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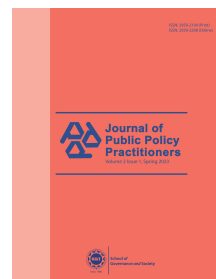
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# Re-Annexation of Indian Occupied Kashmir: Challenges and Options for Pakistan

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## Abstract

This paper intends to evaluate the Kashmir issue in the backdrop of the Indian actions of 5<sup>th</sup> August, 2019. Firstly, some basics of the State of Kashmir and the Kashmir issue have been narrated. Thereafter, an in-depth analysis of the Indian perfidy terming “annexation” as “accession”, elaborating the characteristics of the special status given to the occupied state, has been made. The actions of 5<sup>th</sup> August, 2019 whereby that status was completely revoked, “re-annexing” and dividing the state into two union territories, unilaterally, has been detailed. The impact of the “re-annexation” has been framed, duly highlighting the plight of Kashmiris and lack of preparedness on the part of the State of Pakistan. However, some of the noteworthy initiatives by Pakistan after the Indian move have been underscored. Indian actions have resulted into various anticipated threats and opportunities for Pakistan which have been discussed in detail keeping in view the geo-strategic and internal and external socio-economic and political ground realities; some of which had compelled Modi to choose this particular point in time to realize the long-standing dream of BJP. It has been maintained that Pakistan needs to stick to its principled stand and concluded that Pakistan must take certain actions to minimize the threats and make best use of the opportunities coming its way. The recommendations have been made with a view to initiate a well-meaning effort in a systematic way through an institutionalized action plan to end the pain and suffering of the incarcerated people and to get Kashmir liberated from India in accordance with the wishes of the Kashmiris.

**Keywords:** Annexation; Re-annexation; self-determination; Accession; Kashmir

## Introduction

Whole Jammu & Kashmir (J&K) comprises of approx. 16.4 million souls and an area of 308, 029 sq. kms. Occupied J&K has an area of 222,236 sq.

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kms. (85,806 sq. miles) and 10.1 million population; having 68.31% Muslims, 28.44% Hindus, 1.87% Sikhs, 0.90% Buddhists and remaining others. Further, the valley has 95% Muslims and remaining are Hindus and Sikhs. In Jammu, 30% are Muslims, 66% Hindus and 4% others; whereas, in Ladakh, 46% are Muslims, 50% Buddhists and 4% others. Azad Jammu and Kashmir (AJK) has an area of 13,297 sq. kms. (5,134 sq. miles) and 4.5 million population which is 100% Muslim; and, Gilgit-Baltistan (GB) has an area of 72,496 sq. kms. (27,990 sq. miles) and 1.8 million population which is 99% Muslim. So, the State of J&K is still pre-dominantly Muslim with around 80% Muslim majority (British Broadcasting Corporation [BBC], [2016](#); Census, [2019](#)). China also controls a part of Kashmir, Aksai Chin, having 19,850 sq.miles (31,945 sq.kms) area and only 10,000 population.

Kashmir issue has been bedeviling the Kashmiris, Pakistanis and Indians due to defective and incomplete Partition which was rooted in the Indian Independence Act, 1947 (Lamb, [2002](#)). At the time of the Partition, there were about 560 Princely States in India. The fate of only three hanged in the balance in August 1947: Kashmir, Hyderabad and Junagadh (Lamb, [2002](#)). The ruler of Hyderabad wanted to remain independent; whereas, the ruler of Junagadh announced in favour of Pakistan. The rulers of both these States were Muslim, but the population was mainly Hindu. India annexed Hyderabad and Junagadh as Pakistan had no direct geographical contiguity with them (Lamb, [2002](#)). Jammu & Kashmir is the only State whose ruler was a Hindu, but the population was overwhelmingly Muslim. It was naturally linked to Pakistan; but the ground link with India was managed through the Radcliffe Punjab Award (Lamb, [1994](#)).

India annexed the state of J&K illegally and fraudulently and, since then, never agreed to a joint pull out of forces. Resultantly, Kashmiris could never exercise their right of self-determination, independently. The use of delaying tactics, manipulations, deceit, coercion, and killings, time and again, compelled the Kashmiris to rise and fight for their freedom. Historically, there has been promises of a plebiscite to join India or Pakistan, followed by the proposals for division on religious lines leading to the “third option” and, lastly, Musharraf’s “Four Point Agenda”; but, none seemed to work towards any solution (Aziz, [2019](#)).

Unfortunately, India has terminated the special status of the state of J&K unilaterally and bifurcated it into two union territories. This is being termed

as re-annexation or re-occupation of the J&K. It is evident that the reckless action, visualized long ago, has now been taken contemplating several advantages; followed by the worst possible human rights abuses and the nightmarish curfew which has to date (on 10.12.19) entered its hundred and twenty-eighth day. This attempt by India- coupled with various internal and external dynamics- entail certain threats and opportunities for Pakistan which will be explored in this paper.

### **Statement of the Problem**

People in the occupied J&K had been living under the Indian yoke for the past 72 years. After having failed to subdue the epoch-making Kashmiri struggle for the right of self-determination, waged in the aftermath of “annexation” in the last 72 years, India, ruled by the Fascist-minded BJP, revoked the special status and “re-annexed” and bifurcated the occupied Jammu & Kashmir (J&K) in August, 2019. This was followed by the worst possible repression of the people of the state, imposing curfew and disconnecting the means of communication. Nobody exactly knows the plight of the incarcerated people of occupied J&K; which has made the situation very complex. Not much literature is available on different aspects of this event and the future course it may lead to. In this backdrop, this research study primarily intends to find answers to the following questions:

1. What are the different dynamics of “annexation” and “re-annexation” of the occupied J&K?
2. Why and how this issue poses threats & opportunities for Pakistan?
3. What is the proper way forward?

### **Significance of the Study**

The State of Pakistan is trying to figure out the repercussions of, and responses to, the illegal acts of the Modi Government which has unilaterally “re-annexed” the illegally occupied J&K. The bigoted approach of the followers of Hindutva, the global and regional geo-political chess board, keeping in view the ground realities in Pakistan and India, makes it imperative to study the Kashmir Issue with special emphasis on current dynamics. Hence, the issue is very real and current and there is immense significance of the study for Pakistan, Kashmiris, Indians and the world at large.

## Review of the Literature

To explore the research topic, several sources have been used. The books of eminent Pakistani, Indian and the Western authors have been widely consulted to comprehend the Kashmir issue, especially the issue of “annexation” versus accession, from different perspectives. The Constitutional and legal aspects have mostly been understood from the statutes and remarkable discourses by Ahmar Bilal Soofi, Ijaz Hussain and several articles written by accomplished writers and lawyers. The works of Mr. A. G. Noorani, an eminent Indian lawyer, also proved quite useful in understanding the Indian fallacy. The seminal contributions by Alistair Lamb, like: “Birth of a Tragedy” (1994); “The myth of Indian claim to Jammu and Kashmir-a reappraisal” and “Incomplete Partition” (1997); Prem Shankar Jha’s, “Kashmir 1947-Rival Versions of History”; Christopher Snedden’s “Understanding Kashmir and Kashmiris” and Victoria Schofield’s, “Kashmir in Conflict-India, Pakistan and the Unending War”, among others, provided a complete picture. The newspapers of repute and many journals and magazines have published insightful articles on Indian action of 5<sup>th</sup> August and its consequences. The information about the geo-political dynamics and the internal and external strengths and weaknesses of Pakistan and India have been gleaned from various diverse sources, including the high-quality lectures delivered by the experts at NIM during the course. A deliberate effort has been made to know the view-point of all the stakeholders and then firm-up a well-considered opinion.

