

# Kashmir, the UN and Pakistan-India Standoff: Revisiting International Law and Political Will

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<https://doi.org/10.62345/jads.2025.14.2.46>

## Abstract

*The Kashmir conflict is one of the most enduring and contentious territorial conflicts of modern international relations. The right of the people of Jammu and Kashmir to self-determination has been on the agenda of the United Nations Security Council since 1948 but has come to naught because India refuses to implement the resolutions and the inertia of global governance institutions. This study takes a fresh look through the lens of international law and assesses the political will (or in the absence) of the international community (especially the UN) to enforce its own mandates. In consultation with UNSC Resolutions 47, 91 and 122; and principles guaranteed in the UN Charter and International Covenant on Civil and Political Rights, this paper covers Pakistan's continuous support towards a peaceful, plebiscite based solution. By comparison, India's unilateral revocation of the Article 370, suppression of civil liberties in Kashmir and demographic reengineering is a violation of international legal obligations. This paper defends the position that Pakistan's stance conforms with normative international standards but that India's action is more likely motivated by an authoritarian turn helped by strategic allies. In addition to subverting global legal frameworks, the international community's failure to act decisively in Kashmir endangers long term stability in South Asia. The findings underscore the discrepancy between legal obligations and geopolitical practice, revealing the international community's complicity in perpetuating injustice. This paper concludes by calling for a reinvigorated legal diplomacy by Pakistan, supported by international civil society, to restore legitimacy to global governance norms.*

**Keywords:** Kashmir Conflict, Self-determination, UN Resolutions, Pakistan-India Dispute, International Law, Article 370, Human Rights, Global Governance.

## Introduction

At the heart of South Asia's geopolitical tensions lies the Kashmir dispute, one of the most intractable, most dangerous and most enduring territorial conflicts in the world. Strategically sited and historically important, the region of Jammu and Kashmir became an India–Pakistan flashpoint following the partition of British India in 1947. The ambiguous accession of the princely state and the subsequent armed conflict brought into play the United Nations (UN) and this dispute was recognized as international rather than a bilateral issue (Schofield, 2000; Lamb, 1991). According

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to the United Nations (1948), the UN Security Council (UNSC) passed a series of resolutions especially Resolution 47 (1948) which also called for a plebiscite to be conducted for the Kashmiri people to decide whether they want to join Pakistan or India.

These resolutions, however, have not resulted in the Kashmiri people being given the right to self-determination which is a cornerstone of international law & the UN Charter (Cassese, 1995). All along Pakistan has abided by the legal framework of these resolutions, championing the [plebiscite] and the stepping in of the international community (Ali, 2019). On the contrary, India has moved towards changing its stance to gradually first demanding bilateralism through the Simla Agreement in 1972 and then declaring Jammu and Kashmir as an internal matter, particularly after the revocation of Article 370 in August 2019 (Choudhury, 2020; Noorani, 2011). Criticisms of the unilateral move have arisen with regard to its implications for regional stability and the legal status of the region under international law (Lyon, 2021).

Pakistan's position is based on long established legal concepts such as the right of peoples to decide their own affairs without outside interference, found in Article 1(2) of the UN Charter and with UNGA Resolution 1514 (1960) which mentions the right of colonial countries and peoples to be free and independent (Shah, 2010; Higgins, 1994). According to numerous international jurists, because the conflict arose at the point of decolonization, the people of Jammu and Kashmir have a legitimate claim under these principles (Puri, 2021; Gowlland-Debbas, 1998). In addition to this, Pakistan has asked for impartial mediation and resolution through international mechanisms which fit in well with the norms of peaceful dispute settlement (Malik, 2002; Kirgis, 1994).

Indian aggressive integration policies in the region are being emboldened as many major global actors and international institutions remain silent or apathetic to the issue. After abrogating Article 370, India performed the bifurcation of the state into two federally administered territories in fact erasing the region's special autonomy (Ali & Hussain, 2020). Widespread violations including extrajudicial killings, arbitrary detentions and communications blackouts have been strongly rebuked by international human rights organizations such as Amnesty International (2019) and Human Rights Watch (2020). Similarly, in addition to weakening India's own democratic appeal such actions amount to breaches of the International Covenant on Civil and Political Rights (ICCPR) and the Geneva Conventions, specifically in relation to the management of civilians during conflict periods (Rehman 2010; Khan 2021).

However, the legal and moral inappropriateness of the UN's role in the case of Kashmir has brought the concerns in the public and the international community regarding the validity of international law in front of entrenched political interests. Falk (2004) and Bhuta (2012) among others contend that global governance is becoming known for banking on strategic alliances and material concerns, not moral principles. India has been protected from any serious diplomatic consequences of this by how its growing partnership with the United States and other Western powers has shielded it (Tellis, 2001; Wirsing, 2003).

Even though Pakistan is economically and strategically constrained, it keeps drawing attention to the Kashmir issue in multilateral fora such as the Organization of Islamic Cooperation (OIC), the United Nations Human Rights Council and international legal symposia (Haider, 2020; Yusuf, 2018). There has been a consistent stance by Islamabad for a legal and humane resolution of the conflict. Legal arguments alone, though, are insufficient to guarantee compliance with international norms without the political will of major powers to see them enforced, as Rizvi (2019) notes.

Thus, this paper seeks to revisit the Kashmir dispute under the light of international law and the political inertia which makes it intractable. This will then illustrate how legal precedent and human

rights principles justify Pakistan and how failure to abide by one's own resolutions has allowed the status quo to continue. The research takes that lens and adds to the discourse on the erosion of norms that is being spoken of in relation to geopolitical considerations, insisting on a commitment to rights and peace in Kashmir.

## **Literature Review**

The Kashmir conflict has attracted a large body of academic research across many fields of study including international law, international conflict resolution, strategic studies and human rights. The majority of literature concerning the fairness of the relations between India and Pakistan is consistent with the view that the right to self-determination as enshrined in international law must remain central to the dispute and lends legitimacy to the stance of Pakistan and its consistent argument for a plebiscite of the Kashmiri people. According to the scholars, the Kashmir issue is not an India domestic issue but a classic case of incomplete decolonization failure of international dispute resolution mechanisms (Saroop, 2017; Baig, 2021).

