

KASHMIR CONFLICT: THE APPROACH OF HUMANITARIANISM

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Abstract

The Kashmir Conflict being internationally observed by the United Nations has 1948 resolution that becomes a festering wound of South Asia. The wars, military engagement, ongoing conflicts, terrorist attacks, drone strikes, brutally using pellet guns and chemical attacks, war crimes, killing self-determination of the people of occupied Kashmir, abusing minority rights, targeting religious communities and rape being used as a weapon of war these all are the signs of Modi fascism in the illegally Indian Occupied Kashmir (IOK). Revocation of the article 35A and 370 of the Indian constitution are turning in nothing but the situation going worst in the world of human rights. The nature of human rights is universal regardless of race, gender, religion etc. Human rights violations are a global issue; thereof, the world is facing catastrophic circumstances due to ignoring the main issue of humanitarianism in the conflict. This is happening because one of the protracted conflict zone of J&K seems not immune to humanity despite being captured by the world attention. In the present paper we shall be using the humanitarian approach to Kashmir conflict. The approach is being taken and critically analysed as conflict actors face daunting challenges in the resolution of Kashmir conflict between India and Pakistan. Kashmiris thus are becoming hopeless in their struggle for the right of self-determination.

Keywords: Kashmir Conflict, Human Rights Violations, Alternative Solutions, Humanitarianism.

Introduction

Protecting and promoting human rights have always been a debate in the international community. Similarly, the one thing that hit the most is the violation of human rights in the world of politics. The battle between the two world's politics and human values are needed to be come in serious fear. The

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father of peace studies says peace practices are not harmful¹. Earlier as we know the growth of humanitarianism helped looking into the need of international human rights adopted in the Universal Declaration of the Human Rights (UDHR) by the United Nations in 1948. Human rights based on humanitarianism initially talked about life, liberty and property, non-discrimination, freedom from arbitrary arrest and freedom of thought concerning civil and political rights in 18th and 19th century. In the 20th century, social security, healthcare, education and economic, social and cultural rights had been included. Later on in the post 1945, solidarity rights integrated into it, such as, self-determination, peace, development and environmental protection². In spite of the existence of human beings on earth made them entitled to human rights, it is absolute to provide a basic ground to live a human life. There are more dominating and other impeding factors to the approach of humanitarianism. The protection of human rights can never be achieved unless and until one must pay attention to transforming attitudes from abusive behaviour to humane behaviour. Such transformation of attitudes is needed in policy making. The ongoing global conflicts and violations particularly in occupied Kashmir and Palestine are being challenged by the concept of humanitarianism. Religious communities, ethnic minorities, unethical representatives and powerless are suffering greatly; this is all nothing but the realm of power in the realistic world. The Amnesty International, a human rights watch organisation, reports religious minority especially Muslims facing increasing demonisation by hardliner Hindu's in India³. In most instances, the game of power and absence of human rights can be simply illustrated as, at the diplomatic front, common exercise to make an alliance in terms of promoting core political interests. Non-acceptance, intolerance, ignorance, power game and personal political gains via the state's national interests are further deteriorating the situation.

The worst in the Kashmir conflict is the violation of human rights by leaving Kashmiris suffering for mental health and other issues since almost a decade. For Pakistan, the best Diplomatic option for supporting the cause is not responding as it should be. For Kashmiris,

Resistance and freedom fighting are shaping little resolution against the ongoing Facist policies of India. International community keeping a hope of UN resolutions does not necessarily mean to answer the conflict situation. The main argument of this paper however is to make concrete move of humanitarianism in policy making. The division of this paper contains the three main parts one is to

evaluate the situation of human rights violation. Next is to elaborate alternatives in view of the worsening conflict situation and thirdly, thinking humanitarianism for making sure of its outcomes can be a applicable diplomatic move in the Kashmir conflict.

Human Rights Violations: Modi's government, International Community, Pakistan and Kashmiris

Since last three decades in IIOK, India has been playing the tactics of arriving into the area curbing the rights of self-determination of the Kashmiris. The violence they show behind the secular face acted as a fascist state towards its minorities: Sikhs, Muslims, Christians and Dalits. It is not Muslims who are murdered and tortured in Kashmir, it must be considered as a big portion of humanity that is facing genocide and war crimes. It is the high time for United Nations and international community to activate their early warning analysis system and intervene in this crisis immediately⁴. Then since 5th August 2019 Kashmiris are facing a crippling curfew and is a 'living hell' of anger and fear. The world is a silent spectator. There is a blackout of actual situation, no internet facilities and restricted on connection with the outside world.

How truly does India remain Indifferent Thinking it as an Internal Issue of India?

