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**UN Resolutions and Pak-India Agreements on Issue of Jammu and Kashmir Issue:  
A Comparative Study from Kashmiris' Perspective**

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**Abstract:**

Besides being the long-pending dispute between Pakistan and India, the Kashmir Issue has become a humanitarian crisis where 2-5 people are being martyred on a daily basis by Indian occupying forces. The people of Kashmir are fighting for their right to self-determination through UN resolutions and the promise made by Pandit Jawaharlal Nehru, the first Prime Minister of India. The first Governor-General of India, Lord Mountbatten, also envisioned in the Instrument of Accession of 1947 that the accession could only be accepted after obtaining the consent of the people of Kashmir. Pakistan generally attempted to resolve its outstanding issues with India through bilateral talks and international mediation, but to no avail. To address the Kashmir issue, Pakistan and India have fought numerous wars and signed agreements, but the issue remains unresolved. Seven decades have passed, yet the people of Kashmir are still fighting for their right to self-determination. An analysis of the issue from the perspective of Indian-held Kashmiris - how the Kashmiris perceive the UN resolutions, Indo-Pak talks, and agreements to resolve the Kashmir dispute - has also been conducted. Furthermore, an assessment of the views of the people of Indian-held Kashmir regarding India-Pakistan engagement in the context of the issue has been made.

**Keywords:** Jammu and Kashmir, UN resolutions, Indo-Pak talks, dispute, plebiscite, accession, right of self-determination

**INTRODUCTION**

Kashmir is a seven-decade-long unresolved issue between India and Pakistan. The partition of India initiated the dispute. The British had divided India, and they left the Kashmiris in the lurch. Kashmir, as a princely state along with 564 other states, was given the choice to join either India or Pakistan. The Maharaja of Kashmir was not willing to join any dominion, but his majority Muslim

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subjects resolved to accede with Pakistan. The political organizations like Kisaan Mazdoor Conference, State Socialist Party, and Muslim Conference were politically representing the Muslims of Kashmir. The delay in deciding Kashmiris' future gave rise to the internal revolt by the people of Kashmir.

The people of Kashmir started fighting against the oppressive rule of Maharaja Hari Singh since 1931. The revolt, started by the Poonch freedom fighters and supported by the tribal people of Pakistan, was later interpreted as a 'tribal invasion' by the National Conference and its supporters, such as Pandit Jawaharlal Nehru. The threat of freedom fighters put the Maharaja into a state of fear, which was exploited by India. They sent V.P. Menon to Kashmir, and he advised Maharaja Hari Singh to leave Srinagar. The Maharaja requested military aid from the government of India, which was fulfilled after the conditional accession of Kashmir with the Indian dominion, without the consent of the Kashmiri people. The Maharaja's letter of accession to India is still controversial between India and Pakistan. The accession was accepted with reference to the people's wishes through a plebiscite (right to self-determination), which is yet to be held in the state of Jammu and Kashmir. The people of Kashmir have been fighting for the right (self-determination) for seven decades.