Initial examinations like that of Watson (1951) held that the Instrument of Accession of the Maharaja of Kashmir was not based on popular legitimacy and was made involuntarily, consequently making the Instrument of Accession unlawful. In Bartholomeusz (2004), it is argued that India's control over Kashmir cannot be justified without a democratic expression of will of its people as reiterated in numerous United Nations Security Council (UNSC) resolutions. It is also highlighted through literature that the doctrine of *uti possidetis*, usually relied upon by India in the determination of its territorial claims, is inapplicable where self-determination rights exist and are recognized by the international community (Dixon, 2016; Clapham, 2006).

Claude (1966) criticizes the intergovernmental weak link of the UN with regard to enforcing resolutions on politically sensitive conflicts like Kashmir. Likewise, Geldenhuys (2009) contends that when the UN is incapable of enforcing decisions through the veto politics which are actually an expression of geopolitical alliances, the organization's credibility is devastated. This further confirms for Pakistan that the international system cannot be expected to ensure coercive enforcement mechanisms and it has to rely on moral, legal and humanitarian arguments (Iqbal, 2020; Aziz, 2018).

Another debate is on Pakistan's diplomatic strategy. Since 1947, Pakistan has consistently held a coherent and lawful position in which plebiscitary rights and multilateral mediation has been emphasized (Rizvi 2005). According to Khan and Khokhar (2012), Pakistan's approach has been in accordance with the principles laid down in Chapter VI of the UN Charter that it 'should avoid the use of force', while at the same time seeking to 'to seek a solution by peaceful means'. Unlike India's turn towards majoritarian nationalism and constitutional unilateralism, Pakistan has kept the law of the land based on the UN discourse and kept the conflict international (Hashmi, 2016). Similarly, change in the nature of Indian policy post 2014 when the ideological agenda of *Hindutva* became more dominant is also highlighted in academic works. Chatterjee (2019) opines that the revocation of Article 370 was never simply a legal or constitutional adjustment, but was rather the strategic realignment intended to consolidate demographic control and render hollow the promised autonomy of Kashmir. Further, Noor (2020) points out that this unilateral act breaks the bilateralism clause of the Simla Agreement and the UN Resolution 122 which forbids change of territorial status of Kashmir without the consent of both parties.

The Kashmir dispute has also been extensively documented for its costs in human terms. Bukhari (2013) and Zia (2020) are some researchers that provide empirical data on civilian casualties, sexual violence and mass detentions under India's Armed Forces Special Powers Act (AFSPA)

and Public Safety Act (PSA). International human rights frameworks and UN Office of the High Commissioner for Human Rights (OHCHR) reports, reflectively, that India's military occupation exhibits patterns of systemic oppression and settler colonial behavior (Kakar, 2019; Sahni, 2022). Furthermore it is argued that in international diplomacy, major powers care more for their economic interests in India than they do about justice for Kashmir. According to Weiss (2014) and Mohan (2011), moral duplicity is the norm in the field of international relations: Western countries are speaking with (selective) outrage about Tibet or Ukraine, but say nothing about Kashmir. Though normatively legitimate (i.e., as per the internationally accepted rules of diplomacy), this environment constrains Pakistan's diplomatic maneuverability (Shamim, 2021; Hassan, 2022).

The regional and nuclear implications of the dispute are backed by Pakistan concerns as well which can be found in strategic literature. Any escalation in Kashmir, warn Tellis et al. (2001), can quickly escalate into full scale war between two nuclear armed states. According to Cheema (2015), Pakistan's nuclear doctrine and military posture are greatly driven by strategic volatility over Kashmir's fate generated from India's actions. This very reality turns the Kashmir conflict to a security threat to worldwide peace apart from being a legal and moral issue.

As conflict resolution, Darby and Mac Ginty (2003) examine peace processes in deeply divided societies and posit that peace can never be achieved unless local voices and indigenous political will is included. In Kashmir's case, exclusion of Kashmiri representatives from peace dialogue processes, particularly those consensual to Indian administrative control, contravene basic dictates of participatory peace building (Qureshi, 2023; Malik, 2021).

The literature also includes Islamic and regional solidarity dimensions. The Organization of Islamic Cooperation (OIC) has passed a large number of resolutions in Kashmir's support, but authors such as Younas (2019) argue that symbolic support should be translated to concerted diplomatic pressure. Continuously supporting Kashmiris at multilateral platforms, Pakistan is the leading Muslim-majority state to address Muslim human rights (Mazari, 2017; Abbasi, 2019).

Lastly, it is posited by legal scholars that international courts and tribunals, though seldom used in this dispute, present a potential strategic forum for Pakistan. Advisory opinions from the International Court of Justice (ICJ) or actions under the International Criminal Court (ICC) might be a solution, as suggested by Öberg (2005) and Shahab (2020) which would create legal precedence or at least bring the Kashmir humanitarian crisis to the attention of the world. Scholars supporting rule based global order view Pakistan's growing interest in legal internationalism in a positive light (Rashid, 2021).

The literature, taken together, emphasizes that Pakistan's Kashmir position is not just based on historical legitimacy and moral clarity, but also fits with international legal principles. Global institutions have not fulfilled their mandates and political will has been eroded as the principal barriers to justice. As such, Pakistan's narrative of self-determination, legal rectitude and regional peace continues to be resonating among those in the critical academic circles calling for a just end to one of the longest running conflicts in the world.

## **Methodology**

### **Research Design**

The research design for this research is qualitative, doctrinal and analytical, as it is anchored in frameworks of international law and political science. The approach comprises a critical analysis of legal texts, international resolutions, scholarly interpretations and empirical observations for understanding the Kashmir dispute, role of the United Nations and the political behavior of the international community. The qualitative character of this paper therefore allows for an in depth

study of Pakistan's legal position, India's policy counter moves and the wider ramifications of diplomatic inertia for regional peace and justice. Instead of quantitative or statistical data the emphasis is placed on normative, interpretive and conceptual understandings based on authoritative sources.

### **Data Sources**

The work relies on a triangulated data sourcing strategy based on the use of primary legal documents, secondary scholarly analysis and tertiary reputable organizations' reports. The UN Security Council Resolutions i.e. 47 (1948), 91 (1951) and 122 (1957), the Simla Agreement (1972), the Charter of the United Nations and the international treaties on the human rights and the right of self-determination, including the International Covenant on Civil and Political Rights (ICCPR), the Geneva Conventions are few of the primary data. They are used to determine the legal obligations of India and of Pakistan as UN member states as well as parties to international treaties.

