

ROADMAP FOR THE POLITICAL AND LEGAL RESOLUTION OF THE KASHMIR DISPUTE

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Abstract

The origin of the Kashmir dispute is political, as it is the unfinished agenda of partitioning the Indian Subcontinent. The legal aspects were later attached to the dispute to provide relevance and coverage to the unsolicited Indian invasion, which was a significant impediment towards a logical and pacific resolution. However, over seven decades of occupation proved infertile and less time for winning the hearts and minds of the people of Indian Illegally Occupied Jammu and Kashmir (IIOJK) for India. Today, after seventy-five years of its occupation, the people of occupied Jammu and Kashmir neither accept the Indian constitution, nor the annexation, unilaterally and illegally carried out by India on August 5, 2019. Instead, they stood up for their fundamental right of self-determination with new vigour and enthusiasm. This development has infuriated India to commit massive human rights violations in IIOJK. While India has done all this in violation of UN resolutions on Kashmir, there are sufficient grounds for pursuing the case in the UN politically and legally. This research focuses on finding out a roadmap as a way forward for the peaceful resolution of the Kashmir dispute through political and lawful means.

Keywords: IIOJK, UN Resolutions, Right of Self-Determination, Pakistan, India.

Introduction

During the British colonial era, the Indian subcontinent was divided into two major parts, British India and a group of over 560 Princely States. There were three categories among the Princely States: Class A, Class B and Class C. Jammu and Kashmir had enjoyed Class A status. It was autonomous in most state affairs and under an agreement with the British Crown. At the time of the partition of the Indian subcontinent, all Princely States were given a choice to join any of the two new dominions, Pakistan and India. Nevertheless, two factors were to be considered, i.e., the people's will and the state's geographical contiguity. Based on these factors, the People of Jammu and Kashmir acceded to Pakistan on July 19, 1947, through a consensus resolution of their leadership. This accession was done much before the

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formal declaration of Pakistan as an independent state. It occurred through a resolution passed by representatives of all parts of Jammu and Kashmir in Srinagar under the banner of the All-Jammu and Kashmir Muslim Conference. Maharaja of Kashmir had a Standstill Agreement with Pakistan to provide logistics and communication facilities through Pakistani landmass, as before India's partition. It was due to the natural inclination of Jammu and Kashmir State with Pakistan.¹

With this background, this article analyses a political and legal road map for a peaceful resolution of the Kashmir dispute, which will pave the way for peace and stability in South Asia. The research focuses on attaining three objectives; a) to examine the right of self-determination and UN resolutions, being the fundamental provisions for resolving the Kashmir dispute; b) to evaluate the roles of international forums as legal bases to reject the Indian illegal occupation and massive human rights violations in Indian Illegally Occupied Jammu and Kashmir (IIOJK); and c) to analyse the political and legal way out for resolving the Kashmir dispute through the involvement of the international community, UN bodies and confidence-building measures. In line with these objectives, two key questions are addressed during the research process; a) What are the stakes of the key stakeholders which constrain a peaceful resolution of the Kashmir dispute; and b) What inadequacies exist in the policies for legal and political persuasion over Kashmir dispute despite the presence of UN resolutions for the fundamental right of self-determination of Kashmiris.

Stakes over Kashmir Dispute

a) People of Kashmir

The people of Jammu and Kashmir (State subjects) are the primary stakeholders of the dispute. It is their birthright to be the fundamental stakeholders and to exercise their free will over the state's territorial boundaries. The UN Charter grants this right to every citizen of the state. Thus, Kashmiris cannot be considered an exception regarding their statehood and deny them the right to self-determination. As mentioned earlier, the people of Jammu and Kashmir had decided much before the partition of the subcontinent to accede to Pakistan. Denial of their will to join Pakistan, the state's people stood up against Dogra's rule as they were aspirants to join Pakistan immediately after learning about the conspiracy hatched by Indian politicians and Lord Mountbatten, the last Viceroy of British India. Tribesmen also came to support Kashmiris in their struggle against illegal infiltration of Indian armed forces.

