process had been strenuous and time-consuming.

Talk for Talks

After the election of President Trump, the Taliban offered peace talks to the US in February 2017.⁸ The US government also reciprocated the same intention of initiating a peace dialogue. In October 2017, Rex Tillerson, the then Secretary of State, said that the US was also willing to negotiate with the Taliban. Later, in 2018, in an unprecedented move, President Ashraf Ghani on 27 February made a bold announcement of holding unconditional talks with the Taliban. He also recognised the Taliban as a political entity. To this offer, the Taliban remained silent. On Eid ul Fitr, in June 2018, the Taliban and the government of Afghanistan mutually declared a ceasefire. However, that ceasefire could not last and fighting resumed afterwards.

The Trump administration started with the agenda of 'America First'. The war in Afghanistan that started with the light a footprint strategy, had more than 100,000 US soldiers till 2010. The cost of war also reached \$100 billion a year.⁹ Some 2,000 soldiers have lost their lives and nearly 20,000 have been injured.¹⁰ Nineteen years of war, with no end in sight, President Trump called for a quick fix for Afghanistan. Therefore, a peace dialogue process started in the summer of 2018. Zalmay Khalilzad, a US citizen born in Afghanistan, was chosen to break the ice between the US government and the Taliban. He as a special representative of the US started confidence-building measures with the Taliban. In eighteen years of war, it was the first time that the US and the Taliban sat around a negotiating table formally. The process took more than a year, though.

In October 2018, the Trump administration decided to enter into direct negotiations with the Taliban. Lack of progress on the battlefield led the US to change its longstanding position of an Afghan-led, Afghan-owned reconciliation process. As a result, the first high-level talks between the Taliban and the US took place in Doha. US special envoy to Afghanistan, Zalmay Khalilzad and six Taliban representatives attended the talks. The meeting was 'exploratory', in which the representatives from both sides talked about 'end to occupation', 'peaceful resolution of Afghan issue', and removal of Taliban leaders from the sanctions lists.¹¹ Later, Khalilzad stated, "United States shares the aspirations of all Afghans for a peaceful Afghanistan where all Afghans see themselves included."¹² The statement did not mention the meeting between the two parties.

In November 2018, Khalilzad held another round of talks for three days in Qatar.¹³ It is reported that Mullah Khairullah Khairkhaw, the former governor of Herat and the current Taliban spokesperson, also joined the talks. During the talks, issues about the timetable of the US and NATO troops withdrawal, the release of Taliban prisoners, recognition of the Taliban office in Qatar were discussed.¹⁴ Khalilzad pressed upon the Taliban to declare a ceasefire, however, the Taliban declined this suggestion. The Taliban also suggested postponing the upcoming presidential elections and install an interim government under the leadership of Abdul Sattar Sirat, a Tajik Islamic scholar.¹⁵ This suggestion was also declined by the US. However, later it came out to be a valid suggestion, as after concluding the US Taliban deal, the intra-Afghan dialogue has become a real challenge under the existing leadership.

In December 2018, representatives of the Taliban, several Asian states, the Afghan government, and the US gathered in the United Arab Emirates to formally conclude the talks.¹⁶ However, the meeting ended abruptly. It appeared that the Taliban rejected a meeting with the Afghan officials who were present at the venue.

Later, Zabiullah Mujahid, the Taliban spokesman stated that Taliban representatives have “no plans to meet and will not meet the Kabul administration.”¹⁷ This meeting was facilitated by Pakistan.¹⁸

In January 2019, the Taliban again held six-day talks with the representatives of the US government. The duration of the talks was the longest ever. During the negotiations, the US pressed upon the Taliban that they will not allow international militant groups like Al Qaeda to use their country as a base. The Taliban called for a specific timeframe for the withdrawal of all US and NATO forces. They suggested that withdrawal should complete in six months, however, maintained that they could be flexible in this regard.¹⁹ On the other hand, the US wanted three years for the withdrawal.²⁰

In March 2019, Khalilzad announced that an agreement had to be finalised on counterterrorism assurances and the drawdown of US forces in Afghanistan. The Taliban and the US government held two weeks of talks for finalising the document of agreement. No breakthrough could be achieved during the talks, though.²¹ Moreover, Khalilzad stated that once the agreement is finalised the Taliban and the Afghan government would start the intra-Afghanistan negotiations. During this meeting, the Taliban remained much cautious on the text of the agreement regarding the US demand of not allowing Al Qaeda to use Afghanistan as a base.²²

In April 2019, the Afghan government officials were also supposed to meet the Taliban, as they agreed to meet the Afghan officials to know each other. However, the meeting could not take place, as the Taliban rejected the composition of the Afghan government delegation.²³ In May 2019, the US and the Taliban again started a round of negotiations in Doha. The talks were based on four basic issues, “troop withdrawal; guarantees against terrorism; talks between the Taliban and the American-supported government of Afghanistan to establish a path toward political settlement; and a lasting cease-fire.”²⁴

In July 2019, Afghan officials met the Taliban leaders in a personal capacity in Doha. It was a major step taken towards peace. Both sides agreed on a 'roadmap for peace'.²⁵ In August, Khalilzad met the Prime Minister of Pakistan Imran Khan before convening talks with the Taliban leaders in Doha.²⁶ By the end of August 2019, a peace deal framework was finalised. Taliban spokesman Zabiullah Mujahid, while expressing his hope for peaceful agreement said, "Inshallah [God willing], this time we are hopeful that everything will be finalised. Work is underway to streamline the mechanism, but there is no such sticking point left that is not agreeable."²⁷

A Setback to Talks

The process seemed to be reaching its conclusion. But, in September 2019, President Trump called off negotiations with the Taliban after a Taliban attack killed a US soldier.

He Tweeted on 8 September 2019:

"An attack in Kabul that killed one of our great great soldiers, and 11 other people. I immediately cancelled the meeting and called off peace negotiations. What kind of people would kill so many in order to seemingly strengthen their bargaining position? They didn't, they only made it worse! If they cannot agree to a ceasefire during these very important peace talks, and would even kill 12 innocent people, then they probably don't have the power to negotiate a meaningful agreement anyway. How many more decades are they willing to fight?"²⁸

At that time the US president expressed his will to secretly meet the Taliban leaders. However, abruptly ending the talks for the aforementioned reason was astonishing. According to Lawrence Sellin, a retired US Army reserve colonel, "Inviting the Taliban, who many consider a terrorist group, was a politically risky move both from the

optics and from a greater likelihood of failure and embarrassment to the president."²⁹ "If such a meeting were to take place, it would also mean that Trump would host the Taliban just days before the anniversary of the 11 September 2001, attacks."³⁰ From 2006 till 6 June 2020, some 2,000 US soldiers have died in the conflict in Afghanistan.³¹ It is also ironic to note that in late July 2019, before agreeing upon the final provisions of the deal with the US, two US soldiers were killed in a 'green on blue' insider attack.³² At that time, President Trump did not cancel the talks but later in September 2019, he cancelled, citing the killing of a US soldier as a reason.

Interestingly, in February 2020 before the conclusion of the US-Taliban deal, two more US soldiers died in an 'apparent' insider attack.³³ However, despite all hurdles and predicaments, a senior US official announced on 14 February 2020 that the US and the Taliban had reached an agreement to reduce violence across Afghanistan, including attacks on Afghan forces. After the US military commanders assessed that the truce held, the US and Taliban were supposed to sign a formal agreement. On 22 February 2020, a reduction in violence went into effect and US commander General Scott Miller expressed his satisfaction over the Taliban's efforts to reduce violence.

On 29 February 2020, Khalilzad signed a formal agreement with the Taliban deputy political leader Mullah Abdul Ghani Baradar, in Doha. President Trump issued a statement:

Nearly 19 years ago, American service members went to Afghanistan to root out the terrorists responsible for the 9/11 attacks. In that time, we have made great progress in Afghanistan, but at great cost to our brave service members, to the American taxpayers, and to the people of Afghanistan. When I ran for office, I promised the American people I would begin to bring our troops home, and seek to end this war. We are making substantial progress on that promise.³⁴

US special representative Zalmay Khalilzad tweeted on 29 February:

"Today is a day for hope. After years of conflict, we have signed an agreement with the Taliban that achieves US objectives and puts Afghanistan on a path to peace."

Several international observers were present at the meeting, including Secretary of State Mike Pompeo. Simultaneously, Secretary of Defence Mark Esper met with Afghan President Ashraf Ghani to issue a joint US-Afghan declaration reiterating US support for the Afghan government and the government's willingness to negotiate with the Taliban without preconditions.

US-Taliban Doha Agreement

The Doha agreement laid the foundation of future engagement of the US with Afghanistan.

Following are the four main points of the Doha agreement:

- "1. Guarantees and enforcement mechanisms that will prevent the use of the soil of Afghanistan by any group or individual against the security of the United States and its allies. Afghanistan government shall not give asylum, work permits, visas to anyone who has posed threat to the US
2. Guarantees, enforcement mechanisms, and the announcement of a timeline for the withdrawal of all foreign forces from Afghanistan."³⁵

The Guarantees and enforcement mechanism entail the following:

- In 135 days, the US will reduce its troops to 8,600. The coalition forces shall also proportionally reduce their presence.
- The US and coalition forces withdraw all their presence from 5 bases

- The US and its allies shall complete total withdrawal in the remaining nine-and-a-half months
 - The 5,000 Taliban prisoners will be released by the Afghan Government and 1,000 prisoners shall be released by the Taliban
 - The Taliban guaranteed that the released prisoners will abide by the agreement
 - The US agreed that it will refrain from the use of force against Afghanistan
3. "After the announcement of guarantees for a complete withdrawal of foreign forces and timeline in the presence of international witnesses, and guarantees and the announcement in the presence of international witnesses that Afghan soil will not be used against the security of the United States and its allies, the Islamic Emirate of Afghanistan which is not recognized by the United States as a state and is known as the Taliban will start intra-Afghan negotiations with Afghan sides on March 10, 2020, which corresponds to Rajab 15, 1441 on the Hijri Lunar calendar and Hoot 20, 1398 on the Hijri Solar calendar."³⁶
- The above point entails the following:
 - With the start of Intra Afghan negotiations, the US shall initiate a review of its sanctions against the Taliban, to remove them by 27 August 2020
 - With the start of Intra Afghan negotiations, the US shall also negotiate with the UN Security Council to remove sanctions against the Taliban by 29 May 2020
4. "A permanent and comprehensive ceasefire will be an item on the agenda of the intra-Afghan dialogue and negotiations. The participants of intra-Afghan negotiations will discuss the date and modalities of a permanent and comprehensive ceasefire, including joint implementation mechanisms, which will be

announced along with the completion and agreement over the future political roadmap of Afghanistan."³⁷

- The US shall have positive engagement with the post-settlement Islamic government
- The US shall seek economic engagement with the post-settlement Islamic government

Intra Afghan dialogue was to begin by 10 March 2020. However, various Afghan factions entered into discord amongst each other and the dialogue process could not start till the end of August. As the removal of sanctions against the Taliban was also conditioned on the start of the intra-Afghan dialogue, nothing substantial has been done on this aspect as well.

It is also imperative to note that the Taliban were successful in gaining the maximum benefit from the deal. They had always demanded a complete withdrawal of the foreign troops as soon as possible. The US insisted on a period of three years for total withdrawal. However, the Taliban objective of a speedy withdrawal plan was achieved. The main hurdle now remains in fulfilling the dream of a peaceful Afghanistan, i.e., lack of unity among Afghans.

Intra-Afghan Talks

The mistrust looms large among various Afghan factions. "Though Afghans never allowed foreigners to settle in their territory, yet they have always provided room for 'others' to manoeuvre, owing to their disunity. The over inclination of Afghans towards ethnic identities, galvanize their discord."³⁸ Eventually, the country has paid the price of this division in the form of two long wars. The Pakistani government stressed upon the Afghan government to seize the opportunity of reaching a consensus but the distrust loomed large on the peace dialogue. "The ongoing peace process has provided an opportunity for Afghan factions to unite and undo all the wrongs

committed against them in the past 20 years. Unfortunately, the internal strife of Afghans has again prevailed over this opportunity.”³⁹

“The question arises who doesn’t want peace? According to Taliban official in Doha, Khairullah Khairkhaw, the Kabul administration doesn’t want the foreign troops to withdraw. As all the benefits they avail now shall be curtailed if the foreign forces will withdraw. Abdullah Abdullah recently reiterated his commitment to peace but also asserted that violence must stop. On the other hand, Taliban on their website allege, that Afghan intelligence is behind all the violence, even the attack on the hospital was carried by the Kabul administration to convince the foreign forces that Afghanistan will further plunge into chaos if they’ll leave.”⁴⁰

“By closely examining, one can understand that if the Taliban conducted attacks against civilians, they would have lost the support of the local population. As in guerrilla warfare, support of the local population is of utmost importance. Ironically, the local population scarcely show any affiliation with the Afghan government. It can be further testified from a very slim turnout in the Afghan elections of 2019. The Afghan leaders, both Abdullah Abdullah and Ashraf Ghani seem absorbed in their self-interest. By working together for four years in a government they could not build trust and again entered into a tug of war after the 2019 elections.”⁴¹ The problem is Afghanistan has never been a nation. Afghanistan is a multi-ethnic society. There are serious challenges of cohesion prevalent in Afghanistan.

Challenges of Cohesion

Afghan society is highly fragmented. There are Pashtuns (42%), Tajiks (27%), Uzbek (9%), Hazaras (9%), Aimak (4%), Turkmen (3%), Baloch (2%), and 4% fall in unspecified “other” group.⁴² Pashtun group dominate the political domain of the country. In 1919, Afghanistan officially got independence from the British and signed the treaty of Rawalpindi.⁴³ Amanullah Khan (1919-29), a Pashtun, then ruled

Afghanistan and introduced the country's first Constitution in 1923, making the country a monarchy.⁴⁴ Later, Muhammad Zahir Shah (1933-73), who was also a Pashtun and nephew of Amanullah started a 40-year rule in the country.⁴⁵ Muhammad Zahir Shah was overthrown by his cousin, Muhammad Daoud Khan, again a Pashtun in 1973.⁴⁶ After the Soviet invasion, there was complete chaos. The country plunged into civil war at the end of Soviet occupation as all ethnic factions started to fight for power.

Before the Soviet invasion, a prolonged rule of Pashtuns created dissonance in the other ethnicities. The guerrilla fighters that emerged during the Soviet resistance started a power struggle. Gulbadin Hekmatyar (Pashtun), Ahmed Shah Masood (Tajik), and Abdul Rashid Dostum (Uzbek) emerged as leaders of their respective ethnic groups. The Taliban are also mainly Pashtuns. Therefore, still, the internal strife goes on. Within Pashtuns as well, there are various divisions based on their ideology or interest-driven preferences.

Ashraf Ghani (current Afghan president) and Hamid Karzai (previous Afghan president) are Pashtuns. They have a different mindset and ideology from the Taliban. Therefore, it is not just ethnicity that divides people in Afghanistan, it is also ideology. Even today, while negotiating for the intra-Afghan negotiations, Abdullah Abdullah, a Tajik is given a task to negotiate with the Taliban.

Afghanistan is a country of various identities, where all identities do not associate themselves with a single entity of being Afghan. For them, ethnicity or in some cases ideology comes before their national identity. In such a scenario, a monarchy or a presidential form of government does not effectively vent out the difference of opinions. A parliamentary system would suit Afghanistan, given its multicultural and multi-layered society. In a parliamentary system coordination of 'diverse views' and interests is possible.⁴⁷

However, it depends on how the Afghan factions conduct a dialogue with each other. What system would they adopt? Whether

they would continue with a newly installed democratic system or would revert to some Taliban induced system of governance. To what extent the dialogue will be successful? Or are the Taliban just trying to buy time so that the total withdrawal takes place and they take over Afghanistan once again.

In comparison with the Taliban, the strength of the Afghan national army and Afghan national police is weak. As ideologically, the Afghan National forces do not consider themselves as forces for the nation. Most of the recruits joined Afghan government forces for monetary benefits. Lack of nationalism affects the performance of recruits of Afghan Police and Army.

The likelihood of a mutually accepted government system amongst the Afghan factions is questionable. There will be an internal power struggle. Hence, all this discussion establishes that the Afghan peace process is in the doldrums. There can be two main scenarios afterwards:

- The US forces will withdraw even if the intra-Afghan dialogue fails
- The US forces will maintain a presence

Both these scenarios entail serious implications for the region in general and Pakistan in specific. Afghanistan's location is strategically very important. It is a land-locked country surrounded by Iran in the west, Pakistan to the east and south, Turkmenistan, Uzbekistan and Tajikistan to the north and China to the northeast. Russia is connected with Central Asian states, which are connected to Afghanistan. Therefore, Iran, Pakistan, China, Russia, and India have all developed their 'interests' in Afghanistan, not just because of its geographical location but also because of the absence of any governing power in the state.

Therefore, other than understanding the internal affairs of Afghanistan, it is imperative to understand the probable dynamics of

international relations for the possibility of the abovementioned scenarios in Afghanistan.

Scenario 1: Total withdrawal

Implications

If the US forces completely withdraw, it will be a clear victory for the Taliban. The Afghan national forces are no match to the resilient Taliban forces. The following can be probable implications:

The onset of a Civil war

History repeats itself. In retrospect, after the Soviet withdrawal, Afghanistan plunged into a civil war, leaving the Taliban victorious. If the US forces withdraw without ensuring consensus or any political settlement amongst the warring Afghan parties. An all-out war in Afghanistan might take place between the Kabul government and the Taliban.

Russia's Murky involvement in Afghanistan

Russian President Vladimir Putin once praised Washington for taking on the 'burden' of fighting terrorism in Afghanistan and urged it to 'carry it to the end'. In the past two years, Moscow has hosted two international conferences on the Afghan peace process, inviting the Taliban leaders and Afghan opposition members.

Implicitly, it is alleged that Russia is monetarily supporting the Taliban.⁴⁸ According to Mark Galeotti, a Russia analyst and a senior associate fellow at the British-based Royal United Services Institute, "Russia's interests in Afghanistan are twofold: to avoid an explosion of chaos on the borders of what it considers its sphere of influence, and to use it as an opportunity to demonstrate and assert its claim to be a great power."⁴⁹

Iran-Taliban Dichotomous Relationship

Iran certainly does not want a US presence in Afghanistan. But it also does not want the Taliban to take entire control. Before 9/11,

Iran backed the anti-Taliban Northern Alliance. But in recent years the Islamic Republic and the Taliban have forged closer ties, with militant leaders even visiting Tehran. The relationship between Shiite-majority Iran and the Taliban, a fundamentalist Sunni group, is dichotomous. Iran officially opposes the Taliban, but some experts say it provides some military support to the mainstream Taliban.

