



MEDIATION IN ARMED CONFLICT: A CASE OF KASHMIR

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Abstract

This research aims to analyze the mediation in decades-long Kashmir disputes while considering the various options for peaceful resolutions under international Law. Kashmiris are deprived of their rights. More than 12.55 million people have been denied their right to self-determination, nationality, sovereignty, and freedom of speech due to India's unlawful occupation of Jammu and Kashmir. There are several violations of international law and the UN Charter by the Indian Armed Forces in Indian Illegally Occupied Kashmir (IIOJK).

This paper critically analyzes the recent move of BJP's Government through constitutional invasion to bring demographic changes in Kashmir



unilaterally. It illuminates how India has violated the Simla Agreement of 1972 and its constitution. The people of Kashmir have been blocked off from the rest of the world, and there is no communication, travel, and connectivity. Pakistan should also use lawfare to develop a peaceful solution with consideration of Kashmiri people, and necessary steps should be taken to show the natural face of India on various forums.

This study also analyzes that India disregards mediation and negation efforts by other states. Despite this, the international community's response to this humanitarian debacle has been abysmal and ineffective. Lastly, this research suggests that India's aggressive actions in Kashmir will continue to persist if the international community does not take note of India's violence in Kashmir.

Keywords: International humanitarian law, Human Rights Violations, Mediation, Kashmir, UN resolutions, Article 370 & 35A, Lawfare

INTRODUCTION

“Kashmir”, is a long decade dispute between Pakistan and India since partition of Sub-continent where both, India and Pakistan claim Kashmir as a part of their own countries and occupied by the other neighboring state. Both the countries have fought three wars since partition in 1948, 1965 & 1971 simultaneously and two wars out of three were over Kashmir. Many People in Kashmir have been fighting in groups against Indian independence. (Fai, 2012)

To survive, they must have access to their fundamental human rights, and Kashmiris are deprived of their rights. More than 12.55 million people have been denied their right to self-determination, nationality, sovereignty, and freedom of speech due to India's unlawful occupation of Jammu and Kashmir. (Fai, 2012)

There are several violations of international law and the UN Charter by the Indian Armed Forces in Indian Illegally Occupied Kashmir (IIOJK). An estimated one hundred seven five thousand Indian military forces have been deployed in Kashmir after an illegal act of repealing Articles 370 and 35 (A) of the Indian constitution in 2019. There has been a year-long lockdown and unjust oppression of innocent Kashmiris, and such a level of force is unparalleled. (Fai, 2012)



This study first tries to assess India's violations of International Humanitarian Law and the UN Charter. The Indian administration has utterly ignored the humanitarian law side of the Kashmir conflict. Secondly, it illuminates how India has violated the Simla Agreement of 1972 and its constitution. Sadly, the right of connecting and mobilizing and to the rest of the world of Kashmiri people have been violated by blocking them off. There is no possibility for them for communication, travel, and connectivity. (Akram, 10 MAY,1997)

Thirdly, this report reveals that India is disregarding mediation and negation efforts by other states. Despite this, the international community's response to this humanitarian debacle has been abysmal and ineffective. Lastly, this research suggests that India's aggressive actions in Kashmir will continue to persist if the international community does not take note of India's violence of basic fundamental rights in Kashmir. This research paper also pleads to India and Pakistan to resolve the dispute by amicable negotiations or mediation. It also urges all the countries involved directly or indirectly in this territorial dispute to play an active and positive part to end the dispute between conflicting states.

Kashmir has been waiting for the resolution of a century-long problem. On January 20, 1948, the United Nations Security Council's Resolution 39 offered to assist in the Kashmir conflict's peaceful resolution. The resolution suggested setting up a commission of three members. They gave both India and Pakistan a chance to choose one member, each of their own choice. The third was supposed to be chosen by the other two committee members. (Akram, 10 MAY,1997)

This commission was supposed to investigate the core of the conflict on merit and then propose a solution to the Security Council based on their findings. The primary purpose of this commission was to bring the peace in the territory. The British Delegation intended that this commission would be under the direct supervision of the Security Council. However, the formulation of settlement was supposed to be taking place in the New York, and things could not move at the pace everyone expected. (Akram, 10 MAY,1997)

The situation demanded immediate action. Nevertheless, there was no sense of urgency. It took much time even to set up the commission. In April 1948, Resolution 47 paved the path to creating the commission. Even after Resolution 47, it is said that it took the commission almost eleven weeks to reach the subcontinent to commence the essential work.

