



PAKISTAN'S KASHMIR STRATEGY-THE WAY FORWARD

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The Indian government's illegal actions in the disputed territory of Jammu and Kashmir and subsequent legislation have disrupted the status quo and demonstrated India's disregard and contempt for international norms. The revocation of Articles 370 and 35(A) has stripped the people of Jammu and Kashmir of their autonomy and divided the region into two Union Territories, Jammu and Kashmir and Ladakh.¹

The introduction of a new domicile law on April 1, 2020,² was a part of India's plan to change the demographic character of the occupied territory by allowing non-Kashmiris to buy land and property in Jammu and Kashmir, which was not allowed before. Under the new law, anyone who has resided in Jammu and Kashmir for 15 years or has studied there for a specific period can apply for residence in Kashmir and will be considered a Kashmiri. It is expected to result in a 30% increase in the number of voters in the region and is a blatant attempt to tilt the balance of political power in favour of the ruling BJP party.³ The law also allows for the possibility of further BJP-favored seats in the Jammu and Kashmir Legislative Assembly, which could ultimately lead to the permanent integration of the occupied territory into India, in disregard of the Indian constitution. This legislation undermines the indigenous freedom movement and the right of the people of Jammu and Kashmir to self-determination.



The Indian actions have practically set the stage for an altered demographic outlook of Indian Illegally Occupied Jammu and Kashmir (IIOJ&K), where Kashmiris are in danger of being reduced to a minority in their own homeland. The international community has, by and large, ignored India's illegal actions in occupied Kashmir for a long except for an occasional report by Amnesty International and the Genocide Watch, and that too after Pakistan's consistent prodding to jolt their conscience. India has brushed aside any demands by the International organization and even by the UN Commission for Human Rights and OIC for investigation into human rights violations by its security forces.

It has gone for unconstitutional and undemocratic actions to change the demographic makeup of the occupied territory in flagrant violation of the UNSC resolutions, the Simla Agreement Clause 4(ii),⁴ and its own international commitments. Article 1 of the United Nations Charter protects the right of self-determination as a fundamental principle of International Law.⁵ These actions represent a blatant violation of the principle of self-determination, as outlined in the United Nations Charter and the International Covenant on Civil and Political Rights, to which India is a signatory.⁶ The UN Security Council has passed 18 resolutions regarding the Kashmir dispute, with resolutions 47⁷ and 51⁸ granting the people of Kashmir the right to decide their own future. However, India continues to ignore these resolutions and take actions that threaten to lend more complexity to a highly charged dispute between Pakistan and India.

Pakistan has consistently maintained a principled stance on the Kashmir dispute based on the UN Security Council resolutions. However, the ongoing stalemate in resolving the dispute as India continues

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to take unilateral actions in the disputed region calls for a review of available policy options for Pakistan in respect of the regions of Gilgit-Baltistan and Azad Jammu & Kashmir. As such, a careful evaluation of potential risks and challenges is crucial for Pakistan to make informed decisions. Ambassador Ashraf Jehangir Qazi's statement, "There are no risk-free or cost-free policy options for Pakistan on Kashmir," highlights the importance of careful consideration in decision-making.⁹ Despite the political sensitivity surrounding the Kashmir issue in Pakistan, concrete policy options have not either been fully thought through or disclosed.

The ongoing stalemate in resolving the Kashmir dispute as India continues to take unilateral actions in the disputed region calls for a review of available policy options for Pakistan in respect of the regions of Gilgit-Baltistan and Azad Jammu & Kashmir. As such, a careful evaluation of potential risks and challenges is crucial for Pakistan to make informed decisions.