The government of India had promised the government of Pakistan and the people of Kashmir that they would be given the right to decide their future, and the government of India is adhering to do it, through telegrams to Pakistan and statements in Kashmir on 'All India Radio'. Furthermore, the government of India had taken this issue to the United Nations Security Council (UNSC), where they lodged a complaint against 'Pakistan's aggression on Kashmir'. In the UNSC, India again announced its commitment to fulfill her commitments. The UNSC debated on the issue, and so many resolutions were passed, of which the most significant one is the resolution of August 13, 1948. and January 24, 1957 which are the primary resolutions upon issue of Kashmir. However, both the countries have not been able to implement these resolutions, and the conflict has been lingering. The government of India, although making promises to the people of Kashmir, has always been changing its political stance and trying to avoid the demands of the people of Kashmir. Both countries held bilateral talks and agreements following the 1965 and 1971 wars, but failed to resolve the issue of Kashmir. The issue has become international after UN involvement, and the people of Kashmir are the third party to the dispute. However, as far as bilateral talks or agreements are concerned, the people of Kashmir were not consulted at all. The aspirations, emotions, and right to self-determination of the people living in the disputed territory have not been accommodated by India. The State of India is biased in the context of Kashmir. India used different tactics to avoid a plebiscite, i.e. conducting elections in occupied Kashmir and using the elections in place of a plebiscite. In this way, she tried to deceive the international community by saying that the participation of the people of Kashmir in elections was proof that Kashmiris were comfortable with India. The bilateral talks or agreements had ambiguities about the disputed nature of Kashmir and had made it more complex. The changing dynamics in the international political arena had its impact on South Asia. India and Pakistan had been used by the international community in the prism of their interests. In the backdrop of sour relations with India, Pakistan had to become part of SEATO and CENTO. The talks and the agreements had not been fruitful with respect to the Kashmir issue. Moreover, in all that development, the people of Kashmir were in the dark. They continued their right to self-determination, and the tale of sacrifices continues.

Therefore, according to Syed Ali Geelani, Yaseen Malik, and Mirwaiz Umer Farooq, the leadership of Hurriyat in Kashmir said that, without the consent of the people of Kashmir in any talk or agreement, no ready-made solution would be accepted for the people of Kashmir.

### **ANALYSIS OF UN RESOLUTIONS, INDO-PAK TALKS AND AGREEMENTS**

The British India was partitioned by the British and after the partition, the Kashmir issue emerged. The Indian Prime Minister, Nehru, with the support of Lord Mountbatten, took this issue to the United Nations Security Council. The government of India claimed in the UNSC that Pakistani tribals had tried to invade the State of Jammu and Kashmir, which was also supported by the Pakistan army. The Indian aim was not to resolve the issue but to declare Pakistan as an aggressor. The representative of Pakistan criticized the Indian claim and accused India of violating the principle of partition by not accepting Junagarh's accession with Pakistan. Junagarh was ruled by a Muslim ruler with a majority of Hindu subjects. Irrespective of this, India had accepted the accession of Kashmir, which was ruled by a Hindu Maharaja with a majority of Muslim subjects. The UNSC played its role and stopped the war between them, then tried to resolve the issue of Kashmir with its resolutions, the most important one being the resolution of April 21, 1948. The UNSC had endorsed a Ceasefire Line in between and then divided the state of Jammu and Kashmir into Pakistan Administered Kashmir and Indian Occupied Kashmir with a Truce Agreement at Karachi in 1949, which stopped the war between them. The UNSC also sent its representatives to mediate and facilitate the conditions by which UN resolutions could be implemented to hold a plebiscite in a timely manner, but they failed. The issue of Kashmir in the SC was addressed under Part VI, Articles 34 and 35 of the UN Charter. According to this Article, any state can present its case to the Security Council for mediation and seek advice. Due to this Article, the Security Council couldn't enforce its resolutions, despite both parties of the dispute accepting them. These resolutions were accepted by both Pakistan and India, but they were not implemented, denying the people of Kashmir their right to self-determination. The Indian government consistently tried to delay the implementation of UN resolutions and changed its stance over time. In 1957, the UN again issued a resolution, providing a practical framework for implementing resolutions in Kashmir. However, with the emergence of major power blocs like the Baghdad Pact, SEATO, CENTO, etc., the issue of Kashmir was affected. The UN didn't take keen interest in resolving the issue of Kashmir because after Pakistan became a member of SEATO and CENTO. The Soviet Union was vetoing the resolutions, which, according to Sheikh Abdullah, indicated that there was more concern for national, as well as favored nations' interests, rather than the interest of resolving any international issues.