This UN Resolution is just the tip of the iceberg. There were several missed opportunities where this issue could have been quickly resolved through mediation, UN Charters, or Conventions, and the details of such opportunities are mentioned in my paper.



India has been violating humanitarian laws without fearing sanctions or other diplomatic, social, or economic consequences. However, this is an open secret and evident through loads of data that India never showed any serious commitment to resolving this conflict. The purpose of writing this paper is to open the door to possible options to resolve the Kashmir issue.

This paper also critically analyzes the recent move of BJP's Government through constitutional invasion to bring demographic changes in Kashmir unilaterally. Violation of basic fundamental rights should be stopped and brutal killing should come to an end, which violates Humanitarian law. International Court of Justice (ICJ) should also play an influential role in resolving the dispute. If ICJ is not able to help in ending the conflict, then it must at least suggest amicable options for the restoration of peace by granting urgent relief to ease the lives of Kashmiri people.

Kashmir needs help now, and this is when Kashmir needs the support of the world through result-oriented steps, especially those who believe in their normative powers or profess human rights. Voices of Kashmiri people should be heard at the International legal forum to expose India's natural face. These victims should be brought to major legal international forums for the testimonies through lawfare means. Pakistan must use lawfare to bring this violation to an end and expose law criminals, but this lawfare is only possible if Kashmiri victims support Pakistan.

India has been illegally using law as a tool for its illegal interests. However, it is now high time when Pakistan needs to stand for Kashmir to invoke international resolutions that support Pakistani stance. Pakistani legal experts need to use lawfare to help Kashmiri people on International legal forums through diplomatic and political platforms.

Pakistan should use lawfare with proper planning and legal expertise like India uses lawfare as a tool. For example Indian actions on August 5 were not sudden; it was all pre-planned. Pakistan must have been vigilant and prepared to counter the illegal act of constitutional violations by India. India must understand that Kashmir is not a political dispute of one country but it is a dispute between two neighboring states. Legally Pakistan's stance is strong but Pakistan is weak on diplomatic footings, lawfare will not be successful without diplomatic support. Here, it is pertinent to mention that Pakistan must build a strong narrative regarding lawfare.

LAW FARE



Lawfare is a term which means using legal system or institutions to achieve required goals. India has been using lawfare for its illegal gains and India has changed the dynamics of Kashmir conflict by violating Indian constitutional provisions i.e. 35A and 370 on August 5th, 2019. This is the high time for Pakistan and Kashmir to raise voice against this illegal act and to provoke all legal forums to get what is just and right. Pakistan and Kashmir together needs to invoke the legal significance of this act of India at all International forums. (EVERYDAY VOILENCE, INSTITUTIONAL DENIAL AND STRUGGLES FOR JUSTICE IN KASHMIR, 2011)

Pakistan and Kashmir has an opportunity to use lawfare at its best because after 5th August, 2019 this is already in debate on different forums that India is using lawfare as a tool to mold the situation illegally in its interest. Pakistan and indigenous people of Kashmir should raise their voice in UN, ICC and ICJ and India should be exposed that he is mistreating bilateral covenants and violating International human rights and humanitarian law. Pakistan should make long-term and short term legal, diplomatic and political strategies under the supervision of law experts to resolve this dispute between Pakistan and Indian by using lawfare. (EVERYDAY VOILENCE, INSTITUTIONAL DENIAL AND STRUGGLES FOR JUSTICE IN KASHMIR, 2011)

Pakistan should also take necessary steps to build a solid legal narrative about Kashmir. There is misunderstanding about legal narrative of Kashmir due to conflicting and different narratives about Kashmir, which has also mislead international forums to help resolve the dispute and India has smartly played with the situation and has been misleading the world.