Option 1: Merging Gilgit-Baltistan Politically into Pakistan

The majority of the people in Gilgit-Baltistan wish to be formally recognized as a province of Pakistan, as evidenced by resolutions passed in the Gilgit-Baltistan Assembly.¹⁰ This move towards formal integration is driven by a desire for economic and social benefits, as well as the sentiment that Gilgit-Baltistan should not be considered a part of the disputed State of Jammu and Kashmir. However, this option comes with risks. India is likely to challenge the decision and mount an international campaign to denounce it. Additionally, there may be resistance from the Azad Jammu & Kashmir leadership, and Pakistan may face criticism at the international level. In order to minimize risks, it is important for Pakistan to thoroughly assess potential legal issues and ensure consistency with its principled stance and the UN Security Council resolutions. It will help determine the most feasible and effective course of action for Pakistan to take. While criticism from India and the international community may arise, it is important for Pakistan to approach this as an internal political matter.

Option 2: Hold a Referendum in Azad Jammu & Kashmir

Holding a referendum in Azad Jammu & Kashmir could be a positive move for Pakistan by demonstrating a commitment to democratic processes and giving the people of the region a voice in determining their own

future. Pakistan could invite international observers and UN observers to lend legitimacy to the fairness of the referendum. The success of such a move would depend on careful planning and management to ensure that the rights of all parties are respected and protected. This would help to address any concerns or tensions related to the status of the region and potentially lead to a peaceful resolution of the conflict. However, it carries the risk of eliciting strong reactions from the people in both Occupied Kashmir and Azad Kashmir, who may perceive it as a compromise of their right to self-determination. A careful plan to discuss the proposal will help to allay any unfounded apprehension.

Options 1 and 2 would be exercised on the explicit understanding that the new arrangement is without prejudice to the ultimate resolution of the Kashmir dispute in accordance with the UNSC resolutions and the wishes of the people of Kashmir.

Option 3: Keep the Status Quo

Keeping the status quo in Jammu & Kashmir involves maintaining the current situation while drawing attention to India's human rights violations in IIOJ&K. The risks of this option include the possibility that the status quo may not result in a resolution to the Kashmir dispute, India may energise efforts to not only "indianise" Jammu and Kashmir but may indulge in a false flag operation as it has done before, to heighten tensions with Pakistan to claim ownership of Azad Kashmir. The security situation in South Asia will deteriorate, leaving Pakistan with limited options in the future. Anticipating and preparing for India's and the international community's response is crucial, as although Pakistan may have the support of China and perhaps Russia, the international community will play a balancer's act that would suit India more than Pakistan. Waiting for a more favourable opportunity for Pakistan is by itself a risk as the situation may further deteriorate, leaving fewer options for Pakistan in the future.

Option 4: Military Action

Military action involves considering the use of limited military force to reclaim parts of the disputed territory in the IIOJ&K. This option carries several risks, including the potential escalation of conflict with India, which could result in a full-scale war and a disproportionate response from India. Additionally, military action could result in significant loss of life and damage to infrastructure, as well as potentially damaging Pakistan's relationship with major powers of the world and its reputation. While the option of military action should not be completely discarded, it should be approached with caution. By declaring in 2019

that it will not be pursued, Pakistan may have portrayed a sense of helplessness. However, limited military action in a series of steps to reclaim smaller areas of the disputed region should remain as a viable option to be exercised at a time of Pakistan's choosing. The decision to use military force should only be made after careful consideration of all risks and potential consequences.

In conclusion, to make an informed decision on Jammu and Kashmir, Pakistan needs to weigh its options carefully and consider the potential risks associated with each. By proactively assessing the sensitivities in the context of rising major power competition, these risks can be mitigated and contained. The two views about merging

Azad Jammu & Kashmir and Gilgit-Baltistan, one suggesting a simultaneous merger and the other proposing a step-by-step approach, must be evaluated. The latter may be preferable as the merger of Gilgit-Baltistan would face less opposition, while Azad Jammu & Kashmir's leadership may be hostile to such an action. With regard to limited military action, India's potential response could harm Pakistan's image and, therefore, must be thoroughly considered through. It is crucial that Pakistan analyses all available options and waits for the right domestic and international conditions before taking any steps to change the status quo in Gilgit-Baltistan and Azad Jammu & Kashmir.

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