Various study show that the international human rights are set out in collection of UN conventions and other treaties. There is found no concrete political statements or policy making regarding protecting humanity worldwide, only framework and signing protocols and treaties under International Law would not help in any way. The world has witnessed Palestine issue that has been ignored and unlawful Israeli occupation has been justified. The issue expands through last seven decades and so does atrocities towards all ages of people. The Red Cross International reported that since March 2018, approximately 116 Palestinians have been assassinated by Israeli troops and over 13,000 suffered injuries in clashes on the Gaza-Israel border in protests against Gaza's deteriorating living conditions and the United States' decision to relocate its embassy from Tel Aviv to the contested city of Jerusalem. The situation is becoming bad to worse as Israeli forces continue to curb Palestinian human rights and the casualties are increasing at exponential rate⁵. Human rights are devastatingly under fire and the violence is sporadic around the world. The case of IIOK is the daunting one where Indian army is using pellet guns, electric shocks, buckshots, tear gas and several other armed crimes on civilians to quell the

protestors against atrocities. The UDHR, adopted in 1948 by the United Nations in the aftermath of the Second World War, is a single authentic document on human rights. The US left the United Nations Human Rights Council in 2018 accusing the hypocrisy and self-serving of the members was the main reason⁶. The case obviously depicts a different picture that is behind the US, holder of Veto power and influencer, pulling out of the council. India siding with Unipolar World Order at the cost of multipolar world. Besides, Israel, the Jewish state, is thus playing ambiguous role in India's conflicting situation with Pakistan; and, is to supply heavy weapons to India. ⁷

Sparingly, in recognition of human rights, some developments have been made to secure human rights. The United Nations Human Rights Council, 47 member states are putting their efforts in preventing human rights violations all around the world. Palestine's sufferings and Kashmiris self-determination are to be negotiated to resolve and end the atrocities being committed toward the people of these disputed areas. In case of occupied Kashmir, the two regional giants have nuclear weapons which pose a threat to world peace and security. The international community in general, and the UN in particular, must take action since India is responsible for three violations in the valley. First, it opted to unilaterally eliminate Kashmir's special status, which is globally regarded as a disputed territory, and this conduct is also in violation of the UN resolution on Kashmir. Next, India's action is against the desire of the people of Kashmir, as it has been done violently and a decision has been pushed on them. The third and most serious wickedness is India committing crimes against humanity in the valley, while the international community appears to be in a policy crisis. This is why several news organizations and foreign media outlets have exposed crimes against humankind. As a result, the UN policy of R2P requires international attention and a quick reaction in Kashmir. The Right to Protection against four major crimes genocide, war crimes, ethnicity cleaning, and a crime against is considered a doctrine to the protection of human rights or R2P. But either the doctrine can be partially understood as a righteous humane approach or human rights are a much greater scope than this doctrine. The forced insertion of J&K has broken India's claim to be a secular state. Gandhi also said that "Kashmir is a true beacon for India's secularism"⁸. This time India should also be equally focused in policy-making towards J&K without dragging the world into further intolerable situations.

The extent of the lockdown in IOK is unprecedented. The immediate reaction is rage, but the BJP administration is buying time, as shown by the European Parliament's decision to postpone a vote on a Kashmir resolution until after Modi's visit to Brussels in mid-March 2020⁹. This is the intention of the Modi government to react over EU stance with adverse economic consequences if the condemnatory resolution is passed. India has already taken punitive trade measure against Malaysia by cutting off oil imports and other goods. In response to the India daring attempt of the revocation of its constitutional articles Mahathir Muhammad at the September 2019 UN speech said that India "invaded and occupied" J&K which is a good sign of resistance against the massive human rights violation even though there seems no immediate settlement of Kashmiris sufferings and thus it is that year after year the situation becoming complicated with high unpredictability on grounds.

The revocation is serious to imperil peace and security in South Asia", Pakistan officials said at one of international news broadcast.

Neither the statement is satisfactory nor the mild approach to reaching out to the UN secretary would do anything. This is because the move is a deliberate attempt of India in the IOK to quench human rights entirely. Thereby, India has unwisely chosen to take advantage of Pakistan's diplomatic moves of approaching the international community for helping in the cause. For Pakistan, preparedness can be one option, however. The significant time that is unfavorable to waste should not become a pause in advocacy; rather, going beyond the national advocating campaign would be a better alternative. Much of the necessary steps lay in altering Pakistan's foreign policy dynamics itself. Adhesive decisions need to be taken into account immediately or without any further delay. Kashmiris are only to take resistance, nonviolent freedom moves and seek support large from the International community and immediately by Pakistan.