There are many steps which Pakistan take under lawfare. One of them is Govt Of Pakistan should redefine the role of the Azad Jammu & Kashmir. With the help of Kashmiri indigenous people, Pakistan should invoke the right of self-determination as a nation under international law. It is prominently embodied in the first article of the United Nations charter, claiming for bilateral covenants to be fulfilled by India, claiming rights based on international humanitarian law for the victims of Kashmir, etc. Dispute between India and Pakistan must be resolved with UN Charter, Security Council resolutions and bilateral agreements like Shimla agreement. (EVERYDAY VOILENCE, INSTITUTIONAL DENIAL AND STRUGGLES FOR JUSTICE IN KASHMIR, 2011)

Furthermore, rights of Kashmiri indigenous people must be respected. Pakistan needs a proper planning to cover all legal aspects of Kashmir to resolve this dispute by building legal solid arguments and recommendations which will enable Pakistan to become more proactive against India. (LAW AND DETENTION: A CRITICAL ANALYSIS OF KASHMIR VALLEY, 2019)



It is essential to mention here that both the disputants are nuclear powers as well and any dispute between these two states is a severe threat to the peace of the world and this matter should be taken seriously worldwide.

LITERATURE REVIEW

To find the required outcomes of my research and spot gaps, I have gone through many articles and journals. In this paper, a qualitative research method is used to discover and learn different journals and write up of different scholars to find the how India is violating humanitarian law and the implication of humanitarian law in Kashmir. I have gone through many scholarly articles to find the ways to resolve the dispute between India and Pakistan through Mediation. After thorough research, I have found the gap in research that there is a need for research on lawfare in Pakistan. The primary purpose of this paper is to throw a light on Indian violations of basic fundamental rights of Kashmiris and to know possible ways to resolve this dispute, which can be mediation. Who can intervene as a neutral third party to resolve the dispute between parties?

Finally my research aims to research what grounds Pakistan needs to strategize its policies in counter to India on Kashmir. India has been using lawfare as a tool against Kashmir and Pakistan on different international forums and India has built a narrative where it is the need of the time that Pakistan should also build a strong narrative against Indian legal policies and to make efforts in this narrative to reach on international forum. This conflict between these two countries has become a severe issue in the international community, and the crucial steps must be taken to overcome this challenge.

A lot of literature was consulted to obtain a deeper understanding that what is the strategy of India for Kashmir. We also studied the implications of humanitarian Law in Kashmir, where India stands in observing rules and regulations to follow UN resolutions regarding international human rights and international Humanitarian Law in Kashmir. As for the literature review on the issue, analysts and writers have different opinions. Several books and research articles appeared in different journals, and material on the internet is available about this topic.

In his article, Vindu Goel (Geole, August 2019) writes about the root conflicts of Pakistan and India and then explains what article 35 & 370 is all about. His analysis about "Will the United States and other global powers get involved. "According to Vindu Goel's view, this presidential notification is illegal,"



Vindu Goel quoted many professors view on this i.e., Shubhankar Dam, a law professor at the University of Portsmouth in Britain and the author of a book on executive power in India. "The question is one of jurisdiction: Does the government of India have the power to do this. (geole, August 5,2019)

The researcher in this article has written about the Implications of revoking Article 370 and the reactions of international member states. The UN Secretary-General called for "restraint." In 2018, the UN called for an international inquiry into human rights abuses. Since 2016 on both sides of the Line of Control. India rejected this call. (why does india says no to kashmir, july 28, 2019)

In this article Suhasini Haider writes about India staying one step behind the resolution through mediation. Many attempts by International leaders of different countries failed in resolving the issue of Kashmir through dialogue or mediation because of no interest of India. (why does india says no to kashmir, july 28, 2019). Bilal Ahmer Soofi, in his book Indian's against India, writes that this act is a violation of constitutional rights.

SIGNIFICANCE OF THE STUDY

This paper critically analyzes the recent move of BJP's Government through constitutional invasion to bring demographic changes in Kashmir unilaterally. This research also aims to analyze the mediation in decades-long disputes while considering the various options for peaceful resolutions under international Law.