The developments that have taken place during the BJP Indian government have not been discussed in depth. The revocation of the special status of Indian Occupied Jammu & Kashmir in August, 2019 has opened the doors of worst possible repression of the people of the state and grave violation of the UN Resolutions. This gap needs to be filled with cogent, robust and credible research.

## Methodology

Qualitative method has been used, citing examples. Explanatory technique has been employed, as the problem has not been studied before in detail. Mostly secondary data like documents, books, articles, internet, questionnaire and observations is used in this paper. Nevertheless, some primary sources have been consulted to formulate realistic opinions.



## Organization of the Paper

The paper starts with the introductory paragraphs. Section 1 deals with the facts and multifarious dynamics with respect to the original “annexation” in 1947 and the “re-annexation” by India on 5<sup>th</sup> August, 2019. Section 2 details the multifaceted threats and opportunities for Pakistan in the wake of Indian “re-annexation” and division of the occupied J&K keeping in view the present internal and external geo-strategic, socio-economic and political environment. Section 3 attempts to find out the best solution for Kashmir dispute in the present scenario; followed by conclusion and recommendations to mitigate the threats and cash in on the opportunities.

### Annexation & Re-Annexation

#### Annexation of J&K

First of all, an in-depth analysis of the first “annexation” of the state of J&K by India is warranted! “Annexation” means, “to take possession of an area of land or a country, usually by force or without permission” (Cambridge Dictionary, [n.d.](#)). In law, “annexation” is defined as, “a formal act whereby a state proclaims its sovereignty over territory hitherto outside its domain. Unlike cession, whereby territory is given or sold through treaty, annexation is a unilateral act made effective by actual possession and legitimized by general recognition.” (Britannica, [2019](#)). Following discussion will prove that it is in these terms that the word “annexation” has been used in this chapter.

In the historical perspective, Prem Shankar Jha and other Indians claim that the “Instrument of Accession” (IoA) of J&K with India was signed by Maharaja of Kashmir, Hari Singh on 26<sup>th</sup> October, 1947; and, it was only then that the Indian forces landed on Srinagar airport. However, many foreign neutral writers have established, over the period of time, that the IoA of J&K with India was either fake or it may have been agreed to or signed after the Indian forces physically landed on Srinagar airport on 27<sup>th</sup> October, 1947 (Lamb, [1994](#)). Alistair Lamb terms the IoA story as a fraud and asserts, “...a master magician would have great difficulty in conjuring up a signed Instrument of Accession in New Delhi on 26 October 1947” (Lamb, [2002](#)). It is again underscored that, “...the timing of the signing of the alleged Instrument of Accession undoubtedly affected its legitimacy. If, it did take place after the Indian intervention, then it could well be argued

that it was either done under Indian duress or to regularize Indian *fait accompli*.” (Lamb, [2002](#)). Therefore, it was not “accession” but “annexation”. Many implausible justifications and glaring contradictions in the account of events described by the Indian side also tend to prove that the story of 26<sup>th</sup> October accession was fabricated (Lamb, [2002](#)).

In any case, be that as it may, even from Indian accounts, the accession was provisional and temporary in nature. Just after “obtaining” the IoA, a meeting of Defence Committee was held which was attended, among others, by VP Menon and Sardar Patel; and, it was decided in the meeting that “...accession of Jammu & Kashmir should be accepted, subject to the provision that a plebiscite would be held in the state when the law & order situation allowed” (Schofield, [2023](#)). Again, in his letter written to the Maharaja, Mountbatten, accepting IoA, stated that, “...accession should be confirmed by a reference to the people...in accordance with the wishes of the people of the state” (Schofield, [2023](#)).

Later on, the Indian government itself referred the Kashmir crisis to the UN Security Council on 1<sup>st</sup> January, 1948 (Schofield, [2023](#)). On 31<sup>st</sup> December, 1947, Nehru, Prime Minister of India wrote to the Secretary General of the United Nations that, “...the people of the state will freely decide their fate and that the decision will be taken according to the universally accepted democratic means of plebiscite or referendum” (Schofield, [2023](#)). The provisional character of the accession is confirmed if we peruse the correspondence done by Nehru with the Pakistani Prime Minister, Liaquat Ali Khan (Hussain, [1988](#)). On 15<sup>th</sup> January, 1947, Mr. Gopalswamy Aiyengar, Indian permanent representative in UN also reiterated in his opening speech on Kashmir that the future of Kashmir would be decided by none other than the people of the state (Hussain, [1988](#)). Arundhati Roy stresses that Kashmir was never an integral part of India; and, cited 14 instances where the first Prime Minister Nehru had remarked that “the question of accession in any disputed territory or state must be decided in accordance with wishes of the people”. She rightly maintained that if talking about the right of self-determination for Kashmiris was sedition then first sedition case should be registered against Nehru, posthumously (“Sedition Case Registered”, [2010](#)). However, as could be seen, over all these past years, India has been maneuvering around and playing games with the Kashmiris, to keep the occupied territory under its control by hook or by crook. India never fulfilled its promises.

On India's request, UN took cognizance of the dispute and passed several resolutions with respect to the right of self-determination of J&K. UNSC resolution No. 47, dated: 21<sup>st</sup> April 1948 is the most important one in this regard (United Nations Security Council Resolution, [1948](#)). But, the same could not be implemented as India, on one pretext or the other, did not want to take risk of vacating the state. Several proposals were prepared by the representatives of the UN: Josef Korbel, Mc Naughten, Sir Owen Dixon etc. but none could see the light of the day due to lack of consensus between India and Pakistan. And it was mainly India which didn't accept the proposals (Hussain, [1988](#)). The Indian side delayed the matter excessively to get strong foothold in the occupied territory, refused the demilitarization and plebiscite after 1949, and, hence, never fulfilled its promises made with the people of Kashmir (Soofi et al., [2019](#)). Therefore, it is proved beyond doubt that it was in fact "annexation" and not accession, as claimed by India. However, due to peculiar position of J&K, India was constrained to accord special status to the state.

### ***Special Status of J&K***

India had illegally declared the J&K as its constituent part in Article 1, and Schedule I, of the Indian Constitution, 1950. On the contrary, Pakistan got control of GB in November 1947 on the request of the Revolutionary Command Council of GB. Karachi Agreement, signed by Pakistan and Kashmiris (Muslim Conference) is also the basis of Pakistan's relationship with AJK and GB. Article 257 of the Constitution of Pakistan, 1973, clearly stipulated the dynamics of future relationship of Pakistan with Kashmir, without terming Kashmir as its integral part. This was strictly in accordance with the UN resolutions on Kashmir.