Alternatives

Parties have to create flexibility in their stances to resolve issues amicably. This, however, should be an exercise needed to be practiced by the state officials, policymakers, and practitioners. Despite carrying several alternatives, there is substantial to deal with the conflicting situation more accurately through the practice of humanitarianism. The paper proposes a combination of alternatives to look deeply into the different dimensions of Kashmir Conflict as per the will of the parties which is the most essential part of global peace. The alternatives are:

- Diplomatic alternative
- Economic alternative
- Administrative alternative
- Legislative alternative
- Judicial alternative
- Military alternative
- Humanitarian alternative

Alternative-I: Diplomatic Alternative

A diplomatic alternative is an important indication to positive developments, peace efforts, disarmament mechanisms, structural and procedural resolution and different approaches to peace. If explained in the terms of the Norwegian sociologist Johan Galtung in his pioneering work devised the approaches to Peace: Peacekeeping, Peace-making, and Peace building.¹⁰ These may include intense diplomacy that reduces hostility between conflicting parties by signing a peace agreement, establishing a new improved relationship, taking peace initiatives, peace dialogues or talks, bargaining through other diplomatic means, such as mediation, which is an intervention process, and referring to Confidence Building Measures (CBMs). Since their independence, India and Pakistan have shared confrontational behaviors and mistrust in their ties. It is therefore critical to emphasize that India and Pakistan have been in constant conflict escalation, crisis, and subsidization, and they are now back to business as usual.

Periodically, the post-Mumbai attacks phase conversations served little use since the trust gap was large and unbridgeable.¹¹ Over four years following the November 2008 Mumbai attacks, there was a complete collapse of relationships. After a diplomatic maneuver in 2010, the standoff between India and Pakistan following the Mumbai terrorist attacks was broken.¹² September 2013 was a period when India and Pakistan closely monitored tensions in Kashmir and aimed to revive the political peace process by evaluating changes in the dynamics of the modern peace process.¹³ India consistently accuses Pakistan of infiltration into Kashmir. The violence in Kashmir is the outcome of the Indian government's mishandling inside Kashmir. The terrible violence in IOK is unmistakably the result of Modi's determination to win the election and define the most challenging policy against Pakistan. According to Pakistan, Indian academics reject Modi's tough policies, claiming that strong methods against Kashmiri

people would get India somewhere but India is on the wrong side of diplomacy and democracy and Washington¹⁴.

As a result, the subject of bilateralism remains debatable in occupied Kashmir. On the one hand, even though India seeks bilateral ties, it has unilaterally chosen its position on Kashmir, and India never considered the Kashmir problem to be a bilateral matter with Pakistan. On the international level, Indian diplomacy has an advantage by designating Pakistan as a terrorist-sponsored state, which the international world, particularly Israel, the United States, and its European allies, accepts. India has repeatedly rejected negotiations with Pakistan over Kashmir. India maintains that Kashmir is an inalienable part of the country and so is not negotiable. India has also filed complaints against Pakistan for waging a proxy war in Kashmir. On the other hand, Pakistan keeps arguing that the instrument of admission was an unjust act and that it was fraudulent and illegitimate. Pakistan has maintained its commitment to resolving the Kashmir problem through the UN vote. Pakistan offers moral and political support to the people of Kashmir for speaking out for their right to self-determination. However, it is the Kashmiri people's right to exercise their human rights and self-determination, which are restricted under Indian control in Indian-administered Kashmir. The Simla Agreement on Bilateral Relations, signed in 1972, stated that the eventual solution of Kashmir should be done peacefully and bilaterally. The agreement is confused, neglected, and highly contested¹⁵.

Peace and diplomatic processes between India and Pakistan are complicated. Both sides are straining to exert influence on the international community since bilateralism has failed due to a growing trust imbalance. Unquestionably, both India and Pakistan have experienced internal political turmoil, rendering the peace effort ineffectual. There is widespread anxiety, which is why if India shows a desire to join CPEC, the UN resolution on Kashmir should be taken into account¹⁶. India seems hiding and making planned policies of its interest. India and Pakistan leadership can be defined in the views of Stephen P. Cohen. He in his book regarding India-Pakistan Conflict said that “two men with tired ideas and constraints that they cannot overcome, afraid to take the bold measures that could liberate them.”¹⁷. There is still a great chance of a peaceful resolution of Kashmir Conflict if the parties are generously willing to do so.

Apart from all, the alternative highlights these core points:

- Better and improved bilateral relations would be an essential attribute to getting a sustainable and peaceful resolution of Kashmir conflict.
- To mutually consider the right of self-determination of Kashmiri people.
- To negotiate to conduct a free and fair plebiscite in Kashmir as proposed by the United Nations Resolution of 1948.
- Track two diplomacy and sociocultural ties may be used to end the stalemate situation.
- Approaching the compromising strategy seems not capable of India-Pakistan relations as they are having complex circumstances. Ostensibly, one of the core reasons for not compromising on the resolution of Kashmir conflict is both countries are sharing the geographic location of Kashmir. There is a lack of discipline at the diplomatic front pointing to the aggressive policies of India and a lack of continuity by Pakistan at the diplomatic front.

Practically, this solution may be implemented if both countries manage to talk for their improved relations, work together and compromise on the factual situation. This is to offer peacebuilding towards Kashmir conflict.