In parallel with the UN Resolutions, India and Pakistan held many talks on Kashmir soon after India sent its army to Kashmir. Muhammad Ali Jinnah, the first Governor General of Pakistan, had invited Mountbatten to Lahore for a peaceful dialogue on the issue of Kashmir. Jinnah presented his proposal for peace to resolve the Kashmir issue, but Mountbatten showed his immaturity and lack of authority in accepting any decision. Prime Minister Liaquat Ali Khan, P.J. Nehru, Mohammad Ali Bogra and Nehru, Ayub Khan and Nehru, Z.A. Bhutto and Swarn Singh - all the authorities of both countries tried to resolve Kashmir through bilateral talks following the 1947 war. Both sides had given their proposals on Kashmir, such as Jinnah's three-point solution and Nehru's regional plebiscite, but Bogra's proposal didn't work on Kashmir. All these talks failed because both sides wanted to annex the dominion of Kashmir with their respective dominions or countries. None of them tried to implement the UN-proposed resolutions and fulfill the wishes of the Kashmiri people.

Pakistan has shown some maturity, but Indian ego prevented them from coming to an agreement and implementing the UN-accepted resolutions. Indian interests were more complex because India changed its stance according to the situation. According to Syed Ali Shah Gilani, India's doublespeak and utter lies have always been exposed. As Kashmiris have noted, India uses the idea of talks to deal with some situations, hoodwinking the world from the ground situation. Indian oppression, humiliation, and brutality have closed doors to any other alternatives. India always said that Kashmir is an integral part of India. On the other side, they were betraying the leadership of Kashmir, as they imprisoned Nehru's most favored Sheikh Mohammed Abdullah for ten years. These bilateral talks didn't yield any fruitful results because none of the leadership of Kashmir were included in these talks. Since 1947, India and Pakistan have fought three major wars in 1948, 1965, and 1971. All of these wars were considered to be fought over Kashmir, as it has become the core issue between them and the root cause of strained relations between the two countries. International mediation brought an end to these wars through Ceasefire Agreements, as signed in 1949 in Karachi, the 1966 Agreement in Tashkent, and the 1972 Agreement in Simla.

The Karachi agreement was signed under the supervision and with the efforts of UNSC mediators. It was welcomed by the people of Kashmir because the issue of Kashmir was being addressed in the United Nations Security Council, and Kashmir was gaining international recognition. The agreement had halted the armies of both countries from further struggling over the unresolved dispute of Kashmir. However, the war didn't put an end to the unreceptive relations between India and Pakistan, as the intensity of the conflict escalated over time. Both countries attempted bilateral talks but couldn't achieve anything substantial. The decade of the fifties remained the busiest due to Pakistan-India talks and UN efforts to bring both parties to a common resolution agenda. UN representatives presented numerous proposals for the resolution of the Kashmir issue, but the interest in annexing Kashmir denied these plans and hindered the implementation of these resolutions. The end of this decade was marked by an Indus Water Treaty after five years of discussion, discourse, and heated exchanges over water distribution.

Following the water treaty, India faced another war with China. Then in 1965, India and Pakistan fought a war in the Rann of Kutch which was resolved with international mediation. This was followed by the Pakistan-India war in 1965, which became a major destructive conflict affecting the entire subcontinent. The world's major powers also fueled the war, but when they realized that the Indo-Pak war could jeopardize world peace, they urgently blocked arms and weapons to both countries and pressured them to cease hostilities. The UN had also passed a resolution for a ceasefire to stop the war, followed by an agreement mediated by the Soviet Union. The Soviet Union had offered a friendly venue for bilateral dialogue, which both countries had accepted, and brought them to Tashkent for an agreement. The people of both countries hoped that the agreement would bring peace to the subcontinent. They believed that both countries would try to resolve all disputes peacefully, and the subcontinent would be free from the threat of war, allowing for collective efforts towards the development and welfare of their respective countries. However, this perception of peace turned out to be a daydream, as real peace did not prevail. Both countries fell into a new war in East Pakistan.

