



**Exploring Possible Avenues at the UN
Forum for Pakistan to Highlight
Kashmir Issue for a Tangible Outcome**

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Executive Summary

This policy brief critically examines Pakistan's diplomatic responses at the United Nations to India's abrogation of article 370 and 35 A of their constitution on the 15th of August 2019 and the ensuing crackdown by the BJP government in the territory and egregious human rights violations. Despite sustained diplomatic efforts from Pakistan, the silence of the international community and lack of accountability of the Modi regime raises questions over the current strategies pursued. After conducting an appraisal of responses from major governments, the United Nations Security Council and strategic partners of Pakistan, this policy brief contends that Pakistan's diplomatic response warrants greater strategic wisdom for the Kashmir issue to gain traction at the UN forum and the world. The following conclusions have been drawn from this study:

- Pakistan's diplomatic response to Indian atrocities in Kashmir centers on a three pronged strategy involving the presentation of dossiers documenting egregious human rights violations to the United Nations Security Council, asking sovereign governments to penalize India for its unilateral annexation of Kashmir and underlining the aspirations of the Kashmiris to their right to self-determination to the international community. The three strategies pursued have not resulted in any action against the Modi government or a reversal of the annexation of IIOJK.
- According to Amnesty International and Human Rights Watch on Indian atrocities have continued unabated with no accountability. Concerns have also been expressed in the British Parliament and the US Congress; however they do not lead towards addressing the Jammu and Kashmir issue at the United Nations.
- Pakistan's regional diplomatic outreach in addressing the issue has achieved mixed results. In South Asia, countries such as Maldives and Sri Lanka have not criticized human rights violations while countries beyond the region such as Turkey and Malaysia have supported Pakistan's stance.
- The United Nations Security Council has adopted resolutions on Kashmir dating back to 1948 but has not called for sanctions or reversal of the illegal annexation of Indian Illegally Occupied Jammu and Kashmir by the Modi regime which goes against the aspirations of the Kashmiri people.

Analysis

The abrogation of Article 370 and 35 A of the Indian constitution on the 5th of August 2019 was a watershed moment for the people of Jammu and Kashmir and challenged strategic stability in South Asia given its wide ranging domestic, geopolitical and military implications. The territory of Jammu and Kashmir which had enjoyed a special status prior to the Modi government never witnessed the implementation of UN Security Council resolutions by New Delhi.¹ Additionally and contrary to Pakistan's stance of implementing UNSC resolutions concerning the territory, Jammu and Kashmir after August 2019 was subject to a major clampdown by Indian forces. The illegal annexation has resulted in lockdowns, war crimes, incarcerations of Kashmiri freedom fighters, a communication blackout and demographic changes from the Indian government.² The illegality of such moves and the brutality unleashed on the Kashmir people prompted the Pakistan government to pursue diplomatic options which inter alia called upon the international community to take action against egregious human rights violations and presenting dossiers which includes references from human rights organizations such as Amnesty International, Human Rights Watch and Indian media outlets to the United Nations Human Rights Council.³ The Kashmiri case has also been presented at the United Nations General Assembly sessions and communicated bilaterally to strategic partners such as China.⁴

Efforts by Pakistan resulted in the UN Secretary General Antonio Guterres calling on both countries to resolve the issue peacefully which has evoked no response from the Modi government.⁵ Pakistan's Permanent Ambassador and Representative to the United Nations, Munir Akram has stressed the decolonization of Kashmir and guaranteeing the right to self-determination through a UN supervised plebiscite which is enshrined in UNSC resolutions.⁶ Human rights organizations such as Amnesty International have also echoed sentiments expressed by Pakistani diplomats by detailing Indian atrocities and tactics such as incarcerations and employing torture against Kashmiris in reports released in 2020 and 2021

¹ Al Jazeera News Agencies, 'Kashmir special status explained: What are Articles 370 and 35A?', *AJE News*, 5th of August, 2021, <https://www.aljazeera.com/news/2019/8/5/kashmir-special-status-explained-what-are-articles-370-and-35a>, accessed 1.11.2021.

² Mehmood Hussain and Sumara Mehmood, 'Genocide in Kashmir and the United Nations Failure to Invoke Responsibility to Protect (R2P): Cause and Consequences', *Muslim World Journal of Human Rights*, Vol. 18, Issue 1, February 18, 2021, pp. 55-77.

³ TRT World and Agencies, 'Pakistan dossier details Indian war crimes, rights violations in Kashmir', *TRT World News/Asia*, 12th of September, 2021. <https://www.trtworld.com/asia/pakistan-dossier-details-indian-war-crimes-rights-violations-in-kashmir-49904>, accessed 1.11.2021.

⁴ Naveed Siddiqui, 'Pakistan hits back at Indian claims at UNGA, reiterates Kashmir not internal matter', *Dawn*, 26th of September, 2021, <https://www.dawn.com/news/1648371>, accessed 2.11.2021.

⁵ Associated Press of Pakistan, 'UN chiefs urges India, Pakistan to come together to resolve Kashmir dispute', *Dawn*, 29th of January, 2021, <https://www.dawn.com/news/1604303>, accessed 2.11.2021.

