



Illegitimate Indian Actions in Kashmir: A Serious Threat to International Peace and Security

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Abstracts: Since 1948 Kashmir issue is a bone of contention between India and Pakistan. Both the states fought three wars and many battles on the line of control due to this issue. Both the countries are now nuclear power and if again war broken then it would not be a conventional war but would be a nuclear war. Therefore, this issue is a serious threat to international peace and security. The illegitimate and unilateral actions of Indian government of 5th August 2019 and its subsequent developments like domicile laws etc. are triggering war once again between the two countries. International community should compel India for acting upon on the UN resolution to resolve the issue peacefully otherwise it will continuously threatening international peace and stability and will cause huge losses. The main objective of this study is to assess the impacts of illegitimate Indian actions in Kashmir on peace and security.

Keywords: Kashmir, Pakistan, India, United Nations, Peace.

1. Introduction

Kashmir dispute is the legacy and incomplete part of 1947 partition plan. It caused three full-fledged and many battles between India and Pakistan and still they are frequently fighting on the line of control. This dispute is bearing an international matter of concern which is pending in UN and still not resolved even after the passing of more than seventy years. The main problem in the way of its solution is the Indian policy to take Kashmir by force and her non-cooperative behavior. Despite of UN resolution and a lot of bilateral dialogue, India is not ready to resolve the issue peacefully nor ready to give the right of self-determination to

Kashmiri people, determined by UN. The conflict over Kashmir is a very complicated phenomenon and a complex challenge to address the claims of the two countries and resolve the issue. Now the Indian unilateral act of 5th August 2019 changed the constitutional status of Kashmir territory and her subsequent policies like the new citizenship law, domicile law, claiming to capture Azad Kashmir, violation of cease fire over Line of Control, continuous curfew in occupied Kashmir, false propagation against Pakistan in order to compel her not to rises voice over Indian illegal actions in Kashmir, are the proceeding to trigger a war between the two countries.

This issue has various aspects not limited only to political, strategic and diplomatic but also related to natural resources distribution between the two countries as Kashmir is very rich in terms of natural resources especially water. At present the humanitarian aspect is one of the most serious problem in Kashmir. The imposition of curfew over millions of helpless people of Kashmir by the Indian army for many months is the sign of a leading humanitarian disaster this century. The brutal actions of India army in Kashmir and cutting them from the rest of the world by banning all type of communication are the attempts to hide reality, cruelty and misery from the eyes of media and of international community. In such way how India can represent herself as world largest democracy and peaceful and stable state. Her behaviors are very aggressive and alarming against the minorities especially Kashmiri community. It is a serious issue that should be realized and uncovered.[\[1\]](#)

There are many underlying questions need to be answered. This article explores the origin, nature and importance of Kashmir issue and impacts of Indian unilateral actions of August 5, 2019, and the response of Pakistan to deal with newly emerged dilemma. How has the unilateral action of India created severe danger to international peace? How the Kashmir issue can be solved?

2. Research Methodology

This study is a qualitative based descriptive method which focus on how, where, what and when questions are trying to answer. This technique is adopting in social sciences research in a wide variety to study and analyze any one or more variables, but it is not like in experimental research the investigator doesn't control or influence the variable, but only observes and measures the variable. This descriptive technique in research studies of social sciences is concentrated at producing comprehensive observations, complete documentation and evaluation of the particular research problem. These measures certainly based on systematic methods including precise and replicable. Thus, a research study conducted on this

technique is more trustworthy than that conducted on informal inspection and observation approaches. In the discussion and assessment and analysis parts of this study various dimensions related to Kashmir problem which is a source of tension and conflict between two nuclear states of the world and concluding the entire event and how it is a threat to international peace, the analytical method is also utilized. Required facts and figures, and data to support the arguments are gathered from secondary sources included research articles published in different journals on the issue concerned, related books, reports, newspapers and online sources.