The Taliban have also emerged as a political force and taking fundamental decisions to secure maximum geopolitical support. The appointment of Mawlavi Mahdi,⁵⁰ like a shadow district chief of the group for northern Sar-e Pul province, is a tactic to win the support of the Hazara (Shiite) community, which constitutes ten per cent of the area and also to woo Iran to galvanise its support for them. But if the Taliban would be unable to effectively suppress the ISKP (a branch of ISIS) and the Islamist militant group continues to pose a direct threat to Iranian interests as well as to Shiite communities, Iran may exacerbate its support for the Fatimuyun militia group, leading the country to sectarian fighting. Pakistan will be directly affected by this sectarian fight.

The eruption of a Refugee Crisis

From 1978 to 1983, during the time of internal strife in Afghanistan, the average inflow of Afghan refugees had been 44,118 persons per month.⁵¹ To date, Pakistan hosts more than 1.4 million registered Afghans. A large number of Afghans will flee from their home country and might take refuge in Pakistan. The civil war that might erupt after the withdrawal could again give rise to this human tragedy.

Initiation of Jihad-centric Education in Afghanistan

Another likely impact of the Taliban coming to power would be on the education and overall social fabric of Afghanistan. On the website of the Taliban, they mentioned, "Anti-religious elements initially threw away all references to jihad, shariah, Islamic governance,

hudood and other such topics and replaced them with irreligious alien terms."⁵² It seems that under the Taliban rule jihad will be a norm of life in Afghanistan.

TTP's Revival

Afghanistan and the Afghan Taliban will become prime attractions for madrassah graduates in Pakistan, particularly in the country's border regions. Such convergences can push Pakistan deeper into religious extremism and violent sectarianism.⁵³ Once the Afghan Taliban assume power in Afghanistan, TTP might also feel empowered, it is the ambition of TTP to throw Pakistan into deep chaos from where they can rebuild a new system according to their vision. According to Muhammad Aamir Rana, a security analyst in Pakistan, "Pakistan's strategic architects are not factoring in, at least at the moment, non-state actors and phenomena such as extremism into their strategic designs, and their prime focus is on the political calculus."⁵⁴

Probability of Launching Jihad in Xinjiang

China's Xinjiang province shares a 46-mile border with Afghanistan. With the anticipated withdrawal of US troops from Afghanistan, and the Taliban coming to power, the Uygur militants can reignite violence in the Xinjiang province of China. Taliban once settled might expand their Jihad to Xinjiang, (China) located in the northeast of Afghanistan.

However, if the Taliban would do so, they would serve the interest of the US as Mike Pompeo, the US Secretary of State, recently said that China's campaign in the western region of Xinjiang is an "attempt to erase its own citizens."⁵⁵ "Allowing Muslim extremist forces to parade towards China could also very well be an intended consequence of the Trump administration's deal with the Taliban."⁵⁶ China on one point wants total withdrawal of the US forces and on the other, it wants security for Xinjiang province. However, if Pakistan

would be successful in maintaining a hold on the Afghan Taliban, such a possibility could be avoided.

Jihad against Expansionist India

India, a country with the largest Muslim minority is persecuting Muslims based on religion. On 14 May, it was revealed in a media report that the Taliban will launch an offensive against India to save Muslims from the atrocities of India.⁵⁷ Three days later, Taliban spokesman Sohail Shaheen said, "The statement published in the media about Taliban joining Jihad in Kashmir is wrong.... The policy of the Islamic Emirate is clear that it does not interfere in the internal affairs of other countries."⁵⁸

Taliban's disdain for India is an open truth. It could be in the interest of Pakistan if the Taliban indulge in the Kashmir struggle. However, in the near future, it is quite unlikely, as the Taliban would initially stabilise their own country.

Scenario 2: The US will stay

Implications

There are five American bases in Afghanistan. The US has spent an enormous amount of money on trying to secure its stay in Afghanistan. It will not give up on that so easily. In 2018, during the peace talks, the US wanted the Taliban to agree on having at least two US bases, Bagram and Shorabak but the Taliban rejected the proposal.⁵⁹ Until now, the US has reduced troops from 12,000 to 8,600. However, it seems that the US wishes to keep an eye on China, Iran, and Russia by staying in the region. US presence in Afghanistan is likely to benefit its 'enduring strategic partnership' with India. The ongoing peace process looks like a watershed. They wish to stay in the region for an indefinite period.⁶⁰

Launch of a Fierce Offensive

According to the *New York Times*, in the last month of June, 322 pro-government forces and 159 civilians have been killed in

Afghanistan.⁶¹ In July, the Taliban conducted an attack on a government facility in Samangan province's capital Aybak, close to an office of the National Directorate of Security (NDS), the main intelligence agency.⁶² Earlier, in an interview, a Taliban representative accused the Afghan intelligence of sabotaging the peace process. The attack occurred after the Afghan government refused to release 600 Taliban prisoners.⁶³

Lost Peace Process

The heavy investment of all stakeholders in achieving peace in Afghanistan could be lost. Afghanistan could again sink in conflict, inviting various state and non-state actors to manoeuvre the conflict for their benefit.

Upsurge of ISIS

In 2015, the IS established its hold in the eastern Nangarhar province of Afghanistan. There are an estimated 3,000 to 4,000 IS fighters in Afghanistan.⁶⁴ In recent months, IS has penetrated the northern province of Kunduz and the western province of Herat. The Western media is reporting that IS recruiters are active in Kabul and other major cities, attracting educated youth from universities. The IS is projected as a threat to American security.

Taliban are also sceptical of IS role and the US apprehensions regarding the IS. Last year, Taliban spokesman Zabiullah Mujahid rejected General McKenzie's assertion that the US is vulnerable to IS attacks.⁶⁵ He also claimed that the Taliban had cleared many areas of IS. He said, "If American generals really fear Daesh, why are they avoiding its elimination and creating hurdles against mujahedeen operations? Statements of American generals are contrary to their actions."⁶⁶

It appears that the US wishes to prolong its stay in Afghanistan and is using the IS as an excuse to legitimise its stay in Afghanistan in the eyes of Americans, who are becoming wary of an endless US war in

Afghanistan. Interestingly, Julian Assange, the WikiLeaks founder, in an interview with a UK based newspaper on 29 November 2016 said that the US was responsible for “paving the way for the IS.”⁶⁷ ISIS is also against Iran and the Shiite community in Afghanistan.

Boost of the Indo-US Relations

The main beneficiary of the US stay in Afghanistan will be India. According to Stephen P Cohen, although India declined to join the US-sponsored alliances during the cold war, it received more than Pakistan in economic and military grants and purchased about \$55 million in military equipment from the US. President Donald Trump’s visit to India in February 2020 was also a reaffirmation of US commitment towards India. It is also ironic to note that President Trump visited India right before signing the peace deal of Afghanistan.

With the US in the Backyard: India China Rivalry can Grow

With the US in the backyard, India will not try to limit its expansionist plans. The geostrategic calculus will shift in favour of India. Currently, it is at loggerheads with Nepal and has engaged in fist fighting with China over Laddakh. India and China also have an unsettled dispute over Doklam. China claims a plateau, which lies at a junction between China, the north-eastern Indian state of Sikkim and the Himalayan kingdom of Bhutan. India supports Bhutan's claim over it.⁶⁸ Some more misadventures can be seen by India shortly.

Proxy Wars in Afghanistan

Since the Taliban have now acquired a position where other nations like Russia are also willing to support them and Iran is also playing a role, there will be proxy wars in Afghanistan if Afghanistan fails to have a cohesive governance system of its own.

The entrenchment of India in Afghanistan

India recently concluded 5 pacts with the Kabul administration.⁶⁹ Abdullah Abdullah the chief negotiator from the

Kabul administration is said to have backing from India. Over the past few years, India has heavily invested in Afghanistan. Till 2016, India's aid amounted to \$1.36 billion. India's increasing involvement in Afghanistan "in the past two decades is driven by a desire to limit Islamabad's influence."⁷⁰

China–Iran Proximity: A Reason for the US to Stay

Iran dropped India from the Chabahar rail project, citing funding delay as a reason behind the decision.⁷¹ The development comes as China finalises a massive 25-year, \$400 billion strategic partnership deal with Iran. Iran and China also have drafted a joint plan to integrate the two regions of Central Asia and South Asia. They are creating "a sweeping economic and security partnership that would clear the way for billions of dollars of Chinese investments in Iran."⁷² According to the deal, China will invest a total of \$400 billion over 25 years, in Iran.⁷³ The deal would "undercut the Trump administration's efforts to isolate the Iranian government" and "would vastly expand" China's presence in the region.⁷⁴ With this development, the US will hardly think of a total withdrawal from Afghanistan.

What Can Pakistan Do?

Although Pakistan has been successful in bringing the Taliban to the table of negotiation, it is unable yet to convince the Afghan government to earnestly accept the opportunity of establishing peace. If Pakistan can, it must press upon the Afghan government to seize the opportunity, in the best interest of its people and the country. Otherwise, the Afghan government will be responsible for pushing the country into war once again.

In the long term, Pakistan must help Afghans in nation-building. Although Afghans never allowed foreigners to settle in their territory, they have always provided room for 'others' to manoeuvre, owing to their disunity. The over-inclination of Afghans towards ethnic

identities intensifies their mutual distrust. Eventually, the country has paid a price for this division in the form of two long wars.

At the moment, the only indigenous leadership in Afghanistan is of Taliban. The government of Afghanistan has no link with the people. Afghanistan needs leadership. Power in the hands of the Taliban is not in the interest of Pakistan either. It is not impossible for the Taliban, given their ideology, to launch an offensive against Pakistan also if they find a need to do so. Therefore, Pakistan should invest in the education sector in Afghanistan, so that Afghanistan can have visionary leaders.

To curtail growing Indo-US bonhomie in the wake of an unstoppable presence of the US in Afghanistan, Pakistan needs to establish relations with Iran and Russia. Only China cannot always bail out Pakistan from every trouble.

China and the US are tactfully playing politics against each other but not waging a war. The reason is interdependence. US and China are economically interdependent. Pakistan needs to construct a security design in the region that ensures economic connectivity and interdependence with the neighbouring countries, only then can peace be attained in the region.

Conclusion

The key to peace in Afghanistan is mutual trust. The Afghans need to trust each other. Nationalism must be cultivated in the country to fend 'great games' to be played in Afghanistan. If Afghans again fail in becoming a nation, another power would try to occupy this unfortunate land for its strategic interests.

Notes and References

- ¹ "Bush Rejects Taliban offer to hand Bin Laden Over," *Guardian*, 14 October 2001.
- ² Ibid.
- ³ Seth G Jones, "The Rise of Taliban Insurgency," *International Security*, Vol.32, No.4 (Spring, 2008): 7-40.
- ⁴ See the map.
- ⁵ Alia Chughtai, "Who controls what," *AlJazeera*, <https://www.aljazeera.com/indepth/interactive/2016/08/afghanistan-controls-160823083528213.html>.
- ⁶ A report by UN Sanctions Monitoring Team, <http://cdn.cnn.com/cnn/2020/images/06/01/n2011060.pdf>.
- ⁷ UNAMA report 2019, https://unama.unmissions.org/sites/default/files/afghanistan_protection_of_civilians_annual_report_2019_-_22_february.pdf.
- ⁸ Mudassar Ali Shah, "A Rare Overture," *Dawn*, 19 February 2017.
- ⁹ "Afghanistan war: What has the conflict cost the US," *BBC*, 28 February 2020.
- ¹⁰ Ibid.
- ¹¹ Mujeeb Mashal, "US officials meet with Taliban again, as Tump pushed the Afghan peace process," *New York Times*, 13 October 2018, <https://www.nytimes.com/2018/10/13/world/asia/us-talks-taliban-afghanistan.html>.
- ¹² Ibid.
- ¹³ "Taliban holds talks with US envoy in Qatar," *Aljazeera*, 19 November 2018.
- ¹⁴ Ibid.
- ¹⁵ Ibid.
- ¹⁶ Mujib Masaal, "Taliban appear ready to discuss Peace talks except with Afghan officials," *New York Times*, 17 December 2018, <https://www.nytimes.com/2018/12/17/world/asia/taliban-afghanistan-peace-talks.html>.

- ¹⁷ Ibid.
- ¹⁸ Ayaz Gul, "Afghan Taliban US conclude Marathon Peace Talks Arranged by Taliban," *Voice of America*, 19 December 2018, <https://www.voanews.com/south-central-asia/afghan-taliban-us-conclude-marathon-peace-talks-arranged-pakistan>.
- ¹⁹ Ibid.
- ²⁰ "Taliban Talks: Will negotiations lead to peace in Afghanistan?" *BBC*, 27 January 2019.
- ²¹ Mujib Mashal, "Two weeks of Taliban US negotiations with progress but no breakthrough," *New York Times*, 12 March 2019.
- ²² Ibid.
- ²³ Mujib Mashal, "Peace Conference derailed as the Taliban object to Afghan delegation," *New York Times*, 18 April 2019.
- ²⁴ David Zucchino, "Taliban and the US start a new round of talks in Qatar," *New York Times*, 1 May 2019.
- ²⁵ "Afghanistan talks agree for a roadmap," *BBC*, 9 July 2019.
- ²⁶ Anwar Iqbal, "Khalilzad coming to consult Islamabad before Taliban deal," *Dawn*, 1 August 2019.
- ²⁷ Ayaz Gul, "Afghan Taliban say Peace deal with US in sight," *Voice of America*, 24 August 2019.
- ²⁸ Donald Trump, Twitter post, 17 September 2019, 3:51 p.m., <https://twitter.com/realDonaldTrump/status/1170469619154530305>.
- ²⁹ Sheerena Qazi, "Trump cancels Taliban talks: What does it mean for Afghanistan," *Al Jazeera*, 9 September 2019.
- ³⁰ Ibid.
- ³¹ "Trends in Active Duty Military Deaths since 2006," *Congressional Research Service*, In Focus, 1 July 2020, <https://fas.org/sgp/crs/natsec/IF10899.pdf>.
- ³² Jeff Seldin, Ayaz Gul, "Two Americans killed in Apparent Insider Attack in Afghanistan," *Voice of America*, 29 July 2019.

- ³³ Afghanistan Casualty Report, <http://icasualties.org/App/AfghanFatalities>.
- ³⁴ Sheerena Qazi, "US Taliban to sign deal, aimed at bringing peace to Afghanistan," *Aljazeera*, 29 February 2020.
- ³⁵ Text of Doha Agreement, US department of State, <https://www.state.gov/wp->
- ³⁶ Ibid.
- ³⁷ Text of Doha Agreement, US department of State, <https://www.state.gov/wp-content/uploads/2020/02/Agreement-For-Bringing-Peace-to-Afghanistan-02.29.20.pdf>.
- ³⁸ Maryam Mastoor, "The Afghanistan Conundrum: Who represent the People of Afghanistan?" *Daily Times*, 4 July 2020.
- ³⁹ Ibid.
- ⁴⁰ Maryam Mastoor, "Peace Process in Afghanistan: En route to failure?" *Countercurrents*, 6 August 2020.
- ⁴¹ Ibid.
- ⁴² Afghanistan, World Population Review, <https://worldpopulationreview.com/countries/afghanistan-population>.
- ⁴³ Afghanistan, Nations online, <https://www.nationsonline.org/oneworld/History/Afghanistan-history.htm>.
- ⁴⁴ Ibid.
- ⁴⁵ Ibid.
- ⁴⁶ Ibid.
- ⁴⁷ John Gering et al, "Are Parliamentary systems better?" *University of Boston* (2012), <http://www.bu.edu/sthacker/files/2012/01/Are-Parliamentary-Systems-Better.pdf>.
- ⁴⁸ "Charlie Savage et al, Russia Secretely offered Afghan Militants Bounties to Kill US troops, Intelligence," *New York Times*, 26 June 2020.
- ⁴⁹ Frud Bezhan, "As US moves to exit Afghanistan, Rivals prepare to swoop in," *Radio Free Europe*, 13 July 2020.

- ⁵⁰ Ruchi Kumar, "Taliban Reaches out to Shias," *The Hindu*, 9 May 2020.
- ⁵¹ Hasan Askari Rizvi, "Afghan Refugees in Pakistan: Influx, Humanitarian assistance and Implications," *Pakistan Horizon*, Vol.37, No.1 (1984): 40-61.
- ⁵² From the website of Taliban.
- ⁵³ Muhammad Amir Rana, "Afghan Taliban Strength," *Dawn*, 28 June 2020.
- ⁵⁴ Ibid.
- ⁵⁵ "Pompeo urges resistance to China's demand to repatriate Uighurs," *Al Jazeera*, 23 September 2019.
- ⁵⁶ Nitin J Ticku, "US withdrawal from Afghanistan Deal with Taliban Aimed at Destabilizing Xinxiang: Chinese experts," *The Eurasian*, 9 March 2020.
- ⁵⁷ "Afghan Taliban declared Jihad against India, after Eid ul Fitr," *Daily Times*, 17 May 2020.
- ⁵⁸ Shishir Gupta, "Kashmir is India's internal matter, says Taliban, denies plan to target Delhi," *Hindustan Times*, 19 May 2020.
- ⁵⁹ Ayesha Tanzeem, "Afghanistan Peace Talks stick on bases, US wants two, Taliban, none," *Voice of America*, 13 September 2020.
- ⁶⁰ Maryam Mastoor, "Can US negotiate a Safe Stay in Afghanistan," *Daily Times*, 25 June 2020.
- ⁶¹ "Afghan War Casualty Report, June 2020," *New York Times*, <https://www.nytimes.com/2020/06/04/magazine/afghan-war-casualty-report-june-2020.html>.
- ⁶² Mujib Mashal, Najam Rahim, "Taliban stage a major attack, as violence intensifies in Northern Afghanistan," *New York Times*, 13 July 2020.
- ⁶³ Osama Bin Javaid, "Taliban says Afghan Intelligence behind Russia rewards Scandal," *Al Jazeera*, 10 July 2020.