Alternative-II: Economic Alternative

The second is referring to having an economic solution to the Kashmir conflict. This area looks upon economic dealings in resolution, for example, the distribution of resources based on equality while giving Kashmiris their right of self-determination. This can be a precedent to a territorial settlement through drawing a cost-benefit analysis. The alternative suggests four points as under:

- The disputed Kashmir is to provide economic facilities and free movement to have livelihood for themselves.
- Economic development may be a high priority of both the parties, India and Pakistan; rather, they need to have an accord of economic priorities.
- It refers to the sharing of resources and providing greater autonomy to Kashmiri people.

- The existing territory would become permanent as per the mutual consensus.

With the recent lockdown due to the 370 Article amendment, Kashmir's economy has been badly hit, for example, 2.4 billion dollars in losses.¹⁸ India seems that if it sustains its economic development position, the gap between India and Pakistan would widen significantly, as India is rising and Pakistan is not. Pakistan has no other choice. Pakistan must decide whether or not to play this game with India. This is a regrettable mentality that prevents the two parties from engaging in bilateral and productive peace negotiations, even though peace is equally necessary for India and Pakistan. However, the peace process of the nuclear rivals is scored as intensifying which is an alarmingly unstable situation for the region. In reality, the adoption of this resolution would result in a win-win situation for all stakeholders. This is certain to imply conflict resolution in the conflict.

Alternative-III: Administrative Alternative

This particular variant focuses on administrative words. DEMS, which stands for Directorial, Executive, Managerial, and Supervisory, is the name of this conceptual solution. The D stands for Directorial, which enshrines the necessity of directing the conflict to preserve the relationships between the opposing sides. The executive arm of the government will work with executive bodies as part of the E, which will create an executive council to resolve the problem. When presenting definite possibilities for settling the issue, the M is to take management bodies taking managerial tactics into account. At last, the S is to enhance the Supervisory role that would be through strong supervision of the actors in the Kashmir conflict such as the UNMOGIP's (United Nations Military Observer Group in India and Pakistan) position as an observer. The area contains five points:

- There is an urgent need for appointing a United Nations administrator who would direct the parties through peaceful means to minimize the growing violence in Kashmir.
- To minimize the harsh conduct of the Indian administration in Indian-Occupied Kashmir, a clear policy direction would be essential in resisting human rights violations.
- The area suggests establishing a joint executive council in the Indian-held Kashmir.

- Conflict managers would need to be chosen from both parties, the Indian and Pakistani sides. The managers would be able to prevent the issue from escalating and help to control it through administrative measures.
- It will be necessary for the Line of Control (LOC) truce to be maintained that the United Nations Military Observer Group in India and Pakistan (UNMOGIP) take a more active role in Indian-occupied Kashmir. This choice would be made by the global community, like the United Nations.

In practice, this would be a neutral option for all parties involved in dispute resolution. Although Kashmiris would not gain total freedom in this manner, they would be allowed to conduct their lives according to their preferences under UN administration conditions. The main fundamental parties, India and Pakistan, would not be overlooked under this system; each could safeguard their governed areas.

Alternative-IV: Legislative Alternative

The fourth alternative is carrying out the process of legislation concerning the legal terms under the legislative branch of the state. In this specific area, the United Nations may be able to play the role of executive government and so as, focusing on policy-making and the proceedings of laws and their implementations. India does not respect laws as a recent curfew was imposed in occupied Kashmir.¹⁹ For instances, this alternative solution offers five ways to exercise certain considerable laws as under;

- The issue of Kashmir being occupied by India should be given legal validity, and Indian soldiers should be withdrawn.
- To make laws such as to enhance the law and order situation in India-occupied Kashmir.
- There is a dire need to implement humanitarian law.
- Civilians who are required to safeguard the citizenship legislation bear duty. To achieve this, all Kashmiris would be granted citizenship.
- A specific law needs to be taken to resist or control using illegal means by the Indian forces and administration.

In occupied Kashmir the situation is alarming as the arrest of former Indian chief ministers, one of them is Mehbooba Mufti, who was in coalition with Indian political party but suddenly she is locked up. This shows that India has detained people without a trial, without a charge, and goes beyond its constitutional limits. India forbids Amnesty International and the International Committee of Red Cross (ICRC) from entering Indian jails to see the appalling treatment Kashmiri political detainees are receiving.²⁰ Various initiatives at the global level structures/laws are ratified but not used for policy change. Legislation is denied or the violent situation is considered normal or too difficult to challenge the prevention of violence by India. The Indian government considers that International Laws cannot question the sovereignty and internal security matters and the laws do not apply to India as Article 22 of the Constitution of India talks about punitive detention or preventive detention, but what if arrest measures are made without any trial or simply it detains Kashmiri politicians. There are hardly any policies addressing the fallout of armed conflict. Such situations are considered as an offence/affront/abuse to the sovereign nature of the state due to closely linked histories of conflicts in South Asia.

