

Kashmir as a Nuclear Flashpoint: Complexities of the Issue and Measures for its Resolution

Kinza Javed, Afshin Ikram, Nimra Safdar, Zainab Iqbal, Dr. Nadia Khadam

Fatima Jinnah Women University, Rawalpindi, Pakistan

Abstract

The paper aims to highlight the issues related to the disputed territory called Kashmir located between India and Pakistan and to look for possible ways for their resolution. The dispute broke out after the partition of the Subcontinent in 1947 and was presented to the UN Security Council by India in 1948 under Article 35 of the UN Charter. The unrest at Line of Control and unleash on the innocent unarmed Kashmiri people has been continuing since the dispute arose. In August 2019, due to the revocation of special status of Kashmir by Modi's regime, curfew was imposed and extreme violations of human rights of the Kashmiri people took place. Pakistan protested on the situation and there was escalation on both sides; however, both countries are equipped with nuclear technology and there is an apprehension that Kashmir can be regarded as a nuclear flashpoint. This study concludes that a peaceful settlement of this dispute is required or else if nuclear war is started, it will impact global peace and security. Thus, the international community should make comprehensive and fruitful efforts to address this issue.

Introduction

After the partition of Pakistan and India in 1947, Kashmir has become a bone of contention, affecting regional peace in various ways. Since the conflict erupted, there has been unrest along the Line of Control, with attacks on unarmed Kashmiri civilians, resulting in multiple wars fought between the two countries. Many efforts have been made on national and international level to resolve the Kashmir conflict, but they have all been fruitless. Both countries have nuclear weapons, and there is apprehension that Kashmir could become a nuclear flashpoint. Thus, peaceful settlement of the dispute is required under International Law.

Historical Background of Kashmir Conflict

The landlocked territory of Jammu and Kashmir is situated in the north-western section of the Indian Subcontinent. The Kashmir conflict between India and Pakistan has remained intractable since the separation of British India and Pakistan in August 1947. After the partition, Kashmir was meant to either unite with one of two countries or remain independent, relying on the wishes of the people and the principle of partition. Kashmir was mostly a Muslim-dominated state. Furthermore, it was closer to Pakistan than India. As a result, it was expected to either join Pakistan or remain independent. However, as a Hindu, the Maharaja (Ruler) rejected the first choice and could not manage the second one (Syed Rifaat Hussain, 2009).

Faced with a popular uprising, the Maharaja devised a plan for India to send its forces to assist him in suppressing the rebellion. India demanded Maharaja to sign an

agreement of accession to India, as a condition for its armed intervention. India, on the other hand, did not wait for his signature before deploying troops into the state. Though meticulously planned and promptly carried out, India's annexation of Kashmir was not easy. So it is suggested after purportedly upholding the idea that when the ruler's wishes collide with the issues of their subjects, the latter must prevail. India's military intervention on support of the besieged Maharaja was condemned by Kashmiri people, and the protest in Kashmir was backed by Pakistan, resulting in the first India Pakistan war over Kashmir (Ghulam Nabi Fai, 2013).

UN Resolutions on the Kashmir Issue

With the passage of time, the UN has issued numerous Resolutions relating to the conflict between the two parties over the Kashmir issue, as well as discussions about the demilitarization of the region and holding an impartial plebiscite to determine the Kashmir destiny. Below is a brief description of each of these Resolutions.

In 1948 UNSC passed four Resolutions on the Kashmir question. Both Pakistan and India were required by UNSCR 38, adopted on 17th January, to avoid escalating the situation. The UNSC also established a three member's commission to resolve the problem, one from India, one from Pakistan and one to be picked by both. In UNSCR 47, it was determined that the question of accession of Jammu and Kashmir should be decided democratically through a free and impartial plebiscite. UNSCR 51 mandated the commission to visit the disputed area and carry out the responsibilities listed in Resolution 47 (Toobah Khurshid, 2016).

On January 1, 1948, on complaint of India lodged with the United Nation Security Council, the Security Council recommended the establishment of the UNCIP on April 21, 1948, to proceed immediately to the location of conflict and report back to the Security Council (Brian Farrel, 2003). The UNCIP enacted two Resolutions: One on August 13, 1948, in which Pakistan and India reiterated that the future status of the state of J&K will be resolved in line with the will of the people, and the other on Jan 5, 1949, in which it was stated that accession of J&K will be decided by plebiscite (Brian Farrel, 2003).

In the year 1950, the UNSC had only passed one Resolution. UNSCR 80 of 14th March, 1950 directed UNCIP to exercise all rights and responsibilities vested in it by existing UNSC Resolutions and agreements of parties enshrined in UNCIP Resolutions (Toobah Khurshid, 2016).

