

Question #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.

1- Introduction

"The relation between India and Pakistan remain hostile until and unless Kashmir issue resolves."

Hasan Askari Rizvi

The Kashmir issue has remained a bone of contention between India and Pakistan since 1947. The issue has various dimension, adding more to its complexity. The historical dimension include partition of India and future of princely states, accession dispute, and reason of wars between India and Pakistan. Moreover, the legal dimension of the issue consists of instrument of accession and the UN resolution. The diplomatic side of the issue deals with Pakistan's effort of internationalizing the issue and India's emphasis on bilateralism. As far as Pakistan's policy on the issue is concerned, Pakistan devised a policy of discussing the issue on global platforms, reaffirming the right of self-determination of Kashmiris, and showing solidarity to Kashmiris.

2- Overview of Kashmir issue between India and Pakistan



Map showing the Kashmir issue - a territorial dispute between India and Pakistan

3- Historical dimension of the Kashmir dispute

3.1) Partition of India and princely states Future

In 1947, with announcement of partition of India by the British, it

was decided that princely states will decide their future by themselves. It is totally upto them to join any of the state. So, Kashmir's, being princely state, accession was delayed by its Hindu ruler Maharaja Hari Singh against the will of its Muslim-majority population. Ultimately, this decision has flared the issue.

3.2) The accession dispute between the ruler and Muslim population of Kashmir

Next, the accession dispute has started gain momentum due to delay, revolt in Poonch, and intervention of Pashtun tribes from Pakistan.

As a result, Maharaja Hari Singh has signed Instrument of Accession to India on October 26, 1947. against the will of its Muslim-majority population.

3.3) Kashmir issue pushing India - Pakistan into multiple wars

The issue has pushed India and Pakistan towards multiple wars

For example, First - Indo-Pak War of 1947, 1965 war, 1999 Kargil War, and May escalation in 2025 post Phalgam Attack.

Hence, the issue has unfolded into multiple wars and resulted into line of Control (LOC) and intervention of the UN through its resolution 47.

4- Legal dimensions of the Kashmir issue

4.1) UN Resolution 47 giving right of plebiscite to Kashmiris

First, on the legal dimension, after 1947-48 war of Indo-Pak, UN formally intervened in the Kashmir issue, brokered ceasefire between India and Pakistan, and declared LOC as boundary.

The UN has passed the resolution 47, which ~~gave~~ called for free plebiscite under the supervision of UN to determine final status of Kashmir.

4.2) Simla agreement of 1972 barring intervention of third-party

Moreover, the Simla Agreement 1972 mandates that the issue will be resolve bilaterally and ^{through} peace means, ultimately legally preventing the intervention of Third-party in the Kashmir - issue.

In this regard, Javid Husain, a former Pakistani Ambassador, says, "The Simla Agreement 1972 has further aggravated conditions for Pakistan in terms of resolving Kashmir issue."

4.3, Revocation of Article 370 undermining the special status of Kashmir

On legal front, India has unilaterally violated the special status of Kashmir by abrogating Article 370 and 35(A) of the Indian constitution. This step has added more fuel to the fire and flared the ^{further} strained relations between India and Pakistan.

4.4, Violation of international laws by India aggravating the Kashmir issue

Lastly, India has violated many international laws by committing violence, mass deportation, and not holding plebiscite in Kashmir.

For example, India has violated Article (49) of Geneva Convention and Article 42 of Hague Convention which deals with deportation of occupied territories and status of occupied territory, respectively.

5) Diplomatic dimensions of the Kashmir issue

5.1) Declaring Kashmir as an international issue

On diplomatic side, Pakistan has always advocated to treat Kashmir issue as an international issue in order to gain global support on the matter.

For instance, Pakistan utilizing UNSC and OIC platform to highlight the Kashmir issue.

5.2) Advocacy of the Kashmir issue as bilateral matter.

Moreover, after 1972 Simla Agreement, India is advocating Kashmir issue as bilateral matter and does not accept any third-party mediation.

Such as, India has rejected offers of the UN and US in the resolution of the Kashmir issue by claiming it as bilateral issue.

5.3) Stagnation of diplomacy after 2019 abrogation of Kashmir's special status

India's revocation of special status of Kashmir has further nose-dived the relations between India and Pakistan, thereby closing all doors for any meaningful diplomatic resolution of the issue.

"Pakistan and India has once again forged towards diplomatic deadlock due to India's abrogation of Kashmir's special status."

~Maleeha Lodhi

6) Evolution of Pakistan's policy on the Kashmir issue

6.1) Resolving the issue through diplomatic initiatives

To start, Pakistan has always been keen to resolve the Kashmir issue with India. Therefore, it has taken many diplomatic initiatives to resolve the matter, but all efforts failed due to India's stubborn behaviour.

Composite Dialogue and Four-Point Formula are defining examples of Pakistan's diplomatic initiatives.

6.2) Discussing the Kashmir issue on global platforms

Moreover, discussing the Kashmir issue on global platforms, like the UNSC and OIC, has also included in Pakistan's policy. In this way, Pakistan has always tried to keep the Kashmir issue alive and divert the world's attention towards it.

6.3) Emphasizing the Kashmir's right of self-determination

Furthermore, in Pakistan's Kashmir policy, it has always emphasized the notion of self-determination of Kashmiris.

For instance, Pakistan strongly support ~~supp~~ the UN's resolution of self-determination and plebiscite for resolving the Kashmir issue.

6.4) Showing strong solidarity to the Kashmiris.

Last but not least, Pakistan's Kashmir policy deals with showcasing strong solidarity to the people of Kashmir whenever India tries to sabotage their rights.