- ⁶⁴ Islamic State Khorasan, CSIS, <https://www.csis.org/programs/transnational-threats-project/terrorism-backgrounders/islamic-state-khorasan-k>.
- ⁶⁵ Ayaz Gul, "Taliban US set to hold crucial round of Afghan Peace talks," *Voice of America*, 15 June 2019.
- ⁶⁶ Ibid.
- ⁶⁷ Maryam Mastoor, "Can US negotiate a safe stay in Afghanistan," *Daily Times*, 25 June 2019.
- ⁶⁸ "India concerned at Bhutan China move to strike deal," *Tibetan Review*, 8 October 2019.
- ⁶⁹ "India Afghanistan sign 5 pact for developing educational infra in Afghanistan provinces," *Hindustan Times*, 5 July 2020.
- ⁷⁰ Harsh V Pant, Avinash Paliwal, "India's Afghan Dilemma Tougher than Ever," *Foreign Policy*, 19 February 2019.
- ⁷¹ "Iran Drops India from Key Chabahar Project," *Dawn*, 15 July 2020.
- ⁷² Ibid.
- ⁷³ Ibid.
- ⁷⁴ Anwar Iqbal, "US five other nations want to link South and Central Asia," *Dawn*, 13 July 2020.

CONFLICTING PERSPECTIVES ON HONG KONG'S 2019 PROTESTS

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Abstract

The different system of Hong Kong within China came under increasing international scrutiny following the massive protests, which started in June 2019. The diverging perspectives on the scale and purpose of the protests emerged as another area of conflict between the Chinese and the Western media. Initially, the protests started against the Chief Executive's move on the extradition bill, which the people of Hong Kong feared would be used against the dissidents. The protests rocked the city with growing clashes and violence between the protesters and Hong Kong police. International media reported excessive use of force against protesters by the Hong Kong government on the instructions of Beijing. However, mainland China rejected the claims of excessive use of force as well as the strength of the protests in Hong Kong. China attempted to project them as dissent fomented by the rival countries targeted at China's unprecedented rise. The disturbing images of the protests shown by international media with people in hundreds of thousands on the streets with placards presented a different view. This paper focuses on the dichotomy in the perspectives on Hong Kong's protests in light of the ongoing power competition and propaganda war between China and the United States. It also attempts to explore the actual problem through a legal analysis of China's One Country, Two Systems.

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Introduction

The trade war, rising tensions in the South China Sea, the growing US defence ties with Taiwan, and its support for Hong Kong protests manifested a fierce competition between China and the US. America's enduring military footprint in the Asia Pacific has instigated China to build a new regional order in Asia.¹ The US has declared China as the biggest challenge to its strategic interests in the Asia Pacific region in its 2017 National Security Strategy.² The violent protests in Hong Kong, triggered by an extradition bill in May 2019, were painted as a pro-democracy and pro-independence struggle by the Western media. China presented a different view and this dichotomy in the perspectives on the Hong Kong issue emerged as a new irritant in the relations between China and the US.

The US opposition to China's rise is both ideological and strategic. It strongly opposes the Chinese Communist Party (CCP)-led governance system and China's global economic ambitions under the leadership of President Xi Jinping. China's policies under Mao Zedong were protective and cautious of any foreign influence. China under Xi Jinping has become more assertive in protecting the country against any foreign interference. After the dismissive attitude of Taiwan's current leadership, China has become more vocal and vigilant about its 'one China policy'.

Unlike Taiwan which maintains a separate independent democratic system, Hong Kong enjoys its unique status within China. Hong Kong is governed under China's 'one country, two systems' (1C2S) principle, which was adopted on the return of Hong Kong to China on 1 July 1997 after being under British control for 150 years. The agreement gives Hong Kong the status of a Special Administrative Region (SAR) for 50 years until 2047 as a 'bond agreed between Britain

and China'.³ The 1C2S offered Hong Kong "a high degree of autonomy" with a separate executive, legislative, and judicial system.⁴ Therefore, the people of Hong Kong strongly resisted the later withdrawn Extradition Bill, moved by Chief Executive Carrie Lam in the Legislative Council for approval, according to which criminals could be sent to mainland China for legal trial. It was considered an erosion of the judicial independence of this SAR region. It triggered massive protests in Hong Kong in June 2019, which continued for months. These protests got worldwide media attention with a focus on the surge in anti-Communist party dissent in Hong Kong. This provided an opportunity for the US to view the growing discontent and frustration among Hongkongers as beyond the recent extradition bill resistance and an extension of the failed protests of 2014, which was portrayed as a pro-democracy movement by the Western media.⁵ The leading figure of those protests was a student leader Joshua Wong who is still popular in the Western media projections of pro-democracy camp in Hong Kong.

The police force of Hong Kong faced severe criticism for the use of excessive force against the protesters, which further complicated the situation on the ground. Consequently, taking advantage of the situation, the protesters not only demanded a complete withdrawal of the extradition bill but put forward other demands including an 'independent inquiry' into the police brutality, 'release of the protesters', 'stopping the use of the word riots for the protests', and fulfilling the promise of 'democratic system through free and fair elections'.⁶ The coronavirus pandemic quietened the protests. To prevent such violent agitation in future, however, China passed the Hong Kong Security Law on 30 June 2020.⁷

The stakes involved for mainland China in this matter were not just the falling economic growth of Hong Kong but the threat it posed to its national security and stability. China's concerns increased over the rising political discontent and disconnection of the young

generation in Hong Kong with mainland China. What alarmed the central government was the growing concern among the young generation in Hong Kong about their political future than the weakening economic conditions of the city through the negative impact of the continuous violent protests.

To make it more attractive for public consumption, the mainstream Western media "focused on the US version of human rights and democracy vis-à-vis Hong Kong."⁸ The US Senate passed Hong Kong Human Rights and Democracy Act of 2019 on 19 November 2019. This act strengthened China's argument about the US involvement in fuelling political instability in Hong Kong.⁹ China argued that the continuity of protests despite the withdrawal of the extradition bill was evidence of foreign interference. Chinese media mainly reported the violence committed by protesters and called the Western media's reporting on Hong Kong 'partisan and biased' for only presenting a one-sided view. China complained that the Western media did not report the plights of police officers who risked their lives and faced gruesome violence.¹⁰

External commentators gave different views on the roots of problems in Hong Kong. Some found the problem in the current CCP leadership under Xi Jinping for his more authoritarian tendencies. It is believed that the people's resentment was the outcome of the growing control of Hong Kong's politics by mainland China. The government in place in Hong Kong is viewed as a client to mainland China. They also believe that China's response was aggressively defensive because the crisis in Hong Kong posed a challenge to Xi Jinping's authority.¹¹ Others argue that Britain had instilled Western concepts among the people of Hong Kong before handing it over to China, which made them feel more connected to the Western democratic values than with their Chinese values. On the other hand, the Chinese media and government viewed the Hong Kong protests as a result of economic grievances. The rising housing prices and

unemployment in Hong Kong were considered the main reason for resentment. Mainland China used the term riots for the violent demonstrations in Hong Kong and blamed the violent protests on foreign forces aimed at obstructing China's development.¹² Keeping in view these contending viewpoints on Hong Kong, this paper adds a new dimension to the debate on the flaws in Hong Kong's ruling document under the 1C2S as responsible for the 2019 protests.

Conflicting Perspectives:

Western Media	Chinese Media
<ul style="list-style-type: none"> • Western media compared the Hong Kong issue with the Tiananmen Square incident • Hong Kong administration was condemned for using excessive use of force • The protests were called pro-democracy movement and anti-authoritarian, anti-China • The protests were referred to as based on identity and ideology 	<ul style="list-style-type: none"> • Hong Kong enjoyed more freedom than before • Protests were incited by foreign forces • Unaffordable housing and unemployment were the root causes of dissatisfaction • A significant proportion wanted an end to the disorder and chaos in Hong Kong

Western Perspective

Western media recorded the 2019 mass demonstration as "one of the largest in the city's history and a stunning display of rising fear and anger over the erosion of the civil liberties"¹³ This mass demonstration was the result of Beijing's pressure on Hong Kong since the failure of the Umbrella Movement in 2014, *The New York Times* reported.¹⁴ This narrative promoted the cause of the pro-democracy camp in Hong Kong.

According to the Western perspective, Hong Kong protests were the result of the growing anger among the Hong Kong residents on the tightening control measures of the city by the Chinese central government for over the years which was promised 'a high degree of autonomy'. As per this narrative, the protests were a reaction to the eroding freedom of speech, judicial independence, and political rights. The Western media maintained that the people protests happened because "China had greatly underestimated the value Hong Kong's people attached not solely to prosperity, but to freedom."¹⁵

Four incidents were highlighted as the reasons for the growing discontent among the Hongkongers.

1. The release of a 'white paper' in June 2014 in which the central government made it clear that the 'high degree of autonomy' had been authorised by the central leadership, therefore, Beijing had a comprehensive jurisdiction over the city.
2. People's resentment against Beijing's refusal to introduce 'universal suffrage' in Hong Kong in 2014, which resulted in the Umbrella Movement. China's nomination of a Chief Executive of their choice through a pro-Beijing nominating committee of 1,200 members was considered a blow to the people's aspirations.¹⁶
3. People's resentment exacerbated when six pro-democracy lawmakers were removed and pro-independence candidates were restricted from contesting elections. The Western perspective called it a successful attempt of the Hong Kong government to weaken the pro-democracy camp and to discourage the unpopular policies in the legislature.
4. Another major reason for the agitation among the Hong Kong people as noticed by the Western media was Beijing's integrative policies, moral and national education

(MNE) system, and the infrastructure projects "including a bridge linking Hong Kong, Macau and southern China and a high-speed rail link to China."¹⁷

While promoting the urge for democracy in Hong Kong, the Western media propagates that a new generation born after the handover of Hong Kong to China does not subscribe to the Chinese system of governance. "Many are descended from parents or grandparents who fled Communist repression in China. They describe themselves not as Chinese but as Hongkongers. They are the vanguard of Hong Kong's protests, and many say they are prepared to die for freedom."¹⁸

Western analysts widely believed that years of accomplice behaviour of the Hong Kong administration towards Beijing alienated Hongkongers from mainland China. The researcher of Sciences-Po in Paris Mr Jean-Philippe Béja went on to say that Hongkongers perceived their protests as a revolution and liberation movement which posed a severe challenge to "Xi Jinping's rhetoric of greatness."¹⁹

Moreover, Western scholars rejected Chinese claims that there were economic reasons behind the protests. Rather they argued that the reasons for the growing discontent among Hongkongers were political and ideological.²⁰ Western media also promoted this idea that mainland China and Hong Kong have a complete "opposite set of values such as democracy, rule of law and basic human rights."²¹

The Western media also claimed that the people in mainland China continued to condemn the protests in Hong Kong because the people were unaware of the actual reasons, as their only source of information was Chinese media which was excessively controlled and censored by the central government.²²

Chinese Perspective

Chinese media came up with a strong rebuttal to Western

media claims. Lawrence Tang Fei, a member of the Chinese Association of Hong Kong and Macao Studies, stated in an expert interview with *Global Times*, "Since its return to the motherland, Hong Kong has further expanded the extent of political freedom, democratic rights and implementation of the rule of law; while when Hong Kong was under the British colonial rule, the governors were entitled to absolute power over execution, legislation and jurisdiction."²³

China's major dailies condemned the violent protests in Hong Kong. China claimed that rioters were encouraged by the US interference. Criticising the 'Hong Kong Human Rights and Democracy Act of 2019' of the US, China termed it as "an attempt to whitewash the violent acts, support the radical protesters and interfere in the internal affairs of China."²⁴

China continued to present the crimes committed by the rioters by destroying and smashing buildings, train stations, and airports using petrol bombs, disabling public transport, besieging universities, attacking police officers, and innocent citizens. China reminded the US that such kind of riots trampled on the rule of law and endangered the life and property of the masses, which was also a violation of human rights. China defended its measures by arguing that "not one single country in the world could tolerate such horrible crimes in the name of democracy."²⁵ Therefore, stopping violence and chaos was wished by the people of Hong Kong, China claimed.²⁶ "More and more Hong Kong citizens have stepped up efforts to clear the roadblocks and support the police to resist the violent protesters and false democracy."²⁷

China censured the US for its disregard for global justice by promoting violence and distorting facts in Hong Kong "under the guise of human rights and democracy."²⁸ Chinese media quoted journalists from abroad who considered the US bill on Hong Kong as deliberate meddling in China's internal matters. Tom Fowdy, a scholar with Oxford University, called the "Hong Kong Human Rights and Democracy Act of 2019 as an attempt of the US to manipulate Hong

Kong for its own diplomatic purposes and benefits."²⁹ In an interview with *Global Times*, Chinese citizens also criticised the US for maligning the Chinese government to contain China's development. The Hong Kong society was plunged into chaos and the US bill was aimed to instigate violent riots, they argued.³⁰

Chinese media responded through expert interviews maintaining that the new generation born after the "return of Hong to the motherland in 1997, [had] no experience of living under the colonial rule, and it [was] ridiculous for them to think that the Hong Kong people were given more freedom and democracy in the colonial era."³¹

China's officials also made it clear that the unique economic system Hong Kong was enjoying was also supported by China through its mini Constitution, the Basic Law, and 1C2S principle.³² The former Chief Executive of Hong Kong Leung Chun-Ying had warned the Hongkongers in 2017 that the 50-year bond for autonomy as assured by Basic Law was aimed to maintain the capitalist system of Hong Kong. Beijing's sovereignty over the city would remain the same before and after the end of the bond, he stated.³³

Wang Zhenmin, a former Tsinghua University Law Dean, also warned the separatists against confronting and damaging the 'one country' through its 'two country' part. The maximum autonomy Hong Kong enjoys is authorised under Article 2 of the Basic Law but "Wang warned that room for that autonomy could shrink if Hongkongers continued to challenge national security."³⁴

China defended its 1C2S setting by presenting the extraordinary development of Macau and its social harmony during the past 20 years. China called this political setting the best endeavour for the peaceful reunification of China.³⁵

China's 1C2S Concept

The idea of 1C2S was first coined by Deng Xiaoping in 1978, which was originally meant for the reunification of Taiwan. When

China got independence in 1949, historically the three Chinese territories of Taiwan, Macau, and Hong Kong remained outside of the control of the Communist Party Government. After the Communist Party victory, the 'defeated nationalist army' was sent into exile to Taiwan. Taiwan retained an independent democratically elected government but China considers it its province. Under this system, Deng had promised a 'high degree of autonomy' to Taiwan. Later, this arrangement became a constitutional principle for describing the governance of Hong Kong and Macau.³⁶

Hong Kong is different from mainland China in various aspects including language as well as the political and economic system. "Hong Kong uses traditional Chinese characters, while mainland China uses simplified ones. Hong Kong has two official languages: English and Chinese—or Cantonese to be more exact, which is a dialect that is only spoken and understood in southern China."³⁷ Apart from enjoying the freedom of press and opinion and freedom of assembly, the people of Hong Kong are allowed to cast vote despite the nomination of candidates by mainland China. Along with the capitalist economic system, Hong Kong also enjoys private property ownership and real estate business as against the state ownership of properties in mainland China.³⁸

The 1C2S 50-year arrangement as a separate system within China was adopted as an effective instrument to preserve the national stability and also the capitalist economic system of Hong Kong. Deng Xiaoping planned to give sufficient time to the natives of Hong Kong to get used to the Chinese political system. China did not suddenly alter the political and economic order established by the British but the formula of 1C2S was aimed to "ensure the gradual integration of Hong Kong and Macao into its sphere of governance."³⁹ The joint declaration between Britain and China promised that Hong Kong as an SAR would be administered by the local people. Universal suffrage was mentioned in Hong Kong's Basic Law for electing the Chief Executive,

which is a mini Constitution of this region derived from the declaration. Giving this example, some Chinese scholars call this commitment a mistake which "shows it was Beijing that initiated the wave of democratisation in Hong Kong in the mid-1980s."⁴⁰

While the citizens of Hong Kong were waiting for the fulfilment of the promise of giving them the right of universal suffrage, China accelerated its economic, cultural, and political integration of the city. Some factions in Hong Kong viewed this "attempt on Beijing's part to do so a fundamental infringement upon their core liberties and autonomy."⁴¹ The anti-extradition bill protests revealed polarisation in Hong Kong's society on their political status. On the one extreme, some individuals want the immediate absorption of Hong Kong into mainland China's political system. Others believe in the distinct identity of Hong Kong and see the solution to their various problems in its independent political system. They view most of the problems as associated with the increasing influence of Beijing in the governance system of the city, which was promised an autonomous system under 1C2S.⁴² There is also a group of people who want complete independence mostly reported by the Western media.

Controversy over the Extradition Bill

Hong Kong was given an independent judicial system under a special section in the joint declaration.⁴³ Article 63 is central to the 'judicial autonomy' of Hong Kong. This article states, "The Department of Justice of the Hong Kong Special Administration Region shall control criminal prosecution, free from any interference."⁴⁴ Therefore, the extradition bill was considered as the deferment of the independent judicial system of Hong Kong before its 50 years term.⁴⁵ However, the actual problems can be attributed to the system of 1C2S with which the people of Hong Kong were showing dissatisfaction for quite some time. The 2014 Umbrella Movement or pro-democracy movement is presented as evidence.⁴⁶

The pretext for the extradition bill was the killing of a 20-year-

old pregnant woman at the hands of her boyfriend who allegedly murdered her in Taiwan in February 2018 and came back to Hong Kong. Technically Hong Kong authorities could not hand over the fugitive to Taiwan due to the lack of extradition agreement between the two regions. It was not just the case with Taiwan but the existing extradition law in Hong Kong does not apply to the central government or any other part of China.⁴⁷ However, the intended extradition bill was aimed to entertain such requests for fugitives in future from Taiwan as well as mainland China and Macao.