In 1951, the UNSC passed two Resolutions. The main goal of UNSCR 91 was to remind governments and other authorities of the principle embodied in UNSCR's of 47, 1948, 1949 and 80, which states that the final disposition of the state shall be established in accordance with the will of the people. UNSCR 96 was based on a report by UN representative Frank Graham, according to which both India and Pakistan consented to a truce (Ministry of Foreign Affairs, n.d.).

UNSCR 98 was the only Resolution passed in 1952 with the aim of recalling the provisions of UNCIP Resolutions requiring that the subject of accession be settled

through a democratic process conducted under UN auspices (Ministry of Foreign Affairs, n.d.).

In 1957, three Resolutions were passed. The affirmations in UNSCR 47, 1948, 1949, 91 and 98 were reaffirmed in UNSCR 122. UNSC Resolution 123 was adopted on Feb 21, 1957, which asked the UNSC's President to tour the disputed area with the governments of Pakistan and India and to report back to the Council by April 15 to evaluate proposals. The UNSC Resolution 126 issued on 2 Dec 1957 in response to the UNSC report, urged both the governments to avoid making any statements or not to perform any act that may aggravate the situation. A UN envoy was invited to visit the Subcontinent and report back with suggestions (Ministry of Foreign Affairs, n.d.).

In addition, the UNSC issued five Resolutions in 1965, including UNSC Resolution 209, which ordered the UN Secretary General to report back within 3 days after the Resolution was implemented. UNSC Resolution 210, based on the report by the UN Secretary General, called on both countries to end hostilities in the region and return to their previous positions. The UNSCR 211 council set the time for the ceasefire to begin at 700 hours GMT on 22 September 1965. UNSCR 214 called on both countries to keep their ceasefire commitments. UNSCR 215 calls for both states' officials to meet a UN representative after the ceasefire failed (Ministry of Foreign Affairs, n.d.).

The UN enacted two Resolutions in 1971 on the Kashmir issue. The issue was reported to the UN General Assembly in UNSCR 303, and the UNSC requested refugee rehabilitation in UNSCR 308 (Ministry of Foreign Affairs, n.d.).

Plans for Resolution of the Kashmir Issue

In addition, the United Nations has enacted numerous resolutions. Some of the strategies to speed up the resolution of the Kashmir conflict have also been offered by well-known Pakistani politicians.

Musharraf's Four Point Strategy on the Kashmir Issue

President Musharraf made a proposal to India on December 17, 2003, in an attempt to end the Kashmir dispute. Although he maintained throughout that Pakistan's basic position on Kashmir was the 1948 UN resolutions, he emphasized that both countries must move away from their stated positions. President Musharraf proposed four points' strategies that involved:

1. Softening the borders meant to allow the people to move freely without changing the borders.
2. Identifying zones in Kashmir, followed by phased withdrawal of soldiers.
3. Self-governance or autonomy, but not independence.
4. A framework allowing both Pakistan and India to jointly supervise the region (Muhammad Abdul Qadeer, n.d.).

In addition, he also urged that the Line of Control be made irrelevant and the roads be re-opened to foster people-to-people contact and transit trade, thus speeding up the

Kashmir process. The strategy suggests that Pakistan is willing to make bold actions if India is willing to do the same. However, India's response to President Musharraf's recommendations was limited, with only minor adjustments of the Line of Control (Muhammad Abdul Qadeer, n.d).

Kashmir Calls for Resolving the Kashmir Issue

Prime Minister Nawaz Sharif encouraged Indian authorities to address the Kashmir issue through peaceful talks for the benefit of the entire South Asian region. Pakistan's desire for peace, according to the Prime Minister, was also obvious in its negotiations with the Taliban. Mr Nawaz Sharif cautioned India that in the absence of resolution to the Kashmir conflict hostility and uncertainty would continue to reign in the area, posing a threat to regional stability and growth. He stated Pakistan was committed to resolve the Kashmir issue in accordance with the UN resolutions and the aspiration of the Kashmiri people (Tariq Naqash, 2014).

He stressed that the Subcontinent was partitioned to eliminate mutual hostilities and to allow good neighbours to live in peace. The Prime Minister said that Pakistan had repeatedly indicated its desire to resolve all issues with India, including Kashmir, through meaningful, purposeful, and a results-oriented dialogue. He added that Pakistan had taken a number of initiatives to develop mutual trust with India, including the opening of the Line of Control to alleviate Kashmiri's miseries and allow separate families to reunite (Tariq Naqash, 2014).