b) Pakistan

By acceding with the state of Pakistan on July 19, 1947, Kashmiris decided to be part of Pakistan. Upon knowing that Indian Government and Lord Mountbatten

were pressurising Maharaja of Kashmir, Hari Singh, for accession with India, the people of Kashmir stood up, took arms and announced war against the Dogra rule. They captured a portion of Jammu and Kashmir, called Azad Jammu and Kashmir and established their Government on October 24, 1947. Since Kashmiris had already decided through a resolution to become part of Pakistan, therefore, Pakistan fully supported their will and wish. Visualising a defeat at the hands of the Kashmiri people, Maharaja asked for Indian military assistance, later exploited through a fake instrument of accession and taken as an excuse for its military invasion of Jammu and Kashmir on October 27, 1947. Since the people of Jammu and Kashmir had already decided to join Pakistan, India took the Kashmir case to the UN, and the leadership of Kashmir mandated Pakistan for the legal and political persuasion of their case at the UN.²

c) **India**

As mentioned above, the Indian armed forces invaded the state in October 1947 and captured the state's capital city, Srinagar, while taking an excuse for the fraudulent instrument of accession. Indeed, Maharaja of Jammu and Kashmir never wanted to accede to India; instead wanted to keep the state independent, having standstill agreements with India and Pakistan. Pakistan signed a standstill agreement, but India refused to sign the agreement and instead asked for negotiations which hinted at the ill designs of India over Kashmir. Upon occupation of the state, the Indian military fought against Kashmiris. Envisaging its likely defeat, India referred the case to the UN on January 1, 1948.³

d) **United Nations**

The UN's essential role after its establishment in 1945 was to ensure the right of self-determination for all nations and communities. Pakistan and India were decolonised due to this crucial provision in the UN charter. Moreover, the UN got involved in the Kashmir dispute, following India's reference of the Kashmir case to this international body. Subsequently, the UN passed several resolutions for the conduct of a plebiscite to give Kashmiris their right to self-determination. In this regard, UNSC passed Resolution Number 39 on January 20, 1948, in its 230th meeting under code number S/654.⁴

Right of Self-determination: UN Charter and Resolutions

After two successive world wars and massive killings, the war victors thought of an international organisation that could save future generations from the horror of another caustic world war. With a Charter, the UN was mandated to protect global peace as an international regulating headquarters. The significant aspect was recognising the right of self-determination⁵ for all nations and

communities. Under this specific provision of the UN Charter, many new states took birth with their own identity and sovereignty. Pakistan and India also became independent of colonial rule (United Kingdom) mainly because of the same provision. Ever since the decolonisation of the subcontinent in 1947, the people of Jammu and Kashmir have also been demanding their right to self-determination under UN resolutions derived and got accredited from the charter. Owing to its principal significance, the right of self-determination was secured in Article 1 of the UN Charter with a universal application, where Kashmiris cannot be made as an exclusion.

The provision of the right of self-determination and legal ownership of the people for deciding their future course of action with a determined destination is the essence of international law and is secured by several international treaties and agreements. Besides UN resolutions, Kashmiris' right to self-determination is also guaranteed in treaties and international commitments of Indian leadership. In light of the UN-mandated right to self-determination, the people of Jammu and Kashmir also had a right to determine their destiny, political status and economic, cultural and social development model. The UNCIP resolutions also give Kashmiris their inalienable right of self-determination, valid until the dispute is resolved.

Legal Grounds to Pursue Resolution of the Kashmir Dispute

Pakistan has the following legal basis to pursue the Kashmir dispute at all international forums.

a) Indian Violation of the Fourth Geneva Convention and Kashmiri's Right

Article 49 of the Fourth Geneva Convention-1949 offers sufficient protection to the local populace of territory occupied by any occupying state and a foreign power.⁶ The essence of this article is that the local people will maintain their right over their land despite the external occupation. The occupation power cannot change the demography of its area. Indeed, from the perspective of international law and the UN Charter, occupation is an illegal act; therefore, how can an unlawful occupier change the demography of that territory? The IIOJK is a classic example of an occupying power; India is changing the state's demography under its occupation.

Article 49 (6) of the Fourth Geneva Convention deals with the safety and security of the civil population during the war. Since 1990, IIOJK has been a war zone where the current Indian force level is over 900,000. This force level makes Jammu and Kashmir a territory with the world's highest troop concentration area. Moreover, the Indian troops are unremittingly and immensely violating the human rights of Kashmiris, including killing, torture and rape, thus making the area an active war

zone where the Indian military is conducting war crimes. The worst part of the Indian military occupation is that its security forces had total impunity through discriminatory laws like Public Safety Act and Armed Forces Special Power Act.