Occupied J&K was the only state in India which was allowed to retain its own Constitution (Deka, [2019a](#)). In order to frame the Constitution of J&K, India conjured up a Constituent Assembly, rigged by Sheikh Abdullah. Consequently, "...the representatives of the National Conference were returned in all 75 seats without a vote being cast, except in two constituencies in Jammu where independent candidates contested the elections", lamented the International Commission of Jurists (Goodhart, [1995](#)). Observing such highhandedness, deception and sham "elections" on the part of India, the Security Council passed Resolution 91 of 1951, on the report of Sir Owen Dixon, which established that the actions of the "Constituent Assembly" would not affect the decision of the UN and that



the future of Kashmir would be decided through a fair and impartial plebiscite 9 UNSCR. “UN Resolutions). This was in essence a timely rebuke to India to refrain from obtaining illegal decisions through a “Constituent Assembly” lacking trust of the people.

Contrary to the assertion by the UN, the “Constituent Assembly” framed the Constitution for J&K in 1956 incorporating the provision that the whole of the state was an integral part of India. However, realizing the disputed status of J&K, Article 370 was added to the Indian Constitution, after obtaining recommendation from the “Constituent Assembly”. And, Article 35 (A) was also added under Article 370, through a Presidential order in 1954, on the recommendation of the “Constituent Assembly” of J&K, which gave special rights to the permanent residents of the state of J&K, e.g.: it prohibited purchase of land or property and employment in J&K by any person who was not the permanent resident of J&K. This had been done to protect the demography of the state which is the only Muslim majority state in India (Deka, [2019a](#)). The “Constituent Assembly” was thereafter dissolved. These Indian actions could not convince the international community and the Security Council reiterated UN Resolution 91 through another Resolution 122 of 1957 and thus re-emphasized the importance of the plebiscite under the UN (Deka, [2019a](#)).

Nonetheless, it has been observed that, over the period of time, illegal Presidential orders have hollowed out Article 370. In 1952, when this Article was inserted in the Constitution, only three subjects: Defence, Foreign Affairs and Communications were put under the jurisdiction of Indian State (Soofi et al., [2019](#)). But, the President of India, through 47 Presidential orders, extended 260 of the 395 Articles of the Indian Constitution to Jammu & Kashmir, including 94 out of 97 entries on the Union List (Soofi et al., [2019](#)). This was an illegal act as no law could be extended by the President without the consent of the Constituent Assembly which had already been dissolved. This resulted in a gradual attrition of the “special status” as compared to other Indian states and neutralization of Article 370 (Soofi et al., [2019](#)).

Nevertheless, it can be said that despite so many Presidential orders, the state of J&K retained its special status, to a certain degree, till 5<sup>th</sup> August 2019, when Indian government unconstitutionally and illegally revoked it in a bizarre and clumsy way; and, “re-annexed” the disputed territory.

## Re-annexation & Division of Occupied J&K

Now, after knowing the truth about the first “annexation” and the consequent award of “special status” in the Indian Constitution, an analysis of the recent “re-annexation” will be done. The word “annexation” was defined above in detail. Keeping in view the definition of “annexation”, the “re-annexation” means, “to again take possession of an area of land or a country, by force or without permission”. This is a unilateral act without any consent of the people of the territory being annexed. The following discussion would prove that this is what precisely the Indian state did, blatantly, trampling upon the rights and aspirations of the occupied people of J&K.

On 5<sup>th</sup> August 2019, Indian government, led by BJP announced drastic changes in Article 370 of the Indian Constitution that granted special status to the occupied territory of J&K, including Ladakh. As a corollary, Article 35A of the Indian Constitution also became a relic of the past. The Jammu and Kashmir Reorganization Act, 2019 has been passed by both the houses of the Indian parliament, and assented to by the President of India, which has bifurcated the occupied J&K into two Union territories: Ladakh and J&K.

This was done despite superior judiciaries’ decisions to the contrary, which had held that Article 370 had attained permanence in the absence of the Constituent Assembly. Inter alia, due to following clauses in the IoA, it was clearly mentioned in clause 3 of Article 370 that other Articles of the Indian Constitution could only be imposed by the President in occupied J&K if the Constituent Assembly of J&K had endorsed the same:

5. The terms of this my Instrument of Accession shall not be varied by any amendment of the Act or of the Indian Independence Act, 1947, unless such amendment is accepted by me by an Instrument supplementary to this Instrument. (Clause 5 of the IoA)

7. Nothing in this Instrument shall be deemed to be a commitment in any way as to acceptance of any future Constitution of India or to fetter my discretion to enter into arrangement with the Governments of India under any such future Constitution. (Clause 7 of the IoA)

In order to find a way out of the legal imbroglio, the President of India modified Article 370 and changed the word Constituent Assembly of J&K with the Legislative Assembly of J&K in clause 2 of the said Article.

Moreover, since Legislative Assembly of J&K had been suspended, the President accepted the concurrence tendered by the governor of occupied J&K as that of the Legislative Assembly. This proves very clearly that the BJP led government took a long, winding, implausible and illegal route to materialize its dream, recklessly. The reasons given by the Indian government for revoking the special status were that the same had been discouraging the outside investment, affected its economy, increased terrorism and, therefore, it was necessary to treat J&K at par with other areas to effect large-scale development (BBC, [2019](#)). However, on the touchstone of reasonableness, this Indian argument is flawed. There are many other states which have weaker socio-economic indicators, but their status has not been changed. Part XXI, Articles 371 A-J of the Indian Constitution still preserve the special status of many such states.

Several Indian legal experts, historians, writers and intellectuals think that Article 370 cannot be changed in a way that it has been done. A. G. Noorani has remarked that "It is utterly and palpably unconstitutional". Similarly, Congress spokesperson and Rajya Sabha MP, Abishek Manu has termed it legally flawed and indefensible (Deka, [2019b](#)). The above analysis amply proves that the decisions of 5<sup>th</sup> August, 2019 by India are nothing but "re-annexation" of the already occupied territory; and, that the first "annexation" as well as the "re-annexation" are two sides of the same coin-an attempt by Indian state to hoodwink the eyes of the world in order to devour J&K, illegally and with criminal deception.

The illegal constitutional amendments have brought about following changes: (Deka, [2019b](#))

- a. The separate Constitution of J&K has been abolished.
- b. Now, there is no separate flag and anthem of J&K.
- c. All laws passed by the Indian Parliament will be applicable to J&K now.
- d. The Kashmiris are citizens of India and there is no dual or separate citizenship for J&K.
- e. Any citizen of India can now buy property or land in the erstwhile J&K.
- f. Any citizen of India can apply for employment or scholarships in the erstwhile state of J&K.
- g. The state of J&K has been bifurcated into two parts: Ladakh and J&K.

- h. Ladakh and J&K are the two new Union Territories instead of states. They are now directly under the central rule.
- i. The centre, now, can use the law enforcement agencies, including police, as it deemed appropriate.
- j. The centre will have more control over local administration and legislation process.