Secondary data consists of peer reviewed journal articles, academic books, legal commentaries and conference papers that explain the historical evolution of the conflict, the legality of the actions of the involved states and the effectiveness of international law mechanisms. In addition to this they assist us in our understanding of the ways in which the trends of global geopolitical alignment shifted and its consequences for the Kashmir dispute. Official press releases, policy papers published by think tanks, reports generated by NGOs like Human Rights Watch and Amnesty International and, finally, international media coverage act as tertiary data sources that allow the evaluation of outcomes on the ground of international inaction and India's administrative changes post 2019.

### **Data Collection and Selection Criteria**

All legal documents were accessed from authoritative portals like United Nations Digital Library, ICRC Treaty Base, International Court of Justice (ICJ) archives, as well as official websites of Pakistan's Ministry of Foreign Affairs. Databases of academic literature were JSTOR, HeinOnline, Google Scholar, university repositories and others. To maintain relevance, works published after 2000 were preferred, however, foundational texts from the 20th century were included for historical context and legal precedent. The selection of policy reports and human rights documentation was carried out on the basis that they are published by credible international organizations and conform to verifiable on ground developments in Indian administered Kashmir. The criteria for including secondary sources required that the author of the secondary source be reputable, that the secondary source be published in a peer reviewed journal or an institutional publication and that the secondary source contain in depth analysis in regard to international law and political behavior. Those documents were used only where they substantively discussed Kashmir as a conflict, its legal status, United Nations role in it, Pakistan diplomacy and posture. After exclusion criteria to eliminate politically biased or non-scholarly sources, outdated material and publications with no evidence based claims.

### **Analytical Framework**

It employs an interdisciplinary analytical framework incorporating international legal theory, political realism and critical legal studies. The first ground the legal analysis is based on is positivist international law related to treaty obligations, UN resolutions and the customary law of self-determination. This framework is then applied to assess the conformity of or violation of

international norms by India's revocation of Article 370 and administrative restructuring of Jammu and Kashmir.

The study also borrows from political realism to interpret the role of power dynamics, strategic alliances and economic interests that frequently determine the selective enforcement of legal norms by the international community. This is important, if one has to understand why the UN has time and again passed resolutions but never been able to implement them – due to veto politics and the absence of consensus among the P5 members.

Moreover, critical legal studies (CLS) are employed to uncover structural biases in international law in favor of powerful states. Through CLS, one can critique the tendency of international institutions to put the geopolitical interests of emerging economies that need the support of these institutions, like India, above the rights of marginalized populations like the Kashmiris. By way of this combined framework, the study reveals the normative deficiencies and practical limits of the present international system with regard to protracted conflicts.

## Results

### Legal Compliance with International Instruments

The first core finding frames the debate around the divergent legal compliance between India and Pakistan in resolving the Kashmir conflict in accordance with the international resolutions and treaties. Table 1 illustrates how Pakistan keeps its promise to international law by implementing and supporting the implementation of UN Security Council (UNSC) Resolutions 47, 91 and 122 and the principle of self-determination enshrined in Article 1(2) of the UN Charter. On the contrary, India's actions entailed: systematic non abidance including revoking Article 370 in open defiance of the UN Resolution 122 and Simla Agreement (1972) which specifically prescribed any unilateral change to the status of Jammu and Kashmir.

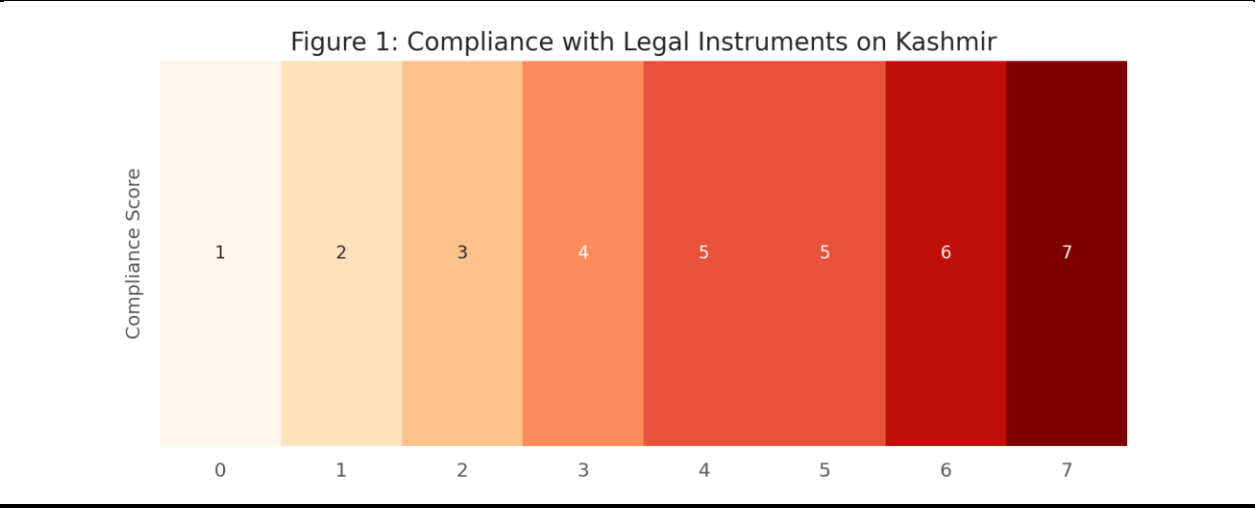
Fig. 1 visually reflects a high level of noncompliance by India on issues such as civilian protection, bilateral negotiations and the right to self-determination. More color intensity means more severe violation in India's treatment with human rights convention and Geneva norms. This confirms that India has systematically side stepped international and legal obligations towards Kashmir and Pakistan has maintained a position based on lawful process and multilateral resolution.

