

PROSPECTS OF INTERNATIONAL AND REGIONAL ORGANIZATIONS IN THE SOLUTION OF KASHMIR ISSUE

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***Abstract:** This paper sets forth the importance of multilateral efforts in the resolution of Kashmir conflict. Undeniably, several efforts have been made for the resolution of Kashmir issue but all have failed, yet the role of regional and international organizations is a ray of hope. The present paper examines the prospects of different regional and international organizations in the solution of the Kashmir issue. Although, the internal weaknesses in the regional and international organizations are hindering the solution of Kashmir issue; their impartiality can make them successful mediators in the solution of Kashmir tangle. It has become evident that the Kashmir conflict is angst-ridden and inflexible that it could not be resolved bilaterally. Moreover, the Indian unilateral act of the abrogation of article 370 and 35A has raised new concerns of different organizations over the ailments of human rights in Kashmir. In this background, the multilateral approach seems appropriate to unravel the Kashmir tangle. Thus, this paper presents the rationale of the involvement of organizations in the settlement of Kashmir issue by showing historical falsehoods, security problems and human rights violations in the beginning. The second section of this paper focuses on the possible role of regional and international organizations in finding the solution of Kashmir issue. This research is explanatory and analysis is based on secondary data. The data has been collected through useful websites and newspapers. Moreover, relevant books, articles and reports have also been consulted to validate information.*

Keywords: Kashmir, Pakistan, India, Human Rights, OIC, SCO, United Nations.

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Introduction

International organizations have always been an essential forum to calm down regional and global tensions. Certainly, the efforts of the United Nations (UN) remained fail to implement peace formulae on many international level conflicts, yet its responsiveness is pertinent. In the case of the Kashmir issue, the widespread reference of UN resolutions has become conventional. More so, the role of regional and international organizations such as South Asian Association of Regional Cooperation (SAARC), Shanghai Cooperation Organization (SCO), Human Rights Watch (HRW) and Organization of Islamic Cooperation (OIC) has been restricted in finding out viable solution of Kashmir issue. Notwithstanding, the ineffectiveness of organizations, the interests of great powers offer a glimmer of hope to solve the Kashmir issue through organizations.

Indeed, the roots of the Kashmir issue lies in history and where the interplay of great power's tricks with local discords are perceptible. The colonizer of the subcontinent has created a hard and intricate problem on Pakistan and India's border so that both states and local people would always be quarreling and remain weak. As result, today Kashmir Valley embodies the epicentre of resentments today and the conflict area embroils the whole state of Jammu and Kashmir (J&K). Presently, Kashmir has become a territorial dispute and difficult to solve as conflict parties are unable to reach any agreement. This long-term conflict has put people of Kashmir in trouble and their voices are to no avail to get international support. Ironically, all the bilaterally decided frameworks for the solution of Kashmir issue and preservation of human rights are also not viable. Many territorial divisions of Kashmir have been proposed but all have loopholes. Hence, the meaningful solution is still awaited and hopes are attached to the regional and international organizations. In this regard, the role of regional and international organizations has become relevant

The first time, regional and international organizations' search for solutions to headstrong disagreements over Kashmir issue was seen after the outbreak of the first war between Pakistan and India.¹ The second time, the eruption of revolt against Indian rule in the Kashmir Valley at the end of 1989 reverted the problem to world attention. The recent hail has been visible

¹ "Kashmir: Why India and Pakistan fight over it", BBC, August 8, 2019, Available at <https://www.bbc.com/news/10537286>

after India's unilateral action of the abrogation of article 370 of its constitution. Resultantly, Kashmir Valley has become more militarized and heavily occupied by Indian security forces. The prevailing situation was publicized in the UN reports, 2018 and 2019, which have revealed that Indian security forces are openly violating human rights in Kashmir, using pellet guns on protesters, firing, rape of women, and rebuffing legal process to detained people.² However, the human rights organizations appear feeble in bringing any change in the situation and most of them look like toothless spectators with dwindling influence. It is largely because some of the permanent members do not want to alienate India. There are two prominent reasons of this action (1) the desire of some states to establish close links with India due to its emerging power status and (2) some of their strategic interests are attached in accelerating India's rise in the region as a bulwark against China.

Nevertheless, the persistence of the local population of Jammu and Kashmir illuminates the silver lining and grappling attention of media and the UN. Seven decades of continuous struggle were perhaps not persuasive to give a wake up to the international community that another setback on August 5, 2019, ensued when India abrogated Article 370, granting special status to Kashmir. The continuous lockdown of Kashmir has not only hampered people's movement in this area but commercial and educational activities are suspended. Consequently, many organizations have started their efforts to reach out to the local populace of this area and to work for the protection of human rights. In this regard, UNSC has also called an emergency meeting of its members to find out the solution of the worsening situation. Policymakers, peace activists and scholars have started to find avenues of cooperation between two states and working on the settlement of the issue. Intriguing scholarly work on Kashmir dispute largely paint this issue as a bilateral squabble India and Pakistan where inhabitants are ignored and responsibility of international society is missing. Many are presenting unique formulae to resolve Kashmir dispute peacefully using the bilateral approach. However, the decade long rivalry between India and Pakistan has proved that bilateral approach shall not be useful because of the fewer chances of success than a multilateral approach. Nevertheless, lots

²“United Nations (UN) Human Rights Office of the High Commissioner 2018 and 2019”. https://www.ohchr.org/Documents/Countries/IN/KashmirUpdateReport_8July2019.pdf and <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=23198%20>

of efforts are required to convince organizations to persuade the international community to give due regard to the valiant efforts of the people of Kashmir and use multilateral approach to solve the issue.