The Hong Kong Chief Executive Carrie Lam failed to win public confidence despite removing several “commercial offences such as tax from the list of extraditable offences” and giving final say on extradition requests to Hong Kong courts. Even suspects accused of political and religious crimes were excluded from such extraditions. Most importantly, the government promised that this law would be used for handing over “fugitives for offences carrying maximum sentences of at least seven years.”⁴⁸ Even then the protests continued and people feared the extradition bill would be used for suppressing the dissent through “arbitrary detention, unfair trial and torture under China’s judicial system.”⁴⁹ Some people looked at this from a human rights perspective. “The proposed changes to the extradition laws will put anyone in Hong Kong doing work related to the mainland at risk. No one will be safe, including activists, human rights lawyers, journalists, and social workers,” said Human Rights Watch’s Sophie Richardson.⁵⁰

The most quoted example for mainland China’s treatment of dissent was the abduction of a Hong Kong bookseller named Lam Wing Kee. He was detained in China in 2015 for defaming Chinese leadership through books. In April 2019, Lam fled to Taiwan.⁵¹ “If I don’t go, I will be extradited,” Lam said during a protest against the bill. “I don’t trust the government to guarantee my safety, or the safety of any Hong Kong resident.”⁵² Lam still gets highlighted in international media for his continued defiance against the leadership

in Beijing. After a year, he reopened his bookshop in Taiwan with the help of funds from his supporters.⁵³

According to independent media reports, this extradition bill faced opposition from all forms of social strata in Hong Kong ranging from lawyers to housewives. The youth from schools and universities especially registered their strong opposition against this bill. The opposition to the extradition bill from Western countries further emboldened the protesters. A US Congressional Commission condemned the proposed changes in the autonomous judicial system of Hong Kong and warned about the political coercion through eroding the city's autonomy. Similarly, Britain, Canada, and European Union opposed the proposed changes in the legal system expressing concerns over its negative impact on their citizens in Hong Kong.⁵⁴

China rejected such views and called them interference in China's internal matters. Having said that, it is important to understand the legal grounds that give China the power to offset any secessionist agenda from within Hong Kong or injected by external forces.

China's Position

China argued that Hong Kong has been treated very well with its economic and administrative autonomy. Hong Kong was not only allowed to function under the capitalist economic system but also enjoyed many economic leverages under 1C2S. Mainland China exempted Hong Kong from the obligatory "taxes and fees that other Chinese provinces and municipalities pay the central government."⁵⁵ Moreover, China has allowed Hong Kong's entry into the mainland's stocks and currency markets along with ensuring all facilities, including water, electricity, gas, and food. However, China attributes the growing disaffection among Hong Kong's residents to Western influence.⁵⁶

According to China, the concept of 1C2S was meant for the gradual integration of Hong Kong governance to mainland China. It was never intended to make it secede from the mainland.⁵⁷ China

defends its position legally by quoting the Basic Law. This law not only empowers Beijing to prevent any challenge to its sovereignty but also enjoys the authority to determine the time and the condition for allowing universal suffrage. Moreover, the written law also gives China the discretion to approve or turn down any law passed by the Hong Kong Legislative Council in addition to the discretion of the “final interpretations of the Basic Law.”⁵⁸

The Basic Law in its Article 45 states, “The ultimate aim is the selection of Chief Executive by universal suffrage upon nomination by a broadly representative nominating committee in accordance with democratic procedures.”⁵⁹ But it has also been mentioned in the same article that “the method for selecting the Chief Executive shall be specified in the light of the actual situation in the Hong Kong and in accordance with the principle of gradual and orderly progress.”⁶⁰ The growing Western influence on the political views of the youth in Hong Kong gave China a reason to present the situation as not suitable for implementing the democratic process. The pro-independence factions in the protests holding the US flags in their hands not only angered China but also spoiled the mission of the majority who wanted to preserve the greater autonomy of Hong Kong under 1C2S.



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The central government exercises such powers of interpretation of the right situation for the democratic process in Hong Kong in the domain of sovereignty. The legal document called the Hong Kong Basic Law provides autonomy to the region but under the condition of preserving China's territorial sovereignty. It is mentioned very clearly in "Article 1 of the basic law that Hong Kong is an inalienable part of China."⁶¹ In Article 2 it is mentioned that the "National Congress authorizes Hong Kong to exercise maximum autonomy."⁶² Articles 4 and 5 give the guarantee of freedom to the citizens of Hong Kong according to the law and prevents the region from practising a socialist system and policies by retaining the previous capitalist system for 50 years. Having observed China's position, it is important to understand why the people of Hong Kong linked the extradition bill to the erosion of the city's autonomy that is promised to them for 50 years under the 1C2S declaration. Moreover, it is also important to understand why the peaceful protests turned violent. These points could be understood through analysing flaws in the legal document of 1C2S.

Flaws in 1C2S

Article 28 of the Basic Law states, "The freedom of the person of Hong Kong resident shall be inviolable. No Hong Kong resident shall be subjected to arbitrary or unlawful arrest, detention or imprisonment."⁶³ These kinds of provisions are unique in Hong Kong because they are not practised in the mainland. China's growing apprehensions over the assembly and violent protests and the use of force against the protests was a deviation from the abovementioned article. The clash comes over this matter between the two perspectives: the way China viewed the protests and the way it was projected by the Western media and also by the pro-freedom news agencies in Hong Kong.

China used the word riots for the protests and also gave the impression that the protesters did not represent the views of the majority.

The resistance against the extradition bill can be related to Article 19, which gives it an "independent judicial power, including that of final adjudication."⁶⁴ An independent judiciary is considered an integral part of the preservation of the autonomous system in Hong Kong. This display of contempt by the people of Hong Kong against aligning its legal system with mainland China shows their lack of trust in the fairness of justice in mainland China. This also gave China the reason to critically examine the flaws in 1C2S. Under the principle of maximum autonomy, Basic Law gives Hong Kong freedom of displaying its flag and emblem.⁶⁵ This provides Hong Kong people with an opportunity to craft a nation within a nation blended in Western values and Han Chinese values. Voicing aggressively against the extradition bill also shows the element of aspiration for the continuation of an independent and autonomous system. The new generations of Hong Kong do not associate themselves with the system in mainland China.

The Basic Law, under Article 27 in chapter III, states, "Hong Kong residents shall have freedom of speech, of the press and publication, freedom of association, of assembly, of procession and of demonstration and the right and freedom to form and join trade unions and to strike."⁶⁶ The people of Hong Kong consider this freedom necessary for their aspirations to achieve universal suffrage promised to them. The Article about freedom of expression and freedom of assembly is considered the core of the autonomous system of Hong Kong. The younger generation exercised this right of freedom of expression and assembly aimed at reinforcing the principles of the autonomous status of this region. Therefore, the use of force and resistance by

the police in Hong Kong sparked further outrage among the youth in this region.

Furthermore, the controversial Article 23 Chapter II, which was supposed to be approved and enacted by the Hong Kong administration as its own law was aimed to limit any threat to national security. This article was "to prohibit any act of treason, secession, sedition, subversion against the people's government, or theft of state secrets, to prohibit foreign political organizations or bodies of the region from establishing ties with foreign political organizations or bodies."⁶⁷ Hong Kong administration attempted to introduce this article in 2003 but then dropped it due to a substantive public backlash. China considered this law important to defend China from any secessionist movement in case it introduces universal suffrage. The residents of Hong Kong did not understand the purpose of this law and instead developed a hostile view of Beijing for showing reluctance to give them their rightful political freedom.⁶⁸

Article 23 and Article 27 were in sharp contradiction, which shows the gaps in the concept of 1C2S. Article 27 empowered the local people, which make them exceptional from mainland China. On the other hand, Article 23 could give arbitrary powers to the SAR administration.

The extradition bill protests led the central government to introduce national security laws on 30 June 2020 as a substitute to Article 23 that will provide a legal framework to deal with threats to its authority. The law is meant to criminalise "any act of:

- secession - breaking away from the country
- subversion - undermining the power or authority of the central government

- terrorism - using violence or intimidation against people
- collusion with foreign or external forces⁶⁹

According to experts, this new law will effectively curtail any chances of dissent in future.⁷⁰

The election of the Chief Executive in Hong Kong is also considered a flaw in the 1C2S. The election of the Chief Executive takes place through a 1,200-member committee with the final approval of the Chinese government over the condition of patriotism to the mainland, which the people of Hong Kong think is also in contradiction to the promised autonomous political system. This condition makes the Hong Kong administration subservient to the desires of CCP leadership instead of making them answerable to Hong Kong's public.⁷¹

Thus, the selection of the Chief Executive exclusively in favour of the mainland's interests had caused the Umbrella Movement in 2014. In later years, in 2017, China also stepped up actions against the pro-democracy lawmakers. Therefore, the protests in 2019 were also connected to the people's resistance against the electoral system in Hong Kong, which they believe does not guarantee them autonomy under the basic concept of the SAR.⁷²

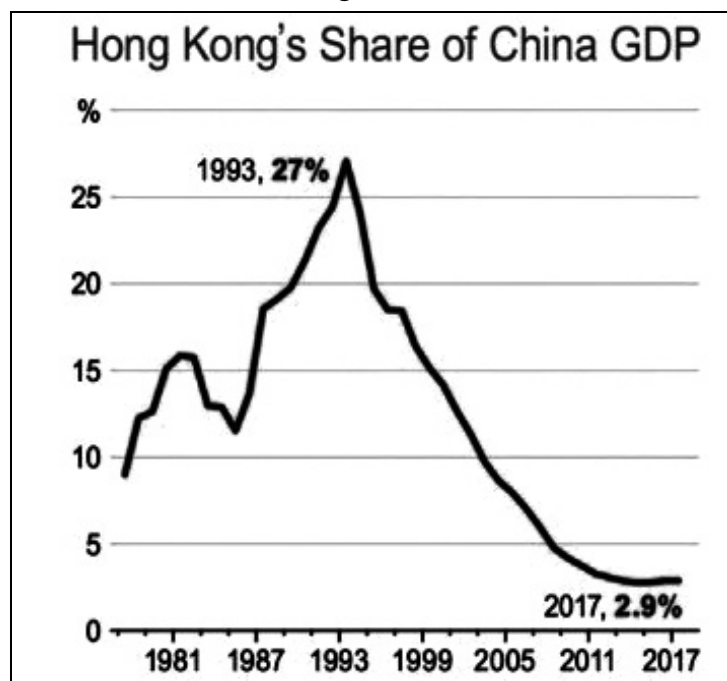
Analysis: Central Government vs SAR Hong Kong

To understand the actual problems and flaws in the 1C2S, it is important to analyse the inconsistency between the principle of autonomy of this SAR and the expectations of the central government in China.

The Economics Argument

China's central government maintained the same British-led capitalist system of economy in Hong Kong. Hong Kong was doing very well economically and the city continued to serve as a gateway to

China's financial transactions with global markets.⁷³ The Gross Domestic Product (GDP) of Hong Kong was around 20 per cent as against the size of the mainland economy in 1997 at the time of Britain's handover to China.⁷⁴ It was in favour of China to retain the economic system of Hong Kong because the British business law and the banking system helped attract foreign investments. Hong Kong was a golden goose for China. China not only benefited from the banking and trade of Hong Kong but also presented it as free.⁷⁵ Therefore, the central government was also ready to let a different political administration in this region.



Source: <http://www.ejinsight.com/20170609-hk-versus-china-gdp-a-sobering-reality/>

The rapid economic development of China and the rise of modern metropolitan business cities of China in the last 20 years, such as Shenzhen and Shanghai turned out to be attractive destinations for foreign investments. China also created 'free trade zones' for

stimulating the expansion of the national economy.⁷⁶ Against this backdrop, Hong Kong could not maintain its economic growth at the same pace. According to economic reports, "Hong Kong's economy relative to China's gross domestic product (GDP) has fallen from a peak of 27 percent in 1993 to less than 3 percent in 2017."⁷⁷ So, twenty years after the handover, "Hong Kong's GDP is equivalent to just 2.9 percent of China's economy."⁷⁸

Keeping this changed scenario in view, there's no comparative economic advantage for mainland China to tolerate the rising aspirations for maximum political autonomy in Hong Kong. Although the Hong Kong administration presented a strong reason for having an extradition agreement with the rest of the SARs and mainland China to avoid making this region a haven for fugitives. But the changed economic situation emboldened China to instigate the legal alignment of this SAR with the mainland through the extradition bill. According to Derek Grossman, "Beijing's soft sell to Taiwan and Hong Kong is falling apart."⁷⁹ Chinese President Xi Jinping in July 2017 at the 20th anniversary of the handover pledged to "unswervingly implement the policy of one country, two systems" in Hong Kong. But Grossman argues that "the protests against a controversial new extradition law mark only the most recent instance when the difference between Beijing's vision of two systems and Hong Kong's perspective has been exposed."⁸⁰

According to Western studies, the social unrest in Hong Kong has different reasons than the unrests that happened in France over an increase in oil price in 2018 and Chile over the increasing transport prices in 2019. The study finds that employment was full in Hong Kong and its performance in social progress was excellent. Hong Kong ranked at 4th in Human Development Index in 2018 out of 189 places under study, which showed it similar to Germany.⁸¹ According to these independent studies, Hong Kong was ranked as 3rd out of 162 countries in Human

Freedom Index.⁸² This study was a rebuttal of China's argument about economic reasons for growing agitation among the residents.

The Identity Argument

The residents of Hong Kong have created their own 'distinct identity' with the colonial era system.⁸³ The Hongkongers' perspective of the SAR can be gauged through their identity parameter. A major shift has been recorded in the Hong Kong residents' self-identification as Chinese or Hongkongers. The people of Hong Kong, originally Han Chinese, had chosen to live in this British colony under maximum autonomy which constructed their distinct identity over the years. Later, the new generation living under China's cautious proposal of 1C2S since 1997 further strengthened the local identity. Keeping in view, their association with Western values, the residents of Hong Kong view their society as freer and more developed than China. According to a study carried out by the Chinese University of Hong Kong, in 20 years after the handover, an increase has been recorded in their identity as Hongkongers. According to this study, 67.7 per cent of general residents identified themselves with the Hong Kong identity, a 'Hongkonger in China' was responded by 26.8 per cent and just 'Hongkongers' were counted as 40.7 per cent. Contrary to this, only 41 per cent of residents considered themselves Hongkongers in 1997.⁸⁴ This study further finds that, despite China's attempts of integrative policies through introducing patriotic education, 96.4 per cent of people under the age of 29 years called themselves Hongkongers. "Only 3.6 per cent of the young people identified themselves as primarily Chinese, a stark contrast to the 31.6 percent recorded in 1997,"⁸⁵ the study concluded.



A pro-democracy demonstrator holds a sign reading "HK Is Not China" during a protest in the MongKok district of Hong Kong, China, on Tuesday, Oct. 1, 2019. Chan Long Hei/Bloomberg via Getty Images

Moreover, the study finds that a sharp decline has been recorded in 'the degree of confidence' that the public of Hong Kong has in 1C2S since 2014. "The degree of confidence is primarily dependent on whether people believe Hong Kong enjoys autonomy, free of Beijing's interference and irrespective of changes in Chinese Communist Party (CCP) leadership. This is tied to perceptions of whether Beijing will allow universal suffrage as provided for in Hong Kong's Basic Law."⁸⁶ The study finds that 63.6 per cent of people were confident about their political system in 1997, which has now dropped to 45.5 per cent. Conversely, the people who felt less confident about the system rose from 18.1 per cent to 49 per cent.⁸⁷ This downward spiral in the people's belief in 1C2S "inspires little confidence in nearby Taiwan" to consider this system, which was aimed for their peaceful reunification with mainland China.⁸⁸

According to experts, the declining public confidence in the autonomous system in Hong Kong is linked to the decline in the approval of the Chinese government. As long as the SAR was

working more for the interests of the locals, the people in Hong Kong had positive views about China and its own administration. But the situation changed with the 2009 Chinese plan of constructing a high-speed rail link with Hong Kong. As this project was accompanied by China's "customs and immigration law applied in parts of the terminal building symbolizing to protesters an encroachment upon Hong Kong's territorial rights."⁸⁹ Moreover, the increasing influx of Chinese pregnant women to Hong Kong for child birth burdened the availability of beds in the city's hospital, which gave the impression to the people that the city's autonomous administration was not sensitive to the needs of the locals. The Chinese government, however, is surprised by such reaction of the people of Hong Kong on the increasing linkages with the mainland calling it 'blatant ingratitude'. China expected the enormous Chinese investments and business opportunities in Hong Kong to be taken positively. This suggests that both Beijing and the locals in Hong Kong have different expectations from 1C2S. The reason for the increasing misunderstanding in their relationship is the contradiction in the interpretation of their grievances.⁹⁰

China believes that the increasing disapproval of the Chinese central government in Hong Kong is due to the gaps in communication and understanding. To address this issue, China started the Moral and National Education (MNE) programme in Hong Kong in 2012. Instead of bridging the gaps, this education programme faced strong resistance from the locals of Hong Kong. The people of Hong Kong considered it an unacceptable interference of the Chinese government violating the autonomous system. The overwhelming opposition to MNE compelled the government to withdraw this plan. According to Chinese scholar Brian Wong, 1C2S has failed so far to address the cultural and identity problems. Wong believes that "the MNE

controversy triggered the construction of a specifically Hong Kong identity that served effectively as the antithesis to the compromise “Hong Kong Chinese” identity that held sway before 2008.”⁹¹ It is the inconsistency in the understanding and expectations from 1C2S that can trigger massive opposition in Hong Kong whenever the government takes any step that the locals of Hong Kong deem a violation of their autonomy. This was the reason that the extradition bill was considered a necessity by the government but the people viewed it as an attempt by Beijing to punish the dissidents.

Conclusion

The six-month-long violent protests in Hong Kong endangered the vision of a unified China. While the Western media showed the growing anxieties and anxiousness among the Hongkongers against China’s tightening control in Hong Kong. China initially came up with a strong counter-narrative and later enacted its national security law to prevent any such violent demonstration in future. This divide in narrative required a legal analysis of Hong Kong’s Basic Law, which lends it its autonomous status. The different expectations and different interpretation of 1C2S by the Hong Kong citizens and mainland China can be considered the root cause of the protests. The flaws in the legal document also led to frustration among Hongkongers. Besides that, the element of foreign interference can also be witnessed in fomenting pro-independence and pro-democracy camps among Hong Kong masses. The overwhelming projections of the pro-democracy camp by the Western media gave a new perspective to the protests, which led the Hong Kong administration to respond with force. Resultantly, the protests turned violent and the Western media again jumped in followed by a backlash from the Hong Kong Administration and the Chinese central government.

China emphasised the purpose of the autonomous system under the 1C2S which was meant to 'adapt and adjust to circumstantial demands and needs' till the second handover in 2047.⁹² However, the strong reaction over the extradition bill showed different expectations of Hong Kong citizens who did not seem ready to adapt and adjust to the gradual integration with mainland China. The inherited cultural legacy from Britain, the capitalist system, and public liberty over decades created a different identity and a Hongkonger nationalism.⁹³ Therefore, for the people of Hong Kong, political autonomy was the assurance of their civil liberties and to make the Hong Kong administration answerable to their wellbeing. However, the one-sided view presented by the Western media and the projection of the protests as a pro-democracy movement greatly undermined the cause of the majority of Hong Kong citizens who wanted to save the judicial autonomy of the SAR region as promised under the Basic Law. The gaps in integrating Hong Kong on the cultural and identity line posed the biggest challenge to China. Because these gaps provided an opportunity for the US to support violent protests against China and provoke Beijing to aggressive action against the protesters to stigmatise it with another Tiananmen Square kind of incident. However, China showed maximum restraint in taking military action and instead only depended on the local administration to deal with the protests. However, the Covid-19 pandemic provided ample time for Beijing to pass the Hong Kong Security Law to permanently bar the misuse of freedom of opinion and assembly at the hands of foreign elements against the sovereignty of China.