Through this research, I have tried to analyze why both states failed in resolving the issue through mediation. What are the best possible ways to get this issue resolved?

RESEARCH METHODOLOGY

1. Research Design

The research design for this study will be based on Interpretivism. The goal of interpretive research is to understand and interpret the meanings of human actions. The study will be based on deductive logic, and the study starts with a hypothesis with two premises of the argument. The type of research will be of qualitative method in which Indo-Pak case will be an understudy and will do in-depth analysis on it. Further, the historical (past study



events) and descriptive (study the current state of the study) types will be used for empirical research.

2. Data Method Instruments and Procedures

To write this article and do research, different study sources are used like scholarly articles written on Kashmir and international concerning resolution mechanism techniques, etc. Other than scholarly articles, public reports like media reports from different organizations from government and non-government sectors are read. Opinions, columns, news articles, speeches, interviews of experts, books, journals, articles, summaries of books and conferences and analysis from conferences and workshops, monographs, and encyclopedias.

3. Unit of population

The qualitative population for this research study will be academics, research fellows from think tanks, security studies experts, and retired ambassadors.

4. Sampling Technique

For the qualitative sampling for this research study authors got material analysis from research articles, five books, and well-reputed newspaper articles and news; and semi-structured interviews from 5 academics, 5 security experts, 5 research fellows from different Think-tanks who have expertise Kashmir Issues and Mediation.

ANALYSIS

This study first tries to assess India's violations of International Humanitarian Law and the UN Charter. Secondly, it illuminates how India has violated the Shimla Agreement of 1972 and its constitution. Thirdly, this report reveals that India is disregarding mediation and negation efforts by other states. Lastly, this research suggests that India's aggressive actions in Kashmir will continue to persist if the international community does not take note of India's violence in Kashmir.

Article 3 of the Geneva Convention offers international minimum protection to persons taking no active part in hostilities, including members of armed forces in certain situations stated explicitly in the article. Humane and non-discriminatory treatment are two essential protections offered under this provision.



The Geneva conventions preserve the rights of civilians and military personnel during a war, and it protects the sick and wounded and wartime prisoners. Article 3 also known as standard Articles, tells about implications of international law and provides the standards of the conduct of parties, government forces and insurgents in an internal armed conflict. (• Geole, August 2019)

According to standard Article 3 The Geneva conventions , the following conducts to be remained prohibited at any time and place regarding the above mentioned persons acts are and shall remain prohibited at any time and in any place whatsoever concerning:

- A.** violence to life and person, particularly murder of all kinds, mutilation, cruel treatment, and torture.
- B.** Taking of hostages.
- C.** Outrages upon personal dignity, in particular, humiliating and degrading treatment
- D.** The passing of sentences and the carrying out of executions without previous judgment pronounced by a regularly constituted court, affording all the judicial guarantees recognized as indispensable by civilized people. The wounded and sick shall be collected and cared for.

If we talk about Humanitarian Law, India's perspective is quite strange. India considers the conflict in Jammu and Kashmir is not international in International Humanitarian Law.

It is essential to mention here that an Enduring rivalry between India and Pakistan is not at political level only but it covers social, military and religious matters as well. For the last seven decades, the Indian Government has been denying these basic fundamental rights of the indigenous people of Indian Illegally Occupied Jammu and Kashmir (IIOJK).

Kashmir conflict is not only a territorial conflict between two neighboring states i.e. (India and Pakistan), but also it is a conflict of ideology where India is not a tall scared or ashamed of violating international human rights law and humanitarian law. (• Geole, August 2019)

A leading example of human rights violations or constitutional violations committed by India is the abrogation of Articles 370 and 35 (A) from the Indian constitution on the 5th of August 2019. Thus, the Special constitutional status of Kashmir is repealed by Indian Parliament on the said date, leading to identity and legislative crisis for Kashmiri people.