In this context, this paper presents why would bilateral agreements between India and Pakistan over Kashmir dispute fail and which factors make the national and international organizations relevant to solve this intricate issue? The paper is centrally concerned with the objective to find out hurdles lying in the solution of Kashmir disputes. Keeping in view legal factor, it is also explored that in what ways decision-makers can utilize the ongoing efforts of regional and international organizations to end the longstanding issue of Kashmir. The research is explanatory and it would critically examine the structural loopholes of relevant organizations, local settings and historical miscalculations. More so, the paper is based on secondary data, obtained from books, articles and supplemented with official speeches and web sources, wherever needed. This paper proceeds in three sections. First, it endeavours to encapsulate the bilateral tensions of Pakistan and India over Kashmir and its impact on the region. Second, it calculates the past, present and future actions of regional and international organizations towards the Kashmir solution. The concluding section of this paper is suggestive.

The Relevance of International and Regional Organizations

The record of India and Pakistan's bilateral discussions over the issue of Kashmir has shown the unsuccessful results. Notwithstanding, several offers of talks by Islamabad, New Delhi continued to refuse negotiations. Hence, the developing assertions are that if India adopts the dialogue line with Pakistan, it would not be ready to talk about Kashmir. Moreover, old negative responses and contentious tone indicate that bilateral approach would not be useful in the solution of Kashmir tangle. To find a workable solution, Kashmir requires a multilateral approach. The following four good reasons are validating the relevance of the regional and international organizations in case of Kashmir.

Security Dilemma, Kashmir and Global Security

The enduring rivalry between the two contenders, equal in capabilities, has been turning Kashmir into the nuclear flashpoint in many aspects where peace is merely a dream. The false interpretation of the history of the divided region of Kashmir has also obstructed the resolutions

of the distributed land.³ The element of distrust between the two major countries of the South Asian region has been increased because of their nuclear capabilities and the strains between them have also been augmented which confines them to the war. Many scholars think that India and Pakistan cannot mitigate tension because of growing mistrust, mounting military capabilities and nuclear weapons' possession. "Nuclear force developments and increased military procurements by both are not expected to lessen anytime in the foreseeable future, an eventuality that will only worsen the Indo-Pakistani mistrust in the coming years."⁴ Disparity in traditional weapons have reduced the chances of conventional conflict; however indirect conflict between Pakistan and India is thought fueled instability.⁵

Undoubtedly, their nuclear capabilities have shrunk their competences to go towards the resolution of the Kashmir tangle because, in case of failure, the threat may perceive at their doorstep. Therefore, no party is ready to call its forces back as mistrust prevails and forces are working in frenzy. Mostly scholars consider that contradictory ideology of quarrelsome neighbours averts the possibility of any resolution that can bring stability in the Kashmir region. The security dilemma has been interwoven in the minds of decision-makers sitting in India and Pakistan since partition. Therefore, India and Pakistan's bilateral dealings with the dispute are mainly curtailing solutions because it has made the conflict perverse.⁶

The escalation of conflict between two nuclear-capable states extends the seriousness of the matter as the nuclear capabilities of India and Pakistan have created tensions and intensified the element of mistrust among the two parties. Although Pakistan's conventional weapons are

³SumitGanguly ed., "An Opportunity for Peace in Kashmir" *South Asia*,(New York: New York University Press, 2006), 75.

⁴Feroz Hassan Khan, "Security Dilemma in South Asia: Building Arsenals and Living with Distrust", *Nação e Defesa: Nuclear Proliferation*, No.140, (2015), 86, <http://hdl.handle.net/10945/57244>

⁵Daniyal J Iqbal, "The Pakistan-India security dilemma", *The News*, October 4, 2016. <https://www.thenews.com.pk/print/154747-The-Pakistan-India-security-dilemma>

⁶ Richard H. Curtiss, "Solving the Kashmir Conflict, India and Pakistan: The World's Most Dangerous Place"(Washington Report on Middle East Affairs, 2002): 34. Accessed May 17, 2019.<https://www.wrmea.org/002-august/solving-the-kashmir-conflict-india-and-pakistan-the-worlds-most-dangerous-place.html>

quantitatively mismatching to India's arsenals; but its nuclear capabilities are enough to deter later. It would not be wrong to say that Kashmir issue has become a cognitive conflict which consolidates security dilemma and the efforts to fill the capabilities' gap would never stop between these two states. This scenario can be understood in the light of the data of the Stockholm International Peace Research Institute (SIPRI) which estimates that India presently has 130 to 140 warheads approximately, while Pakistan has between 140 and 150.⁷As nuclear arsenals in India and Pakistan grow, so do the risk of war by design, miscalculation, or accident.⁸

The current wave of tension and exchange of harsh words between India and Pakistan indicates the security dilemma overshadows peace initiative. The Indian rhetoric of surgical strikes against Pakistan in 2019 and Pakistan's response in reciprocity has worsened the situation. Besides, the Balakot incident evoked Pakistan to stop India from becoming wicked. In this connection, Pakistan Air Force (PAF) shot down two Indian planes which were a great setback for India. To cover it up, the government of Bhartiya Janata Party (BJP) in India played havoc and crafted the image of the external enemy. Indeed, MrModi earned a huge reputation on the name of nationalism and finally won 2019-elections in India second time. Subsequently, in order to consolidate its stance,the BJP government took a punitive action unilaterally with the abrogation of article 370 which changed the status of Kashmir. The evolving security dilemma between India and Pakistan have pushed two states to continue amassedtheir military power which exhibits the incapacities of leaders to endure peace. In this scenario, the efforts of regional and international organizations would be a useful investment because bilateral struggles would give birth to more complications in future. Although, thetask is challenging but indispensablefor the sake of global security.

