

Kashmir Cause at Its Final End: Analysis on So Claimed Indian Bilateralism Talks and Role of International Community for Peaceful Settlement

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Abstract

Peaceful settlement of any conflict through negotiations is an ideal way of pursuing and resolving every course which is the ideal practice to be followed by the international community. However, in the context of prevailing situation, Indians are trying to avoid every course of action adopted by Pakistan unless the ongoing insurgency has bled them white, leaving them with no other option. After winning election of 2019 Bharatiya Janata Party (BJP), Indian government has emanated with more aggression and revealed more violent policies against Pakistan hence leaving no chance for the negotiation of dialogue for pursuance of Kashmir issue. BJP has long history of history of opposing the article 370 and they used its revoking as election manifesto in 2019. This may not be possible in the wake of imposing external pressure by the international community. Thus presently, to fulfil the long waited commitment for Kashmiris, and to realize the importance of Kashmir issue, to save the Kashmiri nation from Indian atrocities and by putting pressure on Indians to come on a political platform, Pakistan needs to create conducive environments through diplomatic platform with added diplomatic support for Kashmiris on the international forums.

Keywords: Pakistan, India, Kashmir, Bilateral talk, United Nations, Line of Control, Organization of Islamic cooperation,

Introduction

Pakistan has been always on supporting end with continuous moral and diplomatic support at all forums for Kashmir. Despite Pakistan's genuine efforts to resolve the issue, Indians have never come up with any viable options which could have led towards peaceful settlement of the Kashmir problem. According to the United Nation Security Council report, the final decision of the State of Jammu and Kashmir has to be determined by the will of the people (Schofield, 2003). These are some of the hard questions which the International Community cannot avoid answering if UN Resolutions' credibility is to become an even more potent instrument for international peace and a dynamic tool for security for all. Since independence, there were many occasions where Pakistan and India were indulged in many table and bilateral talks with an endeavor of any desired possible outcome accepted by all stakeholders. Unfortunately, no progress ever turned on any progressive path hence the move of Kashmir settlement remained in between. Most probably, when the issue is approached to the international forum, the response from the Indian government side to announce as bilateral to the international community is just to prolong and to diverting it to any other less important issue. This course of action has been adopted

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many times by India where the self-created violent incident in the name of terrorism and to initiate the blame game towards Pakistan has become very common for India. India has halted the international community involvement again and again for multiple times claiming as bilateral talks related to the Kashmir where they are not accepting anyone to interfere in this hot pursuit matter.

Analysis on Indian and Pakistan's Bilateral Diplomatic Efforts

Since independence both countries have assembled for bilateral diplomatic effort by various dialogues to seek for the final solution. For the first time bringing two nations on table talk was in 1950 when Mr. Liaqat Ali Khan met with Jawaharlal Nehru and the both prime ministers signed the agreement. Afterwards, the Prime Minister Muhammad Ali Bogra and Nehru had another negotiation. Unfortunately, when it came for practical implementation, India stepped back from the terms that were decided in 1953 (Lamb, 2003). In 1962, India was pressurized by international community for resolving Kashmir issue as India was indulged in Sino-Indo conflict. At that time, the Foreign Ministers of both nations had series of round talks during 1962-1963 but concluded with null results (Korbel, 1997). While in 1966 Tashkent Declaration where President Ayub and Prime Minister of India, Lal Bahadur Shastri had a discussion on the Kashmir crisis and were agreed on mutual terms for resolving the issues and for developing peaceful relations (Schofield, 2003). In 1972, the president of Pakistan, Zulfikar Ali Bhutto with Prime Minister Indira Gandhi signed the Simla agreement that was basically focused on formation of Bangladesh however Kashmir clause was also included in the agreement which was related to Cease Fire (Schofield, 2003). Simla talks also lied as a pledge for both countries to resolve all differences through bilateral tracks including Kashmir dispute as well (Jaffrelot, 2002).

A short span of fruitful bilateral engagement was seen where both countries came up on one page for solid diplomacy during 1991 to 1997. The focused aspects were related to, no movement or exercise of armed forces prior notification, Violation of Airspace and ban of usage of Chemical Weapons but it all vanished with Indian self-interested strategies with the nuclear experiment and claiming the super power in Asia region (Hashim, 2014).

In 1999, India agreed to discuss the issue of Kashmir with Pakistan and both countries signed Lahore declaration. It was taken as a great achievement and a positive response from Indian side. The Indian Prime minister visited Lahore for the historic start of new era in Indo-Pak relations but Kashmir issue had lost its credibility again with no hopes.

Next bilateral effort was the Agra Summit between Pervez Mushrraf and Vajpayee in July, 2001. Vajpayee addressed the issue related to Kashmir in his article at the start

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of 2001(Noorani, 2002). This positive response which was appreciated globally and lots of expectations and aspirations were attached as it was one-on-one interaction by both the leaders but at the time of issuance of joint declaration India as usual backed out and it went into dust for no reason (Sattar, 2017).