Such drastic changes, if not reversed, are bound to change the demography of J&K; and may turn majority Muslim population into minority in due course of time. But all of these schemes may not see the light of the day if there was severe en masse reaction by the Kashmiris.

### **Meltdown in J&K**

Even before the revocation of the special status, the central government had locked down the Kashmir valley, brought in more troops, imposed Section 144 to prevent assembly of people and had placed the political leaders under house arrest. The State had no democratic government and had been under President's rule since 20 June 2018, after Mehbooba Mufti's government lost majority due to ditching by the BJP, when these constitutional amendments were made. The Modi government, in order to avoid violent street protests and civilian casualties in the occupied J&K, resorted to complete communications blackout, media outage, indefinite curfew and arrests of mainstream political leaders, who have been contesting elections and taking oaths under the Constitution, including two previous Chief Ministers. The people of the beautiful Kashmir valley are still confined and persecuted with the help of 900,000 strong Indian force, which has turned it into a big detention camp akin to "Guantanamo Bay".

The stringent measures taken by the occupied forces have inflicted unprecedented pain and suffering on the incarcerated souls. It is, in fact, complete meltdown in occupied J&K. The curfew has entered 128<sup>th</sup> day. The global and regional powers, other countries, people of Pakistan, occupied J&K, AJK & GB, different segments of society in India, political parties, religious parties, minorities in both countries, human rights activists, scholars, electronic & print media, social media, UN etc. have either condemned or raised concerns over the precarious state of affairs and the grave human rights abuses in occupied J&K (Hashmi, [2019](#)).

### ***Why India Chose this Particular Time?***

Though, BJP had always been vociferously advocating the revocation of special status of Kashmir since ages and had included this in its election manifesto as well, plain reading of events suggest that this particular time may have been chosen, inter alia, due to: anticipated withdrawal of U.S. troops from Afghanistan; the Chinese and Russian recognition of the power wielded by the Taliban by engaging them in dialogues; the apprehension of capture of power by Taliban, in days to come, their soft corner for Pakistan and estrangement with India; the possible mediation efforts by US as indicated by President Donald Trump; the weak Pakistani economy which restricted its choices to out-manuever India; Pakistan's preoccupation with FATF and the IMF loan (FATF is being used as a stick against Pakistan and, strangely, IMF had linked its tranches with the compliance of FATF conditions); situation on Afghan border and the emergence of PTM; political instability and the apparent polarization in Pakistani polity; weak and disunited opposition in India; an attempt to get political mileage in some state elections; and, ample time to re-organize the occupied territories into a peaceful area in India, well before next Lok Sabha elections due after 05 years, may have compelled the Modi government to scrap the special status of J&K, now, before the Monsoon session of the Indian parliament ended on August 7 (Sharma, [2019](#)).

### ***Indo-Pak Relations in the Wake of Re-annexation***

5<sup>th</sup> August decisions by India have adversely affected Indo-Pak relations and made them more complicated! In a queer and grotesque way, the Indian Army Chief also keeps uttering jingoistic vituperations against Pakistan, AJK and GB (Jahangir, [2019](#)). Other consequences could be influx of more refugees to Pakistan after Indian repression, setback to back channel diplomacy and the peaceful settlement of the issue; raise in the level of mistrust on each other to new heights; weakening of the people to people contacts; fading away of the dream of regional connectivity and trade for the time being; and, a grave danger of escalation in cross-border skirmishes which might further aggravate to full-scale war, or, in an extreme case, the nuclear war. However, Indian last-ditch efforts to devour Kashmir may not prove useful as Kashmir is an internationally recognized disputed territory (Kantha & Jilani, [2019](#)). The situation could only normalize if the Kashmiris' human rights were protected and India reversed the unilateral decisions (Faisal, [2019](#)).

## Steps Taken by Pakistan

It seemed, initially, as if Pakistan was taken by surprise with regards to India's re annexation of J&K. The Foreign office, intelligence gathering mechanism and other concerned people didn't predict the actions of 5<sup>th</sup> August 2019; nor was any anticipatory action taken. BJP had been clamoring for the revocation of the special status and annexation of Kashmir since decades and had included this pledge in its party manifesto. However, no proper attention seemed to have been given to the turn of events which might take in case BJP fulfilled its long-cherished dream.

After the 5<sup>th</sup> August 2019 initiative, by India, the steps taken by Pakistan, inter alia, included:

- a. Immediately, after the revocation of the special status, the foreign office termed it illegal and unilateral which violated UNSC resolutions.
- b. On August 6, army commanders vowed to "go to any extent" to support the people of Kashmir.
- c. Joint session of the Parliament was immediately convened, which met on 7<sup>th</sup> August and condemned the "illegal, unilateral, reckless and coercive attempt to alter the disputed status of Indian occupied Kashmir".
- d. In many National addresses, speeches and interviews, the Prime Minister of Pakistan pledged and reiterated unequivocal support for the severely persecuted people of Kashmir and their right of self-determination. On 11<sup>th</sup> August, the PM of Pakistan equated BJP government with "Nazis" and underscored that any inaction now would tantamount to "appeasement" of the Hitler like Modi. He addressed a special session of AJK assembly and warned Modi and said that every brick will be countered with a stone ("Every Brick", [2019](#)). He, again did a commendable job by making an extemporaneous historic speech to the 74<sup>th</sup> session of the United Nations General Assembly on 27<sup>th</sup> September 2019. The PM warned about the "blood bath" in Kashmir, termed Indian actions as "genocide" of Kashmiris, attacked PM Modi's racist ideology accusing him of being the "life-long member" of RSS ("Full Transcript", [2019](#)).

- e. Pakistan immediately downgraded the diplomatic ties and expelled Indian High Commissioner, Ajay Bisaria. All cultural exchanges were stopped, and Indian films and dramas were banned in Pakistan.
- f. Two days after the revocation of the special status of the occupied J&K, the National Security Council decided to dedicate 14<sup>th</sup> August to the heroic struggle of the Kashmiris and 15<sup>th</sup> August as Black Day.
- g. Indo-Afghan trade route was blocked, and Samjhota Express train service was suspended.
- h. The ambassadors of P5 countries were summoned to the Foreign Office and Pakistan's concerns were conveyed to them.
- i. A joint session of Parliament was called on 6<sup>th</sup> August to send a message to the Kashmiris that Pakistan firmly stood with them on all fronts.
- j. Foreign Minister, Shah Mehmood Quraishi, who was performing Hajj, returned to Pakistan and spent Eid-ul-Adha at Muzaffarabad with Kashmiris.
- k. Pakistan also took up the matter with the UNSC, OIC and other leaders of the World.
- l. Signature campaigns and Black Day rallies against Indian atrocities were conducted to show solidarity with Kashmiris (“Black Day Rallies”, [2019](#)).
- m. Pakistan took diplomats to the border to have first-hand review of the actual position and to rebut Indian claims of cross-border infiltration (“Pakistan Takes Foreign”, [2019](#)).
- n. Kartarpur corridor was opened to prove religious tolerance and solidarity with the Sikh community. But Kashmir issue was raised by the PM Imran Khan during his speech delivered on the occasion.