⁷Meaghan Tobin, "Explained: how India and Pakistan became nuclear states" *This week in Asia* (March 7, 2019), <https://www.scmp.com/week-asia/explained/article/2188958/explained-how-india-and-pakistan-became-nuclear-states>.

⁸Joseph Cirincione, *Nuclear Nightmares: Securing the World Before It Is Too Late*, (New York: Columbia University Press, 2013), 129.

Historical Distortions

The available narrative over the accession of J&Kin October 1947 is distorted and giving birth to confusion and credibility of Indian claim over Kashmir. However, literature shows that the day Indian forces landed in Kashmir (October 27, 1947), the majority of the population started to rail against the Indian army. Maharajah Hari Singh, with the departure of the British, was the sole responsibility to decide the fate of J&K. History reflects that Maharaja was not treating people in Kashmir fairly. Therefore, in 1931 people of Kashmir stood against Hari Singh but they had been ruthlessly crushed by the ruler.⁹ In this background, it is not difficult to understand that at the time of partition Muslims of Kashmir did not get their due right. Kashmir's fate was not decided on ideological bases but it was the result of political battle.¹⁰ Maharaja's temporary agreement with India caused the army to get involved in the issue. However, Indian intervention in Srinagar took place before the Maharaja's sign on anything showing his intention to accede to India.¹¹ Later, the then Governor-General of India, Lord Mountbatten, suggested that after the return of the law and order, "the question of the State's accession should be settled by a reference to the people."¹² Even the UN reiterated the same principle, to hold the plebiscite in Kashmir when India raised this issue at the platform of the UN. Nevertheless, India has been refusing to hold the plebiscite in Kashmir since UNSC's first resolution.

Due to the historical encounters and arrangement, today none of the party wants to lose its control over Kashmir and the stubborn approach causing agitations, converting South Asian region into a turbulent state of affairs and as a result military danger are proliferating and growing deeper.¹³ While feeling the pulse of India-Pakistan's leaders, the great powers have got away in South Asian politics. The two strong powers of South Asia are facing a challenging situation, their lack of aptitude to think beyond narrow conceptions; nationalism, ideology and

⁹ "Kashmir-The History", *Pakistan Mission to the United Nations*, <https://pakun.org/kashmir/history.php>.

¹⁰ Navnita Chadha Behera, *Demystifying Kashmir* (Brookings Institution Press, 2007), 4.

¹¹ Alastair Lamb, *The Birth of a Tragedy Kashmir 1947* (Hertfordshire: Roxford Books, 1994), 97.

¹² Alistair Lamb, Excerpts from "The Myth of Indian Claim to Jammu & Kashmir: A Reappraisal" Ministry of Foreign Affairs Pakistan", <http://www.mofa.gov.pk/documents/related/Myth.pdf>

¹³ Robert G Wirsing, "The Kashmir Conflict" in the book Sumit Ganguly ed., *South Asia* (New York: New York University Press, 2006), 62.

self-determination¹⁴ will remain a core obstacle in the solution of Kashmir issue. This factor is pertinent to consider organizations' connection in the solution of Kashmir issue.

Local Population of Kashmir

History points out that Kashmiri people had been largely impacted, with the decisive action at the time of partition of subcontinent, taken by the then rulers. Local populace of Kashmir did not decide either to join Pakistan or India because of vested interests of their leader. In retrospect, people of J&K had been confronting the terrible situation since the apportion of sub-continent. Even the first war between India and Pakistan in 1947 was due to the underhand of Maharaja Hari Singh who, as per Indian claim, signed the letter on October 26, 1947, namely "Instrument of Accession to India".¹⁵ However, it is pointed out later that *the Instrument of Accession* was not signed by the Maharaja on October 26, 1947, as he was travelling on that day to Jammu.¹⁶ Let's suppose, if he had signed such agreement with India under duress, even then he had violated the moral authority dispensed to him, by signing any agreement without getting people's consent. Further, enough pieces of evidence have invalidated the legitimacy of his actions. Subsequently, India sent its troops in Kashmir which was rebutted by the locals and war broke out between Pakistan and India. After facing a severe resistance, India asked the UN to help in end up the war.¹⁷ With this, the issue became international as India was complaining against Pakistan's backing to the people of Kashmir. UNSC recommended in three resolutions, in the years 1948-1949, to hold the plebiscite in J&K so that people can decide their future. Since then, people of Kashmir have been waiting for the plebiscite. More so, the ceasefire has been examined by the United Nations Military Observer Group in India and Pakistan (UNMOGIP).

¹⁴ Navnita Chadha Nehera, *Demystifying Kashmir* (Brookings Institution Press, 2007): 236

¹⁵ Sten Widmalm, *Kashmir in Comparative Perspective: Democracy and Violent Separatism in India* (London: Routledge Curzon, 2002), 40.

¹⁶ Alastair Lamb, *Kashmir: A Disputed Legacy, 1846-1990*, (Oxford: Oxford University Press, 1991), 135-136.

