

India's Quest for Kashmir: Pakistan's Offensive Diplomacy

Zahida Jabeen

Jafar Nazir

Abstract

The Kashmir issue and bilateral relations with India has been dominating the foreign policy of Pakistan since independence. Kashmir represents the unfinished agenda of partition of subcontinent in 1947 and also it is the main hurdle in the normalization of cordial relations between Pakistan and India. Three wars have been fought over Kashmir making it one of the main unresolved international dispute today and it has made this region as a potential nuclear flashpoint. Pakistan advocates the peaceful resolution of Kashmir issue through diplomatic maneuvers and by implementing UN resolutions on Kashmir. On the contrary India has deployed thousands of military and para military forces and has not abandoned the militaristic approach for resolution of this issue since beginning. In a recent move, India has converted Kashmir into integral part of India, by revocation of Article 370 of Indian constitution on August 05 2019 that has altered the demographic status of Kashmir. Pakistan will continue to propagate the legitimate Kashmiri struggle for their right of self-determination as per norms of international law. This paper analyses Pakistan's objective and approach towards the Kashmir issue and, given the changing international scenario, the possible options for its resolution.

Key Words: Kashmir issue, UNSC resolutions, India, Pakistan, diplomatic maneuvers

1. Introduction

The state of Jammu and Kashmir is located in the north west of South Asia that is bordered by Uyghur Autonomous Region of Xinjiang China to the northeast, Himachal Pradesh to the east, Punjab to the south, Tibet to the east and Pakistan to the west. The total area of Kashmir is 222,200 sq.km (Prasad, 2005). Ladakh lies at the eastern most frontiers that is under Chinese control since 1962 Sino-Indian war. Line of Control divides Pakistani and Indian controlled areas of Kashmir according to Simla agreement of 1972. The Kashmir dispute is consequence of discrimination, neglect and suppression of the Kashmiri identity that has roots existing in British India before 1947. East India Company sold the state of Jammu and Kashmir to Raja Gulab Singh in 1846

under the treaty of Lahore (Mustafa, 1972). The unjust attitude of successive Hindu rulers camped Muslims to struggle to protect and secure their rights. Maharaja Hari Singh decided to accede to India in October 1947, disregarding the fact that it was a Muslim dominated region and Kashmiri population share ethnic, cultural and religious ties with Pakistan. Turmoil and chaos was the result of this decision and its consequences are still being faced by the entire region (Kalis and Dar, 2013).

Maharaja handed over the control of Kashmir to Indian Government despite protest from Pakistan and Kashmiris, that they should be given right of self-determination. The Muslim Kashmiri population revolted against this most controversial political act of 20th century and in order to curb this uprising, maharaja sought military aid from India. The military intervention of India led to the first Indo-Pak war in 1948 over Kashmir. Kashmir issue was submitted to United Nations for settlement by India on 1st January 1948 and Pakistan welcomed the intervention of UNO in Kashmir dispute. The possibility of plebiscite was institutionalized in the two fundamental and important resolutions of the U.N passed in 1948-49 (Majid and Hussain, 2016). The Security Council heard both Indian and Pakistani perspectives and decided that the people of Kashmir should decide whether to accede with Pakistan or India. UNSC passed various resolutions that reiterated the same stand from time to time, i.e. 21st April 1948, 13th August 1948, 5th January 1949, 30th March 1951, and 24th January 1957 and June 1998 that India put deaf ear to (Cheema and Noori, 2005).

Regardless of the clear and strong resolutions of UNSC on holding plebiscite in Kashmir, India is not willing to give the right of self-determination to Kashmiri people. India worries that if the Kashmiris abandon India, the pro-independence separatist's movements in the Indian North East would be even more difficult to handle demanding to quit Indian Union. This is the reason why India has deployed massive security forces in Kashmir valley and state power and laws are used to subdue the freedom struggle in Kashmir. India abstains from fulfilling her obligation by not conducting the plebiscite in Jammu and Kashmir on the basis of UNSC resolutions (Schofield, 2000). In fact, the massive Indian militarization of Kashmir and use of force against the unarmed and vulnerable civilians is not a permanent solution of this dispute.

The majority of Kashmiri population is now fed up with this conflict and they want to see Kashmir as an independent state. The political turmoil and unrest in Jammu and Kashmir has mainly been an outcome of Indian government's ineptitude intimidating

and coercive methods. Indian security forces and para-military troops have violated basic human rights of the people, have resorted to torture and barbaric activities like rape and unjudicial executions. The Kashmiri struggle today is the sacrifice of Kashmiri people and an indigenous movement for their right of self-determination.

2. Methodology

The research involved the scrutiny of some interconnected questions and issues focusing on the India's quest for the disputed region of Kashmir after the revocation of special Kashmir status in Indian constitution and consequent policy options for Pakistan. As per requirement, the study encompasses both evaluative and descriptive forms of research study. By analyzing the complex nature of relations between the two neighboring states Pakistan and India, in post-2019 era, this study focuses on the available options for Pakistan's offensive diplomacy.