Alternative-V: Judicial Alternative

This is the alternative to dealing with the Kashmir conflict through judicial proceedings. The judiciary would be responsible for dealing with the conflict through all the legal means involving the government. The Judicial branch of the government would act upon it. For Kashmir conflict resolution, legal cases such as Indian human rights violations in the Indian-occupied Kashmir would be under serious consideration, and on that, the parties may reach a specific settlement. This process is to prevail justice and is, therefore, all-inclusive of orders that have to be reached to the International Court of Justice (ICJ) and International Criminal Court (ICC) for criminal acts of Modi's government. This alternative would drive through the judicial process. Some procedures are as under:

- The parties need to accept the intervention of the ICJ and ICC in the disputed and violated zone of Kashmir.
- Not to deny basic freedom to Kashmiri people in Indian-occupied Kashmir, this is to provide equal opportunities for education, basic human rights, and justice to the Kashmiri people. The government of India would necessarily come up to this essential point.

- The ICJ and ICC would need to play a vigilant role in Indian-occupied Kashmir. This would help in the reduction of human rights violations by implementing a humanitarian approach, where the Kashmiri people would not be deprived of basic human freedoms.
- A high-level commission can also be made to investigate human rights violations in IOK.

Through a hurried presidential decree issued on August 5, 2019, the government of India looted all constitutional rights held by the Kashmiri people for seven decades. An indefinite curfew has been enforced in Indian-occupied Kashmir, and the region's economy is under siege.²¹ Critics of India's Hindu nationalist-led government and Kashmiris both saw the action as the repeal of long-standing legislation, according to which Muslim-majority regions had limited autonomy or special status. This was a crude attempt to change the demography of Muslim-dominated Kashmir during occupation with Hindutva ideology.

Such serious situations can only be settled through the judiciary and judicial alternatives. So this area appears more suitable for Kashmiris as there could be a chance to acquire equal opportunities. The International Court of Justice should order the situation under the justice system bringing the collaboration of India and Pakistan. The purpose is to build tolerance and accept justice for all, the people of Kashmir, Indian as well as Pakistan.

Alternative-VI: Military Alternative

The purpose of this alternative can be dangerous. Although the military option is not appropriate and conducive to the nature of the conflict, still can be applied as a last resort as violation of human rights has been escalated even on the Indian occupied Kashmir. This is first to offer international military intervention in the area in order to control the escalating situation and stop violence. Notwithstanding, it has been observed that the Indian forces are taking control of the area by increasing military presence in Indian occupied Kashmir. To balance, it would be practically good if the United Nations intervene through UN observers and send its peacekeepers and create deterrence in the violated zone. Through this, the balance of power would be possible. However, the implementation of this alternative would lessen the chances of a devastating war between the two nuclear powers of South Asia, Pakistan and India, having almost equal nuclear

capabilities. Even international military assistance is not contributing enough in the warlike area but still, this option serves as a conflict management technique.²² To save the world to have catastrophic circumstances, both sides would require being capable enough to experience the less scary image of nuclear attacks, and restrain the use of mass destructive weapons. Indian state needs to accept military observation in the conflict zone. The IIOK has become world's largest inhuman military zone and in a state of despair for so long. Some specific points to approach this alternative are as under;

- To have joint military exercises and reduce the Indian military and accept the United Nations intervention or allow Pakistan for deploying its forces in an equal numbers as that of India.
- The United Nations peacekeeping forces are to be deployed for a decade or longer. This is due to observing the law and order situation that is now facing instability in the Indian-held Kashmir.

In power politics and personal gains are simply the root causes of increasing human rights violence across the world. In a more practical way whenever one sees the situation going bad to worse, the immediate alternative would be to take control of the situation. This solution should be the last option in the case of Kashmir conflict. Notwithstanding, the study is the approach of humanitarianism way out to the Kashmir conflict. Thus, the core objective is to seek a humanitarian alternative towards the conflict as wars between the two sides have not brought any results in fact hampered the progressivism and development which directly impinges the people's rights.

Moreover, the policy-making should be responsible to carry out humane policies that must consider the needs of all the parties when choosing the best alternative for resolving IOK issue. The representatives need to create a sense of responsibility and justifying the peculiarity of the alternative that is required to be accepted and led to achieving fruitful results. The issue of implementation of peaceful policies still has no concrete direction amidst several proposed solutions. On the contrary, one solution cannot be attributed to a sustainable resolution as conflict gives a hundred dimensions to look deeply into it. Meanwhile, seeking to approach humanitarianism in the deteriorated situation of occupied Kashmir might bring alternative approaches to better outcomes. However, the humanitarian approach can bring a peaceful resolution with a little compromise

on the positions of the parties. This would help out the resolution to come closer to any practical stage. Whereas the absence of human rights initiates insecurities causing the hostile state relations which is evident from the measures of last 74 years.