Article 49 (6) of the 4th Geneva Convention also bans the relocation by an occupying power of its population in the area it occupies or colonises. The article stipulates that the "Occupying Power shall not deport or transfer parts of its civilian population into the territory it occupies"⁷. Since India is rapidly transferring its population in its active parts of Jammu and Kashmir, it is a grave violation of the 4th Geneva Convention⁸ and international law, which must be taken up at the UN level.⁹

b) Mandate of International Court of Justice

As per the opinions of the international jurists, the Kashmir dispute can be referred to the International Court of Justice (ICJ) based on two broad elucidations:¹⁰

a) the massive human rights violations and massacres committed by Indian security forces in IIOJK, and b) the treaty violation (Simla Agreement) by India on August 5, 2019, by unlawfully altering the status of IIOJK. Human rights violations and massacres come under the broad category of genocide and are covered in the UN Genocide Convention-1948. Based on this Convention, ICJ has given many verdicts related to human rights violations in various parts of the world. It provides a concrete basis for debating India's illegal acts in the disputed region.¹¹ Article-1 of this Convention deals with human rights violations and genocide acts committed during peace and war, while Article-2 defines the act and the types and forms of human rights violations. Article-4 of the Convention describes the punishments and the people involved in these acts of human rights. The treaty violations provide yet another cause for refereeing the Kashmir dispute to ICJ. India unilaterally and illegally violated the Simla Agreement-1972.

Para 1(ii) of the treaty (Simla Agreement) states, "The two countries are resolved to settle their differences by peaceful means – neither side shall unilaterally alter the situation nor shall both prevent the organisation, assistance or encouragement of any acts detrimental to the maintenance of peaceful and harmonious relations."¹² Since India violated the treaty upon abrogating Article 370 and Article 35A of its constitution on August 5, 2019, and altered the state's status, ICJ has the jurisdiction to start a trial against Indian unlawful acts. Moreover, Simla Accord stands scrapped after this unilateral and illegal Indian act.¹³

UNSC Resolutions do not allow unilateral change of the special status of Kashmir. The unilateral Indian act of revoking Articles 370 and 35A, which ends the state's special status, violates two UNSC resolutions; Resolution 91 of March 30, 1951,¹⁴ and number 122 of January 24, 1957.¹⁵ These resolutions were passed to secure

the state's special status against Indian conspiracies at various times. The first attempt was made in 1951 once Indian Prime Minister Nehru prevailed over National Conference for the occupied state's change of status in India's favour but was scorned by the UNSC resolution. Based on the abovementioned resolutions, Pakistan must approach the UNSC to reverse the Indian act of August 5, 2019, since it contradicts the clearly stated UNSC resolutions.

c) Forum of United Nations High Commissioner for Human Rights

The role of the Office of the United Nations High Commissioner for Human Rights (OHCHR) over the Kashmir dispute has been quite appreciative and welcoming for the subjugated people of IIOJK. OHCHR has initiated two critical reports on issues related to human rights. Its first June 14, 2018 report highlighted the circumstances in IIOJK and demanded an international inquiry against the Indian excesses. India rejected this report and refused to act upon the contents of this report. In its second report, issued on July 8, 2019, OHCHR urged India to respect the fundamental rights of Jammu and Kashmir, fully occupied parts in line with the international humanitarian law and its covenants. On October 29, 2019, OHCHR showed severe concerns over the massive human rights violations and deprivations in IIOJK after August 5, 2019.¹⁶ This UN body unequivocally stressed India "to unlock the situation and fully restore the rights currently being denied."¹⁷

It is worth mentioning that former Chief of Defense Staff (CDS) of India General Bipin Rawat once advised Prime Minister Modi to establish concentration camps for the Kashmiri youth with De-radicalization Centres, to punish them for their demand for the right of self-determination. He planned to use these centres to terrorise the Kashmiri youth and to force the conversion of their ideology and desire for freedom from India. These massive issues of human rights in IIOJK need the attention of OHCHR.