This illegal act on the Indian Government should be condemned on all regional and international forums. This act of Indian Government has also lead to many incidents



including the killing of Burhan Wani (on July 8, 2016), anti-Indian protests in different valleys of Kashmir defying curfew and attacks on security forces and public properties by Kashmiri people and as a result curfew and suspended mobile service in all these Kashmir valleys on 15th of July. This curfew continued for consecutive 53 days.

It was then lifted on 31st August, and was imposed again in some of the areas in Kashmir very next day. However, it is disappointing to share that Kashmiri Police and Indian parliamentary forces violated international Humanitarian law and human rights law. They used pallets guns, rubber bullets and assault rifles which caused casualties of ninety civilians and over 15000 civilians were injured. (• Geole, August 2015)

These injuries include those civilians who lost their eyes or sight because of the pallet guns. Kashmiri people were denied their right of Mobility and communication during the 2019-20 lock-down, which the Indian Government justified in the name of curbing terrorism.

The lockdown started on August 5, 2019, following the Revocation of the special status of Jammu and Kashmir. This was done via scrapping of Article 370 of the Constitution of India, Article 35A of the Constitution of India, and the introduction of the Jammu and Kashmir Reorganization Act, 2019. Since August 5, no foreign journalists have been granted permission from the Indian Government to report in Kashmir. According to a September 6 report of the Indian Government, nearly 4,000 people have been arrested in the disputed region.

India and Pakistan claim the Kashmir territory in its entirety but rule over parts of it. Many Kashmiris demand either a merger with Pakistan or an independent state.

Pakistan has already taken this to the UN. Pakistan's Prime Minister Imran Khan emphasized that this issue should be taken seriously because it is not a simple political conflict between two states but its territorial conflict between two nuclear states. This conflict can be a severe threat to international peace and security.

Former Prime Minister Imran Khan, on September 27, 2019 on 74th session of UN General Assembly , argues in his speech that UN and all other peace keeping Institutions must intervene otherwise the consequences will impact not only conflicting states but it may affect the region and the world ultimately. He also emphasized that it is the ultimate responsibility of UN, being an institute to maintain peace and security of the states worldwide to take all necessary actions for the resolution of dispute between India and Pakistan. Also to take forceful actions against India for illegal acts against Kashmiri people



and solve Kashmiri people's problems. Indigenous Kashmir's must be given the right of self-determination as their fundamental right.

There are many options that conflict between India can be resolved through amicable resolution and mediation. Mediation is a mechanism where a third neutral party decides the conflict on behalf of disputant countries with their consent. The territorial conflict between India and the Kashmiri insurgency also needs an amicable resolution through mediation. A neutral third party can intervene as a Mediator to resolve this 7 decades-long dispute. Mediation is an effective emerging mechanism that is primarily used worldwide to resolve disputes between states whether it is political dispute or territorial conflict between states or it be investment dispute, mediation is successful. (Kayani, 2019)

A neutral third party must intervene to mediate the long-standing conflict, i.e., the dispute between India and the Kashmiri insurgency. As discussed, Third-party resolution for a dispute is emerging as an effective mechanism these days. Some states with powers must intervene to resolve this issue between India and Pakistan for human rights law or for the sake of Norms they try to establish amongst the International community.(Kayani, 2019) For Kashmir, this will not be a first Mediation attempt, in Past numerous mediation attempts have been made to resolve the dispute between India and Pakistan, which resulted in ceasefires which was temporarily de-escalated with attempts UNCIP through Mediation.

An intense Mediation is needed for the amicable resolution over the dispute between India and Pakistan. It will serve to protect the rights of the people of Kashmir and for the regional economic development and growth. This issue must be resolved under the UN charter framework or any resolution; otherwise, this conflict may create many other issues resembling the Palestine crises. It is pertinent to mention here that the UN has not successfully resolved this issue for decades. It can be called its political weakness; hence this forum is very effective for many countries to share or discuss their grievances. (2012 p. fai and ghulam nabi) (Fai, 2012)

RECOMMENDATIONS:

It has been more than 7 decades since Pakistan parted, and these countries conflict. These conflicts are social, cultural, ideological and territorial. However, Kashmir is one of the significant conflicts between the two countries.