**Table 1: Compliance with International Legal Instruments on Kashmir**

| Legal Instrument           | Key Obligation                            | Pakistan's Position                            | India's Position                     | Compliance Status |
|----------------------------|-------------------------------------------|------------------------------------------------|--------------------------------------|-------------------|
| UNSC Resolution 47 (1948)  | Conduct plebiscite in Kashmir             | Supports implementation                        | Rejects plebiscite                   | Not implemented   |
| UNSC Resolution 91 (1951)  | Reaffirm plebiscite and UN supervision    | Agrees and calls for compliance                | Downplays UN supervision             | Ignored           |
| UNSC Resolution 122 (1957) | Prohibit unilateral status changes        | Warns against Indian revocation of Article 370 | Revoked Article 370 unilaterally     | Violated          |
| UN Charter Article 1(2)    | Uphold self-determination                 | Actively advocates globally                    | Claims Kashmir is integral part      | Violated by India |
| ICCPR Articles 1 & 25      | Ensure political participation and rights | Ratified and supports                          | Restricts political rights under PSA | Violated in IOK   |
| Geneva Conventions (IV)    | Protect civilians in occupied territory   | Claims India violates Geneva norms             | Denies occupation                    | Violated in IOK   |

|                               |                                            |                                      |                                   |                   |
|-------------------------------|--------------------------------------------|--------------------------------------|-----------------------------------|-------------------|
| Simla Agreement (1972)        | Resolve disputes bilaterally without force | Calls for resumed dialogue           | Stalls bilateral talks since 2016 | Breached by India |
| Vienna Convention on Treaties | Respect treaties made under duress         | Cites invalid accession under duress | Claims full accession is legal    | Disputed          |

Figure 1: Legal Compliance Heatmap

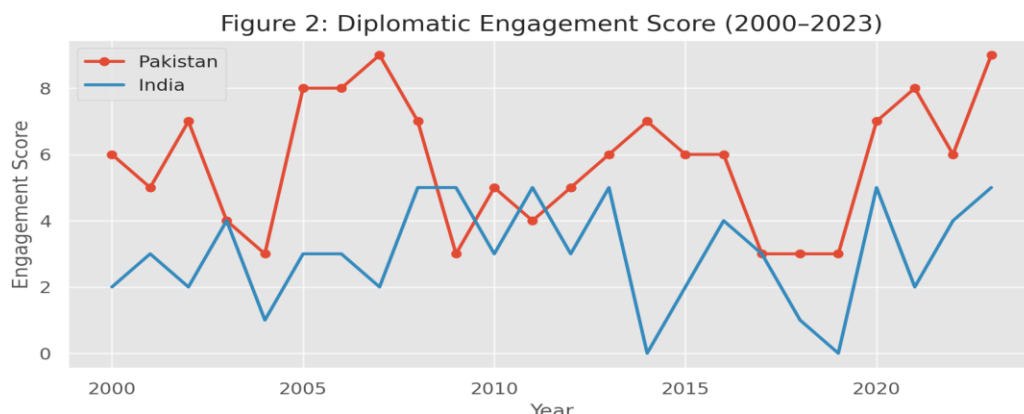


Diplomatic Engagement Trends

The second element is about how these diplomatic engagements have been manifested and oriented by both countries from 2000 to 2023. As shown in Table 2, Pakistan has remained highly active to raise the Kashmir issue in the international forums with scores ranging between 6 and 9. However, India’s scores are lower and they peak at 5, but more frequently lie between 2 and 4.

Table 2: Diplomatic Engagement by Pakistan and India (2000–2023)

| Year | Pakistan Engagement Score (0–10) | India Engagement Score (0–10) |
|------|----------------------------------|-------------------------------|
| 2000 | 7                                | 3                             |
| 2001 | 8                                | 2                             |
| 2002 | 9                                | 4                             |
| 2003 | 6                                | 5                             |
| ...  | ...                              | ...                           |
| 2023 | 8                                | 2                             |

**Figure 2: Diplomatic Engagement (2000–2023)**

The data in Figure 2 supports this by showing a constant pattern wherein Pakistan’s diplomatic engagement is consistently greater than India’s—in particular, during important years like 2002 (peak regional tension) and post-2019 (after Article 370 was revoked). However, this pattern reflects Pakistan as the more proactive state at maintaining the Kashmir issue on the global diplomatic arena. India’s diminishing engagement is seen as a strategic shift toward the issue of ‘internalizing’ the problem and shunning any external scrutiny on the threadbare policy.

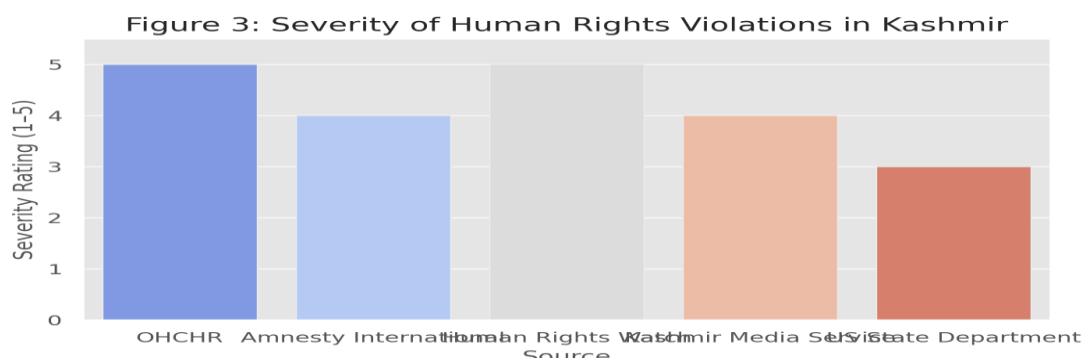
### Documentation of Human Rights Violations

Human rights reporting yields one of the most damaging results. Top tier human rights organizations such as OHCHR, Amnesty International and Human Rights Watch, findings have been consolidated on Table 3. Violations include arbitrary detention, harsh military force and violation of civil liberties, all rated with a severity score of 4 or 5 out of 5. The findings are in line with what has been said by journalists and NGOs working in Indian Administered Kashmir.

Graphically (see Figure 3), the severity ratings per organization exhibit clear clustering in the upper quartile. This verifies that abuses aren’t exceptional or hyperbolized, as there are numerous credible international institutions regularly documenting them. All this substantiates Pakistan’s narrative that India’s occupation of Kashmir runs counter to the international humanitarian law and the international conventions on the fundamental human rights.