d) Reference of International Criminal Court over Kashmir Case

The massacre of Kashmiri Muslims undertaken by Indian security forces in IIOJK can broadly be divided into two categories. One; The mass killings like Chotta Bazar in Srinagar on June 11, 1991, where the Indian military killed over 32 innocent civilians,¹⁸ Kunan Poshpora on night 23/24 February 1991, where over 80 Kashmiri women were gang raped¹⁹ by the Indian military, and Gowkadal Massacre, where Indian Army killed over 53 Kashmiri Muslims on January 20, 1990.²⁰ Two; targeted killings of Kashmiris who dared to stand for their right to self-determination.²¹

Both types of killings can be categorised as war crimes, as over 900,000 Indian security forces deployed in IIOJK are involved in the massacre of Kashmiris. Such killings by Indian forces fall into the category of genocide of the Kashmiri

people. Indeed, in the post-August 5, 2019 scenario, the Kashmiri youth of IIOJK are targeted through fake encounters, custodial killings and on sight shootings. According to Kashmir Media Service (KMS), the details of killings, rapes and detentions are as follows:²² total killings of Kashmiris from 1989 to January 2023 are 96,175, custodial killings at the hands of the Indian Army are 7,288, civilians arrested by Indian security forces are 165,565, structures burnt and destroyed are 110,496, women widowed by killings of their spouses are 22,957, children orphaned by killing their fathers are 1,07,896, and Kashmiri women gang-raped and molested are 11,256. It is pertinent to mention that, ever since August 5, 2019, the day India annexed IIOJK into its union as union territories, over 1000 Kashmiris have been killed, besides wounding 3000. Indian forces arrested over 19000 Kashmiri civilians while destroying 1150 houses and buildings. Indian immoral military raped over 150 women, widowed over 50 women and 125 children was made orphaned.²³

The massacre and genocide can be tried by International Criminal Court (ICC). It was misperceived and misunderstood that mandate of the ICC is limited, and genocides and massacres of Kashmiris undertaken by India in IIOJK cannot be tried in ICC. Indeed, ICC must probe and indict individuals from any country it finds involved in a crime against humanity, like the killing of any particular community, ethnic or religious group in an organised manner. It may include war crimes and even isolated killings.²⁴ Relating its mandate to IIOJK, the massive human rights violations committed by Indian security forces from 1990 to date is very much covered in its domain since all were genocide acts where state and state's military power was used in an organised and systematic way to kill, torture and arrest all those Kashmiris who demand the UN-mandated right of self-determination.

The term genocide, as defined by ICC, includes the killings "committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious group."²⁵ Indian security forces have deliberately targeted Muslims in IIOJK ever since 1990. The strategy Indian military commanders used in IIOJK includes segregating the Muslim community from Hindus, Sikhs and others and then killing them, causing bodily and mental harm in torture centres established in military camps in the population centres. The Indian military also commits crimes against humanity "as part of a widespread or systematic attack directed against any civilian population."²⁶ These crimes have been and are being committed against the civilian population of IIOJK under the blanket cover of broader impunity provided to Indian security forces through special laws, such as Armed Forces Special Power (AFSP) Act and Public Safety Act (PSA).

To avoid ICC disciplining, India takes the cover of its non-membership of the Rome Statute since it is not a signatory of this Statute and hence not a member

of it. It is factually incorrect since ICC deals with individuals who commit crimes against humanity, irrespective of its membership or otherwise. ICC prosecutes individuals instead of prosecuting the states, as other UN organs do as per their mandate. Since India is not a signatory state of the Rome Statute, there is a different procedure for trying the Indian nationals, also laid down in ICC rules. The individuals from a non-signatory state will be tested through an indirect reference of the UNSC. "The Security Council may refer a situation to the ICC, which empowers the ICC to investigate all four crimes under the Rome Statute, including crimes of aggression."²⁷

It clarifies the misperception India has consciously spread to mislead Pakistan and Kashmiris. Thousands of Indian nationals (its military commanders and troops) have been found in the massacres and genocide of Kashmiris in IIOJK since last over three decades. There are hundreds of Indian military commanders and middle-ranking officers who systematically killed, tortured, raped and arrested the innocent people of Jammu and Kashmir. Besides, the Indian military used Kashmiris as a human shield in several instances. They all need to be tried in ICC, and being non-signatory nature of India does not stop their trial, as claimed by India.²⁸

Inadequacies in the Policies over Kashmir

The agonising account of the Kashmir dispute is evidence of two broad conclusions: a) India maintained an inflexible stance over Kashmir despite being an invader and illegal occupant of IIOJK with strong anti-India sentiments of Kashmiri masses, b) there remained flexibility in the stance of Pakistan over Kashmir dispute despite being the legal convener of Kashmir with the overwhelming and unwavering support of Kashmiri people. With consistency in its policy over the future of Jammu and Kashmir, India kept consolidating its hold over Indian-occupied parts of the state until it annexed them with the Indian Union on August 5, 2019. Although this act of India was illegal, unlawful and a severe violation of international law and UN resolutions, the UN neither stopped India nor witnessed any worldwide condemnation.