Both countries are nuclear power and this conflict can lead to a major disaster for the region or the other parts of the world. Both countries conflict for last many years which has resulted as many incidents including wars between both countries, violation of



humanitarian law and human rights law and violation of bilateral covenants. Moreover, both the countries spend major o their budgets on security forces, military and borders.

Both the countries should seriously think about the amicable resolution of the disputes between them which can be Mediation or Negotiation by intervention of a neutral third party.

At the same time, Pakistan needs to take some serious steps for the Kashmir because India has never showed flexibility in Kashmir issue instead it seems that India never wants to resolve the dispute and India has been violating rights of Kashmiri people without any threat or fear. Looking into the situation for last 7 decades, following are some of the recommendations that Pakistan must take following steps:

1. Pakistan must have prioritized list of objectives regarding economy, security and diplomacy. Pakistan need to show diplomatic strength concerning Kashmir conflict and it should build a strong narrative regarding Kashmir through diplomatic support. Previously, Pakistan has been diplomatically weak especially concerning Kashmir issue.
2. Pakistan must thoughtfully formulate its legal solid policies. Legal attention is required in many serious issues, particularly Kashmir conflicts. Pakistan must use lawfare to resolve the dispute. Pakistan must review it is treaties with India.
3. Pakistan must ensure that a team of legal experts assesses all diplomatic a security policies and engagements.
4. Pakistan must have prepared legal arguments beforehand to deploy immediately on international forums to avoid any kind of miscarriage of remedy or to avoid missteps.
5. Pakistan must conduct a risk assessment of possible hostile moves on the military and diplomatic fronts.
6. A team of legal experts (legal academics and lawyers), operational personnel, and decision-makers must be formed to achieve all the above goals and help make new strategies. Moreover, that team must be trained in their field to minimize any claims of non- compliance.
7. With the help of legal academicians, law experts, and policy making consultants, robust offensive strategies must be formed. This will help redress or challenge the claims or narratives of India and those strategies must be used with proper planning on any international forums and in any vulnerable situation.
8. Lawfare and all policies related to lawfare must become part of diplomatic and defense policies and must be part of the training of these personnel.

We are in dire need of the planning mentioned above because Indian's narrative is supported on all international forums. This happens not because Indian's arguments are



always valid, but because they are prepared and use those arguments on time carefully. Pakistan lacks planning on legal strategies whereas India generally strategizes on the legal side.

Pakistan needs to fight against India on legal plans and strategies, and modest planning should be done on priority basis to compete India on all footings. We have an excellent legal talent that must be used in the state's best interest on a defensive and reactive basis.

This lethargy must change. We fear that Pakistan will continue to waver between passivity and delayed reaction unless it recognizes and invests in a cadre of international law experts devoted full-time to making proactive arguments, cases, and legally airtight narratives to match the Indian lawfare machine. (Kayani, 2019)

THE NEED FOR MEDIATION

Mediation is the intervention of a neutral third party to resolve any kind of dispute between states or individuals. Mediation is getting popular globally because of its effectiveness in time saving and cost-saving. Mediator's role is a mediation is very important because a mediator plays many role in a mediation.

These roles include negotiations on behalf of parties, facilitating both the parties, bridging the gap through communication, policies and strategies formulation for the states or conflicting parties and active manipulation between disputants to bring them towards amicable resolution. Once a matter reaches to mediator for mediation, then no matter how unwilling the disputants are to allow the third party's intervention, the mediator makes the more forceful intervention to bring the parties towards amicable resolution of the dispute and changes the perception of the disputants of the issues in the dispute.

Kashmir is a significant reason for dispute between India and Pakistan and this territorial dispute costs heavily in military and security budgets. According to an estimation, Pakistan spends almost forty percent of its total national budget on defense. However, the military balance between India and Pakistan is not equal because Pakistan cannot match the spending power of Indian defense. Pakistan and India have fought two out of three wars on Kashmir, leading to economic decay in both the disputant states. (Kashmir: a case study in United Nationa mediation, 1953)



Kashmir conflict must be resolved between. Although, it is evident with Indian past behavior that with the rise of regional power status, India is becoming more arrogant and Indian tolerance for mediation has diminished despite many efforts have already been made but all in vain. Pakistan and India have tried to seek outside intervention on different occasions, but Indian behavior shows that their Government believes that mediation will not provide India with optimal outcomes.