Syed Ali Gilani, Chairman, APHC, occupied J&K, has advised to revoke Tashkent, Shimla and Lahore agreements and re-designate the LOC into ceasefire line, as India itself has ended all the bilateral agreements through its unilateral decisions (Geo News, [2019](#)).

From the above discussion, it is quite obvious that “re-annexation” of the occupied J&K and the prevailing internal and external circumstances imply various threats and opportunities for Pakistan.

## Threats & Opportunities

### Threats

#### *A New Great Game?*

There is a US-India strategic alliance against China. US also wants to contain Russia. Russia, China, Pakistan may come closer to counter US-India alliance. US has other allies too e.g.: Europe, Australia, South Korea, Japan, Taiwan and Arab kingdoms etc. The Saudi and UAE tilt towards US and India is quite conspicuous. Some analysts believe that Pakistan is a “state in defiance” in the “international order” (Blank, [2019](#)). The question is, where would this lead to? However, some scholars believe that the US withdrawal from Afghanistan may increase China, Russia and Pakistan’s influence in the region (Blank, [2019](#)).

#### *Policy of Appeasement for India*

In many ways, the year of 2019 seems to be a repeat of the year 1939! The annexation of a part of Czechoslovakia in 1938 should have been stopped by France and Britain. As, no action was taken against Hitler, he was emboldened and, hence, later on annexed Austria and Poland which started WW-II. The illegal annexation of the occupied J&K and bifurcation into two parts by Modi, is akin to Hitler’s annexation of Czechoslovakia in 1939. Secondly, as Nazis tried to inculcate superiority complex in Germans of Aryan race, and indulged in ethnic cleansing of Jews, the BJP and RSS are trying to infuse extremist tendencies in caste Hindus and hold fratricidal views against all minorities in India. This has resulted in Gujrat like pogroms and many instances of lynching by the frenzied mobs. Alarmingly, the world has conveniently ignored the rise of Fascism in India, despite very forceful pleadings by Pakistan (Ahmar, [2019](#)).

#### *Balance of Conventional Weapons in Indian Favour*

Notwithstanding that the nuclear deterrence has prevented full scale war between the two nuclear armed nations, but Indian superiority in the number and sophistication of conventional weapons pose a grave danger.

#### *FATF, IMF Conditions & Fragile Economy*

Pakistan is being closely watched by FATF- which is like a hanging Sword of Damocles - for any material help to the people fighting illegal Indian occupation (Khan, [2019](#)). Moreover, IMF had also linked the



disbursements with the positive FATF report. Due to already weak economic conditions and the IMF loan conditions, FDI may decrease; Rupee has devalued; debt burden has increased; tax rates are high; unemployment has risen; prices have spiraled upwards; interest rate has hiked; growth has slowed down; deficits have become the norm; cost of inputs (Electricity, Gas etc.) has inflated and indigenous products are increasingly becoming non-competitive. Coupled with these ills are the poor planning and resultant hemorrhage to the exchequer.

### ***An Attempt to Further “Internalize” the Issue***

India is trying to internalize the issue on the pretext that J&K does not have any special status after revocation of Article 370.

### ***Indian- Israeli Nexus***

India is trying to emulate Israeli tactics and Israeli technology, which they have been inhumanly using against the Palestinians. India’s Consul General in New York, Sandeep Chakravorty called for a replication of the "Israel model" in Kashmir on 23 November, 2019 (Pandit, [2019](#)).

### ***Shia-Sunni Rift in the Middle East***

Any exacerbation in the Shia-Sunni rift in the Middle East may have spill-over effects in Pakistan and India. Such fault lines may be anathema to the national unity which is very much required now against a common enemy.

### ***Russia-Taliban Rapprochement***

Russia invited Taliban in September after failure of US-Taliban talks (“Russia Hosts Taliban”, 2019). This may open the closed Taliban doors for India (Jaison, [2019](#)).

### ***Political Instability and Divisions***

The unstable socio-political situation in Pakistan is also a threat. The unrest may be due to: Political parties, religious parties’ protests, PTM, Balochistan, FATA merger etc.

### ***Demands for Physical Intervention***

Various segments of society, including the top leadership, in AJK are vociferously demanding physical intervention in the occupied J&K to help the beleaguered brethren. There have been many emotional appeals and

people even want to cross the LOC themselves. Such extreme sentiments may cause problems for Pakistan (JKLF asks AJK government, 2019).

### ***Change in Demography of J&K and Delimitations of Constituencies***

Kashmir is the only state, under the subjugation of India, which has Muslim majority. After abrogation of Art 35 A, any plebiscite in the occupied territory may become impossible; as, any person could purchase land or property and settle now in Kashmir which would dilute the Muslim majority. This would have very adverse implications for the interest of Kashmiris and Pakistanis, if ever any plebiscite was held. Arundhati Roy has also apprehended “Israeli-style settlements and Tibet-style population transfers” in Kashmir (Roy, [2019](#)).

### ***Escalation of Skirmishes into Full- Fledged War***

There have been many skirmishes between India and Pakistan which may turn into a full-fledged war. Pakistan has warned India that its actions in Kashmir could provoke war (Ratcliffe, [2019](#)).

### ***Threat of a Nuclear War***

War between India and Pakistan may end in a nuclear catastrophe. Any country using nuclear weapons first will have huge advantage. India has indicated to re-visit the “No Nuclear First Use Policy” (Elahi, [2019](#)).

### ***Water Threat***

Modi has threatened to stop water flowing to Pakistan which may prove to be a grave issue for Pakistan, if materialized in any degree (Syed, [2019](#)).

### ***Incapacitated Kashmir Cell***

Strong institutions having permanently posted human resource tend to have institutional memory and more capacity to pursue an agenda on long term basis. Kashmir issue needs long term planning and a patient execution coupled with a proactive approach, anticipating the enemy moves beforehand. The Kashmir Cell established in the ministry of Foreign Affairs does not have any permanent staff. With its present feeble condition, the Cell will be unable to cope with the daunting challenges ahead; and it will, more or less, continue to run the old beaten track not being able to formulate and properly disseminate a forceful narrative. This weakness is a threat for mission Kashmir (F. Tirmizi, personal communication, December 04, 2019).

### ***Lack of Targets Assignment and KPIs***

Though, foreign embassies do send the reports to the ministry regarding their activities; but the specific targets to meet unambiguous KPIs are still missing. As we have seen that the response of the intellectuals and other conscientious segments of the society has been quite encouraging, it is all the more imperative to engage them more professionally on daily basis. Such lack of target-setting, passion and the specific KPIs to monitor weekly progress is alarming.

### **Opportunities**

#### ***Kashmir Issue Internationalized & Highlighted***

Due to 5<sup>th</sup> August actions and subsequent steps taken by Pakistan the Kashmir issue has gained prominence in the news media and world capitals. Turkey, Malaysia, China, Political parties of UK, Malaysia, Turkey etc. have openly spoken in favor of the UN resolutions (Agrawal & Salam, [2019](#)). Recently, Swedish King spoke up for held Kashmir (“Swedish King Speaks”, [2019](#)). UN office of the high commissioner for refugees (OHCHR) reports, 2018 & 2019, on human rights abuses in occupied J&K need to be highlighted properly.