¹⁷ Victoria Schofield, *Kashmir in Conflict: India, Pakistan and the Unending War* (London: IB Tauris, 2003), xi.

The ceasefire line remained de-facto border till 1972 as it was renamed Line of Control (LOC) under Simla agreement.¹⁸

Since the peace process is governed by the pulse of domestic politics, the benign political parties and leaders are inevitable to wage peace. There are terrible suffering and deprivation of Kashmiris which have been witnessed since the very start. From Maharaja Hari Singh to Mebooba Mufti (last Chief Minister of Kashmir) courting of political leaders with local population deepened the nature of the conflict. The false promises of Indian political leaders to the people of Kashmir had given them nothing but hope. Therefore, the people of Kashmir trust less on the subject of negotiating procedure. With India's decision to nullify article 370 has acted as a new impulse for the people of Kashmir and now a significant number of people seek the help of international body and regional organizations, to hear them and help them in mitigating tensions and to end the stories of complicated solutions.

Human Rights Violations

The UN charter has adopted the right of self-determination as its basic principle which has also been endorsed in the Universal Declaration of Human Rights (UDHR) and utilized at different stages for the settlement of international issues. The right to self-determination has been granted to different nations e.g. the issue of East Timor was resolved in 1999 by giving freedom to East Timorese. Similarly, Kosovo and Sudan's cases were also supported by the members of the European Union (EU) and the United States (US). These historic cases can be used as a model to persuade the international community to pay heed on Kashmir issue.

On June 14, 2018 the High Commissioner for Human Rights published a report on Human Rights situation prevailing in Kashmir area. These details have corroborated that the people of Kashmir are subjected to Indian brutalities. The report has recommended that there is a need to fully comply with the granted right of self-determination under international law to the people of Kashmir. The first-ever UN report on human's rights situation has also revealed intriguing facts regarding the situation of people of Kashmir across the Line of Control (LOC), along with a brief historical background concerning political and legal aspects. The report proposed that the human rights situation in Indian Held Kashmir (IHK) is different from

¹⁸Ibid.

Pakistan's Kashmir. Some salient feature of the said reports indicates that the killings of innocent civilians by employing excessive force continued during 2018 leading to sparking of severe protests for several days in the valley bringing the halting down of life across all the sectors of life. The use of pellet-firing shotgun on protestors resulting in quite a lot of deaths and severe injuries including eye injuries of hundreds of civilians during the years 2016 to 2018.

Moreover, under the brutal legal structures like PSA, minors were arbitrarily arrested and detained without catering in to account, the prevailing International laws. Torture, humiliation, enforced disappearances and wrongful confinement are the tools used by the authorities. The report also says that the right to freedom of expression is inhibited, vengeance against human rights defenders has become normal practice, targeting of media and journalists have also become common. The right to education is obstructed in the valley. Widespread protests, long periods of curfew and frequent strikes in 2016 and 2017 had severely impacted the institution of education.¹⁹

It is pertinent to highlight that Indian side has rejected the UN report of Human Right Situation, calling the July UN report a "false and motivated narrative" that overlooked "the core issue of cross-border terrorism." However, the new report of the UN covering the year 2018-April 2019 further indicates the India army's brutality and highlights the hurdles in making trails transparent. The report maintains

"The Armed Forces (Jammu and Kashmir) Special Powers Act 1990 (AFSPA) remains a key obstacle to accountability. Section 7 of the AFSPA prohibits the prosecution of security forces personnel unless the Government of India grants prior permission or "sanction" to prosecute. In nearly three decades that the law has been in force in Jammu and Kashmir, there has not been a single prosecution of armed forces personnel granted by the central government. The Indian Army has also been resisting efforts to release details of trials

¹⁹ "Report on the Situation of Human Rights in Kashmir: June 2016 to April 2018" *Office of the United Nations High Commissioner for Human Rights*, (June 14, 2018), <https://www.ohchr.org/Documents/Countries/IN/DevelopmentsInKashmirJune2016ToApril2018.pdf>

conducted by military courts where soldiers were initially found guilty but later acquitted and released by a higher military tribunal."²⁰

While the fate of the region has become the topic of discussion in Washington, Beijing, Moscow, London, and Paris, the real voices of Kashmiris have been dumped with total clampdown and complete communication termination in effect. Some countries are offering to be the mediator in the conflict but except China, no country pushed the UN to call the Security Council meeting. Hence, the need of the hour is to let the world leaders realize their duties and to persuade them to revisit the objectives of the formation of regional and international organizations.

Geographical Importance

The understanding of the geographical importance of the region also calls organizations such as SCO and the UN to solve the issue as it directly comes into their mandate. The geographical setting of Jammu and Kashmir makes it pivotal to India and Pakistan; thus, both states claim their sovereignty over this territory.²¹ Besides, China claims over the inhabited territory of Kashmir in North-East, called Line of Actual Control (LAC), connected Tibet with Xinjiang province. The area is highly militarized because Pakistan and Indian forces are stationed at Siachen glacier, almost 40 miles away from China's border. Moreover, Kashmir has its significant value as it has glaciers and freshwater to offer to the states.²²

Since Kashmir serves as the core foundation of water and power generation for India and Pakistan, for that reason hydro politics predominantly control policymakers' minds. Certainly, the physical control of this area will enable the controlling party to access the glacial waters which are sensibly a threat to the other state. Pakistan is in the dire need of water because of its rising agricultural sector depends on Kashmir's water and India's almost half of the population lives on the electricity and those glacial waters which flow through Kashmir. Likewise,

²⁰“Report on the Situation of Human Rights in Kashmir: 2018-April 2019” *Office of the United Nations High Commissioner for Human Rights*, Office of the UN High Commissioner for Human Rights (OHCHR), released on July 8, 2019

²¹Fahmida Ashraf, *Models of Conflict Resolution and the Kashmir Issue: Pakistan's Options* (Kashmir: Pakistan Horizon, 2003), 01.