Qualitative approach of research is applied in this research because it involved a thorough comprehension, understanding and analysis of the collected data while drawing findings, suggesting the recommendations and reaching the conclusion. The analysis of books, documents, periodicals, journals and scholarly articles, both offline and online forms the secondary base of the research. The substance analysis and study substantiate the subjectivity and objectivity of methodology to finish the research task.

3. Pakistan's Diplomatic Maneuvers

The Kashmir dispute escalated and intensified to new heights on August 5 2019, this year, when Amit Shah, the Indian Home Minister presented a presidential ordinance named as Jammu and Kashmir Re-organization Act, in Rajya Sabha (upper house of the Indian parliament) to revoke Articles 370 and 35-A. Article 370 and 35-A of Indian Constitution guaranteed a special status to Jammu and Kashmir in Indian Union and sheltered the identity of Kashmiri people by refusing the right of vote, the right to buy property and seek out official employment of Indian nationals in Kashmir (Dawn Newspaper, 2019). Article 370 was a constitutional bond between Jammu and Kashmir and Indian Union but was scrapped. The Constitutional Act was approved and passed in the Rajya Sabha where BJP Bharatiya Janata Party lacks majority and in the Lok Sabha where BJP has two-thirds majority. India also bifurcated the region into union territories of Jammu and Kashmir and Ladakh. There has been no respite in Indian retributive and punitive measures particularly in the Muslim majority Valley of Kashmir aggravating the difficulty and plight of local people and has also deepened a serious humanitarian crisis (Khan, 2008). Numerous human rights organizations have

reported that thousands of people have been reportedly killed in this disputed region since 1989 (ThomasDiez et al., 2011).

Diplomacy is the capability and skill of negotiation for resolution of any issue regardless of whether the problem is mutually acknowledged as complex and complicated or considered by some as rather trivial. Successful diplomatic manoeuvres help in de-escalation of tensions and preventing war between conflicting states (ThomasDiez et al., 2011). The failure of diplomatic actions might result in war. However, diplomacy alone cannot render desirable results in the process of conflict resolution and conflict management unless the stakeholders exhibit the determination and political will to proceed in that direction.

Pakistan has been contributing unremittingly to create regional stability and global peace for decades. The incumbent Prime Minister Imran Khan extended an olive branch to Narendra Modi, Indian Prime Minister in the anticipation of comprehensively easing bilateral relations (Shahzad, 2008). Conversely, the goodwill gesture of Pakistan did not receive a progressive and positive response from Indian government and Narendra Modi has embraced an extremist policy that resulted in making enemies in neighborhood and comprehensively deterioration of its relations with neighbors. The unilateral action of making Kashmir an integral part of Indian Union has completely shaken the foundation for the resolution of the Kashmir issue. Pakistan believes in peaceful resolution of regional and international conflicts and it is Oppa core principle of our foreign policy. Kashmir dispute is unresolved issue and the Kashmiri people should be given their right of self-determination according to the charter of United Nations Organization and in this regard Pakistan has stood with the Kashmiri population against the atrocities committed by Indian forces in occupied Kashmir. Pakistan has always kept Kashmir issue alive on various regional and global forums and a tug of war has been carried out by both states on international level diplomatically. Pakistan's sincere efforts have always been opposed and countered by India at regional and international forums. Indian biased international reports like Emma Nicolson Report on Kashmir greatly distorted the facts and ground realities in occupied territory of Kashmir and instead presented a very gloomy picture of human rights conditions in Azad Jammu and Kashmir (Nicolson, 2007). The report also denied holding plebiscite on the basis of UN mandate in Kashmir (IPRI, 2007).

Diplomatic efforts have been stepped up by Pakistan to intensify pressure on India to undo its illegal occupation of the disputed state of Kashmir that has increased

tensions between the two nuclear armed nations. The issue of Kashmir was less popular in European countries, North American and African communities though Pakistan tried to internationalize the issue. But in recent years especially after the unilateral move of India of revocation the Article 370 and 35 A in 2019 that has led to unceasing curfew and other punitive actions to deny Kashmiris of basic freedoms, Pakistan has again actively taken up the issue robustly and strongly on all forums. The early diplomatic response from Pakistan was usual by recalling ambassadors, stopping trade and approach to United Nations Organization and various human rights organizations. In February 2019 Pakistan showed military restraint and in military exchange when Indian force crossed Pakistan border (Dawn Newspaper, 2019) that was seen by Modi as a sign of feebleness and appeasement.

