



**Center for Global & Strategic Studies  
Islamabad**

## **UN Resolution and Persisting Kashmir Issue**

*Published on 27<sup>th</sup> April, 2017*



Kashmir issue is one of the oldest international disputes at the United Nation Agenda which is still unresolved. It is considered to be the core contributor to the political that eventually converted into a military dispute between India and Pakistan since their independence in 1947.

The dispute has a historical background that is related with the asymmetric demarcation of the border between India and Pakistan at the time of their independence, and the forceful occupation of the State of Jammu and Kashmir, since then, both the states claim their right to the area. The struggle of Kashmiris to attain freedom and exercise the right of self-determination has aggravated the recent agitation in Indian Occupied Kashmir (IOK). The dispute started off in 1947 when Maharaja Hari Singh allegedly announced the annexation and signed a controversial document of accession, under which he acceded the princely state of Jammu and Kashmir with India in response to the Indian Military help to crush the insurgency. Both Kashmir and Pakistan did not accept and doubt the existence of any such agreement regarding the future of Kashmir because with Majority of the Muslim Population and geographical proximity, Kashmir had voted to become a part of the independent Pakistan. Since then, Kashmiris are struggling to achieve freedom from the Indian oppression but their processions and their sacrifices have not given any results yet, mostly because the international community has deliberately turned a blind eye.

For Pakistan, Kashmir is its integral part since all the major rivers originated from Kashmir that provides a bulk of the water to the country which is the lifeline of Pakistan's agrarian economy. On the other hand, India considers the area as its own and claims that the state of Jammu and Kashmir should be annexed with India as per the agreement made between India and the Maharaja of Kashmir. The International community wants also a fair referendum to resolve the matter but India is avoiding as

it knows the eventual outcomes. The aggression by the Indian forces in the occupied territory continuous to claim lives of millions of innocent people since long.

New Delhi has accused Pakistan several times for funding and supporting the upsurge in Kashmir, however, the reports by the foreign media confirm that the

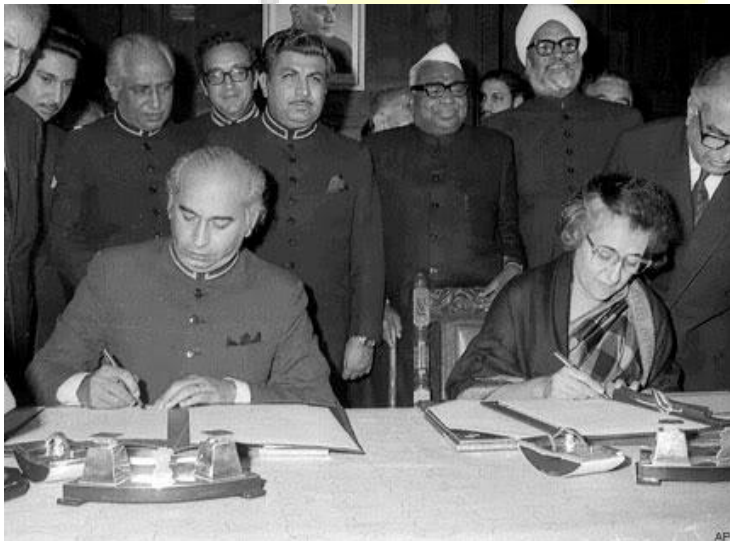


agitation in Kashmir is purely indigenous and there no involvement of Pakistan in this matter.

Pakistan endorses the right of self-determination for the people of Jammu and Kashmir as per decided the United Nation Security Council (UNSC)'s Resolutions of 1948 and 1949 which demands a free and unbiased referendum to determine the fate of the People of Jammu and Kashmir and the state as well. The entire International community except India considers Kashmir as a disputed territory and does not accept the Indian claims regarding the annexation of the territory with India. However, the continuous refusal by the Indian government to accept the role of any international mediator in the issue of Kashmir makes it clear that India is not willing to resolve the issue is now working on a strategy to convert the natives into a minority by settling and relocating massive Hindu community in Kashmir, which will compromise the result of referendum, if it ever takes place.

UN also did not find the India's claims valid and recognized the state as a disputed territory between India and Pakistan. The Indian contentions about the will of the Kashmiris to join India was also rejected by the United Nations Security Council (UNSC), and the voter turnout of 0.2% during the elections in 1989, arranged by the Indian government was the clear repudiation of the Indian claim to Kashmir.

Pakistan continues to obey the UN resolutions of 1948 and 1949 which authorized an obligatory contract between Pakistan and India-mediated by the United Nations Commission for India and Pakistan (UNCIP). Furthermore, Pakistan also endorses the



Simla agreement of 1972 which demands to put an end to the Kashmir conflict which was causing confrontation and marred the relations between both the countries previously. But all these efforts have not still changed the

status of Jammu and Kashmir and the issue still awaits a proper and complete settlement

### *Efforts by the International Community*

Since the beginning of this conflict in October 1947, the international community has been putting its efforts to resolve the issue owing to the fact that the conflict between both the nuclear-capable states and historical rivals can escalate into a full-fledged

nuclear war, hence, jeopardizing the security of the whole South Asian region. The United States of America (USA) and other major western powers are fully aware of this fact that unless the Kashmir issue is not resolved, the peace and stability between India and Pakistan can never be achieved because it is the major cause of animosity between the two states. Therefore, this dispute demands urgent resolution.

### Possible Way Forward

Kashmir Issue has been a bone of contention between India and Pakistan since long. Despite many efforts made by Pakistan, the Kashmir dispute has remained persistent. Therefore, it calls for immediate and undivided attention to put an end to the issue and bring peace to this part of the world. Following are some of the suggestive measures, if acted upon, would help in finding a long lasting solution to the Kashmir issue:

- a. The first and the foremost important step in inducing peace in Kashmir is the demilitarization of the Occupied Jammu & Kashmir area, which is forcefully held by the Indian military forces.
- b. There is an exigent need to fulfill the longstanding covenant of sovereignty and self-determination of Kashmir. A plebiscite should be held and Kashmiri people must be allowed to decide whether they want to join Pakistan or India. Such an act is inextricably linked to ensuring stability and establishing peace in the South Asian region.

- c. Elections should be in Kashmir in order to allow the locals to decide their own fate must be under the ambits of disinterested teams, preferably international groups, who can then act as neutral parties to oversee the elections.
- d. Pakistan and India must find a solution which is mutually agreed upon by both the countries and that must be in line with the democratic principles and international laws in such a way that the security of each and every Kashmiri is placed as the top priority.
- e. The international community must play a role of facilitator to help both the states to resolve this issue which is causing instability, a mutually accepted agreement must be devised, which will cater the wishes and willingness of the Kashmiri people as well.
- f. Organization of Islamic Cooperation (OIC) should also play their role and must exert their influence to resolve the dispute.

### Conclusion

The genocide of innocent Kashmiris portrays the ineffectiveness of the United Nations as it has promised a plebiscite in Kashmir since a long time and still has not implemented it. It is a need of the hour to cease these filibusters and show the on-ground implementation of the promises held according to the wishes of the Kashmir people. Kashmir has suffered a lot which should be enough to shake



the conscience of the member states of United Nations Security Council. Sincere efforts are required from multiple fronts – India, Pakistan and the international community – to work towards an impartial settlement of this issue so that the ground realities are perceived and portrayed without any alternation. In a nutshell, any process that neglects the needs of the Kashmiris will not only contribute to deadlock over the Kashmir issue but it could also cost the invaluable loss of human lives and political damage.