3. Kashmir Issue in Retrospect

Kashmir was purchased by Gulab Singh from the British rulers under the “Treaty of Amritsar” in 1846 for the sum of 7.5 million rupees [2]. It was a princely state till 1947 but because of the 1947 Indian independent act it turned into one of the serious problem in the world. It is situated at the crossroads of Pakistan, India and the People’s Republic of China therefore it is very important strategically. It is believed as the Eastern Switzerland of the world. Its total area was 138,441 square kilometers and total population was 4.02 million, in which 77% were Muslim while Hindus were only 20% in 1947 [3]. After the departure of Britishers from Sub-continent, the then ruler of Kashmir Hari Sing showed desire of accession with India without taking into consideration the ground realities as it was population was Muslim majority and also the territory adjustment to Pakistan. The people of Kashmir were also in strong favor of accession with Pakistan. The situation got worse because Kashmiri started strikes against the decision of Hari Sing. In such a situation on October 26, 1947 Hari Sing declared the accession of Kashmir with India and demanded for immediate sending of troops from India to control the region and next day on October 27, 1947 New Delhi deployed 100,000 troops [4] and thus war between India and Pakistan started. India forcefully occupied Kashmir without the consensus of the people of Kashmir.

On January 1, 1948, the Indian government filed an objection in the United Nation security council against Pakistan under Articles 34 and 35 of the United Nations charter and on January 20, 1948, the United Nations Security Council formulated the “UN commission on India and Pakistan” and sent to the region to stop the war and know about the ground realities in Kashmir, and to present some approvals regarding the solution of the issue. The UNCIP called for immediate ceasefire between India and Pakistan on August 13, 1948, and both agreed to the ceasefire, and it came into force on January 1, 1949. This commission also agreed for holding a plebiscite to decide Kashmir’s future under the UN regulations and

demilitarization of the region. UNCIP also dispatched a “Monitoring Group” to the region to monitor the ceasefire line in the region. That line later on turn out to be as “Line of Control” between the two countries in the Shimla agreement of 1972 [5]. At that time Mr. Nehru the PM of India proclaimed that his country is ready to carry out plebiscite under United Nations auspices [6] but till today it could not conduct. In end of 1949 United Nations also called for demilitarization of the region for which Islamabad agreed but New Delhi refused. Then on March 14, 1950, UNSC adopted a new resolution to follow-up the proposal of McNaughton and appointed Sir Owen Dixon the prominent Australian judge as the United Nations agent who replaced the UN commission on India and Pakistan, but he also failed to solve the Kashmir problem. After that, UN Security Council appointed Ex. U.S senator Dr. Frank Graham as UN representative in 1951[7] but he also failed. All these initiatives and proposals were unsuccessful mainly because of uncooperative behavior of India. Since the beginning Pakistan supporting and demanding the right of self-determination for Kashmiri people to determine their future which is also recognized by the UN.

Currently, 45.62 percent of the land of Kashmir region is under the control of India, 35.15 percent is with Islamic Republic of Pakistan and 19.23% is with Peoples Republic of China [8]. The region is the source of conflict between Pakistan and India since 1947. Inhabitants of Kashmir are the target of the brutality of the India and hurted too much due to Indian cruelty and suppression. It caused several interstate wars, conflicts and clashes. Both the states fought wars over Kashmir in 1947-1948, 1965 and 1998 and this region also faced heavy combat during 1971 war. The region is significant due to its strategic position, timber and the Chenab, Jhelum and Indus rivers are flowing from this region to the Islamic Republic of Pakistan [9]. The agriculture of Punjab and Singh is the backbone of financial system of Pakistan mainly depends on these rivers water.