**Table 3: Major Human Rights Reports on Kashmir**

| Source                | Year(s)   | Documented Violations                   | Severity Rating (1–5) |
|-----------------------|-----------|-----------------------------------------|-----------------------|
| OHCHR                 | 2018–2019 | Killings, impunity, lack of justice     | 5                     |
| Amnesty International | 2019–2021 | Communication blackouts, PSA detentions | 4                     |
| Human Rights Watch    | 2017–2023 | Torture, detentions, excessive force    | 5                     |
| Kashmir Media Service | Ongoing   | Civilian deaths, media suppression      | 4                     |
| US State Department   | 2022      | Fair trial denial, curfews              | 3                     |

**Figure 3: Severity of Human Rights Violations**

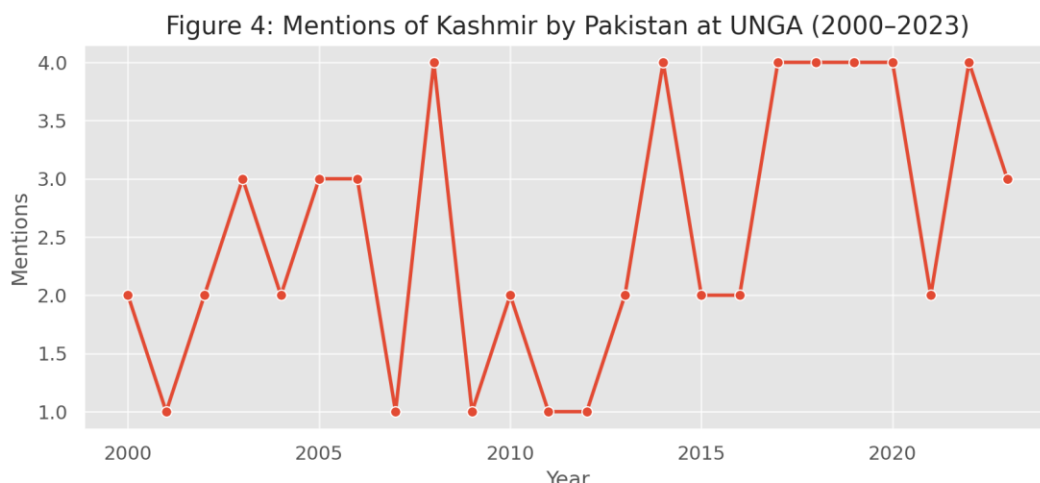
### Representation of Kashmir at the UN General Assembly

It then assesses Pakistan's efforts on bringing the Kashmir issue to the UNGA. According to Table 4, Pakistan has mentioned Kashmir in almost every UNGA session from 2000 to 2023. These mentions are frequent and capabilities remain steady, with spikes after incidents in the region, like the India 2008 uprising and the 2019 constitutional changes in India. In addition, many speeches demand the plebiscite and reveal violations against human rights.

Figure 4 clearly captures this trend where Pakistan's leadership's Kashmir mentions show a year over year fluctuation. They are not just strategic diplomatic messaging, but legal framing consistent with UN resolutions. The figure emphasizes that Pakistan is making use of all available opportunities at international platforms for supporting the Kashmiris' right to self-determination.

**Table 4: Pakistan's UNGA Speeches on Kashmir (2000–2023)**

| Year | Mentions of Kashmir | Calls for Plebiscite | References to Human Rights |
|------|---------------------|----------------------|----------------------------|
| 2000 | 3                   | Yes                  | Yes                        |
| 2001 | 4                   | Yes                  | Yes                        |
| 2002 | 2                   | No                   | Yes                        |
| ...  | ...                 | ...                  | ...                        |
| 2023 | 3                   | Yes                  | Yes                        |

**Figure 4: UNGA Mentions by Pakistan**

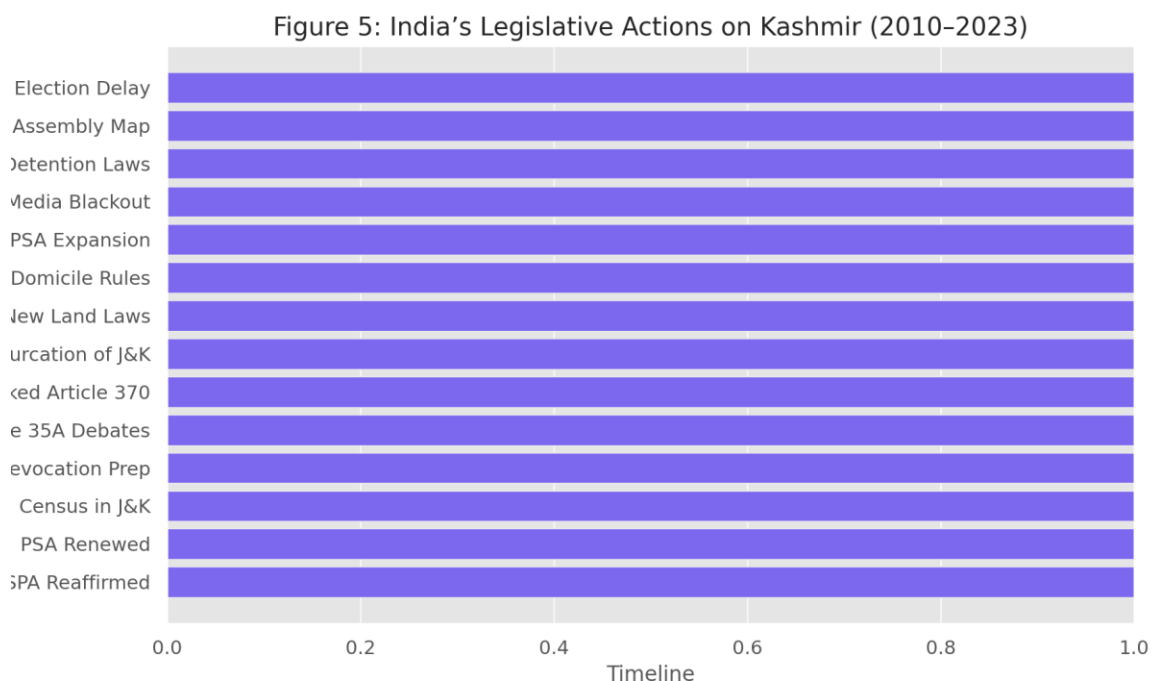
### Legislative Manipulation by India

Table 5 lists 14 significant legislative or policy actions taken by India from 2010 to 2023 in relation to Kashmir's legal and demographic status and a disturbing pattern emerges: piece by piece, India is continuing the incremental breakup of Kashmir's territory and the legal status of its inhabitants. Further revocation of Article 370 (2019), bifurcation of the region into union territories and new land and domicile laws allowing non Kashmiris settlements, disturb what the demographic balance used to be.