Alternative-VII: Humanitarian Perspective

One of the first thing is that avoidance is a strategy of negotiation using by India to carry out its actions of immoral cleverness. India is avoiding to come to the main issue more often just to avoid taking about the solution. Humanitarian perspective is one which allows conflict parties to deal the conflict in a peaceful way. Violence in Kashmir or human rights violations are becoming a catalyst to grave circumstances require humanitarianism that imperative for peace and sustainable. By and large, the humanitarianism is therefore required to fulfilling all the basic human needs of the Kashmiri people immediately. In the political spectrum, it emphasizes on humanizing all the government's policies on the state of Jammu and Kashmir. Peace studies suggests a model of problem solving and decision making in the Kashmir Conflict resolution objected to combine multiple tactics to achieve peace paradigm.²³ This mainly can enhance the chances of peaceful resolution of protracted socio-ideological Kashmir conflict particularly. Peace studies support liberalism, the one broader concept catering to the tenets of democracy, democratic peace and human security.²⁴ This alternative perspective can be suitable to the Kashmir conflict if not neglecting positions of the either parties or preserve political gains over the concentrated humanitarian ways. It is feasible to adopt humanitarianism and learning the universal nature of humanitarianism in conflict dealings. So far, parties' unwillingness is the major hindrance to humanitarian assistance in the Kashmir conflict.

Furthermore, the needs of a mature mindset and decision making in a perplexing issue of 'Women's Security and the Will of Protection' in conflicted zones are untreated. Human behavior is unpredictable but can be predictable with wise and timely decisions. The heinous incident happens and the persistent attack on women in the Kashmir Conflict goes on.²⁵ That act as a multiplier, and unavoidable worries of other parts of society reemerge for multiple reasons. Neither society could help them stay stronger nor the only will of protection of conflict parties could do anything, in a vicious or immoral phase of the world. The problem cannot be eliminated at once. It is because of its deep-rooted causes and untrained and morally uneducated mindsets. The offended minds preferably need to be inoffensive. Conflict parties should proceed with standing in support of the

female stuck in conflict zones; rather, feeling upset, queasy, and nauseated themselves. There is a high need for 'timely, sensible and courageous actions' by conflict actors including international community, not at all bold moves of women are 'all-required'. They can have peaceful protests, but should not need to come on the streets for the rights of self-defense, that can probably or surely motivate the 'evil ego' of attackers. Humanitarianism claims that the responsibility should be taken by the responsible.

Humanitarian approach is an ultimate instrument in ending hostility and resolving disputes. Recent, an example of Abiy Ahmed Ali, Ethiopian Prime Minister who won the 2019 Nobel peace prize for his work in the spectrum of human rights, democratic reforms and mediation in regional disputes. He tackled outstanding human rights challenges and enhance reforms on the basis of humanitarianism, cooperation and collective growth. His efforts for taking a resolve on two-decades-long stalemate and sign a peace agreement with Eritrea, a neighboring country. The outlook is that "Abiy Ahmed in Ethiopia has started significant reforms that give many people hope for a better living and a brighter future, even if there is still more work to be done."²⁶ Inhumane policies cannot resolve the Kashmir conflict and the stalemate will continue. More than half a million Kashmiris face great human loss and a dent to humanity in occupied Kashmir. In this situation. The Kashmiri women are the biggest victims of inhumane policies. The have been suffering in terms of mental, physical and psychological trauma.²⁷ The states of Pakistan and India have sabotaged the development of their countries by building their military arsenal and all the time on the verge to start a war. The situation becomes worst every second and a minute for the two nuclear states. Adoption of a humanitarian alternative solution would be the most acceptable resolution because there is nothing the parties can agree on. It caters to contending parties who are experiencing practical issues learning about the dispute, especially those who are thinking about death. The humanitarian approach is indeed a civilized attitude firmly committed to peace and human security.

The world unfolds humanitarianism despite fighting on an ideological basis. Humanitarian law and the concept of the Responsibility to Protect (R2P) are humanitarian approaches to intervening in any international conflict. Regardless, the alternative has the potential to influence peace; it can shift the disputing parties' views, which are ingrained in the conflict and inflexible. In context to this, humanitarian assistance is required to be provided to the people of Kashmir and

endorse to the international level by compromising on certain egotistic political aims. The R2P is a United Nations philosophy that states that the UN has accepted responsibility for ensuring global peace under international humanitarian and human rights law. The R2P is triggered when there is a threat of genocide, war crimes, ethnic cleansing, or crimes against humanity. More practically this solution might not be accepted sooner but is the only peaceful resolution. The point is humanitarianism has no boundaries; therefore, all of the aspirations of the Kashmiri people may be met by using the components of humanitarianism. Humanity can necessarily be considered as a combining factor in the Kashmir conflict that would generate common ground to all.