The diplomatic efforts of Pakistan on the Kashmir dispute have accomplished remarkable results and the whole international community, including the United Nations, now has realized that if the Kashmir conflict is not resolved impartially, it will have serious effects on the regional stability and global peace. Imran Khan, Prime minister of Pakistan has now committed to advocate the Kashmir cause internationally and has called himself the “ambassador” of Kashmir. Pakistan took bold initiative and raised Kashmir issue in the UN Security Council. After an interval of fifty years, the UNSC’s “informal consultations” on Jammu & Kashmir, agreed by all fifteen members, signified a strong and clear diplomatic triumph for Pakistan. This acknowledged that Jammu & Kashmir is disputed region and not it is not internal matter of India. UNSC actively seized of the issue, and vowed to take cognizance of the current developments in India occupied Kashmir.

Pakistan built a strong case on Kashmir issue very thoroughly at the UNGA through the momentous address of Imran Khan in September 2019 (Dawn Newspaper, 2019). He also figured out the apprehensions of 1.3 billion Muslims community around the world. Khan communicated with the media, think tanks and various world leaders including US President Trump. Trump offered to mediate in Kashmir issue that met a complete denial from India. Pakistan may not have carved out the desired results yet on Kashmir issue but at least have sensitized the issue throughout the world and now it cannot be certainly put on backburner. The President of United Nations General Assembly UNGA Volkan Bozkir iterated on a visit to Pakistan in May 2021 that it was the duty of Pakistan to bring the issue of Jammu and Kashmir dispute to the platform of United Nations with more robustness. He told that all parties must refrain from

altering the status of Jammu and Kashmir and believed that peaceful solution must be sorted out in accordance with the UNO charter and Security Council (UNSC) resolutions and as decided in the Simla Agreement of 1972 between Pakistan and India. India lashed out on these remarks by UNGA president and termed them as misleading (The Wire, 2021).

Prime Minister Imran Khan and Foreign Minister Shah Mehmood Qureshi are constantly in contact with international powers and regional stake holders, including Muslim states, over the situation in Indian held Kashmir. Pakistan is following a three-pronged diplomatic policy and campaign to gather support of key international and regional powers and Organization of Islamic Cooperation OIC against the illegal and unconstitutional move by Modi government. Pakistan has also sought to enlist the support of United States, China, Russia, Saudi Arabia, Turkey, United Arab Emirates and Gulf countries against the draconian methods of the BJP government in Indian occupied Kashmir which has been made huge prison with a strict curfew, information blockade and use of brutal force since 5th August 2019. Turkish President Recip Tayyab Ardogan, assured that his country would support Pakistan's position on Kashmir issue and both brotherly nations have similar aims for liberation of Kashmir and Palestine (The Economic Times, 2020). He supported Pakistan on Kashmir issue in his address to UNGA in September 2019 also.

The foreign minister of Pakistan Shah Mehmood Qureshi, at an ambassadorial meeting of the Organization of Islamic Conference OIC Contact Group in New York on Jammu and Kashmir said that persistent and firm support of the OIC was a source of inordinate strength to the Kashmiri population in their fair, just and legitimate struggle for their unassailable right to self-determination. He further added that OIC should vehemently demand India to retract its unlawful and unilateral activities in occupied Kashmir; stop its egregious human rights desecrations, and allow human rights organizations along the UN fact finding mission and OIC Independent Permanent Human Rights Commission to see ground realities in Kashmir. Chinese foreign minister and foreign ministry spokesperson Geng Shuang iterated that China believes in peaceful resolution of disputes and Kashmir issue should be resolved according to the UN mandate (MFP, 2019). People of Kashmir should be given their due and legitimate right of self-determination.

Islamabad has gained the support of Muslim states through effective diplomatic campaigns led by Prime minister and foreign minister but still steering all permanent

members of UNSC in order to obtain success in strategizing the situation is a challenge for Pakistan. UNSC can play a significant role against the violation of UNSC resolutions by India regarding plebiscite and right of self-determination of Kashmiri people. It is the case of gross human rights abuses and genocide, bearing this in mind, Pakistan has a very strong position. In the cases of human rights violations, the UN coalition can even intervene in Kashmir to normalize the situation by stopping human rights violations in Kashmir.

4. Way Forward

In this situation here India has annexed Kashmir illegally, Pakistan has adopted a multilateral policy to highlight this issue with regional and international powers on one hand and with members of OIC on the other hand and to sensitize the dispute on global forums. Pakistan unveiled a new political map on the first anniversary of India's decision to finish Kashmir's special status. The new map showed the area as "frontier undefined" and the title "actual boundary in the area" would be decided after the resolution of Kashmir dispute by the sovereign authorities. This move was vehemently criticized by India. But still much is to be done by Pakistan to counter the Indian moves. Pakistan's earlier response was to settle the disputes with diplomatic bilateral efforts and later Pakistan internationalized the issue and supported the third party mediation for resolution of conflict.