As a part of its foreign policy and diplomatic manoeuvring, India maintained the highest level of political and diplomatic engagements with key power centres at the international level before and after this unilateral and illegal act. India continued lobbying over Kashmir with East and West simultaneously to pave the way for its unlawful occupation and acts of human rights violation in its occupied parts of the state. So much so it convinced Muslim states of the broader Arab world, especially the Gulf Cooperation Council (GCC), on the Kashmir dispute in its favour.

These states favoured India at a time when India was unleashing a reign of terror on Muslims of IIOJK through killings, detentions, fake encounters and arresting the innocent Kashmiris who stood for their right to self-determination.

Besides its brutalities in IIOJK, India was simultaneously passing new laws for the alienation, discrimination and denationalisation of Muslims in various parts of India, and the Muslim world was tight-lipped. Instead, some Muslim states later became part of Indian investment plans in IIOJK. Moreover, due to its intimate relationship with the international community, India gained a maximum advantage for its illegal acts and felonious stance over Jammu and Kashmir. However, the Organization of Islamic Cooperation (OIC) largely remained ineffective in stopping Indian illegal acts over Kashmir. These aspects are worrisome from two perspectives; a) the international community and UN seem least interested in human rights violations and political rights of the Kashmiri people in IIOJK, and b) the contemporary Muslim world, their ruling elites and the only Muslim representative organisation OIC have ignored Kashmiris against Indian oppression and consolidation of Indian hold in IIOJK.

Despite having an extremely political and legal position over Kashmir, Pakistan could neither attract nor influence the international community over the dispute. Instead, it lost the support of those states which were instrumental in the passage of UN resolutions over Kashmir during the Cold War era. Moreover, Pakistan wanted to convince the Muslim elites of the Middle East for their intimate and most needed support for Kashmiri's right to self-determination. In the aftermath of Indian illegal act of annexation of IIOJK into its union through the Jammu and Kashmir Reorganization Act, some key Muslim states of OIC conveyed to Pakistan that Kashmir is not an issue of the Muslim world and they would like to have a fair policy over this issue with India. While India was putting IIOJK under complete siege and military cordon after August 5, 2019, some vital Muslim states invested heavily in India in various fields, amounting to Indian support and acceptance of its unlawful actions in IIOJK.

Indeed, this was a complete departure from the traditional stance of the entire Muslim world and especially some critical states of the Middle East over the Kashmir dispute, which hurt Pakistan and especially the people of the whole Jammu and Kashmir State. Scholars of international relations have various views over this changed stance of Muslim states over the Kashmir dispute since these states have traditionally supported Kashmiri's right to self-determination and Pakistani stance over the Kashmir dispute. Some scholars attribute this change to a result of hectic Indian diplomatic and political engagements in the Arab world, with a vast Indian diaspora already paving the way for the acceptability of India in the Middle East.

Indeed, it was an indirect Indian strategy to create space for itself in these oil-rich economies of the world. Currently, many critical financial and administrative positions, including business centres, academic and research institutions, media and information technology and even oil industries, are either held or influenced by Indian expatriates. Once Indians have a significant influence on critical facilities of the Middle Eastern region, it is natural that they tend to manipulate the policies of these states in favour of India, and that is what has been happening since the beginning of the 21st century.

There is yet another perception of intellectuals and regional experts. This category of scholars believes that over the years, Pakistan was found wanting in its diplomatic and political engagements in the Middle Eastern region, taking the traditional support as guaranteed. In a way, Pakistan provided a space for India, which India fully exploited. In this regard, 2015 is considered a crucial year once Pakistan refused to become a partner in the war against Yemen. Due to this refusal and related events, India sent the maximum workforce to the Middle East. It later consolidated its socioeconomic and socio-political gains in the region, paving the way for its larger adequacy and refutation of space for the Pakistani workforce and expatriates.