#### ***Receptive World Conscience***

Scholars and Human Rights activists have soundly denounced the brutal, savage and inhuman treatment of Kashmiris by the Indian occupation forces. The high-profile celebrities around the world have spoken their heart out. Amartya Sen, equated Indian actions with the colonial tactics, remarking: "That's the classic colonial excuse. That's how the British ran the country for 200 years" (Som & Sanyal, [2019](#)).

Arundhati Roy in a recent interview with famous newscaster, Mr. Mehdi Hassan, revealed the tragic situation in Kashmir, saying: “Every single person who has a voice at all has been arrested. And that, as you say, includes all the former chief ministers, people who have been carrying India’s water for the last 70 years. Everybody is in jail. Anybody who has a voice is in jail. Anybody who dares to speak up is being picked up, anybody on the street, you know...why are they negotiating the fate of seven million people who have been caged? I mean, how would it be if seven million people in New York were caged...?” (The Intercept, [2019](#))

George Galloway has fearlessly raised his voice in favour of the right of self-determination for Kashmiris and against the Indian occupation of Kashmir through 700,000 troops. He also equated the occupying forces' actions with Israeli tactics (P4K1R4MB0, [2019](#)).

US presidential candidate, Elizabeth Warren called upon India “to respect rights of the people of Kashmir”. Leading Canadian politician Jagmeet Singh has also denounced “what India has been doing to the people of Kashmir”. There are many such other examples. This awakening of the world conscience is encouraging. Dawn has also highlighted this aspect in one of its editorials (“Focus on Kashmir”, [2019](#)).

### ***Better Chances for Resolution of Kashmir Dispute***

The uprising in occupied J&K may turn-out to be a decisive factor with respect to the resolution of the Kashmir dispute. India cannot impose curfew for an indefinite period of time. The followers of Chankya have taken a leaf out from the time-tested Machiavellian trick book of Israel. But this emulation of the saga of immense pain and suffering will not be successful in Kashmir due to its peculiar circumstances and location. If the people continued the present trend of agitation and the tactics of hit and run, a time will come when fatigue may overpower the occupation forces. The uprising, huge processions and media projections may ultimately compel Indian state to look out for the alternatives and resolve the dispute.

### ***Convergence of Interests of China and Pakistan***

The unilateral actions by India have brought China and Pakistan closer to each other. India has bifurcated Kashmir and tried to ingurgitate the whole disputed area which also includes those areas which are under the occupation of China and Pakistan. This recklessness on the part of India has irritated China; and, therefore, it has repeatedly and vociferously recorded the protestations and emphatic declarations to the chagrin of the nefarious plotters. India, now, has to redouble its efforts to avoid extreme antagonism of China, may be by offering more concessions on the economic front. In any case, the long-term relationship of both the strategic partners, i.e.: China and Pakistan have got another reason and catalyst which would further strengthen the mutually beneficial symbiotic bonds (“PM’s China Visit”, [2019](#)).

### ***Better Omen for CPEC and Beyond***

Due to the new twist of turns in Kashmir, coupled with the Chinese interests in the peaceful Afghanistan and US antipathy towards OBOR and CPEC, both China and Pakistan have now all the more reasons to make the CPEC a lasting success. In future, Afghanistan may also be included in the CPEC network. It was apprehended that the progress on the projects under execution had slowed down. But now, not only the ongoing projects have got a new lease of life but the Long Term CPEC Plan may also become a reality opening new and diverse vistas for future growth. For example: the plan for tourism projects along the coastal areas and the railroad link connecting Pakistan and China may see the light of the day.

### ***Resurgence of Taliban & Likely Impact on J&K***

The Taliban never faded into oblivion. The inability of the US to subdue the Taliban in Afghanistan even after a protracted war and spending trillions of dollars has emboldened and reinvigorated them and has resulted into their resurgence. Russia and China are engaging the Taliban also. China, as an economic powerhouse, wants peace in Afghanistan which would be in the interest of lasting peace in the restive Muslim majority province of Xinjiang also, that borders Pakistan. Of all the factions in Afghanistan, Taliban are the closest to Pakistan. There are strong indications that Taliban will have an upper hand and a strong say in future Afghan affairs. Due to Indian intimacy with the present Afghan regime and the erstwhile Northern Alliance, the Indian state and Taliban are averse to each other. Hence, the ascendancy of Taliban may strengthen Pakistan and, hence, the Kashmiri struggle in various ways.

### ***Estrangement in Kashmir on Zenith***

All political leaders in the Kashmir valley were arrested by the occupying forces, in the wake, and aftermath, of the August 5 decision. Apart from the leadership of the Hurriyat Conference, even those Muslim leaders were confined who were hitherto beneficiaries of the Indian occupation, e.g.: Farooq Abdullah, Mehbooba Mufti etc. Thus, the alienation over the whole socio-political spectrum is complete. The interview given by the daughter of Mehbooba Mufti and a Kashmiri IAS officer in this backdrop are a case in point. Sarral Sharma observed, “What the Modi government fears—and should fear the most—is the public reaction in Kashmir...If the government does not prioritize corrective

measures immediately, there are grave chances of civilian unrest and violent street protests in the Kashmir Valley (Sharma, [2019](#)). The PM Imran Khan challenged Modi to hold referendum in Kashmir today to know which side the Kashmiris chose (Raza, [2019](#)).

### ***The Ugly Face of Hindutva Unmasked***

The extreme views of the followers of Hindutva have exposed their hidden ambitions (Som & Sanyal, [2019](#)). Their desire to imitate Israel, establish Hindu Raj and unabashed insinuations to marry and rape the Kashmiri women have revealed their true colours. Moreover, BJP is being slammed by many on the issue of Babri Mosque also. Muslims have, by and large, rejected the biased and irrational verdict of the Supreme Court; as ably narrated by an eminent Indian journalist and writer, Mr. Javed Naqvi (Naqvi, [2019](#)).

### ***The Divisions in India Widened and Exposed***

In India, Muslims are 14.2%, Christian 2.3% and Sikhs 1.7%. Moreover, there are 16.6% Dalit (scheduled caste) and 8.6% scheduled tribes who have historically been treated inhumanly by the caste Hindus. Combined, they along-with Buddhists, Jains and others constitute around 48%. The high handedness and bigotry on the part of caste Hindus is increasing the wedge between these two segments. Moreover, there has always been a sense of separate identity! Firstly, between the original Dravidian population which is mainly concentrated in the South and the Aryans who brought new religion to India; and, secondly, between the Hindi belt and the other regions (South, West, Northwest, North East, Punjab etc.). The Maoist rebels also pose dangerous threat to peace and economy of India. The Indian Supreme Court decided the case of *Babri* mosque in favour of Hindus; thus succumbing to the pressure of the hardliner bigoted caste Hindus endorsing the pressure tactics and use of violence, on flimsy grounds (“Indian Top Court”, [2019](#)). The Muslim Law Board has rejected the decision with disdain and vowed to continue the legal fight (ABP News, 2019). Muslim lawyers fighting the *Babri* mosque case alleged that the decision was given in favour of Hindus despite the fact that “all evidence was with us” (“Babri Mosque”, [2019](#)). Polarization in India is at its pinnacle now (“Babari Masjid Verdict”, [2019](#)).

