

## **Kashmir – A Pakistani Perspective**

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### **Summary**

*Kashmir is no ordinary dispute. It is about a people, their history, culture and aspirations for freedom. Both India and Pakistan see the dispute differently. This paper will lay out Pakistan's perspective.*

Pakistan sees the Kashmir dispute on several levels – a moral issue going to the heart of the political aspirations of the Muslims of British India for a separate homeland, an act of bad faith by India in denying the accession of the state to Pakistan, and a violation of the principles of self-determination and the partition plan for the sub-continent. It also sees the dispute as a symbol of India's rejection of the very idea of Pakistan.

Pakistan has never recognised the Instrument of Accession between Kashmir and India, and challenges its legality and authenticity. The instrument was signed, if at all, more than seven decades ago. And much has changed in Kashmir since. Pakistan's Kashmir case rests on the United Nations (UN) Resolutions and the Kashmiris' right to self-determination. It feels that the Indian action to strip the Indian-administered Kashmir of its special status is a violation of the UN Resolutions that forbid annexation of the disputed territory. The Indian move also flouts the Simla Agreement that precludes any unilateral mutilation of the agreement.

Pakistan is outraged by the continued grave human rights violations in Kashmir aggravated by the recent unrelenting lockdown. It is also apprehensive about the future rights of Kashmiris. Speaking in Pakistan's parliament, on 6 August 2019, [Prime Minister Imran Khan said](#): "I am afraid that [India] will now carry out ethnic cleansing in Kashmir."

The Indian move has caused a sense of shock, anger and outrage among people of Pakistan as I saw it during my recent visit there. Pakistanis strongly believe, as does Khan's government, that Pakistan must do all it can to seek a peaceful resolution of the Kashmir dispute for the sake of Kashmiris as well as for the peace and stability of the region which has been imperilled by the Indian action.

Pakistan is not alone in condemning the Indian action. There has been an extensive coverage by the international media of the Indian action, especially of the continued lockdown of Kashmir and other perceived draconian steps by India. Leading international publications or electronic media like Foreign Policy, [Hill](#), [Washington Post](#), [New York Times](#), Guardian, [Economist](#) and TV channels like BBC, PBS, and [NDTV](#) have been reporting or writing [editorials](#) on the issue.

The International Commission of Jurists (ICJ) has issued a strong statement which, among other things, refers to the reports by the UN High Commissioner for Human Rights on Kashmir that speak about the grave human rights violations. The statement says, "The ICJ

condemns the legislative steps taken with respect to Jammu and Kashmir, and calls on the Indian government to implement in full the UN High Commissioner's recommendations."

A [statement](#) issued by the UN on 8 August 2019 stated that "The position of the United Nations on this region is governed by the Charter of the United Nations and applicable Security Council resolutions"...(and) "The Secretary-General calls on all parties to refrain from taking steps that could affect the status of Jammu and Kashmir." Since then, the UN Security Council (UNSC) has also met on the request of Pakistan and China to consider the situation. It is the first time in 50 years that a UNSC meeting has taken place on Kashmir.

The Indian-controlled Kashmir stands at a historical moment. [Kashmiris have demonstrated](#) that they reject India's control over the territory. India maintains that Kashmir is its integral part. However, [Indian military presence in Kashmir](#) may have helped it to control the territory but it may also have [invalidated its claim](#) to it.

Kashmir's special status had offered the international community, especially the UN, a locus standi to play a role. The 5 August 2019 legislative measures are viewed as an attempt by India to deny Pakistan and the Kashmiris such a redress, and slam the door to dialogue and peaceful settlement of the dispute. It has led to Pakistan resorting to bilateral measures such as restricting the relationship. India too is likely to respond which will inject further tensions in the relations, possibly along the Line of Control.

The side-lining of Pakistan as a party to the dispute is likely to raise the desperation of Kashmiris who may find armed resistance as the only way out. It will also give Jihadists a new lease of life, increasing the chances of terrorist incidents enhancing the risk of war. It may even affect the conflict in Afghanistan if Pakistan has to relocate its troops away from the Western border that will embolden the Taliban.

The international community should not let this happen. The United States keeps saying the dispute should be solved through the parties concerned. However, by getting heavily invested in relations with India, it too has become a party to the dispute. If it wants India to balance China, how can it do so with a persistent risk of an India-Pakistan war?

India has legitimate aspirations for big power status. However, its aspirations are not likely to succeed in a dangerous security environment to which it surely has made a contribution by its decision to end the special status given to Kashmir. India's aspirations can only be realised in a peaceful and stable South Asia that would require the resolution of the Kashmir dispute.

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