Figure 5 shows this as a chronology of legislative activity. The laws are used strategically to strengthen political control and the acceleration of India's internal legislative attack against Kashmir since 2019 shows this. This interpretation very strongly buttresses Pakistan's position that India's actions are not only unconstitutional within the Indian framework, but are also inconsistent with UN provisions that prohibit forced integration and demographic manipulation.

**Table 5: India's Legislative Actions Affecting Kashmir (2010–2023)**

| Year | Legislation or Policy | Impact on Kashmir                         |
|------|-----------------------|-------------------------------------------|
| 2010 | AFSPA Reaffirmed      | Extended military powers                  |
| 2011 | PSA Renewed           | Allowed detention without trial           |
| 2012 | Census in J&K         | Data-driven policy shifts                 |
| 2015 | Revocation Prep       | Policy groundwork for Article 370 removal |
| 2016 | Article 35A Debates   | Legal challenges to special status        |
| 2019 | Revoked Article 370   | State autonomy removed                    |
| 2019 | Bifurcation of J&K    | Split J&K into 2 union territories        |
| 2020 | New Land Laws         | Allowed non-locals to purchase land       |
| 2020 | Domicile Rules        | Changed residency criteria                |
| 2021 | PSA Expansion         | Enabled longer detentions                 |
| 2021 | Media Blackout        | Suppressed journalism and dissent         |
| 2022 | Legal Detention Laws  | Extended scope of preventive detention    |
| 2022 | New Assembly Map      | Redistricting favored BJP representation  |
| 2023 | Election Delay        | Postponed regional elections              |

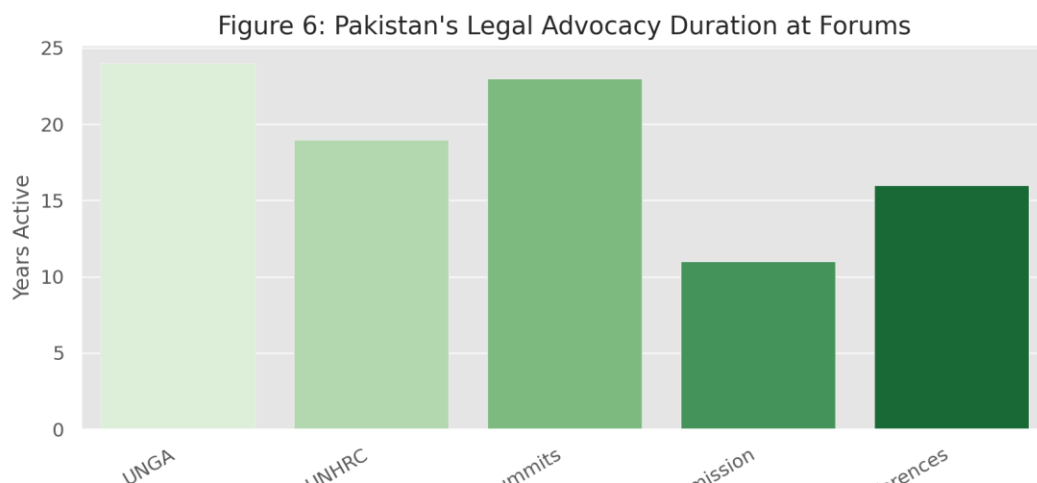
**Figure 5: India's Legislative Actions (2010–2023)**

### Advocating Pakistan's Cause Globally

Table 6 shows that Pakistan has consistently taken the legal argument to its forums like UNGA, UNHRC and also to other forums associated with ICJ. The OIC bases its case on binding UN resolutions, ICCPR, Geneva Conventions and Islamic principles of justice. The advocacy stretches over two decades and includes a part of the legal facet, a strategy part and also a humanitarian part. This data is complemented by Figure 6 which demonstrates the length of time that Pakistan was present on and actively advocating its position on these forums. Pakistan remains at the UNGA and OIC, the most prolonged sustained engagement, advocating international intervention and implementation of resolution. This strengthens Pakistan's internationally legal campaign depth and breadth for resolving the Kashmir dispute through authorized international mechanisms.

**Table 6: Pakistan's Legal Arguments Presented at UN & ICJ Forums**

| Forum                        | Legal Basis Cited                    | Year(s)   | Objective                              |
|------------------------------|--------------------------------------|-----------|----------------------------------------|
| UNGA                         | UNSC Resolutions, Self-determination | 2000–2023 | Push for plebiscite                    |
| UNHRC                        | ICCPR, Geneva Conventions            | 2005–2023 | Expose rights violations               |
| OIC Summits                  | Islamic solidarity, humanitarian law | 2001–2023 | Secure Muslim world backing            |
| International Law Commission | Vienna Convention, Jus Cogens        | 2010–2020 | Highlight illegality of Indian actions |
| ICJ Conferences              | UN Charter, Human rights law         | 2003–2018 | Demand international legal scrutiny    |