²² Shawn Snow, *Analysis: Why Kashmir Matter, The Diplomat*, September 19, 2016.

India's requirements of hydro facilities for their masses have been increased with the rise of demand. To prevent the scarcity of water, India is constructing new dams over Neelum River which is cutting the supply of water to Pakistan. Water shortage will have severe consequences such as the reduction in crops yield consequently dwindling economy. If the Kashmiri government, leadership, civil societies focus on the collective good humanity, it can become a "win some game" rather than the "zero-sum game" which include the profit of the one side.²³

In this milieu it appears that Kashmir's dependence on either Pakistan or India is natural. The Kashmiri people do not accept India's claim over the territory; however, India is not willing to leave the region and will not let the people decide their fate. Therefore, unsolved Kashmir issue has become a threat to the world peace and the rules-based international system now requires joint action of powerful states including Russia, China, the US, United Kingdom (UK) France and Islamic states to come forward for its solution by using multilateral approach. Thus, new peace initiatives and farsightedness of international and regional organizations appear to be effective to remove the disagreements over the solution of Kashmir issue.

Likewise, the account of efforts initiated by international organizations merit examination;

United Nations on the Kashmir Issue

The UN was formed in 1945 with the sole purpose to mitigate tensions between the states and to resolve their conflicts. It has been evolved that weak states can hardly be heard or understood in the world parliament. Although several success stories are on the name of the UN, however, many are unheeded. Indeed, Kashmir is one of the intriguing cases of the UN as it has been ignored at the international level since surfacing. Kashmir could not attain due attention at the international level due to the controlled situation inside the region and because of the presence of the strong Indian lobby in international fora. Although UN resolutions are available, such as 1948 and 1949, but their misrepresentation has made them ambiguous. Instead of fulfilling the promise of plebiscite in Kashmir, India adopted a policy of reneging from the UN Security Council resolutions of 1948 and 1949. These UN resolutions recognize the right of self-

²³Manzoor Ahmed Abbasi, Muqem-ul-Islam, "Towards the Resolution of Kashmir Dispute: Potential Areas of Economic Cooperation and Dividends" *The Dialogue*, 2014, 140.

determination and maintain that: “Future status of the J&K shall be determined in accordance with the will of the people ... and through the democratic method of a free and impartial plebiscite”.²⁴

Moreover, the UNSC remained unsuccessful in responding to the issue by bringing about a permanent resolution because Kashmir has widely been taken as a political dispute. Much of the early actions of the UN were engrossed in the arrangements made by the five-membered United Nations Commission for India and Pakistan (UNCIP). The commission in due course approved resolutions calling for the removal of forces, ceasefire and plebiscite (internationally observed).²⁵ Apart from the ceasefire, the UNCIP resolutions were never implemented because New Delhi never wanted to hold the plebiscite. The United Nations Security Council (UNSC) even failed to stop military aggression and nothing peaceful came out. India tried to dismantle UNSC resolutions on Kashmir, however, due to Pakistan's efforts, it is still on UN agenda.²⁶ Hence, old UN resolutions are effective and the only ray of hope for the people of Kashmir.

Indeed, India's action to strip autonomy from Kashmir has provoked an intense reaction from Pakistan and protests in support of Kashmir has begun around the world.²⁷ In order to hide human rights abuses in J&K, India is using brutal tactics, the abuses range from enforced disappearances, mass killings, rape and suppression of freedom of speech. Most of the human rights activists are under preventive detentions. Today, people of Kashmir are not only asking independence from India but also set eyes on international bodies to play due role to fulfil their

²⁴Shaheen Akhter, “Kashmir: Pakistan's Unfinished Agenda”, Aljazeera, August 21, 2011, <https://www.aljazeera.com/opinions/2011/8/21/kashmir-pakistans-unfinished-agenda>

²⁵ Howard B. Schaffer, “The International Community and Kashmir”, *Swords and Ploughshares*, (2008), 15.

http://www.operationspaix.net/DATA/DOCUMENT/5412~v~The_International_Community_and_Kashmir.pdf.

²⁶Khurshid Mahmud Kasuri, *Neither a Hawk Nor a Dove: An Insider's Account of Pakistan's Foreign Relations Including Details of the Kashmir Framework*, (Oxford University Press, 2015), 240.

²⁷ Richard Roth, “UN Security Council has its first meeting on Kashmir in decades and fails to agree on a statement” CNN, August 16, 2019, <https://edition.cnn.com/2019/08/16/asia/un-security-council-kashmir-intl/index.html>

legitimate demand. The world is full of cases where states have achieved liberty with the help of human rights activists. The available precedent is making the demands of the people of Kashmir justified to get independence and for this multilateral level efforts are needed. However, world powers are all reserved on the solution of the Kashmir issue. Ironically, India did not get any serious pressure after the revocation of article 370 and merging Jammu and Kashmir in the union territory.

