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Pakistan Affairs

Test - 3

Question No. 2

Kashmir is the core issue between Pakistan and India. Critically examine the historical, legal, and diplomatic dimensions of the Kashmir conflict and evaluate Pakistan's policy on the issue.

I. Introduction

Kashmir issue has been core issue between Pakistan and India since 1947, which persists to date. The genesis of the issue lies in the incomplete execution of Indian Independence Act (1947). Despite several bilateral attempts and efforts by the international community, the issue remains unresolved to date. This is owing to multiple challenges that serve as roadblock in

stalling any progress made.
Pakistan remains firm in its commitment to advocate for the right of self-determination for Kashmiri people.

II. Historical Background of the Conflict over Kashmir

Kashmir issue's roots can be traced back to independence of Pakistan and India. During partition, the people of the princely states were to decide whether to join Pakistan or India. Kashmir was a Muslim-majority state and contiguous with other Muslim-majority territories. However, sensing the ambivalence of the Hindu ruler of Kashmir, Maharaja Hari Singh, the locals and the tribals rallied toward Srinagar in revolt. The Maharaja sought the intervention of India which sent its forces to Kashmir in October 1947, pretending that the ruler had acceded to India. Hence, the state was occupied by India after a war leading to ceasefire.

III. Legal Basis of Kashmir Dispute

A. Incomplete Execution of Indian Independence Act (1947)

The genesis of the Kashmir dispute lies in the incomplete execution of the Independence Act as the ruler of Kashmir was required to act according to the aspirations of the people of the state and join the respective state of Pakistan or India. However, he did not make any reference to his people. Hence, the issue remains as a bi-product of the Independence Act.

B. Multiple UN Security Council (UNSC) Resolutions

There have been several UNSC resolutions for the settlement of the issue. The most prominent being Resolution 47 of April, 1948, requiring the issue to be resolved through a referendum under the auspices of the UN. However, all such resolutions have not been abided by to date.

by the Indian side. Hence, the UNSC resolutions too have failed to yield any productive results.

C. Shimla Agreement — Another Impediment to Resolving the Kashmir Dispute

The agreement was signed in 1972 between Pakistan and India after 1971 war. One of the clauses of the treaty was resolving any outstanding dispute between the two by bilateral means. Hence, the Indian government frequently invokes this term of the Shimla Agreement and denies any mediation of the international community.

IV. Diplomatic and Political Aspects Compounding the Kashmir Dispute

A Revocation of Article 370 and 35A of the Indian Constitution

The Modi government revoked Article 370 and 35A of the constitution, hence, ending the statehood of Jammu and Kashmir.

and designating Jammu and Kashmir and Ladakh as two separate union territories. This significantly aggrieved the Kashmiris who considered it an attack on their identity. Similarly, Pakistan was equally disturbed by this radical move by New Delhi.

B. Demographic Changes by the Modi Government

The 'Kashmir Reorganization Order 2020' granted permanent membership of the state to anyone who had resided in Kashmir for upto fifteen years and to any student who had studied there for seven years and appeared in class 10th and 12th examinations. Besides, in 2022, New Delhi granted voting rights to any Indian temporarily living in Jammu and Kashmir. These demographic changes have been perceived to upset the Muslim majority in the Kashmir.

C. Indian Obduracy and Rigidity

The Kashmir dispute has also been prolonged owing to Indian obduracy and unwillingness to hold any meaningful talks or abide by any UNSC resolutions on the issue. This has always created a stalemate on the issue.

D. International Indifference toward the Kashmir Dispute

The issue has also continued to persist due to insufficient attention of the international community who have been preoccupied by other global issues such as the Russia-Ukraine War and War in Gaza. There has never been an ample pressure on India to consider resolving the dispute.

V. Pakistan's Policy on the Kashmir Dispute

A. Seeking International Mediation in Resolving the Dispute

Pakistan has always sought intervention by the international community particularly the UNSC

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in pressurizing India to settle the issue as per the aspirations of the local people. Though several resolutions have been passed by the UNSC, they have not been implemented.

B. Strong Reaction to Revocation of Article 370 and 35A by the Indian Government

Islamabad strongly reacted to New Delhi's provocative act of revoking Article 370 and 35A, in ~~2019~~ 2019. Diplomatic relations were completely ~~as~~ downgraded, trade and transport connections suspended, cultural exchanges were banned and the move was described officially as 'illegal' and 'unilateral' against international law and UNSC resolutions.

C. Linking Any Bilateral Govt Cooperation with India to Kashmir Dispute's Resolution

Pakistan has tied any improvement in the diplomatic and economic relations with India to a resolution of the Kashmir

dispute which it considers to have a complete right of self-determination.

D. Three Wars and Ongoing Tensions over Kashmir

Pakistan has been extremely firm in its stance over Kashmir dispute as it has already been into three full-scale wars with India in 1947, 1965, and 1999 ~~as~~ over the issue. Besides, there have been consistent diplomatic breakdowns and tensions, yet Islamabad has remained firm on its stance over Kashmir.

VI Conclusion

Kashmir dispute has been the core issue between Pakistan and India. The issue was inherited with Partition of India and remains unresolved ~~to~~ to this day. Several resolutions by the UNSC and multiple wars and intense tensions between India and Pakistan have done little to resolve the dispute. Pakistan has been committed to ensuring the right of self-determination for Kashmiris.