Pakistan cannot put a blind eye to the bulk of problems at home. A great effort is required to strengthen the economic indicators of Pakistan so that Kashmir issue can be advocated and presented with a strong force. Russia can be engaged diplomatically and trust building measures can be taken to take Russia on board comprehensively as the new evolving and changing strategic dynamics of the region requires realignment of alliances with major regional and global powers. Military, economic and strategic cooperation with Russia can help softening Russia's stance on Kashmir. A comprehensive and clear proactive foreign policy should be adopted in order to muster international support on Kashmir issue and to put pressure on India to minimize presence of troops, uplift ban on communications, access to internet and free and fair media access to valley.

Pakistan should help create support for the Kashmir cause within Indian Union. This effort should be linked to the comprehensive principles of basic human rights, unjust and coercive measures by Indian security forces and the predicament of thousands of Kashmiri Muslims living under punitive conditions in the disputed

region. India has created the narrative that they are fighting war against terrorism and not countering the freedom struggle by the Kashmiri people. This requires active and aggressive engagement of world community by Pakistan and to bring a counter narrative successfully in front of the international community. Scholars from Pakistan and Kashmir should be encouraged to depict and present the realities of the occupied valley to the world. SAARC should be revived for greater and enhanced cooperation between India and Pakistan. SCO members can be taken onboard for the resolution of Kashmir issue. The policies and options that are ingrained in ground realities and have a cognizance of national, regional and global dynamics are most likely to succeed.

Pakistan should continue with the same posture of promoting its soft image by posing peace gesticulations like Kartarpur corridor, sports activities and tourism. This would help to counter the Indian narrative that Pakistan is terror sponsoring state and would facilitate the acceptance of Pakistani stance on Kashmir issue. Pakistani media should also initiate considerable coverage of Indian atrocities and let the world ascertain about them. Furthermore, Pakistan should start continuous efforts to bring the international media, global human rights watchdogs and spectators to the region thus to represent Indian cruelties in the occupied Kashmir via their corresponding mediums. Pakistani diplomats should carry on their efforts of informing the countries where they are appointed about the Indian violence and brutalities in occupied territory. The foreign minister of Pakistan should also talk to his counter parts vis-a-vis Kashmir conflict in order pressurize India by them. In short both countries should act rationally and try to resolve the bilateral issues because lives of millions of people are at stake and hanging in balance.

Bibliography

- Cheema, P., & Nuri, M. (2005). *The Kashmir Imbroglio: looking towards the future*, Islamabad Policy Research Institute, Islamabad, 190- 199.
- Diez, T., Bode, I., & Da costa, A. (2011). *Key concepts in International Relation*. Sage Publications London, 33-34.
- Erdogan expresses fresh support for Pakistan's stance on Kashmir, *The Economic Times*, (4 Aug 2020).
- Foreign Ministry Spokesperson Geng Shuang's Regular Press Conference on October 31, 2019, https://www.fmprc.gov.cn/mfa_eng/xwfw_665399/s2510_665401/t1712371.shtml.
- India revokes occupied Kashmir's special autonomy through rushed presidential decree. *Dawn*, (5 August 2019).
- India slams UNGA President's Remarks on Kashmir during Pakistan visit, *The Wire*, (29 May 2021).
- India, Pakistan urged to exercise restraint, *Dawn*, (28 Feb 2019).

India's Quest for Kashmir: Pakistan's Offensive Diplomacy

- Indian held Kashmir under lockdown, Dawn, (5 August 2019).
- Kalis, N, A., & Dar, S. S. (2013). Geo-political significance of Kashmir: An overview of Indo-Pak Relations. *Journal of Humanities and Social Science*, 9(2), 115-116.
- Khan, M. (2008). Kashmir Dispute and the prospects of India-Pakistan peace process, *NDU Journal*, (II), 50-89.
- Majid, A., & Hussian, M. (2016). Kashmir-A conflict between India and Pakistan. *Research Journal of South Asian Studies*, 31(1), 149-159.
- Mustafa, Z. (1972). The Kashmir dispute and the Simla agreement. *Pakistan Horizon*, 25(3), 39-40.
- Nicolson, E. (2007). Kashmir report-what next? *Khaleej Times*.
- Pakistan-India peace process, Islamabad Policy Research Institute, IX (3), (March 2007), 37-38.
- PM Imran minces no words at UN, calls out Modi government for oppression of Kashmiris, Dawn, (27 Sep 2019).
- Prasad, S. (2005). *History of operations in Jammu and Kashmir-1947-48*. (Natraj Publishers, Dehradun).
- Schofield, V. (2000). *Kashmir in conflict-India, Pakistan and the unfinished war*, London: I. B. Tauris Publishers, 49-62.
- Shezad, W. (2008). Kashmir Issue-after abrogation of 370 & 35A Options for India & Pakistan, <http://pjydis.ga/research-articles>.