During various stages of their conflict.

However, Pakistan should not leave the hopes of amicable resolution and it must invoke some robust platform for playing an important role as mediator. The social and cultural relations between India and Pakistan are declining steadily for the last thirty years and got worst in 1995 over the past three decades and 1995. (Kashmir: a case study in United Nations mediation, 1953)

Both Pakistan and India are nuclear powers and this enmity is not only a threat to the peace and security of these countries but also a threat to the same region and the world. This should be understood at the international level that mediation or any other amicable resolution is significant for worldwide peace and security. UN or any other peacekeeping institution must take the lead to act as a third neutral party to resolve the dispute.

CONCLUSION

India and Pakistan are two neighboring countries which are nuclear power as well and both the countries are on conflict since their partition and that conflict is "Kashmir". Both the countries have fought 2 wars on same conflict. Many efforts are made on the national and international level to resolve this matter, which has already been explained in this paper. The point of concern is that it is not about the point of conflict, but it is about India's violation with innocent people of Kashmir. India is violating human rights and breaking humanitarian laws without fearing sanctions. This violation must be stopped at some point. (Everyday Violence, Institutional Denial And Struggles For Justice In Kashmir, 2011)

Pakistan must take wise steps to stop these illegal acts of India and to challenge Indian's strategies. India has wisely used lawfare as tool to build its narrative and Pakistan must also build its counter-narrative by using lawfare.

This dispute can bring many other options to an end, and mediation is one of them. Many steps have already been taken to resolve the dispute by neutral third-party involvement, but India seems to be disinterested in resolving the dispute amicably. All mediation attempts to



resolve the dispute with the involvement of a neutral third party have been failed. (Kashmir: a case study in United Nations mediation, 1953)

This is high time for Pakistan to make other forums realize to play an essential part in resolving the dispute. This resolution is important for India, Pakistan, or Kashmir and equally crucial for the rest of the world. Because this dispute may lead to big disasters as both the disputants are nuclear power.

A closer examination of US interests in South Asia reveals a growing and significant convergence of US-Pakistani and US-Indian objectives. This convergence has opened up a window for successful third-party intervention, which the US can seize if it uses the power it has gained over the conflict parties. What's left is a test of both parties' political will, as well as a prospective mediator, to set in motion a dynamic in which negotiated outcomes are seen as preferable to the status quo.

The failure of India and Pakistan to resolve their Kashmir conflict through high-level bilateral channels, combined with a re-energized US presence with the parties, has paved the way for acceptance of a triadic approach to conflict resolution: India and Pakistan may try to consolidate competing dyadic relationships with the US. The third party, on the other hand, forges alliances between the two adversaries in order to achieve its geopolitical objectives.

The asymmetry of each party's historical and current ties to the US will not necessarily stifle progress. They can, however, help in the mediation process by managing bias impressions. The US has sufficient resources to develop de-escalation incentives, as well as sufficient force and leverage to coerce unilateral aspirations reduction, conflict avoidance, and nuclear proliferation halting.

A comprehensive solution incorporating a definitive resolution of separatist claims as well as the Indo-Pakistani rivalry is unlikely to be accomplished via mediation between India and Pakistan. This is owing to the sheer complexity of the issues at hand, the depth of the Kashmiri militants' secessionist aspirations, and the conflict resolution mechanisms that occur in 'internal' battles rather than international ones. Kashmiri insurgents and India must take separate yet complementary actions.

Despite this, a resolution of the Kashmir problem as it pertains to India-Pakistan relations is now more likely than ever. Given one superpower's newfound interest and influence in the region, as well as the link the superpower has begun to draw between all of its regional interests and the resolution of the Kashmir issue. In contrast to present Indian authority,



such a technique could aid in the just, peaceful, and mutually beneficial resolution of problems between India and Kashmiris.



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