In 2014, Prime Minister Nawaz Sharif attended oath taking ceremony of Narendra Modi after winning the National assembly Elections of 2013. In addition to that, Sushma Sowraj, the Indian Minister for External affairs visited Islamabad in December, 2015. It created a sense that the both countries have agreed to some extent for the peace process, however it ended with the strong blame game by India for Pathankot Incident. The arrest of Indian spy Kulbhusan Jadhav, Uri attack so called Surgical strike by India and finally BJP government revoking Article 370 and 35 A on August 5, 2019 in the Parliament, by taking away the special status granted to the Indian held Jammu and Kashmir (Kar, 2019) and the power exercised by President Ram Nath Kovind under Clause 1 of article 370, has closed all the doors for bilateral talk (Das, 2019). The article 370 allowed the State of Jammu & Kashmir a certain amount of autonomy, a separate flag. Its constitution and freedom to make the laws. Only three affairs remained reserved with the central government, which includes foreign affairs, defense and communication. After revoke of article 370, Indian government has deployed tens of thousands of additional troops in the valley, curfew has been imposed, schools, colleges and Universities are closed, business activities are shut, telephone and internet services are suspended, tourist are ordered to leave, local Police force has been deweaponized and political regional leadership are enforced to house arrest. Modi's decision on Kashmir has fueled the resentment of the Kashmiris by marginalizing them. India has betrayed Kashmiris in the name of development. Kashmir will no longer have a separate constitution and autonomous state. All Indian laws will automatically be applied on Kashmiris. By allowing non Kashmiris to buy properties at Kashmir BJP agenda of changing the demographic profile of Kashmir and ethnic cleansing could be materialized. Valley of Kashmir has been transfigured into a jail following the patterns of Hitler and Mussolini. BJP is a name of certain mindset which is working for the cause of "Hindutva".

It is quite evident from the past history that the bilateral talks of India and Pakistan have never been culminated with some solution. Despite of various confidence building measures taken by both governments to include; various pacts on water dispute, starting of bus and Samjotha Express service, cease fire on LOC, extension of aid to flood effected persons, both countries are still distant apart on every aspect which is through hearts ,emotionally and mentally. It occurs many times due to the unknown reasons of Indian where many confidence building measures have been initiated but Indians have always displayed poor sense of attitude, sincerity and arrogance which halted every positive step taken by the government of Pakistan. It

clearly indicates that the so called bilateral issues by Indians have been prolonged for the last 70 years for no good reason and if both the countries will restrict themselves for resolving Kashmir Dispute on bilateral terms, it will further loosen the time span. This perception of bilateralism is not a viable option and there is a great need of intervention by the third party or the United Nation to put a pressure on the Indian government diplomatically with all stakeholders and the developed counties since it is the ultimate solution for the peaceful stability for the region.

Third party mediation has been very effective in many circumstances. World bank mediation for Indus water Treaty in 1960 as parlays decision, UK role as a mediator in Rann Of Kutch dispute where both armies confronted in April, 1965, Intervention by US for reducing tension and crisis in 1984 for Indian offensive act to destroy Pakistan nuclear facilities, massive exercise conflict in 1987 by India and Kashmir Violence in 1989-90 (Chari et al., 2007). Kargil war is clear evidence of third party intervention where US played a key role in de-escalation between India and Pakistan unless there was a likely chance of spreading war into nuclear exchange (Dixit, 2002).

Role of United Nation for peace settlement of Kashmir Issue

The role played by the United Nations for the Kashmir issue is one of the oldest and grave problems which always have been a critical agenda in the Security Council. Pakistan has always approached on this stance that Kashmir issue has to be resolved within the light of UN resolutions and has always demanded a fair justice to be given to Kashmiri people as per their own choice. The International community and media has always directed Pakistan and India to resolve the issue through bilateral talks but with all these resolutions India has kept aside and diverted the attention of international community towards the cross border so called terrorism and the freedom fighters were portrayed as militants. India has done serious human rights violations in Kashmir and trying to establish the linkage of freedom fighters with militants being operated in Afghanistan and refers it as the cross border terrorism. These all strategies and speculations adopted by Indian government are just to withdraw the attention from actual cause which has led Kashmiris to rise against the human rights violation in Kashmir. There has been a serious issue that India might not remember by her own commitment and the resolution was duly acknowledged by Pakistan and UN as well (Khurshid, 2016).

Unfortunately, the UN up till now has failed in the successful execution of Kashmir resolution and it is still in a hanging position with no permanent result. In 24 January, 1957, UNSC formulated resolution that any changes made without plebiscite for the status of Kashmir not to be entertained if not confined with UN previous decisions. On the other hand India implemented constitution and declared Kashmir as an integral part which ultimately raised the hatred in the people of Kashmir and rise of support at full scale from Pakistan for Kashmir valley (Callard, 1957).