Nevertheless, two UN reports on the situation of Kashmir were released in 2018 and 2019 and widely covered the human rights situation. The drive of the right of self-determination and India's unilateral action has made the UN once again active and on August 16, 2019 the UNSC discussed Kashmir for the first time in decades.²⁸ Surprisingly, on the behest of Pakistan, only China called the meeting of UNSC. However, the said UNSC meeting was inconsequential. It appears that mostly member states did not want to deviate from the position that India and Pakistan should solve this issue bilaterally. Suffice to say that all the meetings and proposed solutions of the UN will remain futile until India is persuaded to take effective action. Since the UN aims at preserving international peace and security, its efforts of arbitration and mediation are awaited to be fruitful.

Human Rights Watch (HRW)

Kashmir is a case of gross human rights violations and seeks the attention of international human rights organizations. Although, human rights organizations have recorded massive violations of rights in Kashmir by the Indian occupation forces. Generally, the situation of human rights is not good in India and particularly the human rights are under direct threat in the J&K. Indian efforts to integrate the Kashmir region into its union is inviting wrath as the continuous rise in the resistance movements in Kashmir is upsetting Indian government. The annulment of article 370 and 35A has also mobilized great powers to interact with the leaders of India and Pakistan. London and Washington started to exert intensive political pressure to reduce tension between India and Pakistan. "India finds its itself once again in the dock of

²⁸ Richard Roth, "UN Security Council has its first meeting on Kashmir in decades and fails to agree on a statement" CNN, August 16, 2019, <https://edition.cnn.com/2019/08/16/asia/un-security-council-kashmir-intl/index.html>

international opinion, criticised by international human rights organisations, its reputation as the world's largest democracy tarnished and its global ambitions dented".²⁹ There is major ongoing apprehensions with women's rights, freedom of expression, and religious minorities are also fearful because of the dictatorial steps of the current government of India. In this regard, Human Rights Watch (HRW) has published several articles unleashing human rights violations in Indian Held Kashmir (IHK). MS. Meenakshi Ganguly, Director South Asia, Human Rights Watch on October 7, 2019, debunks the reality in a published article that Indian authorities are dependent on pro-government media which defend the crackdown.³⁰ Since August 5, 2019, international media coverage and entry of the members of regional organizations in J&K is prohibited. In addition to this, Human rights Watch world report of 2019 indicated the report of the UN, it has mentioned that the Indian army has impunity for human rights violations. It is stated that access to justice is difficult there. The report also indicates that the Jammu and Kashmir Public Safety Act (PSA) and Armed Forces Special Powers Act (AFSPA) hamper the accountability of malefactors for human rights violations.³¹

Indian government claims that continuous curfew in Kashmir is largely for the betterment of the people of Kashmir. However, the complete blackout has made people's life miserable. The fear of indiscriminate arrests and shootings by security forces has left the Kashmir valley empty classrooms and shuttered shops.³² After the two federally governed territories came into effect, Ms. Meenakshi reported that serious rights violations persist in Kashmir. She recommended that "Jammu and Kashmir mark the beginning of an uncertain future, the Indian government should stop trying to hide or rationalize abuses and focus more on upholding human rights."³³

²⁹Mark Lyall Grant, "The International Community Has A Role To Play In Resolving the Kashmir Crisis", *Forbes*, November 14, 2019, <https://www.forbes.com/sites/marklyallgrant/2019/11/14/the-international-community-has-a-role-to-play-in-resolving-the-kashmir-crisis/?sh=1655a21a2302>

³⁰Meenakshi Ganguly, Restrictions, Detentions Persist in Kashmir, *Human Rights Watch*, October, 2019,

³¹"India: Events of 2018: World Report 2019", *Human Right Watch*, <https://www.hrw.org/world-report/2019/country-chapters/india>

³²Meenakshi Ganguly, "Restrictions, Detentions Persist in Kashmir: India Should End Crackdown", (October 7, 2019), <https://www.hrw.org/news/2019/10/07/restrictions-detentions-persist-kashmir>

³³Meenakshi Ganguly, "A New, Uncertain Era Begins for Kashmir: Serious Rights Violations Persist", (October 31, 2019), <https://www.hrw.org/news/2019/10/31/new-uncertain-era-begins-kashmir>

Unlike the UN, Human Rights Watch can just prepare reports and disseminate the facts to the international community. Since it does not have implementation powers, it can persuade other organizations to play their role and instill ideas and spread the message of peace to its members. The dividends of peace can be accrued through dialogues and to mold pig-headed states to play their positive role. India should get this realization that article 370 and 35A are the keystone of human rights, the unilateral abrogation is the violation of the Fourth Geneva Convention. The said convention was formed for the protection of civilians in two conditions: armed conflict and military occupation.³⁴ Therefore, there must be a realization, through human rights organizations, that article 370 and 35A either to be restored or India should get ready for the penalty.

Organization of Islamic Cooperation (OIC)

Organization of Islamic Cooperation (OIC) was formed in 1969 to work collectively for the interests of the Muslim world, it is the second-largest inter-governmental organization after the UN.³⁵ All issues imploring Muslim solidarity have been part of OIC summits, however Kashmir despite an agenda point of OIC could not be resolved. Kashmir issue captures the attention of leaders of the members of the OIC but there is little understanding of the issue hindering solution. Second, a problem with OIC is its internal fragmentation which effects on the unanimous decisions. Third, the preamble focuses on the “resolve to unite efforts to secure universal peace” but the OIC article does not mention any specific mechanism.³⁶ This factor is well known and being manipulated by hostile nations.