⁶ The Express Tribune, 'Kashmir colonisation', 23rd of October, 2021, <https://tribune.com.pk/story/2325949/kashmir-colonisation>, accessed 3.11.2021.

which buttress the Pakistani position on Kashmir. The reports also noted the silence of the international community over the plight of Kashmiris.⁷

Regionally, Pakistan's diplomatic efforts have not yielded desired results. SAARC countries such as Afghanistan, the Maldives and Sri Lanka have remained silent over Indian annexation of Kashmir. Sri Lankan Prime Minister Ranil Wickremesinghe further claimed that the annexation of Ladakh had resulted in the first Buddhist majority state of India being created.⁸ Countries beyond the region such as Turkey and Malaysia however, have echoed Pakistan's concerns with the speaker of the Turkish parliament standing in solidarity on the IIOJK issue and the Prime Minister of Malaysia, Mahatir Mohammad who declared at the United Nations General Assembly session that despite UN resolutions on Jammu and Kashmir, India has occupied and invaded the territory which necessitated the UN to step in and resolve it.⁹ Prominent countries in the Middle East however, such as the United Arab Emirates and Saudi Arabia have desisted from criticism of New Delhi and in some cases strengthened their relations with India; with Riyadh signing a \$15 billion deal days after the revocation of Article 370 in August 2019.¹⁰

Some democratic leaders in the United States and the United Kingdom have publicly stated that they are monitoring the situation in IIOJK closely with human rights organizations and decrying the moves of the Modi government. Senators in the US Congress have previously requested the Trump administration to act on the human rights violations.¹¹ However, the United States has officially pursued a policy of silence on the issue with the Biden administration not issuing a statement on the annexation since assuming office. In the United Kingdom, the Labor Party passed a resolution which supported international intervention into Kashmir while calling for a UN led referendum while the European Parliament also called for the lifting of the communications blackout and called for dialogue between India and Pakistan to address misunderstandings.¹²

In light of these developments, it is clear that Pakistan's sustained diplomatic efforts in promoting the Kashmiri cause after August 2019 have found no support beyond statements of condemnation in certain capitals and concern expressed at UN forums. A primary example is the Organization of Islamic Cooperation (OIC) which backs Kashmiri rights to self-

⁷ Shama Naqushbandi, 'Kashmir: A State Silenced', *Amnesty International UK*, 27th of September, 2019, <https://www.amnesty.org.uk/blogs/ether/kashmir-state-silenced>, accessed 3.11.2021.

⁸ DNA Web Team, "Ladakh will be the first Indian state with Buddhist majority": Sri Lankan PM Ranil Wickremesinghe", *DNA*, 6 August 2019.

⁹ Zehra Nur Düz, "Turkish leader's remarks on Kashmir win wide acclaim", *Anadolu Agency*, 25 September 2019.

¹⁰ Vindu Goel, "As Saudis and Indians Grow Closer, a \$15 billion deal blooms", *The New York Times*, 12 August 2019.

¹¹ "India's action on Kashmir unacceptable, says US Presidential hopeful Bernie Sanders"; *News18*, 1 September 2019; "Rights of Kashmiris must be respected": Elizabeth Warren 2nd US Presidential candidate to voice concern", *News18*, 5 October 2019.

¹² "Conference Arrangements Committee: Report 5 to Conference 2019", Annual Conference to the Labour Party, 25 September 2019.

determination; however any concrete action is overshadowed by bilateral relationships that Middle Eastern states such as the UAE, Qatar, Saudi Arabia and Bahrain share with India.¹³ This has prevented the Organization from calling for sanctions or pressing for an Indian reversal of its unilateral annexation of the disputed territory. These realities necessitate further inquiry on whether Pakistan's overall diplomatic strategy necessitates a revamp, a rethink or a readjustment for greater international traction.

Pakistan's strategy has so far been to document Indian violations of Kashmiri rights through dossiers, denounce Indian violations in IIOJK at multilateral forums such as the UNGA and issue condemnations of Indian policies through the Foreign Office. The strategy also includes equating the Indian clampdown in IIOJK with the state of Apartheid in pre 1994 South Africa, the plight of the Palestinian territories under Israeli occupation and the deliberate promotion of a Nazi style ideology in the occupied valley.¹⁴ It is noteworthy that the analogies that the Pakistani government has used have historically resulted in the international community imposing sanctions, issuing condemnations and passing resolutions which denounce actions by governments against citizens of respective territories. The Modi government however, has not budged from its position despite mild condemnation from international quarters as a result of Pakistan's diplomatic efforts. This raises the issue of improving the diplomatic response and addressing the blatant silence of the international community which has prioritized commercial interests with India at the expense of human rights violations in IIOJK. The following recommendations are proposed:

¹³ Top Story, 'OIC reiterates support to Kashmiris' right to self-determination' *The News*, 8th of November, 2021, <https://www.thenews.com.pk/print/906980-oic-reiterates-support-to-kashmiris-right-to-self-determination>, accessed 4.11.2021.

¹⁴ Resolution No. 422, *Senate of Pakistan*, https://senate.gov.pk/uploads/documents/resolutions/1567436575_555.pdf, accessed 4.11.2021.

Policy Recommendations

- Pakistan should continue to raise the Kashmir dispute at all forums available within the UN system. The UNSC organizes many events where Islamabad can drag in the Kashmir dispute. The purpose should be to keep the issue alive and embarrass India.
- NGOs may be encouraged to plead the Kashmir case at the ECOSOC; Third Committee of the UNGA; UN Funds and Programmes (UNDP, UNFPA, and UNICEF).
- Organize events on the sidelines of the UNGA, where renowned personalities may be invited. Efforts should be made to include Kashmiris from the occupied state.
- Art shows, painting exhibitions and photographs may be displayed at the UN.
- Kashmiri victims may be presented at international forums to sensitize the world about Indian atrocities taking place.