Notes and References

- ¹ Richard McGregor, "Asia's Reckoning: China, Japan and the Fate of U.S. Power in Pacific Century," (New York: Penguin Random House, 2017) p. xvi.
- ² Congressional Service Report, "China-India Great Power Competition in the Indian Ocean Region: Issues for Congress," *Congress Report*, 20 April 2018, available at https://www.everycrsreport.com/files/20180420_R45194_3d4bf676130e76924f5fea6d2e54d3a78e2200a9.pdf.
- ³ Andrew J. Nathan, "How China Sees the Hong Kong Crisis, The Real Reasons Behind Beijing's Restraint", 30 September 2019, available at <https://www.foreignaffairs.com/articles/china/2019-09-30/how-china-sees-hong-kong-crisis>.
- ⁴ Hong Kong, "What is the Basic Law and how does it work?", 20 November 2019, available at <https://www.bbc.com/news/world-asia-china-49633862>.
- ⁵ James Palmer, "Why Is Hong Kong Erupting?," *Foreign Policy*, 3 August 2019, available at <https://foreignpolicy.com/2019/08/03/why-is-hong-kong-erupting-protests-china-extradition/>.
- ⁶ Wong Tsui-kai, "Hong Kong protests: What are the 'five demands'? What do protesters want?", 19 August 2019, available at <https://www.scmp.com/yp/discover/news/hong-kong/article/3065950/hong-kong-protests-what-are-five-demands-what-do>.
- ⁷ "Hong Kong security law: What is it and is it worrying?," *BBC*, 30 June 2020, available at <https://www.bbc.com/news/world-asia-china-52765838>.
- ⁸ Jia Wenshan, "HK protests expose Western media bias," *China Daily*, 23 November 2019, available at <https://www.chinadaily.com.cn/a/201911/23/WS5dd88b10a310cf3e35579721.html>.

- ⁹ Jia Wenshan, "HK protests expose Western media bias," *China Daily*, 23 November 2019, available at <https://www.chinadaily.com.cn/a/201911/23/WS5dd88b10a310cf3e35579721.html>.
- ¹⁰ JiaWenshan, "HK protests expose Western media bias," *China Daily*, 23 November 2019, available at <https://www.chinadaily.com.cn/a/201911/23/WS5dd88b10a310cf3e35579721.html>.
- ¹¹ Verna Yu, "They don't understand Hong Kong: clash of ideologies looms on China's 70th anniversary," *The Guardian*, 30 September 2019, available at <https://www.theguardian.com/world/2019/sep/30/they-dont-understand-hong-kong-clash-of-ideologies-looms-on-chinas-70th-anniversary>.
- ¹² JiaWenshan, "HK protests expose Western media bias," *China Daily*, 23 November 2019, available at <https://www.chinadaily.com.cn/a/201911/23/WS5dd88b10a310cf3e35579721.html>.
- ¹³ Austin Ramzy, "Hong Kong March: Vast Protest of Extradition Bill Shows Fear of Eroding Freedoms," *New York Times*, 9 June 2019, available at <https://www.nytimes.com/2019/06/09/world/asia/hong-kong-extradition-protest.html>.
- ¹⁴ Ibid.
- ¹⁵ Claudia Rosett, "A defiant stand for freedom: Hong Kong's struggle against tyranny and why it matters, The Social Order, Politics and Law," *City Journal*, 11 December 2019, available at <https://www.city-journal.org/hong-kong-struggle-against-tyranny>).
- ¹⁶ Verna Yu, "Rights under threat: how China is bringing Hong Kong to heel," *The Guardian*, 5 July 2019, available at <https://www.theguardian.com/world/2019/jul/05/rights-under-threat-how-china-is-bringing-hong-kong-to-heel>.
- ¹⁷ Ibid.
- ¹⁸ Claudia Rosett, "A defiant stand for freedom: Hong Kong's struggle against tyranny and why it matters, The Social Order, Politics and law," *City Journal*, 11 December 2019, available at

<https://www.city-journal.org/hong-kong-struggle-against-tyranny>).

- ¹⁹ Andreas Fulda, "Beijing Is Weaponizing Nationalism Against Hong Kongers," *Foreign Policy*, 29 July 2019, available at <https://foreignpolicy.com/2019/07/29/beijing-is-weaponizing-nationalism-against-hong-kongers/>.
- ²⁰ Verna Yu, "They don't understand Hong Kong: clash of ideologies looms on China's 70th anniversary," *The Guardian*, 30 September 2019, available at <https://www.theguardian.com/world/2019/sep/30/they-dont-understand-hong-kong-clash-of-ideologies-looms-on-chinas-70th-anniversary>.
- ²¹ Austin Ramzy, "Hong Kong March: Vast Protest of Extradition Bill Shows Fear of Eroding Freedoms," *New York Times*, 9 June 2019, available at <https://www.nytimes.com/2019/06/09/world/asia/hong-kong-extradition-protest.html>.
- ²² "Hong Kong mob — How mainland Chinese see the democracy movement," *DW*, 19 August 2019, available at <https://www.dw.com/en/hong-kong-mob-how-mainland-chinese-see-the-democracy-movement/a-50084621>.
- ²³ "Xinhua, US Congress' passage of Hong Kong-related act typical 'long-arm jurisdiction', says expert," *Global Times*, 28 November 2019.
- ²⁴ Zhong Sheng, "Vicious practice of U.S. will certainly be condemned by the international community," *People's Daily*, 28 November 2019, available at <http://en.people.cn/n3/2019/1128/c90000-9636217.html>.
- ²⁵ Ibid.
- ²⁶ Zhong Sheng, "To stop violence and chaos in Hong Kong is the popular will," *People's Daily*, 28 November 2019.
- ²⁷ Riyaz ul Khaliq, "US' Hong Kong act violates norms of int'l law: China," 15 October 2020, available at <https://www.aa.com.tr/>

en/americas/us-hong-kong-act-violates-norms-of-int-l-law-china/2007350.

²⁸ Zhong Sheng, "Vicious practice of U.S. will certainly be condemned by the international community," *People's Daily*, 28 November 2019.

²⁹ Ibid.

³⁰ "Xinhua, US Congress' passage of Hong Kong-related act typical 'long-arm jurisdiction', says expert," *Global Times*, 28 November 2019.

³¹ Interview, "US Congress' passage of Hong Kong-related act typical 'long-arm jurisdiction', says expert," *Global Times*, 28 November 2019.

³² Ibid.

³³ Jaffie Lam, "One country, two systems' for Hong Kong could be scrapped if it is used to confront Beijing, official says," available at <https://www.scmp.com/news/hong-kong/politics/article/2091747/one-country-two-systems-hong-kong-could-be-scrapped-if-it>.

³⁴ Jaffie Lam, "One country, two systems' for Hong Kong could be scrapped if it is used to confront Beijing, official says," available at <https://www.scmp.com/news/hong-kong/politics/article/2091747/one-country-two-systems-hong-kong-could-be-scrapped-if-it>.

³⁵ "Macao to firmly hold onto the great initiative of "one country, two systems" principle," *People's Daily*, 9 December 2019.

* China proposed the concept of Hong Kong as a Special Administrative Region and, in April 1984, both sides agreed that Hong Kong would retain a high degree of autonomy with assurances made on the preservation and maintenance of the lifestyle of the people in Hong Kong. In September 1984, both sides agreed on the Chinese and English versions of the text and the "one country, two systems" model was adopted.

<http://theconversation.com/hong-kong-why-the-one-country-two-systems-model-is-on-its-last-legs-118960>.

- ³⁶ AK, "What is China's "one country, two systems" policy?," *The Economist*, 30 June 2019, available at <https://www.economist.com/the-economist-explains/2019/06/30/what-is-chinas-one-country-two-systems-policy>.
- ³⁷ "Hong Kong crisis — What you need to know," *DW*, 22 August 2019, available at <https://www.dw.com/en/hong-kong-crisis-what-you-need-to-know/a-50131325>.
- ³⁸ *Ibid.*
- ³⁹ Brian Wong, "Can Beijing and Hong Kong Rejuvenate 'One Country, Two Systems'?" *The Diplomat*, 18 October 2019, available at <https://thediplomat.com/2019/10/can-beijing-and-hong-kong-rejuvenate-one-country-two-systems/>.
- ⁴⁰ Gray Cheung, "What is the Sino-British Joint Declaration and what does it have to do with Hong Kong's extradition crisis?," 4 July 2019, available at <https://www.scmp.com/news/hong-kong/politics/article/3017318/explainer-what-sino-british-joint-declaration-and-what-does>.
- ⁴¹ Brian Wong, "Can Beijing and Hong Kong Rejuvenate 'One Country, Two Systems'?" *The Diplomat*, 18 October 2019, available at <https://thediplomat.com/2019/10/can-beijing-and-hong-kong-rejuvenate-one-country-two-systems/>.
- ⁴² *Ibid.*
- ⁴³ Niki JP Alford, "Hong Kong: why the 'one country, two systems' model is on its last legs," 19 June 2019, available at <http://theconversation.com/hong-kong-why-the-one-country-two-systems-model-is-on-its-last-legs-118960>.
- ⁴⁴ Hong Kong Basic Law en-version, available at <https://www.basiclaw.gov.hk/en/basiclawtext/index.html>.
- ⁴⁵ Niki JP Alford, "Hong Kong: why the 'one country, two systems' model is on its last legs," 19 June 2019, available at

<http://theconversation.com/hong-kong-why-the-one-country-two-systems-model-is-on-its-last-legs-118960>.

⁴⁶ Ibid.

⁴⁷ BBC, "Hong Kong-China extradition plans explained," *BBC*, 13 December 2019, available at <https://www.bbc.com/news/world-asia-china-47810723>.

⁴⁸ Ibid.

⁴⁹ Ibid.

⁵⁰ Ibid.

⁵¹ Ibid.

⁵² Ibid.

⁵³ "Hong Kong dissident reopens bookshop in Taiwan, defying Beijing," *Al Jazeera*, 25 April 2020, available at <https://www.aljazeera.com/news/2020/4/25/hong-kong-dissident-reopens-bookshop-in-taiwan-defying-beijing>.

⁵⁴ "Hong Kong-China extradition plans explained," *BBC*, 13 December 2019, available at <https://www.bbc.com/news/world-asia-china-47810723>.

⁵⁵ Andrew J Nathan, "How China Sees the Hong Kong Crisis: The Real Reasons Behind Beijing's Restraint," *Foreign Affairs*, 30 September 2019, available at <https://www.foreignaffairs.com/articles/china/2019-09-30/how-china-sees-hong-kong-crisis>.

⁵⁶ Ibid.

⁵⁷ Ibid.

⁵⁸ Ibid.

⁵⁹ Hong Kong Basic Law en-version, available at <https://www.basiclaw.gov.hk/en/basiclawtext/index.html>.

⁶⁰ Ibid.

⁶¹ Ibid.

⁶² Ibid.

⁶³ Hong Kong Basic Law en-version, available at <https://www.basiclaw.gov.hk/en/basiclawtext/index.html>.

- ⁶⁴ Ibid.
- ⁶⁵ Ibid.
- ⁶⁶ Hong Kong Basic Law en-version, available at <https://www.basiclaw.gov.hk/en/basiclawtext/index.html>.
- ⁶⁷ Ibid.
- ⁶⁸ Brian Wong and John Mak, "‘One Country, Two Systems’ Is still the best model for Hong Kong, But it badly needs reforms," 30 October 2019, <https://time.com/5713715/hong-kong-one-country-twosystems-failure/>.
- ⁶⁹ "Hong Kong security law: What is it and is it worrying?," *BBC*, 30 June 2020, available at <https://www.bbc.com/news/world-asia-china-52765838>.
- ⁷⁰ Ibid.
- ⁷¹ Milia Hau, "Britain Failed Hong Kong," *Foreign Policy*, 12 June 2019, available at <https://foreignpolicy.com/2019/06/12/britain-failed-hong-kong/>.
- ⁷² Derek Grossman, "One Country, Two Systems, Lots of Problems," *Foreign Policy*, 21 June 2019, available at <https://foreignpolicy.com/2019/06/21/one-country-two-systems-lots-of-problems/>.
- ⁷³ Claudia Rosett, "A defiant stand for freedom: Hong Kong’s struggle against tyranny and why it matters, The Social Order, Politics and law," 11 December 2019, available at <https://www.city-journal.org/hong-kong-struggle-against-tyranny>.
- ⁷⁴ "HK vs China GDP: A sobering reality," 9 June 2017, available at <http://www.ejinsight.com/20170609-hk-versus-china-gdp-a-sobering-reality/>.
- ⁷⁵ Claudia Rosett, "A defiant stand for freedom: Hong Kong’s struggle against tyranny and why it matters, The Social Order, Politics and law," 11 December 2019, available at <https://www.city-journal.org/hong-kong-struggle-against-tyranny>.

- ⁷⁶ "HK vs China GDP: A sobering reality," 9 June 2017, available at <http://www.ejinsight.com/20170609-hk-versus-china-gdp-a-sobering-reality/>.
- ⁷⁷ Ibid.
- ⁷⁸ Ibid.
- ⁷⁹ Derek Grossman, "One Country, Two Systems, Lots of Problems," *Foreign Policy*, 21 June 2019, available at <https://foreignpolicy.com/2019/06/21/one-country-two-systems-lots-of-problems/>.
- ⁸⁰ Ibid.
- ⁸¹ Daniel TL Shek, "Protests in Hong Kong (2019–2020): a Perspective Based on Quality of Life and Well-Being," 13 March 2020, Department of Applied Social Sciences, The Hong Kong Polytechnic University, Kowloon, Hong Kong.
- ⁸² Ibid.
- ⁸³ Brian Wong and JhonMak, "'One Country, Two Systems' Is Still the Best Model for Hong Kong, But It Badly Needs Reform," 30 October 2019, available at <https://time.com/5713715/hong-kong-one-country-two-systems-failure/>.
- ⁸⁴ Syaru Shirley Lin, "Analyzing the Relationship between Identity and Democratization in Taiwan and Hong Kong in the Shadow of China," Chinese University of Hong Kong, The Asan Forum, 20 December 2018, available at <http://www.theasanforum.org/analyzing-the-relationship-between-identity-and-democratization-in-taiwan-and-hong-kong-in-the-shadow-of-china/>.
- ⁸⁵ Syaru Shirley Lin, "Analyzing the Relationship between Identity and Democratization in Taiwan and Hong Kong in the Shadow of China," Chinese University of Hong Kong, The Asan Forum, 20 December 2018, available at <http://www.theasanforum.org/analyzing-the-relationship-between-identity-and-democratization-in-taiwan-and-hong-kong-in-the-shadow-of-china/>.

⁸⁶ Ibid.

⁸⁷ Ibid.

⁸⁸ Derek Grossman, "One Country, Two Systems, Lots of Problems," *Foreign Policy*, 21 June 2019, available at <https://foreignpolicy.com/2019/06/21/one-country-two-systems-lots-of-problems/>.

⁸⁹ Brian Wong and Jhon Mak, "'One Country, Two Systems' Is Still the Best Model for Hong Kong, But It Badly Needs Reform," 30 October 2019, available at <https://time.com/5713715/hong-kong-one-country-two-systems-failure/>.

⁹⁰ Ibid.

⁹¹ Ibid.

⁹² Brian Wong, "Hong Kong's Looming 2047 Question," *The Diplomat*, 1 January 2020, available at <https://thediplomat.com/2020/01/hong-kongs-looming-2047-question/>.

⁹³ Ibid.

LAWFARE OPTIONS ON KASHMIR DISPUTE

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Abstract

The Kashmir dispute has remained unsolved for more than 70 years now and the right of self-determination is denied to the Kashmiri populace. This paper addresses the context and background of the Kashmir dispute. It references Pakistan's efforts in trying to bring the dispute to the forefront of international affairs. In this paper, it is argued that India's occupation of Kashmir and its recent constitutional changes are not justifiable under any bilateral treaty or even under international law. It highlights the recent developments in India regarding Indian Illegally Occupied Jammu and Kashmir (IIOJK) and outlines the lawfare options available to Pakistan to counter Indian actions.

Key Words: *Indian Illegally Occupied Jammu and Kashmir (IIOJK), self-determination, international law, international humanitarian law, international human rights law, United Nations, Security Council, General Assembly Resolutions, Simla Agreement*

Introduction

The debate around Indian Illegally Occupied Jammu and Kashmir (IIOJK) usually centres on politics or human rights. But it is also one of great legal importance. India has shown a blatant disregard for international obligations. This is apparent in their flaunting of non-compliance with UN Security Council Resolutions and the constitutional changes of 5 August 2019. Its recent actions have made

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it very clear that the state of India is an illegal occupying power in IIOJK and all its post-5 August actions were undertaken to illegally annex the territory of Jammu and Kashmir. This is a complete and total disregard of the right to self-determination of the Kashmiri people.

Despite being one of the oldest agenda items of the UN Security Council (UNSC), the dispute has remained unresolved. India's recent actions have led to a rise in tensions between India and Pakistan, which is a serious threat to the peace and stability of the world. Further exacerbating the situation is the fact that both these countries have nuclear weapons. In this paper, it is argued that India's occupation of Kashmir and its recent steps are not justifiable under any bilateral treaty or even under international law. There are voices of dissent even within the Indian state that have declared that these actions are unconstitutional under India's own state laws. This raises the question: what are the policy or lawfare options available to Pakistan on this dispute? This paper examines the developments in Kashmir and provides a list of lawfare options for Pakistan.

Background

The India Independence Act of 1947 gave the princely states within the British Indian colony the option to accede either to Pakistan or India or remain independent. However, partition was taking place largely on the basis of the two-nation theory and the division was according to Muslim and non-Muslim majority areas. Hence, the Cabinet Mission had decided that an Indian state with the ruler having a different religion than his subjects could not decide to accede without a referendum being held. The ruler of Kashmir, Maharaja Hari Singh, initially chose to remain independent till 15 August 1947 and then signed a Standstill Agreement with Pakistan that effectively handed over certain administrative responsibilities from India to Pakistan.