The war was initiated with an airplane hijacking. Two brothers from Srinagar, Kashmir, hijacked the Indian plane 'Ganga' and landed in Lahore. The plane was not returned to India. Later, this incident became an election issue. The violent situation in East Pakistan led to an internal revolt, which the

Indian government used as an opportunity to seek revenge from Pakistan. They sent their armies to East Pakistan, which escalated into the major 1971 war between Pakistan and India. More than 93 thousand people, including army soldiers, civilians, and government civil servants from West Pakistan, surrendered before the Indian army. The Indian government took these Pakistani prisoners hostage, putting Pakistan in a defensive position.

The 1971 war was also highly destructive, and Pakistan needed to compromise its stance. They came for dialogue with the Indian government to negotiate the release of their occupied territory and prisoners of war. Both countries agreed to hold a bilateral agreement similar to the one in Tashkent. Pakistan requested the USSR to mediate, but they did not accept the request, as the Indian government rejected any third-party mediation. In the end, both countries came to Simla, the summer capital of Himachal Pradesh, India, for a final accord in the form of the Simla Agreement. Both countries agreed that outstanding core issues would be resolved bilaterally. Through this agreement, India denied the implementation of UN resolutions in Kashmir.

### **Analysis and Perception of Kashmiris**

The people of Kashmir are struggling for the right to decide the future of their homeland. The freedom movement stood against the Dogra dynasty since 1931, when Kashmir was ruled by Dogra rulers. The freedom struggle gained momentum when British India was divided, and Kashmir became an issue between India and Pakistan. After the partition, the people of Kashmir faced a new oppressor and occupier who forcefully seized the paradise of its innocent people. Both countries made this an international issue by lodging complaints against each other. The people of Kashmir were assured that they would be given a free choice to decide their future, which is yet to be realized. The people of Kashmir saw UNSC resolutions as a ray of hope to take keen interest in fulfilling their aspirations. They were happy to see that the UN would press both countries to resolve the issue, as the UN had the authority to solve international issues, as seen in the cases of South Sudan and East Timor which they had resolved.

In parallel with the UN sending representatives to find a solution for Kashmir, both India and Pakistan held bilateral talks. In 1947, Jinnah talked with Mountbatten, Liaquat Ali Khan with Nehru, and then Nehru talked with other Pakistani politicians. The people of Kashmir welcomed these bilateral talks, but unfortunately, they did not succeed. The people of Kashmir became scapegoats. They were not consulted in these talks, and were not included in any dialogues. They were only used for personal interests, such as Sheikh Abdullah, who, despite not being a supporter of Pakistan, was used to defend the Indian stand in UNSC. He was arrested in 1953 by his (so-called friend) Nehru's government.

Sheikh Abdullah said that the UN is also a game played by big powers, where they support their favored allies according to their needs. Sheikh Abdullah requested both countries to include Kashmiri leadership as a party in the Indo-Pak talks on Kashmir, but they were not consulted in any dialogue. Following the dialogues, talks, and UN Commissions, both countries again fought a war over Kashmir. The people of Kashmir were once again affected by these wars, and Kashmir became a battleground for both countries in the 1965 war and the 1971 war. However, these wars were followed by peace agreements. The people of Kashmir welcomed these agreements because due to the disasters caused by these wars, the life of the people of Kashmir became hell. Therefore, they also wanted to be rid of these wars, which is why they welcomed the Indo-Pak agreements as peace agreements, as stated by Sheikh Mohammad Abdullah.



The people of Kashmir believed that both countries would try to resolve the Kashmir issue through these agreements, but they were betrayed by Indian duplicity. India aims to portray its violence, which is part of its illegal rule, as legitimate, and to label all dissent as illegitimate. The Tashkent Agreement was mediated by the Soviet Union and was welcomed by the people of Kashmir because they believed that the Soviet Union would not veto the UN resolutions on Kashmir in the UNSC. However, the people of Kashmir were not a party in that dispute, and as a result, they didn't accept it as an agreement on the issue of Kashmir, which is a tri-party dispute. The other one was a bilateral agreement and was signed after the Indo-Pak war in East Pakistan. All these agreements didn't resolve the issue of Kashmir but affected the international position of Kashmir because the Tashkent and Simla agreements had brought the term 'bilateralism' into play. Both countries accepted that all issues between them can be resolved bilaterally. However, the term bilateralism was wrongly interpreted by India, creating propaganda. India used this term to question the Kashmiris' role as a third party in the Kashmir dispute. Nonetheless, India and Pakistan didn't decide to put the UN resolutions into action; they had accepted that the UN Charter shall govern the relations between them. UN Resolutions are still on record, but they are yet to be implemented to resolve the Kashmir issue.