### ***Muslim Plight in India Highlighted***

AG Noorani, an eminent Indian Constitutional expert, clearly establishes that the Indian Muslims are more or less held as hostage on Kashmir Issue (Noorani, [2019](#)).

### ***Minorities' Fears Exacerbated in India***

The minorities in India have always remained under a constant fear of reprisals from caste Hindus, on the slightest pretexts. The treatment being meted out to the Muslims-lynching by cow vigilante groups, Babri mosque and claims on other historic places- is a lesson for Christians, Sikhs, Dalits, Scheduled tribes, Buddhists and others for the kind of pain and suffering their fate may be awaiting in the days to come. Other minorities might be watching the plight of Muslims, who are the most powerful minority, thinking that if the Muslims could be treated with such disdain and apathy, could their fate be possibly different? Such fault lines are bound to weaken the Indian state from within. And, it has been seen that, the internal weakness is too difficult to overcome, and no amount of religious dogma, fervor and arms and ammunition would be able to suppress the resultant cacophony of discordant voices (“Hindu Zionism”, [2019](#)).

### ***Centrifugal Forces in North-East India and Punjab Catalyzed***

India has never been united in its present shape under the yoke of a Hindu state. It has been a conglomeration of different and distinct states; and the boundaries of the states remained fluid. Manipur and Punjab may be the cases in point. The movement for *Khalistan* has again gained momentum. Sikhs have started arranging joint processions with the Kashmiri and Pakistani diaspora abroad (Agence France-Presse [AFP], [2019](#)).

### ***Indian Economy on Downward Spiral***

It has been proven that India’s growth rate was over-stated for political reasons and to attract more foreign investment (Nag & Mazumdar, [2019](#)). Moody’s cuts India’s outlook to negative (“Mody’s cuts India’s Outlook”, [2019](#)). Indian economy may not be able to cope with the ever-increasing pressures of the prolonged engagement in Kashmir and other restive areas with an increasingly huge chunk of upset population.

## ***Unity in Pakistan against a Common Enemy***

Hindus have always tried to assimilate and obliterate other religions. There have been some elements who used to question the very idea of Pakistan. The treatment of minorities in today's India has been an eye opener. It is now clearly visible and discernible as to why our ancestors opted for Pakistan and achieved their dream in the face of all obstacles. The younger generation which didn't comprehend the dynamics of what transpired before 1947 and which was not privy to the tribulations of Muslims of those times, are watching, with their eyes wide opened, the lynching of their brethren in India just because of their faith. There is now an unprecedented consensus that Pakistan was inevitable.

### ***The Illegality of "Annexation"***

An annexation is unlawful under international law! Therefore, no State could recognize such an extreme step. Moreover, change in demography in an occupied territory is also illegal. Pakistan has an opportunity to gain from this Indian weakness (Soofi et al., [2019](#)).

### ***Is this a Blessing in Disguise?***

The above analysis tends to show that BJP's moves to dominate by force and impose its dogmatic ideology may have provided Pakistan an opportunity which may be termed as a blessing in disguise. There are glimmers of hopes in these times of physical and emotional stress. But it remains to be seen whether we make the best use of the circumstances; and, whether we grow economically and spiritually strong enough to cope with the daunting challenges ahead? More importantly, would we now bring our house in order?

## **Policy Options for Kashmir**

### **Parallels with Kosovo**

Kosovo and Kashmir have extraordinary similarities. Kosovars, who were in majority, were mal treated by the Serbs. Due to persecution by Milosevic, about 400,000 of them escaped the living hell of Kosovo. Consequently, the UN resolved the Kosovo issue. But, despite UN resolutions, the Kashmir issue could not be resolved because of Indian insistence that the same were not binding being included in chapter VI of the UN charter (Elahi, [2018](#)).



The inhuman treatment of the Kashmiris by the Indian occupation forces has already surpassed that of the Serbs. Hence, the threshold has already been breached and the Rubicon has been crossed; and, therefore, intervention by UN is very much due on the lines of Kosovo. One of the important steps to resolve the Kashmir issue would be to reframe the UN resolution 47 of 1948 (for Kashmir) on the lines of UN resolution 1244 of 1999 (for Kosovo), under chapter VII of the United Nation's charter (Elahi, [2018](#)).

### **Example of East Timor**

The UN also acted proactively to resolve the issue of East Timor, which was a Christian dominated state under the Indonesian control. Indonesia was made to accept the decision of the people of East Timor, expressed through referendum under the neutral UN aegis, after the Suharto era ended in his resignation; and East Timor got independence in 1999. The UN acted due to concerted efforts by some countries sympathetic to the struggle by the East Timorese and the armed struggle by the pro-liberation segment of the population. Consequently, Indonesian government could not sustain the international pressure 9 (Yousuf, [2019](#)).

On the same analogy, Kashmir has a very strong case. Indian state has alienated the overwhelming majority of the people of J&K; after playing its last card on 5<sup>th</sup> August. India, in a cataclysmic situation, incarcerated the whole population to barbaric perpetual confinement. Notwithstanding, that the “international establishment” may not be enthusiastically predisposed to the right of self-determination of Kashmiris, but with perseverance and following the course set by East Timorese, they will also get their right to decide what they want for their posterity (Yousuf, [2019](#)).

### **Possible Solutions**

From 1947 till date, the Kashmir issue has mostly been treated as a territorial dispute between Pakistan and India. Though many writers and thinkers have been portraying it as a humanitarian issue as well. The Indian, Pakistani and Kashmiri points of views have been duly documented by many. Alistair Lamb also detailed different solutions from the perspective of all major stakeholders (Lamb, [2002](#)). Similar reverberations could be heard from the Pakistani analysts also. Different oft-repeated options and their efficacy in the present scenario, developed after 5<sup>th</sup> August 2019, have

been analyzed in the policy matrix analysis paradigm, on the three most important touchstones: acceptability, legality and sustainability, as follows:

	Acceptability	Legality	Sustainability
Policy Option -1	Plebiscite in the whole of J&K for becoming part of Pakistan or India		
	May be acceptable to Pakistan, GB, UN, substantial population of AJK and occupied Kashmiris. Unacceptable to India and caste Hindu occupied population.	Legal as per Pakistan Constitution and UN resolutions.	Sustainable as the future will be linked either with Pakistan or India.
Policy Option -2	Plebiscite in the whole of J&K for becoming part of Pakistan or India or Independent		
	May not be acceptable to India, Pakistan, GB and segments of population in AJK.	Illegal as per Constitution of Pakistan, India and UN.	An independent Kashmir would be land-locked, vulnerable and dependent upon others.
Policy Option -3	Plebiscite for AJK and Occupied Muslim Majority areas for becoming part of Pakistan or India		
	May not be acceptable at this juncture to India, UN, Pakistan and Kashmiris.	Illegal as per Constitution of Pakistan, India and UN.	Sustainable
Policy Option -4	Plebiscite for AJK and Occupied Muslim Majority areas for Independence or part of Pakistan or India		
	May not be acceptable at this juncture to India, UN, Pakistan and Kashmiris.	Illegal as per Constitution of Pakistan, India and UN.	Independent area may not be sustainable