Interestingly, India has also been struggling to be a member of OIC since its inception but curbed to do so by member states.³⁷ So far it is a prospective member because it could not represent the true Muslim concerns and their grievances. In 1990, Islamic Conference of Foreign

³⁴ Imran Jan, “Kashmir and the Fourth Geneva Convention” *The Express Tribune*, (August 15, 2019).

³⁵ *The Organization of Islamic Cooperation (OIC)*, https://www.oic-oci.org/page/?p_id=52&p_ref=26&lan=en

³⁶ Saira Bano Orakzai, “Organisation of the Islamic Conference and Conflict Resolution: Case Study of the Kashmir Dispute”, *Pakistan Horizon*, Vol. 63, No. 2, 86.

³⁷ Ketan Mehta, “OIC and its views on Kashmir: India’s Achilles heel in the Islamic world?” *Observer Research Foundation*, (October 14, 2019), <https://www.orfonline.org/expert-speak/oic-views-kashmir-india-achilles-heel-islamic-world-56584/>

Ministers(ICFM) criticized India for using force against civilians in Kashmir and a contact group was later formed to get the cooperation of the members of OIC on the condition in Kashmir. The cause of self-determination has been promoted and Indian draconian laws such as the Armed Forces Special Powers Act (AFSPA) has been criticized.³⁸The subsequent summits kept on focusing on the settlement of the Kashmir dispute amicably. The 25th ICFM session underscored the human rights situation in Kashmir, it was declared that Kashmir is under foreign occupation and movement of Kashmir liberation is not terrorism.³⁹In the 11th Islamic summit of OIC (2008), resolutions on Kashmir were adopted and supported the idea of composite dialogue between Pakistan and India.⁴⁰ However, India's response to these resolutions was weird and it regarded OIC misled by propaganda. While commenting on the resolutions of OIC, Navtaj Sarna, the then spokesperson of India's foreign ministry, called Kashmir an internal matter of India.⁴¹

After August 5, 2019, the group of OIC member states, Saudi Arabia, Pakistan, Azerbaijan, Turkey, and Niger asked India to overturn its action on Article 370.⁴² The Ministers of Foreign Affairs of the OIC Contact Group on J&K met on September 25, 2019, and in a statement asked India to “rescind its unilateral illegal actions and reiterate its commitment to abide by the relevant UN Security Council Resolutions, provide assurances that it will not change the occupied territory's demographic composition and not allow non-Kashmiris to acquire property or residency in [J&K]... halt its human rights violations... repeal its draconian

³⁸Ibid.

³⁹“25th Session of the Council of Foreign Ministers”, Doha, (March 15-17, 1998).

⁴⁰ “Session of The Muslim Ummah in the 21st Century”, 11th Session of The Islamic Summit Conference, Dakar, Senegal (13-14 March 2008)

⁴¹SairaBanoOrakzai, “Organization of the Islamic Conference and Conflict Resolution: Case Study of the Kashmir Dispute”, *Pakistan Horizon*, Vol. 63, No. 2, (April 2010), 86.

⁴²SuhasiniHaidar, “Kashmir issue: Rescind action on Article 370, Organization of Islamic Cooperation tells India” *The Hindu*, New York, September 26, 2019., <https://www.thehindu.com/news/national/kashmir-issue-rescind-action-on-article-370-organisation-of-islamic-cooperation-tells-india/article29522112.ece>

emergency laws, and withdraw its heavy military presence”.⁴³In August 2019, the OIC General Secretariat insisted on the immediate need of the reopening of dialogue process between Pakistan and India.⁴⁴

Nevertheless, the Kashmir issue is not getting needed attention in the OIC and the idea of Islamic solidarity is largely hindered due to power politics. It is largely due to the reason that OIC is gradually losing its importance as its members often have different stances on international fora. Moreover, no force is available to implement resolutions. Another explanation to understand the weakness of OIC is that states' interests are more important and usually economic benefits guide their choices which sometimes bind other member states to compromise.

Shanghai Cooperation Organization (SCO)

Another important and relevant platform to present effective Kashmir solution can be the Shanghai Cooperation Organization (SCO). The beginning of the new tangle in ongoing Kashmir crisis following India's revocation of article 370 has given birth to the question that whether the SCO could help in the solution of Kashmir issue. Since Pakistan and India have become full members of the SCO in 2017⁴⁵ and fully aware of the history, principles and objectives of SCO, it indicates that this organization may play a role of an effective conciliator. In this context, the SCO becomes a relevant stakeholder. Further, SCO's growing membership has boosted the international profile of the SCO. Thus, it can be envisioned that SCO will get a central position in South and Central Asian politics and would play a pivotal role in mitigating the regional tensions. With all this, China has been increasing its efforts to become a trustworthy member of the international community and a responsible associate in bilateral relations.

⁴³ “Communiqué of the Contact Group on Jammu and Kashmir meeting on the sidelines of the 74th session of UN General Assembly New York, 23 September 2019”, <https://www.oic-oci.org/docdown/?docID=4515&refID=1255>

⁴⁴ “Kashmir issue is internationally recognized dispute: OIC”, *The Express Tribune*, August 31, 2019.