All parties and sections of the society in Kashmir, such as the Awami Action Party of Mirwaiz Mohammed Farooq, the Plebiscite Front of Sheikh Abdullah, Jamat-e-Islami, etc., didn't accept these agreements as valid for Kashmir. According to Sheikh Abdullah, the Kashmiri people were not party to these agreements, and no agreement or solution is acceptable to the people of Kashmir without their consultation. He emphasized, Kashmiri people will fight for their freedom until they are allowed to decide their future through a plebiscite.

## **CONCLUSION**

The issue of Kashmir has become a great burden and a heart-wrenching problem for the people of Jammu and Kashmir, as well as for the whole of South Asia. The issue needs to be resolved on humanitarian grounds, as it is crucial to find a peaceful solution to be rid of this disastrous dispute. All parties need to ascertain the wishes and aspirations of the people of Kashmir in order to consider the right to self-determination for them and explore a solution to the problem. The study comprises qualitative analytical data, which provides an analytical perspective of the people of Kashmir regarding UN resolutions, Pakistan-India debates, talks, and agreements.

The only way the Kashmir issue can be resolved is by implementing UN resolutions. Therefore, both countries have played a significant role in resolving it according to their national narratives. However, the UN resolutions are still on record and accepted by both countries, but they have yet to be implemented. The changing national narratives and counter-narratives have not allowed both countries to proceed. The Indian stand, as well as the Indian narrative, is not uniform. Both countries have accepted that the UN Charter shall govern their relations, and both Pakistan and India are members of the UNO. However, with the role of the United Nations, both India and Pakistan have engaged in bilateral talks and attempted to resolve all issues. These bilateral talks have consistently failed because Kashmir is a tri-party issue, and the people of Kashmir should be included in these inclusive and result-oriented discussions.

Then Pakistan and India fought wars and signed agreements. In these agreements, the issue of Kashmir should have been resolved; however, the issue was blocked by these narratives as well as counter-narratives, which silenced and distorted the real narrative and perspective of the people of

Kashmir. The structure of the narrative didn't remain permanent. These agreements are just outcomes of wars, neither are they aimed at resolving the issues, nor were the people of Kashmir parties to these agreements. As said by Sheikh Mohammad Abdullah, the issue needs to be resolved according to the wishes of the people of Kashmir. By ascertaining their wishes, the people of Jammu and Kashmir can decide by their will through any Pakistan-India agreement or dialogue that is accepted by the people of Kashmir. Without knowing the will of the native people of Kashmir, no agreement or resolution can be accepted by the people of Kashmir. The Kashmir issue has become a humanitarian crisis where the flow of blood can be seen in the streams and rivers of the valley of Kashmir. The world powers and the International Human Rights Commission should take a keen interest in resolving it. However, the interest of Pakistan and India is the real challenge for those who seek peace in the region, so that the aspirations of the people of Jammu and Kashmir can be ascertained through the given right to self-determination. The people of Kashmir say that they are satisfied with UN resolutions but are not satisfied with the role of the UNSC and with Pakistan and India. The people of Kashmir cannot accept any ready-made solution for Kashmir without their consent and without their participation in any dialogue or agreement. Now, India is trying to tarnish the international status of the Kashmir issue and, instead of engaging with the separatist voices from the valley of Kashmir, they are sending more and more occupying forces to suppress the freedom movement and kill unarmed Kashmiris. Now, international organizations and the governments of Pakistan and India should consider the aspirations of the people of Kashmir and grant them the political right to resolve the Kashmir dispute once and for all through a plebiscite.

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