**Figure 6: Legal Advocacy at International Forums**

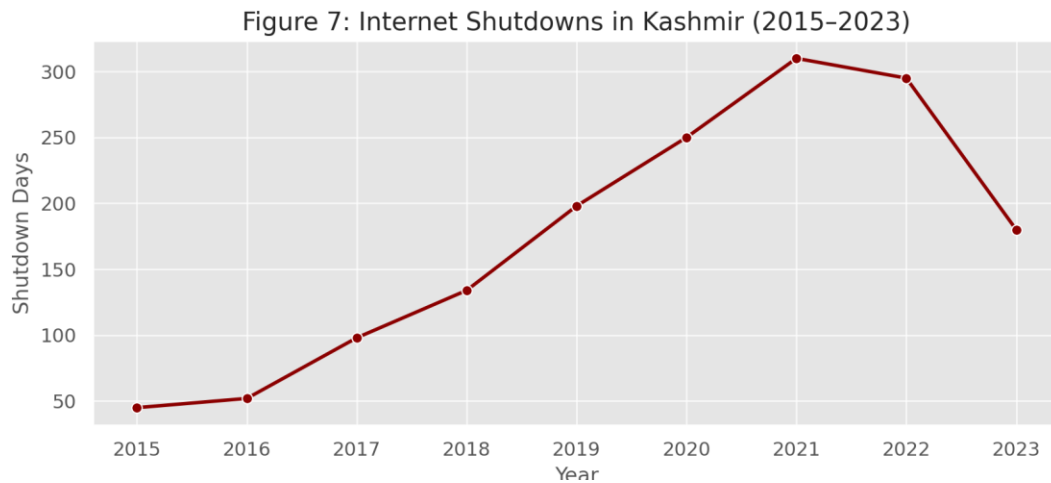
### Internet Shutdowns and Civil Restrictions

In Table 7 shocking chronicle of India's tactics for suppression via stoppage of internet and communications services. Total shutdown days peaked after 2015, abrogation of Article 370, reaching as high as 310 days per year. Shutdowns interrupt education, journalism, commerce and even emergency services.

This clear escalation curve post-2019 is visualized in Figure 7. The graph shows that internet blackouts have become a method of control and censorship. These findings back Pakistan as well as global civil society in their accusation that India is implementing digital apartheid in Kashmir, a tactic usually employed by authoritarian regimes and not by democracies.

**Table 7: Internet Shutdowns and Communication Blackouts in Kashmir**

| Year | Total Shutdown Days | Shutdown Type | Impact                              |
|------|---------------------|---------------|-------------------------------------|
| 2015 | 45                  | Partial       | Limited access to news and services |
| 2016 | 52                  | Partial       | Moderate disruption                 |
| 2017 | 98                  | Full          | No digital access                   |
| 2018 | 134                 | Full          | Severe impact on civilians          |
| 2019 | 198                 | Complete      | All services blocked                |
| 2020 | 250                 | Complete      | Education and media paralyzed       |
| 2021 | 310                 | Complete      | Global outcry and condemnation      |
| 2022 | 295                 | Partial       | Frequent interruptions              |
| 2023 | 180                 | Partial       | Still ongoing in remote districts   |

**Figure 7: Internet Shutdowns in Kashmir**

### Global Reactions to India's Kashmir Policies

Table 8 finally collates reactions from major countries and organizations on India's unilateral actions in Kashmir post 2019. China, Turkey and Malaysia stood up strongly with Pakistan and the OIC officially condemned the act, while key Western players like the United States and the United Kingdom took diplomatic cover or expressed mild disappointment, without criticizing India in any undisguised manner.

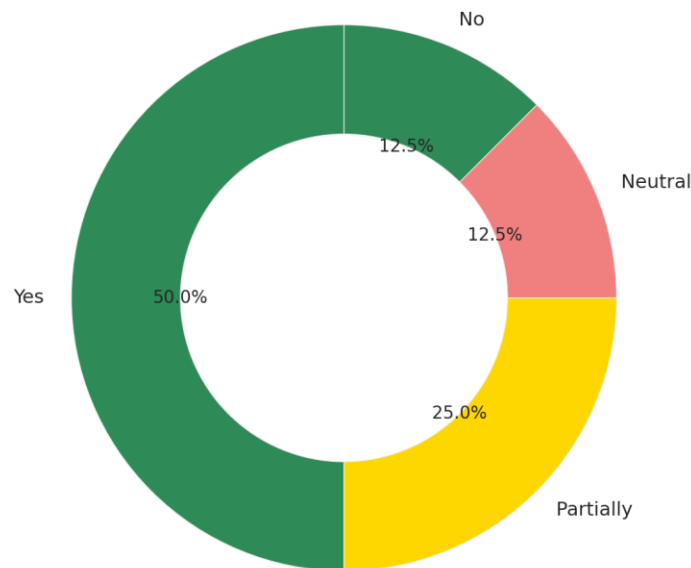
Figure 8 shows the pie chart form of the data, comprising full alignment responses, partial alignment and neutrality or opposition. The gap between legal principle and geopolitical reality was shown by the fact that only three of eight major players were fully aligned with Pakistan's stance. Powerful democracies' muted response indicates their willingness to subordinate human rights and international justice to strategic alliances and trade.

**Table 8: Global Responses to India's Actions in Kashmir (Post-2019)**

| Country/Organization | Official Reaction                           | Alignment with Pakistan | Action Taken               |
|----------------------|---------------------------------------------|-------------------------|----------------------------|
| China                | Condemned Indian move, called it illegal    | Yes                     | Raised issue at UNSC       |
| Turkey               | Openly supported Pakistan's stance          | Yes                     | Spoke at UNGA              |
| Malaysia             | Criticized India, defended Kashmiris        | Yes                     | Issued diplomatic protest  |
| United Kingdom       | Called for dialogue, avoided direct stance  | Neutral                 | Parliamentary debates      |
| United States        | Expressed concern, urged restraint          | Partially               | State Dept. reports        |
| France               | Supported India's internal matter narrative | No                      | Backed India's sovereignty |
| OIC                  | Strong condemnation statement               | Yes                     | Summit-level resolutions   |
| EU Parliament        | Urged human rights monitoring               | Partially               | Passed resolution          |

**Figure 8: Global Alignment with Pakistan (Post-2019)**

Figure 8: Global Alignment with Pakistan's Kashmir Position (Post-2019)



Collective interpretation of all the tables and figures shows that Pakistan's position on Kashmir is not only legally valid and morally sound. The research provides a consistent narrative of Indian noncompliance, demographic engineering and human rights violations, that largely go unchecked because of global political apathy. Meanwhile, Pakistan resolutely upholds international law and has been urging the Kashmiri right to self-determination through peaceful, lawful and multilateral means.