Wars Fought Between Pakistan and India on the Kashmir Issue

Territorial conflict over the Kashmir issue prompted two of the three main Indo-Pakistan wars in 1947 and 1965, as well as a short war in 1999, as a result of a continued bloodshed in Kashmir and a growing hazard of arsonist activity (Takenori Horimoto, 2015).

The first Indo-Pakistan war lasted from October 1947 until December 1948. The war came to an end when the United Nations Security Council enacted a ceasefire resolution to divide Kashmir into two sections; the ceasefire line was constructed. In particular, the UN commission for India and Pakistan won a truce, effectively ending the first Indo Pakistan war. Despite this, the ceasefire failed to produce either an armistice that would fundamentally resolve the Kashmir dispute or a public referendum to follow such an armistice (Takenori Horimoto, 2015).

The Tashkent Declaration, which was brought about by Soviet intervention, ended the second Indo-Pakistan war, which had lasted from April 8 to September 23, 1965. In January 1966, Prime Minister Lal Bahadur Shastri and Pakistani President Ayub Khan met in Tashkent, and, mediated by the Soviet Union, signed the Tashkent Declaration, ending the Kashmir problem (Takenori Horimoto, 2015).

A small Indo-Pakistan war as well as the battle known as the fourth Indo-Pakistan war erupted between India and Pakistan in 1999. The Kargil conflict in 1999 was widely seen as one of the major turning points in the relationship between Pakistan and India, two neighbouring but antagonistic countries. It was a defensive strategy of Pakistan, which eventually led to the permanent confrontation. This war started in Kashmir along

the LOC. Both countries had signed a number of border accords, notably the ceasefire line in 1948 and the Simla agreement and LOC in 1972. All of these agreements have failed to produce the desired results because India consistently broke them and considered them to be useless (Takenori Horimoto, 2015).

Revocation of Special Status of Kashmir

In the recent past, the India government unilaterally revoked Article 370 and 35A of the Indian Constitution without the assent of the state government of Kashmir, which was unlawful because Article 370 of the Indian Constitution could only be modified with the state government's agreement (Kaur, 2020).

Thousands of additional Indian troops were deployed on August 5, 2019, a major Hindu pilgrimage was cancelled, schools and universities were closed, visitors were ordered to leave, phone and internet services were suspended, and area political leaders were placed under house arrest. However, the high prediction was that Article 35A of the Indian Constitution, which granted special privilege to state residents, would be scrapped (Ahmed, 2021).

The government then startled everyone by announcing that it was revoking all of Article 370, which includes 35A and has governed Kashmir's complicated relationship with India for nearly 70 years (Kaur, 2020).

Significance of Article 370

The Article gave the state some autonomy, including a separate constitution, flag, and the liability to adopt laws. The central government was still in charge of foreign affairs, defense and communications. As a result, Jammu and Kashmir was capable to set its own rules for permanent residency, property ownership and fundamental rights (Hoskote, 2017). It also prevented non-Indians from purchasing land or settling in the state. But after revocation of Article 370, Kashmir no longer has its own constitution and is subject to the Indian Constitution in the same way as any other state. Kashmir has to follow all Indian laws and people from outside the state are now able to purchase property there. According to the Indian government, this step is helpful in the development of the region (Shah, 2020).

Pakistan's Reaction

Pakistan reacted in a variety of ways from August 6 onwards. India's revocation was described as an illegal "unilateral step" by the Foreign Office. Pakistan's army chief stated that the Pakistan army would "go to any extent" to help Kashmiri people. An emergency joint Parliamentary sitting on August 7 passed a motion condemning India's move. Pakistan's diplomatic relations with India have been downgraded following a meeting of the National Security Committee. All cultural interactions with India were halted, as was the exhibition of Indian films and dramas within Pakistan. On August 9th, 2019, the majority of Pakistan's trade contract with India was formally stopped. On Tuesday, August 13, Pakistan's foreign minister, Shah Mehmood Qureshi, announced that he had written a letter to the President of the UNSC, requesting that the Council convene an emergency meeting to discuss India's illegal action that violated UN resolutions on Kashmir. The letter should also be circulated among members of the

Security Council, according to the foreign minister. On August 20, 2019, Pakistan declared that it would take the matter to the International Court of Justice, citing alleged human rights violation by India as the basis for its case (Mishra, 2020).