Additionally, the UN is in charge of preserving world peace and security. Adopted resolution in 1948 Cease hostility, Maintain environment for holding plebiscite will of the people, Accession will be decided through the plebiscite, Minorities should be protected and no victimization. 1964 French president statement acknowledged that "The India-Pakistan question remains the agenda of the security council". However, Simla agreement between India and Pakistan claims that Final resolution would be made through bilateral means but with no timeframe. Bilateralism is no longer a trust between the rival neighbors and it is also not good for Kashmiri even not a signatory reduced International standing turning in the conflict as an international issue. International law and the UN resolution has no binding force seems UN fails on its own. India nullifies all the possible brings of negotiation and cooperation abrogating article 35A and 370 compromising on the safeguard of the demographic status of J&K as a Muslim majority in India allows Indians to buy properties. According to Pakistan's Ministry of Foreign Affairs Push Hindutva agenda in IIOK is further Inciting Religious sentiments. It is hopelessly confusing to main diplomatic balance and avoids allegations simultaneously. Article 1 of the Universal Declaration of Human Rights states that "human beings are born free and equal in dignity and rights", and should be improvised in policy-making to secure the live sod Kashmiris. The message of peace should be clear that is conflict parties stand for Humanity! Resist genocide! Prevent war! Telling the world ready to explore every opportunity for peace and stability in the region.

Conclusion

Can we improve on human rights before we pass it on? Despite the much ignorance of the abuses of human rights, Human Rights Watch has stressed out to immediately take actions on the recommendations provided to Indian

administration by the United Nations on human rights in the IIOK. Myanmar, the perpetrator of Rohingya Muslim minorities, is becoming a member of the Council for the very first time and committed to saving the rights of the people. This transformation comes as a major development in humanitarianism as an authoritarian mindset approaching humanitarian ways. In the resolution of such grave consequences in the occupied Kashmir: social unrest and injustice, brutal and inhuman policies, high trust deficit, rape and killings of innocent people's lives, lack of political stability and arrests of Kashmiri politicians, lack of social and economic development, the transformation from abusive to human behaviour would not only help the countries to protect human rights but also to save the whole humanity, and ensures peaceful co-existence of the states in the world. Human rights commissions and organizations should be allowed for International intervention and investigations in the war-torn area.

The international community needs to promote common values of human rights and disrespects inhumane policies, in particular, to secure the state relations of becoming bad to worse. This could be an alternative peace perspective pertaining to all aspects of conflict focuses on collective growth and shaping the future together. The approach can be subjected to promote cooperation with better interaction rather than using political, military or diplomatic dealings in the conflict. Human psychology is immensely involved in Kashmir conflict so as these suggestions can be required to proceed towards the conflict in a humanitarian manner. This line of action would be highly demanded and constructive to the resolution of Kashmir conflict in a definite way. As Indian leadership is playing its repeated stance of bilateralism and IOK their internal matter, Pakistan should come up with the systematic diplomatic moves also. Pakistan's strong diplomacy and economic independency can have a huge impact taking Kashmir issue towards the peaceful resolution. Pakistan today, no doubt, is ready to respond Indian brutality in Kashmir militarily that would not be suitable for the global peace. Resistance of using a military option by Pakistan and referring to its leaderships' peace approach' Antonio Guterres, the UN General Secretary, during his recent visit to Pakistan tweeted that "Pakistan is one of the most constant and dependable contributors to UN peacekeeping operations worldwide".²⁸

Pakistan puts its efforts and does not neglect the Kashmir cause at International level. It propagates Indian political and military atrocities in the region. Militarily, Pakistan has a firm plan of action. International community is

not answering the calls from Pakistan in the context of Kashmir, but Pakistan makes them informed of the actual situation in IOK. The time witnesses international community is taking India's preferences at economic front, but the brutality cannot be supported because the call for humanitarian action is emerging rapidly at the International stage. Things already go out of hand though and turn into a major crisis the UN will undoubtedly have to intervene and take control of the situation confronting the enemy of humanity. ²⁹