India fully exploited the lowering of Pakistani engagements, strengthening its involvement and arrangements in diversified fields. However, this well-thought-out Indian strategy impacted Pakistan from two angles: a) it minimised the space and acceptability of the Pakistani diaspora, and b) it brought a change in the traditional affiliation and support states and people of this region had for Pakistan and Pakistani policies, especially over Kashmir dispute. The primary reasons for such a situation are repeated political instability, economic fragility, and evolving political, social, sectarian and ethnic fault lines. This internal weakness of Pakistan restricted the space for diplomatic and political engagements with friendly states and the international community, especially the world's foremost power centres.

Pakistan needs a clear road map for the realistic pursuit of the Kashmir dispute. Political leadership must have a consensus to move forward in a successful quest over the Kashmir dispute. At the same time, the diplomatic community of Pakistan must gear up its efforts for a realistic resolution of the Kashmir dispute. It is only possible once there is a united national will among the political, social and strategic forces of Pakistan on all issues of national interest, including the Kashmir dispute.

Proposed Strategy for Legal and Political Persuasion of Kashmir Dispute

Pakistan legally stands on a higher pedestal to pursue the Kashmir dispute in line with international global norms and practices. Pakistan has a very sound basis for pursuing the issue at all levels, including legal, political, diplomatic and moral. Indeed, Pakistan morally stands on high grounds compared to India. India has breached global norms and treaties by violating human rights in IIOJK through the massive deployment of its security forces for ruthlessly killing, torturing, and arresting innocent masses since 1990. It has committed gang rapes of Kashmiri women of all ages as a weapon of war. Kashmiris in Pakistan-administered parts (Azad Jammu and Kashmir) live in peace and comfort. They enjoy an excellent living standard with all possible facilities of life, having complete freedom of expression and services. Azad Jammu and Kashmir people live at par with Pakistani citizens; in some cases, they are more facilitated. It makes Pakistan morally very high to present the Kashmir case at international forums, especially the UN.

Diplomatically, Pakistan must best use its massive diplomatic corps on the Kashmir dispute. The Pakistani diplomats must be well aware of the dynamics of the Kashmir dispute and human rights violations in IIOJK before engaging with the international community. They must be well equipped to convince foreign government officials on the Kashmir dispute through historical realities, legal position and above all, the will and wish of the people of Jammu and Kashmir. UN Charter, UN resolutions on Kashmir, treaties and pacts and various commitments with the people of Jammu and Kashmir by the international community and even Indian leadership are sufficient to convince the broader global community and attain their attention towards the Kashmir dispute. Indeed, legal and ground evidence on the dispute has to be interpreted and articulated through logical presentations.

The huge Pakistani diplomatic corps need a clear direction from the government – the political will to resolve the dispute under the will and wishes of the people of Jammu and Kashmir. Besides, the state and its institutions must clearly state that Kashmir is an issue of Pakistan's national security, upon whom there will be no flexibility and concession. Two aspects have to be taken care of by diplomats and politicians: a) Kashmir is an issue of national interest of Pakistan, thus has to be safeguarded in letter and spirit, and b) Kashmir is an issue of the national security of Pakistan, thus has to be secured, protected and pursued as states protect their geographical and ideological borders.

Politically, there has to be a very intimate engagement between the political leadership of Pakistan and other countries. The essence of political commitment is the determination and consistency to persuade the objective; resolution of the

Kashmir dispute until its logical solution. Political will is a commitment to the cause and involves making the best use of bilateral and multi-lateral relations through mobilising political systems. In the process, there is a need to coordinate the use of institutions, the diplomatic community, the diaspora, friendly states and resources.