Kashmir's Reaction

Over 10,000 people demonstrated in Srinagar on August 9 against the Indian government's decision to remove Article 370, with some protestors throwing stones at security forces. Indian police responded by dispersing the protestors with tear gas and pellets. Clashes erupted between protestors and Indian forces, which were accompanied by pellet gun attacks and tear gas shells fired by the Indian forces. According to some reports, bystanders had been severely injured and lacerated as a result of the pellet gun attacks. However, all claims were refuted by the Indian government by regarding them as a few sporadic protests in Srinagar (Fitri Adi Setyorini, 2020).

According to the reports of Jammu and Kashmir coalition of Civil Society, in August 2020, after one year of clampdown in occupied Kashmir, 229 killings were recorded during more than 100 military operations since the start of 2020 and also 55 internet shutdowns and destruction of 48 structures were observed (International Federation for Human Rights, 2019). The curfew imposed is partially ongoing as most of the communication services are restored except some areas of south districts and also extra troops of security forces are withdrawn (International Federation for Human Rights, 2019).

The scenario discussed above clearly shows that the Indian government's step to remove special status of Kashmir is illegal and unilateral and can lead to serious consequences if not resolved mutually through legal and peaceful means.

Can Kashmir Be a Nuclear Flashpoint?

There is no doubt that the Kashmir issue, sometimes known as the "unfinished agenda of division" is the longest-running and most important conflict between Pakistan and India. Due to the fact that it is a perennial source of contention, it has been termed the nuclear flashpoint. India and Pakistan are the two nuclear armed countries in South Asia. A popular perception holds that the Kashmir issue is the one that has the capacity to push the two nuclear armed states to the brink of war (Salik, 2019). The Kargil Conflict in 1999, which occurred against the backdrop of the Kashmir dispute, created the most difficult conditions for the two countries, as the world saw them positioning their soldiers along the border (Hilali, 2001). They were preparing their naval forces to fight each other on the border. It was widely assumed that the situation had pushed them to the edge of another war, with potentially irreversible consequences, given that they had both gone nuclear by that point. The former US President Bill Clinton, after the Kargil war called Kashmir a "nuclear flashpoint". It occurred at a period when India and Pakistan had both been designated as nuclear weapon states. Even today, the threat of conflict between India and Pakistan looms large as an unsolved dispute, particularly in Jammu and Kashmir, ending up plaguing both countries, and any miscalculation on either side might mean disaster not just for the two countries, but for the whole world (Jindal, 2003).

The ongoing instability along the Line of Control, which has been unleashed on the defenseless Kashmiri people, as well as recent statements from India's political and military establishment, have increased the risks of a nuclear conflict between Pakistan and India.

What Can Be the Possible Impacts if Nuclear War Begins?

- Pakistan and India could have 400-500 nuclear bombs by 2025, with outputs ranging from 12-45 Kilotons to a few hundred. If India deploys 100 strategic weapons and uses 150 of them, approximately 50 to 125 million people might be killed, and nuclear fueled fires could release 16 to 36 TG of black carbon into the atmosphere, depending on yield (Owen B. Toon, Charles Bardeen, Alan Robock, Lili Xia, Hans Kristensen, Matthew McKinzie, R. J Peterson, Cheryl S. Harrison, Nicole S. Lovenduski and Richard P. Turco, 2019).
- Due to unfavorable weather, it is expected that the world will lose 10-40% of its corn, wheat and rice yields for years during the war between India and Pakistan. There will be insufficient food to feed the world's population for 60 days. (Brian Toon, 2018)
- According to Ira Helfand, a member of the Nobel peace prize winning international physician for the prevention of nuclear war, a war between India and Pakistan would result in the deaths of 1-2 billion people due to starvation (Case Adams, n.d).
- After a full-scale nuclear war, temperature would drop to Ice Age levels and the world would be in nuclear winter, with no crops growing. It is projected that 90% of the planet population would starve to death, civilization would be obliterated, and no one would be safe (Brian Toon, 2018).
- A nuclear war between India and Pakistan, according to the new study published in Science Advances on October 2, would not only kill 50-125 million people directly, but it would also endanger the entire planet by causing sharp drops in global temperature and precipitation, putting the world food supply at risk (Owen B. Toon, Charles Bardeen, Alan Robock, Lili Xia, Hans Kristensen, Matthew McKinzie, R. J Peterson, Cheryl S. Harrison, Nicole S. Lovenduski and Richard P. Turco, 2019).
- In 2025, if Pakistan attacks urban targets with 150 nuclear bombs, and India reacts with 100, smoke from burning cities will emit 16-36 TG of black carbon into the atmosphere, obstructing sunlight and chilling the world surface by 2 to 5 degrees Celsius (Brian Toon, 2018).
- Based on the weapons tested by Pakistan in 1988, modern weapons are to have yields of 5-12 Kt; however, theoretically, much higher yields are possible, which might result in a huge rise in both mortality and worldwide environmental implications (Brian Toon, 2018).