By mid-October, the situation inside the State forced the Maharaja to leave Srinagar and before leaving he allegedly signed the Instrument of Accession on 26 October 1947.¹ In the Indian Governor General's response of 27 October, he declared, "as soon as law and order [was] restored in Kashmir and her soil cleared of the invader the question of State's accession should be settled by a reference to the people."² This led to an armed conflict between Pakistan and India, resulting in India referring the case to the UN Security Council on 1 January 1948.³ The UNSC formed the United Nations Commission on India and Pakistan (UNCIP) to investigate this matter further.⁴ One of the most important steps taken was Resolution 47 of the UNSC, on 21 April 1948. It declared that troops and tribesmen should withdraw, stressed the formation of an interim government, and vowed to send 5 members of UNCIP to Kashmir in order to arrange a free and fair plebiscite. The demilitarisation, being the first step, never happened as both states were fearful that the other would try to benefit from the situation. India has repeatedly refused to demilitarise the region to allow for a plebiscite.

India's Unlawful Annexation

It is a well-established fact that the former princely state of Jammu and Kashmir has been under Indian Occupation. However, this situation has now grown to be an occupation with an unlawful annexation. Keeping in view that under international law, the occupying power does not need to make a formal statement or any sort of official recognition of its occupation. However, if the situation comes under the defined criteria for occupation, that is enough. We find the following definition of occupation in Article 42 of the 1907 Hague Regulations:

Territory is considered occupied when it is actually placed under the authority of the hostile army. The occupation

extends only to the territory where such authority has been established and can be exercised.⁵

Thus, it is apparent that it does not matter where the occupying power intends to take advantage of or benefit the area under its control, only the factual situation counts.

Under international law, having competing claims of sovereignty does not prevent it from being termed as an occupied territory. Hence, a territory can be termed as occupied even if its status is contested. Pakistan's long-held stance is that since no legal title has been transferred to India regarding IIOJK, any and all attempts to incorporate it into its territory is an act of illegal annexation. This position has been supported repeatedly by UNSC resolutions on this matter. Thus, India does not have any legal authority to take unilateral action and change the status of IIOJK and subsume it within India. The Security Council has unequivocally rejected previous attempts by India to change the status of Jammu and Kashmir unilaterally in Resolutions 91 (1951) and 122 (1957).

This illegality has also been reiterated within in the 1972 Simla Agreement, where it is declared:

Pending the final settlement of any of the problems between the two countries, neither side shall unilaterally alter the situation and both shall prevent the organisation, assistance or encouragement of any acts detrimental to the maintenance of peaceful and harmonious relations...the representatives of the two sides will meet to discuss further the modalities and arrangements for the establishment of durable peace and normalisation of relations, including the questions of prisoners of war and civilian internees, a final settlement of Jammu & Kashmir and the resumption of diplomatic relations.⁶

Additionally, the very Instrument of Accession on which India bases its legal claim to Kashmir states in Clause 5:

The terms of this my Instrument of Accession shall not be varied by any amendment of the Act or of the Indian Independence Act, 1947, unless such amendment is accepted by me by an Instrument supplementary to this Instrument...Nothing in this Instrument shall be deemed to be a commitment in any way as to acceptance of any future Constitution of India or to fetter my discretion to enter into arrangement with the Governments of India under any such future Constitution...Nothing in this Instrument affects the continuance of my sovereignty in and over this State, or save as provided by or under this Instrument the exercise of any powers, authority and rights now enjoyed by me as Ruler of this State or the validity of any law at present in force in this State.⁷

Revocation of Article 370

Regarding the concessions given to Kashmir in the Indian Constitution of 1950, the two most pertinent were Article 370 and Article 35-A. Article 370 gave the IIOJK autonomy in all areas except defence, communication, and foreign policy. Article 35-A gave only 'permanent residents' of Kashmir the right to own property. Ever since these articles came into power, Hindu nationalists had opposed them vehemently. They argued that India should not bend its rules for the Muslim majority Kashmir. It was during the 2019 election campaign that the ruling Bharatiya Janata Party (BJP) promised that it would revoke Kashmir's 'special status' and clamp down on separatism within India.⁸

On 5 August 2019, the special status of IIOJK and its limited autonomy were revoked by the Indian government. India's central laws were applied in IIOJK, similar to all other Indian states and territories. The penal code and the state flag of Kashmir were

invalidated. A plan was put into motion to split IIOJK into two separate Union Territories.⁹ The first being Jammu and Kashmir with its own separate legislature and the second being the region of Ladakh, which will be ruled directly by the Central Government.

In doing so, India will greatly increase the Delhi government's control over both regions. India has added to the suffering of the Kashmiris by maintaining a strict curfew and a complete media blackout since 5 August 2019. Mehbooba Mufti, the former Chief Minister (CM) of IIOJK, who was also a coalition partner of the BJP in the state, called 5 August "the darkest day in Indian democracy." Omar Abdullah, another former CM of IIOJK, called this Indian action a "total betrayal of trust" and an "aggression against the people of state."¹⁰

After revoking Article 370, India issued a new political map of occupied Jammu and Kashmir, in contravention of the bilateral agreements and UN resolutions on the matter, where it shows Azad Kashmir as a part of the newly created union territory of occupied Jammu and Kashmir and Gilgit Baltistan as part of the Union Territory of Ladakh.¹¹ Jammu and Kashmir reorganisation (Adaptation of State Laws), 2020, was passed on 31 March 2020. It repealed 29 state laws and amended 109 laws of occupied Jammu and Kashmir. This law determines new rules for obtaining domicile or residency in Jammu and Kashmir.

The reasons given by the Indian government for the revocation of Article 370 have also been varied in nature. Amit Shah, the Home Minister of India, cited security concerns while Prime Minister Narendra Modi highlighted economic concerns. Other leaders claimed legislative efficiency as the cause for the revocation. Opposition politicians and critical voices in India have claimed that this move is an attack on Indian democracy, and analysts have described it as unprecedented. The special status revocation was termed illegal and unconstitutional by political leaders. Mehbooba Mufti warned that

it would render India an “occupational force” in the area and called it the “darkest day in Indian democracy.”¹²

Jammu and Kashmir acceded to India based on certain terms, which were represented by Article 370 and 35(A). This was mentioned in the Instrument of Accession. The 5 August unilateral abrogation of Articles 370 and 35-A has damaged the Instrument of Accession weakened the Indian claim to Jammu and Kashmir.

The 4th Geneva Convention explicitly states that it is illegal for an occupier to move people from their own territory to the occupied territory.¹³ This rule has been set into place to prevent occupiers from bringing about major demographic changes within the occupied territory as it will solidify their claims of sovereignty and will weaken the native people’s inherent right to self-determination. Article 35-A was holding up this requirement as, due to this article, it was prohibited for non-Kashmiris to buy land there or to settle permanently in this area. Now with the abrogation, India is going to be able to change the demographics of this territory.

Since Jammu has a Hindu majority and Ladakh constitutes a Buddhist majority, Kashmir was the only Muslim-majority state within India. The bifurcation of the state and the demographic changes caused by non-Kashmiri settlers will influence the results of any referendum held in the future. These steps are a violation of Article 49 of the Fourth Geneva Convention.

Under the constitutional changes set in motion by the state of India, the following steps were to be initiated with immediate effect:

- a. All references to the ‘Government of Jammu & Kashmir’ would henceforth be construed as references to the ‘Governor of Jammu & Kashmir’;
- b. All references to the ‘Constituent Assembly of Jammu & Kashmir’ shall be construed as references to the ‘Legislative Assembly of Jammu & Kashmir’;

- c. The Constitution (Application to Jammu & Kashmir) Order 1954 was superseded with immediate effect.¹⁴

This was India's blatant move to finish the autonomy and the special status of IIOJK.

Violation of Human Rights

The toll the siege has taken, whether political or economic, on IIOJK, is excessive. According to a report by The Forum for Human Rights in J&K (as published in the *Times of India*), over 6,600 people were arrested, including minors and 444 political leaders under the J&K Public Safety Act. This Act allows for detention (without trial) for up to two years.¹⁵ This report does address the number of political leaders that have been released, however, it does not address how many civilians had been released.

Mobile service, landlines, and internet were all suspended post-August 5. Since then, all three communication services were restored and revoked sporadically and at will. This political lockdown initially and the COVID-19 lockdown subsequently have caused great damage to the education and economy of IIOJK. There are claims that between August 2019 and March 2020, schools were open for not more than two weeks.¹⁶ The rest of the Indian kids had the option of studying online, however, Kashmir didn't have internet services.

Although some businesses had resumed functioning when the security and communication clampdown was moderately lifted at the start of 2020, the harsh COVID-19 lockdown damaged the local economy further. The Kashmir Chamber of Commerce and Industries has estimated that the economic losses in the region amount up to \$5.3 billion and almost half a million jobs had been lost since August last year.¹⁷

Even Indian sources are now admitting that the Kashmiri involvement, that is, the local involvement in terrorism, has skyrocketed after 5 August 2019. The share of locals in terrorist

fatalities rose to almost 79% from 55% in 2018, according to an Indian source.¹⁸ The Indian government has resorted to harsher and harsher counterterrorism and sedition laws to clamp down on public dissent. There are many more allegations of arrest and torture by the security forces. The United Nations High Commissioner for Human Rights, Michelle Bachelet, has repeatedly voiced concern about human rights violations in Jammu and Kashmir.¹⁹

Issues with the Simla Agreement 1972

India views J&K through the lens of the bilateral structure of the 1972 Simla Agreement. The foundation of their stance is that the Simla Agreement supersedes any other UN Resolutions on Kashmir and, thus, this issue needs to be resolved bilaterally between the two countries. Nowhere in the agreement is it declared or suggested, however, that it will supersede the UN Resolutions on J&K. Once the Kashmir dispute was taken up by the various UNSC resolutions, it gained a multilateral character and it cannot be relegated to simply a bilateral issue. Furthermore, it was India that first took this dispute to the UN in January 1948. This has also been termed as Nehru's grave mistake, as policymakers within and outside of India agree that it is almost impossible to retract an issue once it has been submitted to the UN for deliberations.

Pakistan's stance is upheld by the very text of the agreement, which states, "without prejudice to

- i. The existing position of the parties; and
- ii. The parties remaining bound by the UN Charter. Given that the UN Charter applies to J&K, Pakistan has rightly invoked Article 103 of the UN Charter which in unequivocal terms states: "In the event of a conflict between the obligations of the Members of the United Nations under the present Charter and their obligations under any other international

agreement, their obligations under the present Charter shall prevail."²⁰

Without amending the Charter of the UN, India's argument of bilateralism over multilateralism does not hold weight. However, keeping in view India's rather aggressive policy related to Kashmir, it is about time that Pakistan changes its tactics.

Policy Options for Pakistan

The core of the bilateral relationship between Pakistan and India has been shaken up due to India's aggressive constitutional changes. This will most definitely have long-lasting regional effects. With the plans of demographic changes and the continual violations of human rights, Pakistan must also consider changing its policy stance towards India and this issue.

Lawfare Options

India's Illegal Occupation:

If we go by Article 42 of the Hague Regulations of 1907, India is an Occupying Power in IIOJK and its annexation is illegal under international law. The article declares, "territory is considered occupied when it is actually placed under the authority of the hostile army."²¹ We see an example of this in the Wall Opinion of The International Court of Justice, where the ICJ recognised that Israel, under the 4th Geneva Convention, had occupied Palestinian Territories in 1967. This is similar to how India occupied Kashmir after 1947.

IIOJK has been under India's forceful authority, puppet governments, and extremely harsh laws. These include the Armed Forces (Special Powers) Act that gives the security forces the right to search and destroy property, kill on suspicion and arrest without trial. The Jammu and Kashmir Public Safety Act allows security forces to detain individuals without legal trial for up to two years. This is a gross violation of human rights and it prevents Kashmiris from utilising their

inherent right to self-determination. The revocation of Article 370 was essentially the nullification of the Instrument of Accession. Kashmir has essentially returned to its pre-1947 identity as an independent state. In essence, India has lost its legal case on Kashmir.

The revocation of Article 35-A is seen as a means to bring about demographic changes within the state. Again, it is a breach of the 4th Geneva Convention and this issue must be raised on the international stage. Pakistan needs to approach the UNSC under Chapter VII Article 39, which is related to 'Threats to International Peace and Security'²². Following are the three conditions under which the UNSC Article 39 can be triggered: the existence of any threat to peace, breach of peace, or act of aggression. The first two conditions are fulfilled by India regarding the Kashmir Dispute. Recent actions of India go against (i) UNSC Resolution 38 that calls on each Government to inform the Council of any material change and consult the Council in this regard;²³ (ii) UNSC Resolution 47 that states in its preamble that India and Pakistan desire that the question of the accession of Jammu and Kashmir to India or Pakistan should be settled by a free and fair plebiscite;²⁴ and (iii) The Simla Agreement, which states that India and Pakistan relations will be governed by the Charter of the United Nations.

Pakistan, as a member of the United Nations Human Rights Council, should raise the issue of gross violations of human rights, including the right to self-determination, enshrined in the UN Charter.

Bilateralism cannot trump Multilateralism

India has weakened its case on IIOJK by forcing Pakistan to take the Kulbhushan Jadhav case to the ICJ. What this did was to bring up the debate of bilateralism vs. multilateralism. India's basic argument was that the Vienna Convention on Consular Relations (1963) trumped the 2008 Bilateral Treaty and this was accepted by the ICJ. The very same argument can be used to declare that the status of IIOJK is a multilateral issue according to the UNSC resolutions.

India argued in the aforementioned case that “bilateral treaties cannot modify the rights and corresponding obligations which are set out in Article 36 of the Convention [Vienna Convention]”, and that “there is nothing in the language of the 2008 Agreement which would suggest that India or Pakistan ever intended to derogate from Article 36 of the Vienna Convention.”²⁵ Interestingly, there is no declaration in the Simla Agreement that shows that the intention is to derogate from the previous UNSC resolutions. This can now be used by Pakistan to push its multilateralism argument further as the ICJ has global significance and its decisions and judgments are the final words on international issues, whether countries decide to follow them or not.

The Simla Agreement has been breached

India has consistently weakened the Simla Agreement with its policies and statements. The recent constitutional changes and the repeated declarations of Kashmir being an integral part of India all point to breaches of the agreement. The Simla Agreement quite clearly states that neither side can unilaterally change the situation until and unless a final solution is reached. Article 60 of the Vienna Convention on the Law of Treaties (VCLT), 1969, provides, “Material breach of a bilateral treaty by either party entitles the other to invoke the breach as a ground for terminating the treaty or suspending its operation in whole or in part.”²⁶

Article 60 of the VCLT defines ‘material breach’ as “a repudiation of a treaty not sanctioned by the present Convention [VCLT]” or “the violation of a provision essential to the accomplishment of the object or purpose of the treaty.” However, India and Pakistan are both not parties to the VCLT. Nevertheless, in the ICJ case concerning the Gabčíkovo-Nagymaros Project (1997) Hungary/Slovakia, many of the rules in VCLT are considered the reiteration of customary law.²⁷ Thus, Article 60 applies to the Simla Agreement regardless of Pakistan and India not being party to the VCLT. It may be the right moment for the policymakers to discuss

whether ending the Agreement might be more beneficial for Pakistan in the long run.

Right to Self-Determination as Jus Cogens

The primary fact that cannot be ignored when discussing Kashmir is the right of its people to self-determination. That is a principle of jus cogens and it is impossible to deny it. It is, therefore, essential that Pakistan continues to offer its political and moral support to Kashmiris and recognise that its people have the right to self-determination. As confirmed by the International Commission of Jurists in their 1995 report on J&K, the right to self-determination accrued to the people at the time of partition and it continues to this day. Moreover, as a matter of international law, no patent illegality (occupation, suppression, colonialism, etc.) can extinguish the right of self-determination through lapse of time or otherwise.²⁸

Change of Demography is a breach of International Law

The 4th Geneva Convention explicitly states that it is illegal for an occupier to move people from their own territory to the occupied territory.²⁹ This rule has been set into place to prevent occupiers from bringing about major demographic changes within the occupied territory as it will solidify their claims of sovereignty and will weaken the occupied people's inherent right to self-determination. Article 35-A was holding up this requirement as, due to this article, it was prohibited for non-Kashmiris to buy land there or to settle permanently in this area. Now with the abrogation, India is going to be able to change the demographics of this territory.

Since Kashmir was the only Muslim majority state within India, the bifurcation impacts any future referendums and any demographic changes caused as a result of non-Kashmiri settlers. This would be contrary to Article 49 of the Fourth Geneva Convention. By attempting to alter Jammu and Kashmir's demographics, India is also ending any chance of a plebiscite under the UN Security Council resolutions on

the disputed territory. Conducting a referendum after initiating and facilitating demographic changes is illegal under international law. This would also be a blatant disregard of the many UNSC resolutions regarding this topic.

It further is a breach of various international humanitarian law and international human rights law treaties such as the International Covenant on Civil and Political Rights³⁰ (ratified by India in 1976) and the International Convention on the Elimination of All Forms of Racial Discrimination³¹ (ratified by India in 1968). India will also be in breach of the Rome Statute of the International Criminal Court³² (Rome Statute). Crimes under Article 7³³ (Crimes against Humanity) of the Rome Statute include any forcible transfers of the population if committed as part of a widespread or systematic attack against any civilian population.

Focus on International Humanitarian Law (IHL)

Currently, Pakistan focuses on the International Human Rights Law (IHRL) narrative. However, IHRL is applied mainly during peace times and the IHL is applied during times of international armed conflicts. We have effectively shown, in this paper, that J&K is under Indian illegal occupation and there is clear evidence of war crimes, the intent of ethnic cleansing, changing of demographics and even genocide. This is the purview of IHL and provides Pakistan with a rare chance to bring India in front of the international criminal tribunals for war crimes.

Ever since UNSC Resolution 47,³⁴ which demanded a plebiscite in the region, the territory is contested and is under Indian occupation. India is bound by the Laws of Occupation under Hague Regulations of 1907.³⁵ Furthermore, without a free and fair plebiscite, India has no legal claim and essentially that makes Kashmir an international armed conflict. This means that several clauses of International Humanitarian Law apply to India under these circumstances. These laws have been breached by India; civilians have been arrested, murdered and

executed by Security Forces. Many neutral international observers have written about the thousands of cases of torture, coercion etc. There have been reports of rape as retribution, use of pellet guns to blind or maim civilians. If the international community turns a blind eye to these war crimes, then they are in breach of the Geneva Conventions.