4. Threat to International Peace Created by Indian Illegitimate Actions

On August 5, 2019, the most controversial unilateral decision was taken by Indian government of elimination of the article 370 and 35A of the constitution of India which were about the special status of Kashmir Territory. As concerned the legal aspect of the Indian 5th August act, various legal experts believe that the Indian government has not legal mandate to amend the Article 370 of its constitution. The entire bill is unconstitutional [10]. It eliminated the special status of the region of the Jammu and Kashmir which is occupied by India. This unilateral and illegitimate decision of Indian government provoked serious strife in Indo-Pak relations. As both the countries are nuclear power and due to Indian acts war can be breach

which would be a grave danger to peace. In the session of the parliament the Premier of Pakistan mentioned, the government of India has used an illegal way not only her constitution and supreme court by annulling the status of the Kashmir while disregarded the Geneva convention and United Nations resolutions. The liberation movement of the innocent Kashmiri's cannot be controlled by any sole governmental pronouncement. In his speech he further mentioned if there is no any response for Indian unlawful act from the international community and the situation could be moved to a worst situation and no any proper way could be used to control the losses [11]. Likewise, the opposition leader Mian Shahbaz Sharif said that "we will neither allow Modi turn India into Israel nor, let Kashmir to became Palestine". Pakistan also approached to many international forums to fight the illegal act of India and resolve the issue, including the UN Security Council and International Criminal Court.

Tension between the states intensified soon after the Indian 5th August unilateral action and also lead to the increase of violence in the Indian occupied region. Indian is proceeding to trigger a war by changing the constitutional status of Kashmir territory, adoption of the new citizenship law, claiming to capture Azad Kashmir, violation of cease fire over line of on control, continuous curfew in occupies Kashmir, false propagation against Pakistan compel not to rise voice over Indian illegal actions in Kashmir and the new domical law implemented in occupied Kashmir. In January 2020, the new appointed Army Chief of India General Manoj Naravane threatened that Indian Army would attack to take the occupy Azad Kashmir if the government of India gave such a directive. Pakistan again and again warned the international community that Indian Prime Minister Narendra Modi is a RSS ideologist and his policies are serious threat to not only the two countries but international peace. He has dangerous aims. Modi would wait until India obtains Rafale jet fighters from France and set up the Russian S-400 air Defence System as at present the old jet fighters cannot contest with the fighter jets of Pakistan [12]. These two thing will further made India aggressive. Therefore, the present crisis in Kashmir is a major danger to the global peace since the Second World War. Kashmir is called world's most serious and dangerous flashpoint. The current ruling Bharatiya Janata Party's led by Modi is Hindu extremist ideology inspired aimed to establish the Hindu pride in the region. Therefore, it has started genocide of Kashmiris and try to dominate the whole area by confining Islamabad through strategic, political, diplomatic, economic, and psychological methods and backing terrorism in Pakistan by her proxies [13]. This is the core policy of present Indian government. The

present blockade of Kashmir and massacre of nonviolent Kashmiri Muslims is the first part of the current ruling Bharatiya Janata Party plan because in Modi opinion it offers India the lowest possible armed risk and comparatively easy way to reach the target.

Tension between India and Pakistan is particularly alarming and risky because both the states are nuclear power toe-to-toe [14]. So, the long-lasting dispute over Kashmir is a main cause of war between these two nuclear countries. The war will not destroy only these two countries but will bring unbearable destruction in the whole region. therefore, the unresolved Kashmir issue poses a severe threat. Any dispute between Pakistan and India triggered by this issue could escalate into a disastrous nuclear war. The clash in Kashmir appeared after the illegitimate and unilateral action of Indian government of 5th August 2019 has terrible impacts on peace and stability in South Asia, essentially blocked the path of regional peace and cooperation. It is also a grave threat to international solidity, holding the lengthiest standing United Nations observer mission in the world, yet with small chances of an opportunity for real efforts at conflict solution [15]. Most of the issues are created by Indian uncooperative behavior and use of force in Kashmir. By Indian violent policies the people of Kashmir have been compelled to conclusively decide to free themselves from the worst tyranny of India. The human rights abuses and increased oppression by armed forces in Kashmir is breeding violence, brutality, fuel local unrest and further intensify tensions with Islamabad. Since the month of August 2019, New Delhi has deployed there a huge number of troops, imprisoned thousands of innocent Kashmiris, and enforced illegal curfew in the region which resulted in medicine and food shortages. The disputed area of Kashmir has become a garrison. India has tried many time since August 5 decision to do a false flag operation in occupied Kashmir or in its any other part of the country and put responsibility on Islamabad to convert the attention of both Pakistan and international community from the brutality of Indian forces in the region. The option of Indian direct interference in Azad Kashmir region or any targeted attack inside the Islamic Republic of Pakistan can't be ruled out. In case of direct interference of India in Azad Kashmir, Pakistan or in Gilgit-Baltistan will result in full-fledged war between the nuclear states with immeasurable repercussions for the whole region [16]. Therefore, the increased tension between Pakistan and India due to Indian 5th August illegal action and subsequent brutality in Kashmir have very adverse effect on regional peace, stability and security. It also limited regional integration and cooperation in South Asia. The SAARC is also already halted because of the tension and strain relations between India and Pakistan. This 5th August act made further low the regional cooperation.