The Nuclear War in History (Hiroshima and Nagasaki)

An American B-29 bomber known as the Enola Gay detonated an atomic bomb on the Japanese cities of Hiroshima and Nagasaki in August 1945. It was the first time that a nuclear weapon was used, while the nuclear bombs dropped on Hiroshima and Nagasaki 74 years ago were of rudimentary class and lethality. Even back then, they killed 200, 000 people in both cities, with the later damage caused by radiation killing an equal number. Those that lived had to deal with the trauma for the rest of their lives, which included thousands of birth deformities. When it comes to modern day devastation, nuclear scientists believe that today's nuclear bombs are 100-1000 times more powerful than Hiroshima and Nagasaki in terms of lethality (Tomonaga, 2019).

Recommendations

- a. Kashmir should be given the opportunity to choose between the options presented at time of Independence of Pakistan and India, which were: to remain independent or accede with India or Pakistan (Bose, 1999).
- b. Kashmir, Jammu, Ladakh (a section of Indian Jammu and Kashmir), Azad Kashmir and Pakistan northern areas should be separated into five independent autonomous provinces.
- c. Both states should resolve the issue through discussions, as it is more than a boundary dispute; it is also a matter of Kashmiri people's right to self-determination (International Federation for Human Rights, 2019).
- d. The international community should assist both states in resolving their disputes.
- e. Global peacekeeping organizations must act to sort out the Kashmir conflict peacefully in order to avert a nuclear conflict that would devastate the entire area (Brian Farrel, 2003).
- f. A framework should be established allowing both Pakistan and India to jointly supervise the region of Jammu and Kashmir.

Conclusion

In conclusion, Kashmir has been a controversial place for the past 70 years. Despite the fact that Indian Constitution grants Kashmir the status of a distinct state, the Kashmiri people have never been able to enjoy that status and have instead been victims of Indian forces' atrocities. Both Pakistan and India have nuclear weapons, and any carelessness on either side could result in a nuclear war, which is expected to affect peace of the globe. Hence, it is the responsibility of the international community and international organizations to take effective steps to mitigate or avoid any breach in the regional and international peace and security.

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Author notes

Kinza Javed is an ambitious student of law at Fatima Jinnah Women University, Pakistan. She is enthusiastic for research work that is based on protection of rights of women, children or any other vulnerable social groups. She has keen interest in research work related to International law. Her participation in 6th Global Issues

Conference on the issue of Kashmir boosted her assertiveness and determination to present her viewpoint at an international forum. Kinza Javed can be contacted at: kinzajaved98@gmail.com.

Afshin Ikram is a vigilant student of law at Fatima Jinnah Women University, Pakistan. Her prime interest is in Shariah Law, Criminal Law and International Humanitarian Law. She is enthusiastic and determined for research work that was motivated by the idea to work for the growth and protection of humanity. Her participation in the 6th Global Issues Conference on the issue of Kashmir enhanced her confidence to raise her voice for the protection of Humanity. Afshin Ikram can be contacted at: afsheenikram97@gmail.com.

Nimra Safdar is an ambitious student of law at Fatima Jinnah Women University, Pakistan.

She is interested in research based on justice system. She has much interest in laws related to justice especially for women. She has participated in the 6th Global Issues Conference with the view that she wants to raise a voice for justice in Kashmir. Nimra Safdar can be contacted at: ns9047685@gmail.com.

Zainab Iqbal is currently working as a Lecturer in the Department of Law at Fatima Jinnah Women University Rawalpindi, Pakistan. She has completed her Master's Degree (LLM International Law) in 2019 at the International Islamic University, Islamabad. In her LLM, she wrote the thesis on "The Need for a Comprehensive Arms Trade Treaty to Prevent Violations of International Humanitarian Law". She has served as a consultant for various international organizations including UN Women, British Council and EU. Contact email is zainab.iqbal412@gmail.com.

Nadia Khadam is currently serving as Assistant Professor/Head of the Department of Law at Fatima Jinnah Women University, Pakistan. After getting practical advocacy experience, she joined the Ph.D program in Criminal Law, Policy and Procedure. Her areas of research are criminal law, cybercrime laws, cyber security policies, e-commerce policy and reform in the justice sector of Pakistan. She is associated with different initiatives with reference to internet governance in Pakistan. Moreover, she represented Pakistan at different national and international forums. Contact email is nadiakhadam@gmail.com.