Conclusion

Keeping in mind all the aforementioned options, Pakistan needs to realise that lawfare is the best possible solution for the Kashmir dispute. But we need to take a different direction than the one we have been in for more than 70 years. Mediation will not work, considering the divisions in international politics right now. Bilateralism is a moot point till the Modi government is aggressively pursuing its Hindutva policies. The OIC has consistently proven useless when it comes to this dispute, as is seen by the recent events. Hence, Pakistan must focus on the breach of the Simla Agreement by India due to its latest actions. It must focus on the human rights violations and the IHL violations being committed by India, even now.

Pakistan has consistently been on the right side of history when it comes to the Kashmir dispute. Hopefully, that is a trend it can continue in the future by adopting some of the lawfare recommendations suggested above. A new strategy is needed now and focusing on the violations of International Law will bring attention back to a topic that has been repeatedly brushed aside under the guise of bilateralism.

Notes and References

- ¹ Alistair Lamb, "Excerpts From 'The Myth Of Indian Claim To Jammu & Kashmir – A Reappraisal,'" (mofa.gov.pk, 2019).
- ² "Text of Lord Mountbatten's Letter Dated 27 October, 1947 To Signify His Acceptance Of The Instrument Of Accession Signed By The Kashmir Maharaja," (mtholyoke.edu, 2019).
- ³ John Braithwaite and Bina D'costa, "Cascades of Violence, War, Crime and Peacebuilding Across South Asia," *ANU Press* (2018).
- ⁴ UN Security Council, "Security Council resolution 39 (1948) [The India-Pakistan Question]," 20 January 1948, S/RES/39 (1948).
- ⁵ International Conferences (The Hague), *Hague Convention (IV) Respecting the Laws and Customs of War on Land and Its Annex: Regulations Concerning the Laws and Customs of War on Land*, 18 October 1907.
- ⁶ Clause 1(ii) of the Simla Agreement of 1972.
- ⁷ Instrument of Accession of Jammu & Kashmir, 1947 by Maharaja Hari Singh <https://thewire.in/history/public-first-time-jammu-kashmirs-instrument-accession-india>.
- ⁸ Billy Perrigo, "The Indian Government is Revoking Kashmir's Special Status: Here's what that mean" *Time Magazine*, (2019).
- ⁹ A Union Territory is an area of land controlled directly by the Central government. A State is an administrative unit with a separate government and legislating body. There is a distribution of powers between the central government and the State.
- ¹⁰ "Centre scraps Article 370, bifurcates J&K into two Union Territories" *Business Line* (2019).
- ¹¹ <http://www.surveyofindia.gov.in>.
- ¹² "Jammu and Kashmir bifurcation darkest day in indian democracy says Mehbooba Mufti" *The Hindu* (2019).
- ¹³ International Committee of the Red Cross (ICRC), *Geneva Convention Relative to the Protection of Civilian Persons in Time of War (Fourth Geneva Convention)*, 12 August 1949, 75 UNTS 287.

- ¹⁴ "Article 370 and 35a revoked: How it would change the face of Kashmir" *The Economic Times* (2019).
- ¹⁵ "IRS in-house discussion on the first anniversary of the abrogation of the special status of Kashmir under the Indian Constitution". Press Release, Islamabad: Institute of Regional Studies, 2020.
- ¹⁶ "JAMMU & KASHMIR 2019 Lockdown: A Humanitarian Perspective". Short note: ACAPS, 2020.
- ¹⁷ "How India's lockdowns ruined Kashmir's economy." *Al-Jazeera*, 3 August, 2020.
- ¹⁸ Rahul Tripathi, "One Year of Revocation of Article 370." *The Economic Times*, 3 August 2020.
- ¹⁹ *Statement by Michelle Bachelet*. 44th Session of Human Rights Council, OHCHR, 2020. <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=26226>.
- ²⁰ United Nations, Charter of the United Nations, 24 October 1945, 1 UNTS XVI.
- ²¹ International Conferences (The Hague), *Hague Convention (IV) Respecting the Laws and Customs of War on Land and Its Annex: Regulations Concerning the Laws and Customs of War on Land*, 18 October 1907.
- ²² United Nations, Charter of the United Nations, 24 October 1945, 1 UNTS XVI.
- ²³ UN Security Council, *Security Council resolution 38 (1948) [The India-Pakistan Question]*, 17 January 1948, S/RES/38 (1948).
- ²⁴ UN Security Council, *Security Council Resolution 47 (1948)*, April 21, 1948, [S/726].
- ²⁵ Reena Omer, *Beyond "Winners" and "Losers": Understanding the International Court of Justice's Judgment in the Jadhav Case*. *OpinioJuris*, 2019. <http://opiniojuris.org/2019/07/31/beyond-winners-and-losers-understanding-the-international-court-of-justices-judgment-in-the-jadhav-case/>.

- ²⁶ United Nations, *Vienna Convention on the Law of Treaties*, 23 May 1969, United Nations, Treaty Series, vol. 1155.
- ²⁷ Ibid.
- ²⁸ *Human Rights in Kashmir*. Geneva: International Commission of Jurists, 1995.
- ²⁹ International Committee of the Red Cross (ICRC), *Geneva Convention Relative to the Protection of Civilian Persons in Time of War (Fourth Geneva Convention)*, 12 August 1949, 75 UNTS 287.
- ³⁰ UN General Assembly, *International Covenant on Civil and Political Rights*, 16 December 1966, United Nations, Treaty Series, vol. 999, p. 171.
- ³¹ UN General Assembly, *International Convention on the Elimination of All Forms of Racial Discrimination*, 21 December 1965, United Nations, Treaty Series, vol. 660.
- ³² UN General Assembly, *Rome Statute of the International Criminal Court (last amended 2010)*, 17 July 1998, ISBN No. 92-9227-227-6.
- ³³ Ibid.
- ³⁴ UN Security Council, *Security Council resolution 47 (1948) [The India-Pakistan Question]*, 21 April 1948, S/RES/47 (1948).
- ³⁵ International Conferences (The Hague), *Hague Convention (IV) Respecting the Laws and Customs of War on Land and Its Annex: Regulations Concerning the Laws and Customs of War on Land*, 18 October 1907.

FORECAST OF IRAN-US CONFLICT: A THEORETICAL MODEL

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Abstract

Since the Islamic revolution, Iran is viewed in the West as a terrorism-supporting state. This view is propagated by the US to counter Iran's efforts to attain regional supremacy. For preserving its sovereignty in the face of growing threats, Iran is trying to develop its nuclear capability, by virtue of which it could attain regional hegemony. Iranian intention of dominance in the region is viewed as a potential threat to regional peace by the West, especially by the US. To counter it, the US has placed economic sanctions and an embargo on Iran. In this paper, different theory models are used to interpret the core issue of tension between both countries and the current situation of the crisis. Furthermore, the political and economic aspects of the conflict are presented. The analysis provides various possible policy choices for Iran and analyses the consequences of each choice.

Key Words: *Iran, US, Game Theory, Power Transition Theory, WMD, IOR*

Introduction

The continuing rift between the Islamic Republic of Iran and the United States shows the central absurdity of the US policy towards the Persian Gulf region. The main US concern about Iran is based on three main factors: first, Iran is supporting terrorism; second, Iran is

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pursuing nuclear enrichment (to develop weapons of mass destruction); and third, Iran is interfering aggressively in the peace process of the region (especially, meddling in the Middle Eastern region). Not only this, but the US is also concerned about the human rights of minorities in Iran because there is a theocratic government in Iran.¹

From a geopolitical standpoint, the Persian Gulf is a buffer zone detaching Iran from its (resource-rich) neighbourhood and strategically positioning it in an ideal zone. Contrary to the traditional approach of occupying resources, countries now tend to follow the Chinese 'strings of pearl policy'. Iran is building a strong naval presence with the help of its allies in the Indian Ocean and the Persian Gulf (especially the Strait of Hormuz, which is already under Iran's control). Since all the major Asian trade routes are passing through the Indian Ocean, the US is increasing its naval presence in the Gulf region to counter Iran with the help of its allies and reduce its supremacy in the region. The constant Iranian struggle for uranium enrichment and intervention pushed the US to increase its rhetoric and action against the Iranian regime. The main objective of this paper is to understand the root cause of tension between Iran and the US and explore the deep interests of the US and Iran in the Middle East and the Indian Ocean. This paper also explores the invisible and visible supporting actors who are playing an important role in this conflict and have brought a change in the magnitude of the conflict.

Historical Overview

The US had remained more inclined towards the south and south-west Asian region. In the mid-20th century, Iran was a close ally of the US. This support was a part of their grand strategy to monopolize Iranian oil. However, in 1979, major internal unrest by radical Islamic groups erupted in Iran to end US influence. Since then, relations between both countries have remained very hostile with

events like the US embassy hostage crisis and the shooting down of an Iranian Air flight. The US is still concerned about the potential influence of radical Iran as a regional power.²

After the Second World War, Iran became more important to the US because it was sharing its border with the Soviet Union, which was a US Cold War adversary and, secondly, Iran was a powerful player in the oil-rich area. This pushed the US to change its foreign policy towards it.³ History shows that the US actively participated in the external and internal affairs of Iran. The US secretly supported Iran's Shah and with the help of intelligence and the Iranian military, it deposed the then prime minister of Iran M Mossadegh who was elected in 1951 and was known as an architect of the Iranian energy nationalization drive. As a result of this support by the US to the Shah of Iran, it joined the Baghdad Pact (backed by the US) called CENTO (Central Treaty Organization) just to hold off the expansionist designs of the Soviets in 1955. Because of the US alliance, Shah confronted violent opposition from those who were opposed to his autocratic rule and forced westernization. As a result, Shah exiled one of the leading figures of the opposition Imam Khomeini to Turkey and then Iraq.⁴ Khomeini, however, returned to Iran in the wake of the Islamic Revolution in 1979, in which the revolutionaries, inter alia, took 63 Americans hostage at the US embassy and started protesting for Shah's return to Iran from his asylum in Egypt to face trial. Due to the hostage crisis, the US cut its diplomatic ties with Iran and imposed sanctions on the country. In 1980, Iraq backed by the US, invaded Iran. Finally, on the day of Reagan's inauguration in 1981, the US freed almost \$8 billion of frozen Iranian assets and the US hostages were released after 444 days. In 1985-86, senior officials of the Reagan administration secretly shipped arms to the Khomeini government through Israel supposedly in exchange for Iran's assistance in freeing American hostages held by the Hezbollah militants in Lebanon because Iran was subject to an arms embargo. The plan was to use the

proceeds from the sale to fund a Nicaraguan rebel group, the Contras. The transaction was investigated by the US Congress subsequently and came to be known as the 'Iran-Contra affair' or the 'Iran-Contra scandal'. In the last decade, relations between the US and Iran worsened because of trade and oil sanctions on Iran by US President Bill Clinton on allegations of Iran's support to terrorists and seeking weapons of mass destruction (WMDs). With every passing year, the US increased sanctions and penalised the firms investing \$40 million or more per year in Iran.⁵

Since the early 2000s, relations between both countries worsened owing to US allegations that Iran was engaged in developing WMDs, even though Iran repeatedly denied its involvement in nuclear proliferation. During 2015, the conflict turned into a standoff when the matter was temporarily settled by the landmark nuclear agreement named Joint Comprehensive Plan of Action (JCPOA).⁶

Theoretical Framework

Many researchers have the view that the zero-sum game can better explain the core issue of the US-Iran conflict. The game theory is a mathematical representation or a model of conflict, cooperation, and negotiation between individuals, groups, or organizations, and governments.⁷ John von Neumann and John Nash propounded the game theory. They described the game theory as a 'zero-sum game'. It is a mathematical image of a situation in which each contributor's gain or loss is exactly adjusted by the gain and loss of the other. Key pioneers suggest game theory as a science of strategy (from a military perspective), whereas, in international relations, game theory is the most favourable decision-making process of sovereign and contending actors or states in a strategic framework where actors or states should take an action to get the best outcome for themselves on the losses of others (during the conflict).⁸⁹

Iran is rich in minerals and oil. According to Organski, the international system is based on hierarchical order means. The leading power will maintain and create the international arrangement according to the growth level of states. He presented the power transitional theory in the late 1950s. He described that just because of a bumpy growth rate new powers are emerging and when they reach or go beyond the dominant power, hostilities could ensue, which could escort the world into a new international/ hierarchical order.¹⁰ Ancient Greek states of Athens and Sparta in 431 BC are a classic example of this case.¹¹

Causes of conflict

Major causes of conflict between these two states are listed below:

Regional dominance

The first and foremost cause of conflict is regional dominance. The Persian Gulf region provokes both Iran and the US to interfere in different states of the region overtly and covertly because of its resources and strategic importance.

Iran's role in Yemen:

Iran is interested to influence Yemen because of its geographic location. Yemen is located near the strategic international corridor from where Iran can control trade in the strait of Bab el-Mandeb and the Gulf of Aden. This is the main link that connects the Red Sea with the Indian Ocean and the Arabian Gulf through the Suez Canal and is also considered as the main waterway to the world's oil region.¹² In March 2015, the crisis in Yemen arose when nine Sunni Arab states including Saudi Arabia (backed by the US, UK, and France) started airstrikes against the Houthi rebels, to reinstate Hadi's government (the then president).¹³ A coalition led by Sunni Saudi Arabia launched airstrikes stating that they were defending the legitimate government

of Abdrabbuh Mansour Hadi against the Shia Houthis after the rebel forces positioned themselves in the capital Sanaa. The rebel group emerged as an opposition to the Yemeni President and military whom they charged with corruption with the backing of Arab states and the US at the expense of Yemen's sovereignty.¹⁴

According to Saudi Arabia, Iran is helping the Houthis with weaponry and logistical assistance, whereas Iran has denied this accusation. However, signs of Iranian involvement in supporting Houthis via arms and ammunition grew in 2012. In 2013, the Yemeni navy in collaboration with the US navy, seized Jihan I—an Iranian ship that was carrying about 40 tons of military supplies including rockets, missiles, ammunition, grenades, and explosives planned for the Houthis. Iranian Revolutionary Guard was also tracked by the US providing financial assistance as well as training to the Shia Houthis.¹⁵ According to a report, Saudi Arabia's involvement in Yemen has cost its exchequer around \$6 billion a month, while Iran's expenditures in Yemen probably totalled only millions a year.¹⁶

Iran's Role in Syria

Russia and Iran have long supported Assad's regime. In the beginning, Iran restricted its involvement in providing financial and technical assistance to the Syrian government. The Hezbollah attack in July 2006 at Israeli border towns in which eight IDF soldiers were killed and 2 kidnapped,¹⁷ soon after that the then foreign minister of Iran visited Damascus to express Iran's support for Syria, which shows greater coordination between these two states.¹⁸ By late 2013, Russia had steadily started assisting Syria in terms of providing equipment and training to the Syrian army before its direct intervention on 30 September 2015 to support the government,¹⁹ while at the same time Iran and Hezbollah increased their assistance in the form of physical presence on the ground.²⁰

The US was hesitant to get involved in the Syrian conflict, but it had to interfere due to two main reasons: first, because it wanted to

punish Assad's regime for using chemical weapons in Khan Sheikhoun in April 2017 causing 80 deaths and hundreds of injuries from nerve gas. Second, because of the existence of militant groups like ISIS.²¹ The US role in Syria was also to support its ally Saudi Arabia, which supported Syrian Sunnis.

Role of Saudi Arabia

Since the invasion of Iraq by the United States, the Kingdom of Saudi Arabia (KSA) and Iran have been engaged in a continuous rivalry over influence and power in the region. The hegemonic designs are extensively marked by revolutionary ideologies, sectarianism, oil prices, and competition over regional dominance and attitudes towards the military presence of the US in the Gulf region. Ever since the Islamic Republic of Iran has pursued an independent foreign policy against the West, it was pitted against the United States in particular as well as other pro-Western countries including Saudi Arabia. There is a clear sectarian dimension of this contention as well. However, the petro-monarchies of KSA and other Gulf countries are viewed in Iran as superficial entities established by the colonial powers as a part of their regional policies. Such entities, according to Iranian perception, are unable to survive without external support. In Iran, the KSA leaders are seen as hand-puppets of the United States just to facilitate 'imperial-Zionist designs' in the region. The US aims to contain the rise of Iran by generating the support of the KSA based on sectarianism. The KSA has also expressed its support for foreign-based militants working against Iranian Shia. Iranian government agencies have blamed Saudi Arabia for the terrorist attacks in 2017 in Tehran.

Furthermore, 40% of oil exports of the world pass through the Strait of Hormuz that is controlled by Iran so the condition in the Gulf remains extremely volatile.²² The whole situation is a game of power projection between Iran and Saudi Arabia or Shia vs. Sunni in the region.

Nuclear Regime

There has been a continuous conflict between the US and Iran since Iranian Revolution in 1979. The situation became more challenging when the US found the Iranian plans of nuclear enrichment. But the controversy worsened after an Iranian group in exile, the National Council of Resistance Iran (NCRI), uncovered their activities connected to nuclear enrichment program in 2002. The information was later found correct as Iran was enriching nuclear facilities at *Arak* and *Natanz*. According to the US officials, they were aware of some activities, however, the fact of uranium enrichment was unknown to the International Atomic Energy Commission (IAEA).²³ Then, the top US Officials repetitively indicated that there might be an option of a military strike against Iran to stop the country from uranium enrichment.²⁴ However, the US government, at least until the term of President Trump, took a conciliatory approach. Rather, the US put forward a milder response which is further assisted by its European allies. Oman smoothed the talks between P5 + 1 (US, UK, Russia, China, France and Germany). The result of talks conducted in 2013 was the signing of the Joint Comprehensive Plan of Action- JCPOA between Iran and P5 + 1 (aka E3 + 3) on 14 July 2015. The agreement ended the long concerns of the world over the nuclear program of Iran.²⁵ The US has enforced a number of sanctions against Iran keeping into consideration the resolutions by the United Nations Security Council (UNSC). UNSC passed a resolution on 20 July 2015 where it has also requested the International Atomic Energy Agency (IAEA) to undertake necessary actions to monitor and verify Iran's commitment as well as nuclear intentions under JCPOA.²⁶ IAEA submitted its reports. As a result, all previously imposed sanctions were terminated. However, even after so much input regarding efforts to curtail the Iranian nuclear enrichment process, the US failed to stop Iran and its enrichment program. Later President Donald Trump had also criticized JCPOA during his presidential campaigns. He termed the deal as

“defective at its core” and the “worst deal ever.” He strongly condemned the sunset clause of the agreement which permitted Iran to undergo nuclear enrichment program after 2025.²⁷ This was the main reason why the US withdrew from JCPOA. However, Iran’s enrichment programme is still going on, according to some observers.²⁸

Terrorism

Since the Islamic revolution in 1979, Iran and the US have seen repeated tensions due to terrorism allegations as well. In 1984, the US Department of State labelled Iran as a country that sponsors terrorism following the Beirut Barracks Bombing that killed 241 US military personnel. Since Vietnam War, it was the highest death toll in a day for US armed forces. Islamic Jihad took the responsibility for the attack that was thought to be a front for Hezbollah. During his 2002 address, President George W Bush also described Iran, along with North Korea and Iraq, as a part of the ‘axis of evil’ owing to an allegation of pursuing weapons of mass destruction while exporting terrorism to other countries.²⁹ In response to the terrorism allegations, the Iranian government stopped secret missions with the US that were targeted to capture Al- Qaeda operatives. The invasion of Iraq by the US forces and the toppling of the Saddam Hussein government in 2003 was considered a bonus for expansionist Iran, according to the US army. Withdrawal from JCPOA during the Trump administration also marked the new beginning of military escalation between the US and Iran. The Trump administration also designated the Islamic Revolutionary Guard Corps as a Foreign Terrorist Organization (FTO). This was the first time when the US categorized another country’s governing body as an FTO. In this regard, Qassem Soleimani, the commander of IRGC’s Force was also killed in 2020 with a drone strike. The United States also blamed Iran for the repetitive attacks on oil tankers and commercial ships in 2019 near the Strait of Hormuz as well as attacks on Saudi oil fields while calling Iran a nation for promoting terrorism.