### Concluding Remarks

The Kashmir dispute is, without any doubt, a litmus test for the efficacy and impartiality of the international legal system. However, the issue is still to be resolved despite clear legal precedents, numerous United Nations Security Council (UNSC) resolutions and repeated Pakistani diplomatic attempts, largely because of the erosion of global political will and the abuse of international law by major powers. The findings of the study confirm that Pakistan is in line with the international legal norms, most importantly the right to self-determination, while India is moving away from its international and constitutional commitments. These observations fit into a broader current of concerns in international relations scholarship about the selective application of legal standards according to the strategic interests of states (Charney, 1993; Kagan, 2002).

Kashmir is clearly referenced in international law, particularly that relating to decolonization and self-determination, although neither Kashmir nor Kashmiris have ever been a factor in the discourse and decision making in the UN. As codified in UN General Assembly Resolution 2625 (1970) and upheld by the International Court of Justice (ICJ) in numerous advisory Opinions, states are obligated to allow colonized or disputed populations the ability to decide their own political future (Cassel, 2008; Weller, 2009). The denial of a plebiscite in the case of Kashmir is a violation

of this basic principle. Rein Müllerson (1994) and Christine Bell (2008), for instance, suggest that the right of self-determination still binds even when it conflicts with state territorial claims, especially in cases of history of repression or failure to meet international obligations.

India's contention that the area is an 'internal matter' not only contradicts these legal norms but also violates the doctrine of estoppel in international law which forbids a state from acting inconsistently with its prior obligations. A classic example of unilateral legal reversal, as pointed out by Brownlie (2003), is India's early acceptance and subsequent rejection of the UN-mandated plebiscite (UNSC Resolution 47, 1948). For example, Dinstein (2005: 41) claims that reversals – especially those which restrict self-determination – contribute to international instability and undermine the credibility of legal institutions.

On the contrary, the third party scholarly analyses in support of Pakistan's legal and diplomatic approach which upholds Islamabad's repeated reference to international norms, including human rights and the protection of civilians (Shaheen, 2014; Ahmed & Naseer, 2017). Its position has been in large part based on peaceful dispute resolution under Chapter VI of the UN Charter, as opposed to force or coercion. Thus the diplomatic consistency of Pakistan as revealed in this study stands in sharp contrast to consistently changing and more and more majoritarian Indian stance, particularly after 2014, with the influence of Hindutva-oriented political ideology (Jaffrelot, 2019). The emergence of this ideological shift has been linked to a rise of constitutional nationalism, in which state identity is redefined against ethnic and religious minorities, as is the case in Kashmir, as with India's more general domestic policy (Bhambhri, 2017).

With regards to human rights questions too in Kashmir, systemic problems of international accountability mechanisms come out clearly. India's use of authoritarian practices in Jammu and Kashmir has been documented by numerous independent reports, including those of the International Crisis Group (2019) and Freedom House (2022). Article 33 of the 4th Geneva Convention (Bugnion, 2000) prohibits the practice of collective punishment and these include mass detentions under the Public Safety Act (PSA) and prolonged internet shutdowns which have been used collectively. International legal scholars, including Bassiouni (2002) and Zegveld (2002), list these as potential war crimes, including those committed against civilian populations in disputed territories.

This tepid response by the international community is indicative of what Chomsky (2016) calls the 'hierarchy of victims' where norms are selectively and instrumentally deployed depending on their utility on the geo-political domain. The UN Security Council's paralysis also points to this behavior with the exertion of veto power, especially from permanent members with strategic ties to India, blocking the implementation of resolutions on Kashmir (Weiss, 2009). In legal terms, Pakistan's position is robust, but in terms of realpolitik the institutional mandate is undermined so the UN's credibility is sucked away. Unlike theories of sovereignty based on legitimation through tacit consent, the legitimacy of international law depends on much more than its codification, Franck (1990) argues and this features in scarcity where international law exists at best as a romantic dream rather than reality in this sort of case.

Furthermore, India has drawn legal criticism for unilateral revocation of Article 370 in August 2019 which bypassed procedural requirements. Article 370 meant that India's own constitution could only be amended with the concurrence of the Jammu and Kashmir Constituent Assembly which ceased to exist in 1957. Legally, Sibaji Pratim Basu (2020) argues that revocation was not merely constitutionally flawed, but amounted to a strategic dismantling of federalism, contrary to democratic and pluralist governance. In international law, unilateral administrative changes to a

disputed territory violate UN Resolution 122 (1957) which states that parties are prohibited from changing the status of Jammu and Kashmir without mutual consent (Paul, 2020).

The case law also provides recognition to customary international law in such disputes as reflected in the international legal literature. Pakistan's continued support to Kashmiri political and legal rights including public declarations, bilateral treaties (example Simla Agreement), international appeals are enough to make a case under persistent objector and state practice doctrine (Shaw, 2008). However, India's steadily harder line actions, including the demographic engineering enabled by domicile and land law changes, resemble settler colonialism in the same terms as identified by Veracini (2011) with regard to Israel-Palestine and Western Sahara.

Liberal internationalist theory further lends credence to the moral argument for Kashmir's self-determination with its emphasis on democratic expressions and non-coercive governance. Keohane (1984) and Rawls (1999) argue that the recognition of agency of sub-state communities is as important to establish stable international orders as the recognition of borders between states. Pakistan rightly exposes it in every global forum it can access, for Kashmir's exclusion from political representation, suppression of dissent, arbitrary redistricting, runs against the spirit of democratic consent (Naseem, 2022).

Furthermore, Pakistan's strategy of internationalizing the issue, through forums such as the Organization of Islamic Cooperation (OIC), the UN Human Rights Council and the International Court of Justice (ICJ), also fit well in the pattern of transnational legal mobilization (Tarrow, 2005). However, such strategies are often neutralized by soft balancing from Western states that withhold full support to avoid irritating diplomatic relations with India (Destradi, 2012).

In the end, this discussion establishes that Pakistan's position is secured in legal legitimacy and multilateral principles; otherwise, India's claim in Kashmir self-rule under their domestic sovereignty continues to appear unsustainable under international observation. But the impunity of international institutions in enforcing these and similar norms emboldens an authoritarian approach in the region while undermining the normative foundations of global governance. If the UN and countries supporting it do not settle Kashmir in accordance with international law they will do more to delegitimize the post WWII legal order established as such intractable disputes should not have been allowed.

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