The deputy director of the Asia Program of Wilson Center Michael Kugelman says in his article that there is potential risk of war between Islamabad and New Delhi because relations between the two countries are worse. The cancelation of Article 370 proved to be main cause of tension. India is provocateur in this matter. Many rhetoric statements are coming from senior Indian officials about reclaiming of Azad Kashmir. Even the Army Chief of India General Manoj Naravane threatened that if the government gave directive, then Indian army would occupy the Azad Kashmir. Likewise, Modi says that in less than ten days, India can destroy Pakistan. The Indian leaders and high ranked officials are striding up their war rhetoric and army is continuously encroaching the line of control by regularly violating the 2003 truce [17]. Therefore, the Indian behaviour of disobliging UN resolutions and acts of non-sitting with Pakistan on negotiating table the last option would be war between the two nuclear powers. If such behaviour by India continued, then the nuclear war would be the last option. If Islamic Republic of Pakistan is endangered with extinction, then the pressure would be so big that this option, too, would have to be considered. Therefore, in this regard such type of nuclear policy is predominantly hazardous. First, the two competitors states have previously fought many wars over the Kashmir issue with conventional weapons. Second, they carry on armed clashes across Line of Control almost daily, now the last option would be nuclear war.

Due to Kashmir issue the South Asia region sea many inter-state wars between its two important countries Pakistan and India. It has militarized the region and also gave birth to endless armed race between the two countries. At the same time this issue has also gave birth to many non-traditional security threats in the region. both the countries are sending their many energies and resources for the preparation to fight against each other. Their defense budgets among the leading military budgets of the world. If there would no Kashmir issue, both the countries would definitely use these energies and resources for the benefits of their poor people and socio-economic developments of the countries. The unresolved Kashmir problem poses continuous serious security threats to peace in the whole region. In fact, the threat is mainly serious due to the nuclearization of the region and the territory of the Kashmir is of strategic importance for both the nations. Therefore, no one is ready to compromise on Kashmir.

Kashmir issue is recognised by UN as freedom struggle but on the other hand India is trying to use its so-called narrative to delegitimize the United Nations identified freedom struggle by showing it as Islamabad backed terrorism. The world is residing in the “post truth

era” where perception has much more influence than the truth. New Delhi has effectively shaped this narration by electronic, social and print media, think tank organizations, and scholars. It helped to make the worldwide perception that Islamabad caused a danger instead of constructive relevance to global order. It is especially distressing because this perception is shaped by false Indian propaganda at the time when Pakistani forces and people have contribution the utmost sacrifices to combat the Indian sponsored terrorism and proxies trained, armed and sponsored by Indian agencies. Unfortunately, Pakistan reaction is based defensive responses. This attitude further encouraged India and decreased the attention of international community towards the dilemma of people of Kashmir [18]. India also endeavored to portray herself as a victim of extremism and terrorism backed by Pakistan. Pakistan always extended its hand of peace to India to foreshadow a new age of peace, prosperity and progress for South Asia. This act is neither an immature action nor symbol of vulnerability, but a sign of Pakistan’s solid beliefs of peaceful coexistence. Indian policy is motivated by realist thoughts in which power is the final end, subordinate the rest of moral and ethical ends. In Islamic ideology the end of power, is, to do effort for the welfare, development, and justice of the people. Therefore, Pakistan has always extended the hand of peace towards India despite of Modi extremist policies. But unfortunately, it has always been misunderstood by India as the symbol of weakness.