Dominance in the Indian Ocean

The well-known naval strategist Alfred T Mahan writes in *The Influence of Sea Power Upon*

History, "Whoever rules the waves rules the world."³⁰ Over the decades, the Indian Ocean Region (IOR) has become the centre point of the most powerful global activity owing to multiple reasons. Around 80 per cent of the world's trade goes through this region, which also offers a key route for oil trade all over the world through the Persian Gulf.³¹

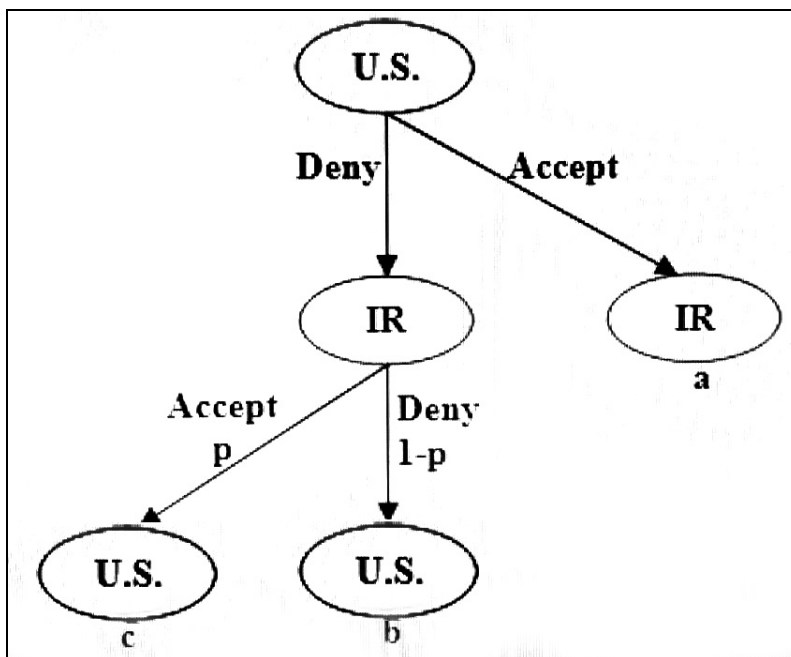
Iranian watercourses, especially the Strait of Hormuz (between Iran and Oman), serves as a political means to deal with other major powers of the world, mainly with the US owing to escalating tensions on the nuclear regime of Iran, the Iranian government cautioned the US that if it did not allow Iran for oil export, it would close the Strait of Hormuz. Although Iran has never tried to close this strait, there still is a possibility of a naval blockade if Iran feels a security threat. Any attempt by Iran to disrupt oil shipment from this region may bring adverse effects on the international oil market.³²

On the other hand, the US had a strategic port deal with Oman (Duqm and Salalah) that will permit US military entry to the Gulf region and also decrease the need for the Strait of Hormuz for trade, which is a maritime chokepoint of Iran.³³ Just to counter this and any future escalation, the US has been maintaining a permanent naval base in Bahrain, named Naval Support Activity, and an airbase in Qatar (Al-Udeid Airbase).³⁴

Analysis

Power transition theory is a power struggle theory and this theory can best explain the root cause of this conflict, which is the struggle for becoming a regional power. In international politics, the US is basically at the top of the hierarchical order and aims to maintain this hierarchical arrangement. The US wants to maintain its dominance and does not want another power in the international power system. If

we go through the causes of conflict, both countries are intervening in the region just to attain regional dominance (not only for now but also for their future benefit). Iran is intervening in the region directly and indirectly by funding different proxies like Hezbollah, Houthis, etc., and wants an old monarchy system in the region. On the other hand, in the response of Iran, the US is supporting opponent countries, which include some strong allies like Saudi Arabia, UAE, and Egypt against groups that are getting support from Iran. The US has also started investing in GCC states, which will maintain a stronghold of the US in this region and not let Iran achieve its goal of regional dominance in this region.



On the other hand, according to game theory, one party wins at the cost of the other party. In the last few years, the US is pushing Iran to listen to and accept its demands, whereas until now Iran is denying its requests to scale down nuclear enrichment. Just because of this denial, Iran is facing a number of economic sanctions imposed

by the US. The US has also listed Iranian government forces in the FTO. Other major powers, like Russia and China, are also supporting Iran. We see that the US's strong ally Saudi Arabia is also against Iran because of its regional intervention and sectarian difference.

This model gives a better explanation of the future of the Iran-US conflict, which is closer to reality as compared to other regular models. It also gives a better reflection of how states involve and behave in reality. If Iran accepts US demands then the US will be a winner and Iran will lose its dominance in the region whereas if Iran remains stubborn and does not accept US demands, the US will use other means as it had done before, i.e., withdrawal of JCOPA and increasing sanctions on third parties. If this happens, the Foreign Direct Investment (FDI) of Iran will be affected badly. Not only this, but there is also a chance of a direct US strike on Iran's strategic assets. The US is maintaining a large air presence and facilities in both Qatar (Al-Udeid airbase) and on the island of Diego Garcia in the middle of the Indian Ocean.³⁵ For its survival, Iran will have to accept the US demand and, in this way, in the end, the US may become the winner, however, if Iran refuses the US demands then, perhaps in the future, the US may forcefully push Iran, as many officials speak of a military strike.

The US has been strategically targeting Iran's strategic assets who have played a key role in Iran's military strength and dominance in the region. These events show that the US has been a winner at the loss of Iran. Some of the most recent examples of these events in the last decade include assassinations of four Iranian nuclear scientists between 2010 and 2012, a drone attack on the border area of Iran, in 2019; a cyber-attack on the Iranian weapon system employed for controlling rocket and missile launchers and earlier this year on 3 January 2020, a US drone strike near Baghdad International Airport targeted and killed Iranian major general Qassem Soleimani. In all these cases, without initiating an invasion, the US has inflicted major damage to Iran's ability to make rapid progress in regional dominance.

and has strategically targeted as well as removed the individuals who were key to increasing Iran's influence outside its borders.

Conclusion

Iran and the US are both struggling for dominance in the Middle East, which is obvious from their regional intervention. Power struggle in the Gulf region has its reasons, both economic and political. Iran's nuclear enrichment program is a key contention with game players and with the stakeholders within the region and outside. However, the core issue of conflict between Iran and the US remains to be regional dominance. Iran's intention to dominate the region is taken as aggression by the US, which is shown by its decision of putting economic sanctions on Iran. The US remains defiant to maintain its supremacy in world politics, while Iran is keen to maintain its place in the region as well as in international politics. Saudi Arabia (a strong ally of the US) wants its dominance in the Arab region and has provided logistical and financial support to Sunni forces in Iraq and Syria. At the same time, Iran provided arms and financial support to Shia proxies in Iraq, Yemen, Syria, and Lebanon which has led to prolonged wars for one decade killing thousands of people and destroying the infrastructure in these countries. Iranian intervention and power struggle have pushed most nations to go against them and have made them isolated in the world. In addition to that, US strikes on Iranian strategic assets have hit hard on its nuclear and military intelligence capability. Some speculations are that Iran's inability to respond to the US, in the same manner, shows that the US has an upper hand in the power game as well as dominance in the regional conflicts. The US has also made better alliances in the region with Middle Eastern nations compared to Iran. Iran knows that a direct war with the US or regional countries is not in the interest of Iran. The upcoming US elections may change the Trump's Administration policy towards Iran and for the Middle Eastern region but that will not change US intentions and future goals associated with this region.

Notes and References

- ¹ Suzanne Maloney, "America and Iran: From Containment to Coexistence," The Brookings Institution, 15 August 2001, available at <https://www.brookings.edu/research/america-and-iran-from-containment-to-coexistence/> (last accessed 19 March 2020).
- ² Colonel Dabbous Aldasam, "Relations Between the U.S. and Iran," United States Army War College, 2013, available at <https://apps.dtic.mil/dtic/tr/fulltext/u2/a589052.pdf> (last accessed on 20 April 2020).
- ³ Laura Mackenzie, "How Did US-Iran Relations Get So Bad?" History Hit, 20 January 2020, available at <https://www.historyhit.com/how-did-us-iran-relations-get-so-bad/> (last accessed 20 April 2020).
- ⁴ "The White Revolution," Britannica, available at <https://www.britannica.com/place/Iran/The-Islamic-republic> (last accessed 20 April 2020).
- ⁵ "Timeline: Iran-US relations," Aljazeera, 25 June 2009, available at <https://www.aljazeera.com/focus/iranaftertherevolution/2009/02/2009249123962551.html> (last accessed 9 April 2020).
- ⁶ Laura Mackenzie, "How Did US-Iran Relations Get So Bad?" History Hit, 20 January 2020, available at <https://www.historyhit.com/how-did-us-iran-relations-get-so-bad/> (last accessed 20 March 2020).
- ⁷ Margaret Rouse, "Game Theory," TechTarget Network, 2016, available at <https://whatis.techtarget.com/definition/game-theory> (last accessed 12 March 2020).
- ⁸ Daniel McNulty, "The Basics of Game Theory," Investopedia, 13 November 2019, available at <https://www.investopedia.com/articles/financial-theory/08/game-theory-basics.asp> (last accessed 12 April 2020).

- ⁹ Avinash Dixit and Barry Nalebuff, "Game Theory," The Library of Economics and Liberty, available at https://www.econlib.org/library/Enc/GameTheory.html?fbclid=IwAR3mrBbpvC1vxwNlgYG9c_UI7DqU_0aZBzbqQWNPvVTAeK3h3-5g1acsnr0 (last accessed 11 March 2020).
- ¹⁰ TV Paul, James J Wirtz, and Michel Fortmann, "Balance of Power: Theory and Practice in the 21st Century," available at https://books.google.com.pk/books?id=9jy28vBqscQC&prints=ec=frontcover&source=gbs_ViewAPI&redir_esc=y#v=onepage&q&f=false (last accessed 25 March 2020).
- ¹¹ David Lai, "The United States and China in Power Transition," Strategic Studies Institute, available at <https://publications.armywarcollege.edu/pubs/2166.pdf> (last accessed 14 April 2020).
- ¹² Amal Mudallali, "The Iranian Sphere of Influence Expands into Yemen," Foreign Policy, 8 October 2014, available at <https://foreignpolicy.com/2014/10/08/the-iranian-sphere-of-influence-expands-into-yemen/> (last accessed 20 March 2020).
- ¹³ "Iran nuclear deal: Trump pulls US out in break with Europe allies," BBC News, 9 May 2018, available at <https://www.bbc.com/news/world-us-canada-44045957> (last accessed 1 April 2020).
- ¹⁴ "Saudi Arabia launches air strikes in Yemen," BBC NEWS, 26 March 2015, available at <https://www.bbc.com/news/world-us-canada-32061632> (last accessed 2 April 2020).
- ¹⁵ Gerald Feierstein, "Iran's Role in Yemen and Prospects for Peace," Middle East Institute, 6 December 2018, available at <https://www.mei.edu/publications/irans-role-yemen-and-prospects-peace> (last accessed 2 April 2020).
- ¹⁶ Ibid.
- ¹⁷ "The Second Lebanon War (2006)," Israel Ministry of Foreign Affairs, available at <https://mfa.gov.il/mfa/foreignpolicy/>

terrorism/hizbullah/pages/hizbullah%20attack%20in%20north
ern%20israel%20and%20israels%20response%2012-jul-
2006.aspx#:~:text=On%20July%2012%2C%202006%20eight,Is
raeli%20communities%20near%20the%20border (last
accessed 22 April 2020).

¹⁸ Esther Pan, "Syria, Iran, and the Mideast Conflict," Council on
Foreign Relations, 18 July 2006 available at
[https://www.cfr.org/background/syria-iran-and-mideast-
conflict](https://www.cfr.org/background/syria-iran-and-mideast-conflict) (last accessed 22 April 2020).

¹⁹ Tabrizi, Aniseh Bassiri, and Raffaello Pantucci, "Understanding
Iran's role in the Syrian conflict," *Royal United Service Institute
(RUSI) for Defence and Security Studies Occasional Paper*, August
2016, available at [https://rusi.org/sites/default/files/201608
_op_understanding_irans_role_in_the_syrian_conflict_0.pdf](https://rusi.org/sites/default/files/201608_op_understanding_irans_role_in_the_syrian_conflict_0.pdf)
(last accessed 8 April 2020).

²⁰ Will Fulton, Joseph Holliday, and Sam Wyer, "Iranian strategy in
Syria," *Institute for the Study of War*, May 2013, available at
[http://www.understandingwar.org/sites/default/files/IranianSt
rategyinSyria-1MAY.pdf](http://www.understandingwar.org/sites/default/files/IranianStrategyinSyria-1MAY.pdf) (last accessed 6 April 2020); Aniseh
Bassiri and Raffaello Pantucci, "Understanding Iran's Role in the
Syrian Conflict," *RUSI*, August 2016, available at
[https://rusi.org/sites/default/files/201608_op_understanding_i
rans_role_in_the_syrian_conflict_0.pdf](https://rusi.org/sites/default/files/201608_op_understanding_irans_role_in_the_syrian_conflict_0.pdf) (last accessed 8 April
2020).

²¹ Amanda Erickson, "7 Basic Questions about the War in Syria,"
The Washington Post, 18 December 2018, available at
[https://www.washingtonpost.com/news/worldviews/wp/2018
/04/12/syria-explained/?utm_term=.673f7f621b46](https://www.washingtonpost.com/news/worldviews/wp/2018/04/12/syria-explained/?utm_term=.673f7f621b46) (last
accessed 22 April 2020).

²² "The Iranian- Saudi Hegemonic Rivalry," *DGAP*, 26 October
2017, available at [https://dgap.org/en/research/publications/
iranian-saudi-hegemonic-rivalry](https://dgap.org/en/research/publications/iranian-saudi-hegemonic-rivalry) (last accessed 22 April 2020).

- ²³ "Iran's Nuclear Program: Status," *Congressional Research Service*, 20 December 2019, available at <https://fas.org/sgp/crs/nuke/RL34544.pdf> (last accessed 22 April 2020).
- ²⁴ David McKean and Patrick Granfield, "Trump is moving us closer to war with Iran," *The Washington Post*, 7 February 2019, available at <https://www.washingtonpost.com/outlook/2019/02/07/trump-is-moving-us-closer-war-with-iran/?noredirect=on> (last accessed 14 April 2020).
- ²⁵ Richard Schmierer, "The Sultanate of Oman and the Iran Nuclear Deal," *Middle East Policy Council*, 2015, available at <https://www.mepc.org/journal/sultanate-oman-and-iran-nuclear-deal> (last accessed 16 April 2020).
- ²⁶ "Resolution 2231 (2015) on Iran Nuclear Issue," *United Nations Security Council*, available at <https://www.un.org/securitycouncil/content/2231/background> (last accessed 16 April 2020).
- ²⁷ Dinshaw Mistry, "Trump doesn't like the Iran deal's sunset provisions. Here's how to fix that," *The Washington Post*, 25 April 2018, available at https://www.washingtonpost.com/news/monkey-cage/wp/2018/04/25/trump-doesnt-like-the-iran-deals-sunset-provisions-heres-how-to-fix-that/?utm_term=.bba01c8e9e07 (last accessed 18 April 2020).
- ²⁸ "Yemen conflict explained in 400 words," *BBC News*, 13 June 2018, available at <https://www.bbc.com/news/world-middle-east-44466574> (last accessed 13 April 2020).
- ²⁹ "President Delivers State of the Union Address," *The White House*, 29 January 2002, available at <https://georgewbush-whitehouse.archives.gov/news/releases/2002/01/20020129-11.html> (last accessed 22 April 2020).
- ³⁰ Mahan, "The influence of sea power upon history, 1660-1783," *Read Books Ltd*, 2013, available at <https://play.google.com/>

books/reader?id=ZvhIDwAAQBAJ&hl=en&pg=GBS.PT1 (last accessed 22 April 2020).

³¹ "Strategic importance of the Indian Ocean Region," *UK Essays*, November 2018, available at <https://www.ukessays.com/essays/history/strategic-importance-of-the-indian-ocean-region-history-essay.php?vref=1> (last accessed 20 April 2020).

³² Sina Azodi, "Iran, the US, and the Persian Gulf," *The Diplomat*, 5 November 2016, available at <https://thediplomat.com/2016/11/iran-the-us-and-the-persian-gulf/> (last accessed 20 April 2020)

³³ MEE and Agencies, "With an eye towards Iran, US reaches strategic port deal with Oman," *Middle East Eye*, 24 March 2019, available at <https://www.middleeasteye.net/news/eye-towards-iran-us-reaches-strategic-port-deal-oman> (last accessed 26 April 2020).

³⁴ Mark Cancian, "Is The United States Going To War With Iran? Five Indicators to Watch," *Forbes*, 7 August 2018, available at <https://www.forbes.com/sites/markcancian/2018/08/07/is-the-united-states-going-to-war-with-iran-five-indicators-to-watch/#1e814ce58464> (last accessed 27 April 2020).

³⁵ Ibid.