	Acceptability	Legality	Sustainability
Policy Option -5	Plebiscite in the valley of J&K only for becoming part of Pakistan or India	Illegal as per Indian and Pakistani Constitutions and against UN resolutions	Sustainable
Policy Option -6	Plebiscite in the valley of J&K only for becoming part of Pakistan or India or Autonomy with porous borders	Illegal as per Indian and Pakistani Constitutions and against UN resolutions	Sustainable
Policy Option -7	LOC as permanent border	Illegal as per Indian and Pakistani Constitutions and against UN resolutions	Sustainable
Policy Option -8	Division on religious lines: Ladakh and Jammu to India, J&K Valley, AJK and GB to Pakistan	Illegal as per Indian and Pakistani Constitutions and against UN resolutions	Sustainable

### Best Solution in the Current Circumstances

The above synthesis shows that the best solution in current scenario, keeping in view the unilateral actions of India after 5<sup>th</sup> August 2019, is nothing but “free and fair plebiscite as per UN resolutions” under the neutral

supervision of UN to ascertain the wishes of the Kashmiri people. The Kashmir issue is of very peculiar nature. This is not just a Hindu-Muslim issue; and, should not be taken as such. This is an unfinished agenda left over since partition of the sub-continent and has to be settled as per the wishes of the people of the state, as promised by the Indian leaders. Hence, any unilateral action will only tend to delay and complicate the issue. Pakistan must not give any unilateral statements for options other than what has been envisaged by the UN resolutions. Such flexibility on the part of Pakistan may be construed as weakness by the reckless, unscrupulous and jingoistic minded bigots across the border. For the time being, the emphasis should be on liberation from the stranglehold of India, which is hell bent, under the caste Hindus, to liquidate the Kashmiri identity. This is a matter of survival for Kashmiris and, hence, prove to be a battle cry to rally all Kashmiris from different schools of thought under one banner and with one mission: liberation from India before it gets too late. As per Article 257 of the Constitution of Pakistan, the relationship with Pakistan may be decided afterwards. And we must stand guard not to indulge in any such dialogue with India which might hurt the Kashmiri struggle at this critical point in time.

### **War is not an Option, Peace is!**

Despite the war like actions of 5<sup>th</sup> August and the jingoistic outbursts by India, war is not an option for any sane mind. The obvious reason being widespread destruction in both countries, rather in the whole region. Example of Europe is before us. After so much pain and suffering, ultimately, they came closer to each other and made their continent an embodiment of peace. And peace is a pre-requisite for development. No dream for progress and development and full realization of the individual potentials can be realized without an enduring peace. Regional connectivity and cooperation will bring dividends for all. And an environment of confrontation will shy away the investors from our region.

### **Conclusion**

The facts narrated above tend to reveal that Indian re-annexation and division of occupied J&K is an illegal unilateral attempt to subjugate the only Muslim majority state under the illegal possession of India, change its demographics, carry forward its fascist agenda of domination in the region and get political and strategic benefits at a time when Pakistan is marred

with internal and external issues. People of occupied J&K have been bearing the brunt of the brutal, inhuman, unceasing and repressive curfew for the last 125 days. The actions by the Indian state have opened a whole new vista of opportunities and threats for Pakistan. The focus of the government of Pakistan should be to minimize the threats and capitalize upon the opportunities, as detailed in this paper, to successfully negotiate the difficult situation till better sense prevailed in Indian establishment.

### **Recommendations**

1. Peaceful and negotiated settlement of the Kashmir dispute is the best solution! However, considering the fact that India is in no mood to sit on the table and has unleashed a reign of terror on the hapless people of the occupied area, we have to devise a long-term strategy immediately. As amply shown in this paper that numerous threats and opportunities have emerged for Pakistan due to Indian “re-annexation” of the occupied J&K. The government of Pakistan, through the Kashmir Cell, must use all the resources and the relevant institutions to devise strategies to minimize the threats and maximize the opportunities.
2. It has been discussed that the Kashmir Cell in the Foreign Office is quite incapacitated to undertake the onerous tasks as elaborated in this paper and cannot possibly realize the full potential of the opportunities detailed above. The Kashmir Cell be converted into a modern state-of-the-art Strategic Communications Cell having the wherewithal to deal with the 5<sup>th</sup> generation warfare. Permanent highly qualified technical staff need to be provided for Mission Kashmir.

It has been shown that the foreign office and the Pakistani embassies around the globe lack target-setting and do not have any KPIs with respect to highlighting the human rights abuses in the occupied J&K. It is strongly recommended that all diplomatic missions, including Consulates, big or small, may be assigned the targets and KPIs. All officers in the missions and foreign office must meet the influential people in, and among, the political parties, NGOs, civil society, human rights groups, media, intellectuals, writers, entertainment industry, governments, UN agencies, Amnesty International, OIC, SCO, OECD, ECO, SAARC, D-8 etc. on daily basis to intimate them regarding the plight of the incarcerated people of the occupied area. A well-articulated Boycott, Divestment and Sanctions (BDS) movement on the pattern of

Palestinians may be initiated by the Foreign Office against India on the basis of human rights abuses. Hence, a case for extreme human rights violation be established. UN office of the high commissioner for refugees (OHCHR) reports, 2018 & 2019, on human rights abuses in occupied J&K may provide a reliable base to proceed further. The performance be monitored on the basis of targets and KPIs.

3. Our focus should be on liberation from India. All Kashmiris agree on this one battle cry due to the bleak future that is so imminent now, if forces of Hindutva were allowed to have their way in Kashmir. This is not the time to talk about accession with Pakistan or Independence. All our efforts should be to ameliorate the sufferings of the Kashmiris.
4. The legal issues e.g.: whether to reframe the UN resolution 47 of 1948 (for Kashmir) on the lines of UN resolution 1244 of 1999 (for Kosovo), under chapter VII of the United Nation's charter; whether to challenge Indian unilateral actions in ICJ; and whether to revoke all bilateral agreements with India etc. be done after thorough examination by the think tanks, threadbare discussion and preparation of flawless cases and decisions by the NSC in consultation with China and other friends, including APHC, keeping in view the international situation which tends to tilt, sometimes, in favour of India due to US-India strategic alliance.
5. Lastly, the "Now or Never" time has come for Pakistan. We must bring our house in order and bull-doze all hurdles impeding our march to the goals of Good Governance, strengthening of Institutions, rule of law and equality before law. This is the only panacea. No political party be allowed to make mockery of these cardinal principles. The National Security Council must make "the principles of Good Governance" as their topmost agenda. Economy will play a decisive role, to lessen the threats and reap full benefits from the opportunities that lay ahead, which cannot happen and sustain without overcoming the crises of governance.

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