Since August 2019, Indian forces turned Kashmir into a military camp. This tragedy has confirmed the two-nation theory more than ever before. Even those Kashmiri leaders who were pro-Indian like Mehboba Muffti have now realized the historical mistake believing on the myth of secularism in and ignoring the experience of Hindus hate towards the minorities particularly towards the Muslims. The people of Pakistan and Kashmir have same soul, ideology, ambitions, visions, purpose and living style. India can neither subdue them nor alter these basic truths. The souls, thoughts and hearts of Kashmiris and Pakistanis are indivisible. Without an impartial solution of Kashmir issue, peace and normal relations are not possible between India and Pakistan.

5. Role of International Community

Unfortunately, international community never played its due responsibility in settling the issue of Kashmir. During the present imbroglio created after the elimination of the Article 370 and 35A by the Indian government Pakistan was expecting UN and to prevent New Delhi from her illegal acts in Kashmir. Likewise, Pakistan was also expecting US to support Pakistan over Kashmir issue as Islamabad has also fully helped US during her peace

agreement with Taliban but got disappointed. Only China, Turkey, Iran and Malaysia supported Pakistan no anyone else. A very good opportunity Pakistan has lost to get the US full support over Kashmir issue during facilitation of US-Taliban peace talks. Through vigilant foreign policy Pakistan could get US favor against India by imposing it as prior condition for facilitation.

This is the duty of the UN, other related organizations and international community to help even on humanitarian bases to save the lives of Kashmiri people from serious hazards to the honour, lives and assets of Kashmiri people but unfortunately, they ignored Kashmir where thousands of innocent individuals are killed by Indian. The international community has the obligation to free the people from illegal occupation, oppression, cruelties and dictatorship. Indian actions in Kashmir are serious problem of humanity. The world should stop it before it is too late. It needs to ease the situation in Kashmir and remove all restriction imposed by India since August 5, 2019, that could ultimately result in a war between these two nuclear powers. India should be stopped from violating human rights and doing crimes against humanity in the region. The move to alter the status of Kashmir was only the first step in the wider strategy to erode core rights of Kashmir and inhabit other Indian in the region, change the demography and ultimately destroy its identity. Earlier law prohibited other Indians from getting land in Kashmir [19]. According to the former Chief Minister of Kashmir Mehbooba Mufti, “the 5th August was the darkest day of Indian democracy when like thieves the Congress grabbed all things from Kashmiris”[20]. Kashmir problem is not a bilateral issue of India and Pakistan but turn into a human rights matter that need serious consideration of UN, human rights organizations and international community. Human rights organization should be allowed to visit the occupied Kashmir. The Indian Public Safety Act is illegal. International community should not shy away from this problem.

The question arises that how to solve the very complicated Kashmir problem. The soul option acceptable to both Kashmiri people and Pakistan and also accepted by UN is giving the right of self-determination to the people to decide their future by their own. International community should force New Delhi to act upon on UN resolutions. Therefore, there is also an urgent need for confidence building measures to ease anxiety, distrust and make a channel for communication and eventually cooperation. In the case of Kashmir issue the geographical proximity is more vulnerable in tense situation than any other dangerous issues among the powerful states which is not only threat for the regional states but also for the whole international community. The great powers like the United States and other

powerful states having some economic political and strategic ties with India in one way or the others, their silence or inactiveness on India's brutality would undoubtedly not only cause the intolerable situation in the region but probably leads to a threat for worldwide peace.

6. Conclusion

Undeniably Kashmir issue and particularly the unilateral illegitimate actions of India are seriously threatening international peace and stability. Both Pakistan and India are now nuclear power would not limit to conventional warfare if once again war breakout between them. Indian policies and actions in Kashmir are triggering war and compelling Pakistan to go for war. Even since August 5, 2019, on many occasions India tried to stage false flag operations. If UN and international community want to protect international peace and stop a nuclear war in South Asia, then must resolve the Kashmir issue by compelling India for the implementation of UN resolutions.

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