Unconventional Approaches to Highlight the Kashmir Dispute

a) Liberal Approach to using Art and Culture

Pakistan can use Kashmiri art and culture through its diaspora, especially the Kashmiri diaspora to create awareness among the international community about the Kashmir dispute. In this regard, all available means, like traditional Kashmiri art, literature and cultural aspects, can be used to attract the attention of the liberal West. The brutalities of Indian security forces can be reformed in reality-based storytelling narratives to incite the inner consciousness of the international community to create sympathy for those killed, tortured, raped, blinded, paralysed and those under siege or languishing in jails. Practising such a strategy would attract the international community's attention on humanitarian grounds, which can be used later for a political settlement of the issue.

b) Awakening the International Community

An existential threat is linked to the unresolved nature of the Kashmir dispute, as both Pakistan and India are nuclear-armed states. Even if war starts at the conventional or limited level, it can always get into a nuclear exchange. Such a scenario would be unfortunate with global consequences, not just confined to the South Asian region. As per the scientists' estimates, in such a scenario, millions of people may be killed at the regional level, and globally, its repercussions would be even more dangerous.

c) Undertaking Assorted Measures

Pakistan must extensively undertake assorted measures, including extensive lobbying at various UN, EU and other international forums. Furthermore, Pakistan must formulate a strategy to counter all efforts made by India to defame the rightful Kashmiri struggle globally.

d) Humanitarian Dimension

Pakistan must approach the international community on the humanitarian basis of the Kashmir dispute. International humanitarian organisations have already raised their voices against the Killings and massive human rights violations in IIOJK. Pakistan needs to make concerted efforts to raise awareness about the authentic Indian agenda of *Hindutva*. It must invite international human rights organisations and the UN to monitor the ground realities in IIOJK.

Through the intellectual community and media, Pakistan needs to create an interface with the Indian civil society. There are several Indian writers, scholars and even a restricted class of politicians and media circles who boldly accept the human rights violation in IIOJK and criticised Indian state policy over these unjustified acts. The huge Pakistani and Kashmiri diaspora, working all over the world, must be mobilised to create awareness in the host countries about the Indian oppression and repression in IIOJK with the sole purpose of stopping India from all illegal and brutal acts it has taken to consolidate its unlawful gains.

e) **Domestic Coaxing: Paving Ground for International Persuasion**

At the domestic level, Pakistan must create political stability and take all political, social and religious groups and parties on board to create concord and harmony. Moreover, Pakistan must make all efforts for the stabilisation of its economy. Since the forms of warfare have changed altogether, therefore, Pakistan must make use of human intelligence, internally as well as externally. Through academia, think tanks and intellectuals, various dimensions of the Kashmir dispute can be explored and exploited for an ultimate solution. The humanitarian side of the dispute provides an excellent opportunity for attracting the international community's attention. Pakistan can establish academic and social forums at home, Azad Jammu, and Kashmir. The more comprehensive interaction between academic circles and social media groups for presenting the accurate picture of IIOJK to the international community and the UN organs will be the best strategy for attracting the international community's attention. The other segments, like trade unions, lawyers associations, engineers and doctors associations, can also play a decisive role in projecting the Kashmir cause. The primary stream media of Pakistan can be provoked to play a dominant role in highlighting the Kashmir issue in its actual perspective.

Conclusion

The entire debate for the political and legal persuasion for the solution to the Kashmir dispute reveals sufficient grounds for Pakistan to reach the UN and the international community. The legal and political forums which support Pakistan's stance on Kashmir include a) the UN Charter, which is essentially based on the right of self-determination; b) UN resolutions over the Kashmir dispute, the essence of all UNCIP and UNSC resolutions is to give Kashmiris their right of self-determination through a plebiscite under UN, c) the provisions of International Law, Geneva Convention, International Humanitarian Law and Covenants support for the Kashmiris' will for their future status. The organs of the UN, such as UNSC, UNGA,

ICJ and OHCHR, have legal provisions and political space for resolving the Kashmir dispute in line with the past practices and precedence for the settlement of international disputes.

The illegal annexation of IIOJK in the Indian Union and the undoing of its special status have opened Pandora's box. India has violated all UN resolutions it accepted to resolve the Kashmir dispute. Moreover, India has violated its constitution and the constitution of the occupied state, which cannot be justified as it was never placed before the occupied Jammu and Kashmir Constitutional or Legislative Assembly for ratification.

Despite its political origin, the Kashmir dispute has a humanitarian dimension. The massive human rights violation in IIOJK, which killed over 97000 innocent masses, demands that India be penalised as a state at ICJ and that its military commanders who perpetrated these massacres be tried at ICC. Besides, India is making massive demographic changes in its occupied parts of the state. Demographic changes are not allowed in the occupied territory of any shape and can be tried as per the Fourth Geneva Convention. However, from the legal perspective, neither India can change its status (special status) nor can it change the demography of the occupied state.

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