Kashmir Cause at Its Final End: Analysis on So Claimed Indian Bilateralism Talks and Role of International Community for Peaceful Settlement

It is not the end, apart from going towards settlement by UN; India banned and put a restriction on UN Observers for broadcasting and showing atrocities in Kashmir which has come under serious human rights violations. Many international genuine agencies have reported and broadcasted different programs showing the brutalities of Indian authorities however, the UN role on this aspect is totally disappointing.

Pakistan has been very effectively participating in the UN peacekeeping operations by various frame working bodies of Pakistan all across the world. The efforts put forward by Pakistan have been recognized globally in the light of services and contribution with international approbation and admiration. There is a direct need on every forum to cash out the efforts in terms of Pakistan recognitions to create the space for easily access in Kashmir. It will help out the people of Kashmir to raise voice for their rights internationally and counter fight for Human Rights violations. The Human Right Organizations need to have a serious responsibility to notice the atrocities in Kashmir and highlight in their reports for further processing to International Court of Justice. Pakistan has to display a high standard of dialogues with the developed countries and force them to intervene in this issue and realize the responsibility for global harmony which otherwise is in the interest of all stakeholders. During the recent visit of Prime Minister Imran Khan to USA where President Donald Trump offered to act as mediator for resolving the Kashmir issue (Ganguly, 2019).

Similarly, Pakistan has to ally with other developed countries to put significant pressure on India for extrication of Indian forces from Kashmir and to come forward on the settlement of Kashmir issue. Invitation and receiving delegations regularly and confessing them for conveying the Kashmir settlement cause at all levels is also one of the means of putting extra pressure on India. In this regard addition of prominent Kashmiri leaders, intellectuals and journalists are also the contributing factors for Kashmir cause. Presently, the newly elected Government of Pakistan is primarily focusing to improve the diplomatic relations with all countries and offering them for foreign trade and investment so now it is the time to review the foreign policy in order to grab the attention of foreign investors to come to Pakistan and to create the interest. It is a common myth when both parties have mutual interest then they support each other in this regard for instance, China is the best example.

Besides, the Islamic countries must support and try to prevail the sense that they have a deep interest for Kashmir and stand altogether with other Muslim countries. In this regard the role of UAE, Turkey, Iran and Saudi Arabia are very important. Embassies of Pakistan all abroad should have a cell specifically for Kashmir cause. There should be an available staff whose role should be consistently grabbing the attention of the respective country towards the issue of Kashmir. These embassies should be in possession of authentic reports and data pertaining to Kashmir issue which can be

provided there and then to present on different forums. Similarly, the Kashmir policy must be included as part for any visitor and state guest coming to Pakistan. Intense International media campaign should be run for showing the actual atrocities of Indian.

Role of ISPR (Inter Services Public Relation) has been very effective for the past few years and has been very successful for accepting its popularity all across even the Indian Government sponsored channels and their defence analyst has acknowledged the ISPR superiority over their media. There is a very strong trend of follower of numerous famous personalities who has millions of followers on Twitters and Instagram which are being followed globally. Hence the social media campaign is a very effective tool for portraying the real image of Indians atrocities in the Indian held Kashmir.

Despite of facts ,where UN role is always remained ignorant and slow responder even then it is the only available platform from where many countries whose people are deprived of many basic necessities ,UN is making an endeavour to provide them what all is required for a nation. It just requires tremendous efforts in the form of detailed planning, policies and strong economic position where Pakistan is in the position of compelling the other countries to focus on your ideas, views and judgment. It is the only available platform which is recognized globally and alive for humanity. This platform where these bilateral issues are addressed and ofcourse it is the vision of United Nation for which it was existed (UN, 1948). The role of US in the region had always been selfish, whenever it needed Pakistan's support it promised to help solution for Kashmir issue, and once her own interest in the region was over, she never looked back. US have never used the desired tone to get the Indian hawkish leadership to agree on meaningful dialogue. US can also change her strategy of bilateralism to tripartite negotiations as Pakistan and India (due Indian insolence) have always failed in bilateral talks (Wirsing, 1994).

Russia is the strongest India ally and had been the main source of defence hardware supply for the India. Russia always came for the extrication of the Indians when they got entangled in un-extricable situations (Naseem, 1994).

UK can without any hesitation be termed as responsible for all the miseries Kashmiris are suffering today. Even then being a torch bearer of the International peace in pre and post September 11th time, has never tried to play even a proxy role for the Kashmir issue in any forum.

China being a most trusted friend of Pakistan has always come up with the Pakistan's stance on Kashmir issue and has always offered herself as a mediator to resolve this long outstanding issue between Pakistan and India. During Kargil war as well, it was China who assured Pakistan of her un-stinted support.