For example, Pakistan celebrates 5th Feb as Kashmir Day and 5th August as a Black Day in order to showcase its solidarity to the Kashmiris.

7) Conclusion

In the light of all discussion, it can be concluded that Kashmir is the core issue between India and Pakistan, consisting of historical, legal, and diplomatic dimension. The historical dimensions deal with accession dispute and Pak-Indo Wars: Legally, it includes the UN resolution and abrogation of Article 370 by India. Moreover, on diplomatic dimensions the issue is treated as international and bilateral. Lastly, Pakistan's policy on Kashmir ranges from discussing the Kashmir issue on international platforms and trying to resolve the issue through diplomatic negotiations.

Question #3

Examine Pakistan's foreign policy towards Afghanistan in the post-9/11 era. How have changing regimes in Kabul influenced bilateral relations and border management, with special focus to the recent escalations?

1) Introduction

The Pakistan and Afghanistan relations have always remained in an oscillation of stability and hostility. In post

9/11 era, Pakistan foreign policy towards Afghanistan was based on cooperation on countering terrorism, promotion of trade, and containment of Indian influence in Afghanistan. Moreover, the regime changes in Afghanistan have profoundly influenced the bilateral relations by disrupting transit routes, blocking trade, and stagnating diplomatic engagement. It has also influenced the border management by increasing in physical clashes and frequent closure of border, thereby further deteriorating the relations between both the states.

2) Historical background of Pakistan - Afghanistan relations

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|------|---|
| 1948 | → Afghanistan opposition of Pakistan UN membership |
| 1979 | → Pakistan support Afghan Mujahedeen against Soviet Invasion. |
| 1996 | → Taliban government and Pakistan recognition of it |
| 2001 | → Pak role in supporting the US in War on Terror and taking part in kinetic actions in Afghanistan. |

2021

→ Pakistan role in Doha Agreement and support to Taliban 2-0.

2025

→ Frequent border skirmishes and deteriorating relations.

3) Glancing over Pakistan foreign policy towards Afghanistan in post 9/11 era

3.1) Cooperation in countering terrorism as major foreign policy objective

To begin, the post 9/11 era foreign policy of Pakistan towards Afghanistan was based on providing cooperating to Afghanistan for countering terrorism.

For example, Pakistan as a frontline ally of US in War on Terror against terrorism in Afghanistan.

3.2) Containment of Indian influence in Afghanistan

Next, the major goal of Pakistan post 9/11 foreign policy was to contain Indian influence in Afghanistan due to New Delhi's desire of destabilizing Pakistan.

through Afghanistan.

3.3, Promotion of trade for increasing connectivity

Moreover, Pakistan foreign policy was also based on promotion of trade with Afghanistan to tap its true potential and, as a result, increase its connectivity.

For example, TAPI and APTTA agreements are defining examples.

3.4, Pursuit of stable government in Kabul for securing western border

Lastly, pursuing stable government in Kabul was also included in the foreign policy post 9/11 in order to secure its western border.

In this regard, Pakistan has played active role in Doha Agreement for ensuring return of stable Taliban government in Afghanistan.

4) Discussing influence of changing regimes in Kabul on bilateral relations

4.1) Changing regime led to diplomatic deadlock

First and foremost, the changing regimes in Kabul has influenced bilateral relations by stagnating diplomatic engagements between both the countries, ultimately leading to nosedive in the bilateral relations.

4.2) Disruption of transit routes as major consequence

Additionally, the changing regimes in Kabul and strained relations between both the state have compelled Pakistan to disrupt the transit route for Afghanistan, which it provided through APITA pact, thereby influencing bilateral relations.

4.3) Prevention of trade between Pakistan and Afghanistan

Besides, the frequent regime changes in Kabul have led to the prevention of trade between both the states due to Kabul's non-seriousness towards cross-border terrorism and illegal trade.

"The actual trade potential can never be harnessed until Kabul resolve terrorism issue."

~ Hafiz Pasha

5) Influence of Kabul's regime changes on border management

5.1) Kabul's increasing resistance on border fencing

The regime change in Kabul has influenced border management by increasing resistance on border fencing from Kabul's side as Kabul does not consider Durand line as international border.

For example, as per IPRI report, Kabul has tried again and again to destroy or remove fences installed by Pakistan from Durand Line.

5.2) Increase in border clashes

Furthermore, the regime change also influenced border management by making the western front of Pakistan more challenging for it, resulting in increase of border clashes between both the states.

For instance, Pakistani airstrikes in Afghanistan in January and October, and Afghanistan firing on border as a retaliation clearly depicts the grim picture of border management.

5.3, Frequent use of border closure as coercive diplomacy

Going down the ladder, the regime change in Kabul has also influenced border management by leading to frequent closure of border by Pakistan.

As an illustration, after recent October, 2021 clash, Pakistan has closed Torkham and Chaman border for 2 weeks, claiming security risks.

5.4, Surge in terrorism

Last but not least, surge in terrorism is also the result of regime change in Afghanistan, leading to increase in cross-border militancy by supporting terrorist groups.

As per Pakistan Institute For Study of Peace and Conflict, terrorism has increased 73% in Pakistan since 2021 Taliban 2.0 government in Afghanistan.

6) Conclusion

To cap it all, the relations between Pakistan and Afghanistan have remained in twist and turn game. Post 9/11 era, Pakistan foreign policy towards Afghanistan was revolving around stable government in Afghanistan and promotion of trade. Moreover, the regime changes in Afghanistan has influenced bilateral relations and border management by disrupting transit routes and closing border frequently due to security risks respectively, automatically straining the relations between both the states.