⁴⁵ Eva Seiwert, “India-Pakistan Tensions Test the Shanghai Cooperation Organization’s Mettle” *The Diplomat*, (March 23, 2019), <https://thediplomat.com/2019/03/india-pakistan-tensions-test-the-shanghai-cooperation-organizations-mettle/>

While bearing history in mind, SCO can be seen as a successful platform in resolving different issues and among the Post-Soviet states. It has a record of the resolutions of border disputes, elimination of terrorism and curbing trafficking. So far the promotion of the economies of partner states, trade and campaigning for tourism are also the indications of the successful landings of SCO. It means it was an effective organization for its former member states; however, new challenges are surfacing with the inclusion of India and Pakistan and unaccustomed situations are developing. Apparently, the organization seems reluctant in bringing India-Pakistan's issues in its agenda, yet its members could be engaged in routine diplomacy without making a public show about it. SCO's successful model of conflict resolution is undeniable and the same can be applied in the solution of Kashmir issue.

Some scholars believe that it is not plausible for the organization to discuss Kashmir issue under its aegis.⁴⁶ Since Russia and China, two important stakeholders in the SCO, are close to Pakistan and India, they could somehow encourage their regional partner of choice to think positively and compromise on their positions for regional peace. Nevertheless, new complexities are on the rise due to the trust deficit of New Delhi in Beijing. Notwithstanding China's responsible role in regional politics, the Indian government is trying to establish connections between the ongoing struggle of rights in Kashmir with Pakistan.⁴⁷ India leaves no regional and international forum to propagate anti-Pakistan image and tagging Kashmir struggle as terrorism. Conversely, reports of UN and Human Rights Watch are debunking Indian acts of brutality. Hence, now it is indispensable for China to interpose in the issue as the head of an efficient international organization.

In this background, China's leading role in the resolution of Kashmir issue is foreseeable on the following grounds. First, to earn the international credibility, China would make efforts to resolve the Kashmir issue. Secondly, China Pakistan Economic Corridor (CPEC) is a trial and

⁴⁶ Andrew Korybko, "Could The Shanghai Cooperation Organization (SCO) Contribute to Resolving the Kashmir Crisis?" Global Research, August 12, 2019, <https://www.globalresearch.ca/could-the-shanghai-cooperation-organization-sco-contribute-to-resolving-the-kashmir-crisis/5686223>

⁴⁷ Meenakshi Ganguly, "Restrictions, Detentions Persist in Kashmir: India Should End Crackdown, Restore Phones, Release Political Detainees" Human Rights Watch, October 7, 2019, <https://www.hrw.org/news/2019/10/07/restrictions-detentions-persist-kashmir>

would ensure the success or failure of the Belt and Road Initiative (BRI) which is very dear to China; therefore, China would not allow India to disturb the route of CPEC. Thirdly, Kashmir solution would be a litmus test to check the efficacy of SCO in the long run.

Another relevant regional organization to discuss Kashmir issue is the South Asian Association for Regional Cooperation (SAARC), however, India has refused to participate in the nineteenth SAARC summit which was planned to be held in November 2016 in Islamabad. The objective of the formation of SAARC was to promote regional cooperation among South Asian countries but it has become a hostage of protracted conflicts between India and Pakistan.⁴⁸ Moreover, India is not ready to discuss Kashmir issue on the platform of SAARC. Such a milieu may implant that SAARC has lost its credibility in solving the Kashmir issue, yet this platform can be used to persuade other member states to convince India to give the due rights to the people of Kashmir. The time has reached to make international community realized to initiate talks between Pakistan and India, before this the new tension steer more conflict and makes peaceful solution impractical.

Conclusion

The Kashmir issue is in limbo because of the state preference to use a bilateral approach to solve the Kashmir issue. There is no dearth of problems, conflicts and tensions around the world requiring the attention of great powers' capital and organizations they are influencing. But the dangers of a nuclear war between the world's most hostile nuclear powers (India-Pakistan) demand the attention of peacebuilders to stop the foreseeable disaster, likely to take place because of Kashmir tangle. Peace in Jammu and Kashmir has become an enigma because of the historical conspiracy, complications and concoction. The colonial past with territorial ambitions has soaked the land in blood but continuous struggle of resolute people of Kashmir is indissoluble. The whole scenario is depiction of the failure of state level efforts, thus; renewed multilateral efforts are required to solve Kashmir issue and to wage peace in South Asia.

In retrospect, the involvement of the international community in the Kashmir dispute is illuminating recurrent failure and frustration because of the negligence of decision makers at

⁴⁸Dr. Monis Ahmer, "The Unfinished Agenda", *Dawn*, August 14, 2019, <https://www.dawn.com/news/1499346>

state level. The reports of international organizations after the revocation of article 370 tacitly moving policymakers to pay heed over the issue. Nevertheless, the selfish behaviors of states have manifested that viable solutions are actually with regional and international organizations.

The realization of the dangers of nuclear competency between India and Pakistan is desirable for world leaders. While holding seats in international organizations, the multilateral efforts for the solution of Kashmir should be made to preserve their interests in future and to make South Asia stable. The unified approach of states through regional and international organizations would be more persuasive. For instance, it may be difficult for member states of the UN to resolve the issue diplomatically at initial; however, the mediation role of the US and United Kingdom (UK) in the UNSC, would become effectual. Similarly, Russia and China can persuade their allies in SCO to find a common ground to solve the issue. HRW and OIC would spread the voices of the people of Kashmir to the international community through reports and summits. Overall, it appears that the multilateral approach directs a cumbersome way out; yet it is for sure that solution of Kashmir and enduring peace can only be steered by using multilateral approach.