Kashmir Cause at Its Final End: Analysis on So Claimed Indian Bilateralism Talks and Role of International Community for Peaceful Settlement

Most unfortunate of all, the Islamic world always failed to support Pakistan in the resolution of Kashmir problem. Pakistan has never been provided with assertive diplomatic support by any of the brother Islamic country. However, there is a need to devise the detailed and careful strategy on the basis of religious and mutual interest to intensify the core issue and become the mode of embarrassing situation for those standing away from this long awaited genocide act. At the same time non-Government organisations should be persuaded to provide funds to support and sustain the movement.

Unilateral Available Options for Pakistan towards settlement of Kashmir Dispute

Since Kashmir is an international cause for which all working bodies of Pakistan to work in collaboration. The role of Government and opposition has to be at same page and a policy derived within the consensus of close cooperation between Government and opposition. Pakistan is a nuclear power and has served so far a remarkable deterrence in terms of nuclear potency. Pakistan has to clearly define its nuclear policy to the international community specifically India that submission of international blackmailing is not a question for Pakistan. Pakistan has to ban all trade agreement with India in order to exert pressure nationally as well. It must include air traffic also as last time when it was blocked after Pulwama incident it resulted Indian airlines into heavily financial loss. Trading routes between India, Iran and Afghanistan passing through Pakistan can also be put under consideration as it will have multi directional pressure from all those affected countries as well.

Conclusion

The international community in general and UN Security Council in particular have to use all their diplomatic and moral influence in order to cease the existing genocide attempt of India on the innocent people of the Kashmir. Now it has become evident fact that BJP and RSS have chosen and implemented the final solution of Kashmir in their papers. Only intervention of international community could assert pressure on India to terminate the decision and stop the state terrorism on helpless Kashmiris. Currently the human rights abuses and violations by Indian forces in the valley are on rife which include mass killing, target killing, extrajudicial killing, fake encounters, enforced disappearances, enforced detentions, rape, sexual abuses, torture, usage of pellet guns, political repressions, suppression of freedom movement and speeches, ethnic cleansing, demographic profile changing, violence against women and children, forced marriages, blockades, curfews, censorship, communication channels, internet and phone services suspensions, abeyance in the healthcare facilities, unhygienic living conditions, malnutrition, poor sanitation, school, colleges and universities shut down. Although International NGOs working for the cause of human rights have

shown their concerns on the deteriorating situation of Kashmir but no any sort of step have been taken so far except condemnation. The response of Islamic and Arab world is also weak and divided one on the Kashmir. The government of UAE has awarded the Modi as the highest civilian award for enhancing bilateral relations. OIC voice also looks muted on the Kashmir issue.

Pakistan should fought the lawsuit of Kashmiris before the international community in a more diplomatic and proactive way. Diplomatic emergency could be implemented on all the offshore embassies of Pakistan by highlighting the Indian atrocities on the innocent Kashmiris and obnoxious face of India should be culminated before international community. It should be realized by the international community that Indian misadventures and miscalculation could shove the region into a nuclear war. Diplomatically Pakistan can leverage the facilitation of US Taliban negotiations for the solution of Kashmir dispute.

Pakistan has always demanded a genuine and permanent solution for long awaited Kashmir issue, which has to be conformed to the emotions, feeling and aspiration of Kashmiri people. Pakistan has always come up with peaceful dialogue and negotiations on equal terms with the ultimate aim of smooth relations globally and for regional harmony. Despite series of violations by the Indian armed forces on all fronts, Pakistan has always tried to come in action on defensive mode rather than being offensive. Handing over Indian Fighter Pilot back is also one of the clear evident directing towards Pakistan peaceful action against Indian offensive and a good will gesture which was appreciated all over internationally. Pakistan has most suited option to resolve the Kashmir Dispute peacefully is to make United Nations collaboration with international community as form of ally. In this regard the policy for specific Kashmir issue can only be moved further if Pakistan is in the position of making so and that is mutual interest ally. UN gesture has always come up only for bilateral terms which Pakistan and India have been involved for the last 70 years with ultimate result zero. India has played her last card by revoking the special status accorded to Kashmir in its constitution which has become the most attention seeking issue now. Kashmir movement is at peak and flared up in the eyes of Kashmiris waiting for revolt. India is facing extreme pressure from their own opposition and internationally as well. Imposing curfew and movement of large scale forces into Kashmir valley is a full scale threat to Pakistan, where these two nuclear states if come in contact will have serious repercussions on regional stability. So now the time has come where the international community and organization to play their role for peace settlement in Kashmir and to have a good ties for both countries for regional peace.

Kashmir Cause at Its Final End: Analysis on So Claimed Indian Bilateralism Talks and Role of International Community for Peaceful Settlement

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