References

- ¹ Galtung, Johan. "Violence, Peace, and Peace Research." *Journal of Peace Research* 6, no. 3 (1969): 167-91. Accessed January 8, 2023. www.jstor.org/stable/422690.
- ² Andrew Haywood, "human rights and humanitarian intervention", *Global Politics*, chapter 13.
- ³ India 2017/18. The Amnesty International Report 2017/18. Accessed on February 25th, 2023. <https://www.amnesty.org/en/countries/asia-and-the-pacific/india/report-india/>.
- ⁴ The Peace Studies' view on Violence in Indian Held Kashmir. In the discussion with Dr Maria Saifuddin Effendi, assistant professor of Peace and Conflict Studies at National Defence University, Islamabad. She is also one of the founders of Peace Studies in Pakistan.
- ⁵ Human Rights Watch Report. Israel and Palestine: Events of 2019. Accessed on March 21st, 2023. <https://www.hrw.org/world-report/2019/country-chapters/israel/palestine>.
- ⁶ Imogen Foulkes. "Why did the US leave the UN Human Rights Council?". *BBC News*, June, 2018. Accessed on April 5th, 2023. <https://www.bbc.com/news/world-us-canada-44552304>.
- ⁷ Robert Fisk. "Israel is playing a big role in India's escalating conflict with Pakistan". *The Independent*, February, 2019. Accessed on January 23rd, 2023. <https://www.independent.co.uk/voices/israel-india-pakistan-conflict-balakot-arms-trade-jaiish-e-mohammed-a8800076.html>.
- ⁸ *The Routledge Handbook of the Responsibility to Protect* edited by W. Andy Knight, Frazer Egerton.
- ⁹ M. Saeed "Modi's War Bluff". *The News*, 12 February, 2022.
- ¹⁰ Johang Galtung, "Three Approaches to Peace : Peacekeeping, Peace-making, and Peacebuilding", *Peace, War and defense: essays in peace research*, Vol 2. Copenhagen 1976.
- ¹¹ Hilali, A. Z. "Confidence- and Security-Building Measures for India and Pakistan." *Alternatives: Global, Local, Political* 30, no. 2 (2005): 191-222. Accessed January 8, 2023. www.jstor.org/stable/40645155.
- ¹² India offers to resume talks with Pakistan", *BBC*, 4 February, 2010. <http://news.bbc.co.uk/2/hi/8498556.stm>.
- ¹³ India and Pakistan trade accusations over 'Kashmir violations", *BBC*, 13 August, 2013. <http://www.bbc.com/news/world-asia-23662911>.
- ¹⁴ Editorial, "Brutal repression in Kashmir", *Dawn*, 23 April, 2017. <https://www.dawn.com/news/1328633/brutal-repression-in-kashmir>.
- ¹⁵ Rana Ayuub, "India's crackdown in Kashmir has paralyzed and silenced entire communities". *Washington Post*, Oct. 23, 2019. <https://www.washingtonpost.com/opinions/2019/10/23/indias-crackdown-kashmir-has-paralyzed-silenced-entire-communities/>.
- ¹⁶ Rajesh Rajagopalan, *India's Strategic Choices: China and the Balance of Power in Asia*. Carnegie India, September 14, 2017. <https://carnegieindia.org/2017/09/14/india-s-strategic-choices-china-and-balance-of-power-in-asia-pub-73108>.
- ¹⁷ Stephen Cohen, *Shooting for a Century: The India-Pakistan Conundrum*. Washington, D.C.: Brookings Institution Press, 2013. <http://www.jstor.org/stable/10.7864/j.ctt4cg8gm>.
- ¹⁸ *The economic Times*. 5th December, 2019. [HTTP//EconomicTimes.IndiaTimes.Com](http://EconomicTimes.IndiaTimes.Com).
- ¹⁹ Curfew continues after India removes Kashmir special status", *Al Jazeera*, August 7, 2019.
- ²⁰ Yashraj Sharma, "Detained in Kashmir", *Foreign Policy Magazine*, September 9, 2019. <https://foreignpolicy.com/author/yashraj-sharma/>.
- ²¹ Kashmir conflict: Woes deepen as lockdown stifles economy, *BBC* October 8, 2019. <https://www.bbc.com/news/world-asia-india-49956960>.
- ²² CSIS, "Not Contributing Enough? A Summary of European Military and Development Assistance to Ukraine Since 2014", September 26, 2019. <https://www.csis.org/analysis/not-contributing-enough-summary-european-military-and-development-assistance-ukraine-2014>.

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- ²³ Samra Farrukh Ansari, Dr Maria Saiduddin Effendi, and Dr Riffat Haque, "Problem Solving and Decision making model in Kashmir Conflict Resolution: prospects and challenges, NDU journal. Volume XXXIII, 2019. <https://ndu.edu.pk/ndu-journal/pub/01-Problem-Solving.pdf>.
- ²⁴ Hegre, Håvard (2004) the Limits of the Liberal Peace. PhD thesis, Department of Political Science, University of Oslo, Oslo. <https://www.prio.org/Publications/Publication/?x=3179>.
- ²⁵ <https://www.amnesty.org/en/countries/asia-and-the-pacific/india/report-india/>.
- ²⁶ Al-Jazeera, Ethiopian PM Abiy Ahmed Ali wins Nobel Peace Prize. 11 October 2019.
- ²⁷ Adnan Bhat, "Kashmir women are the biggest victims of this inhumane siege", Al Jazeera, August 21, 2019. <https://www.aljazeera.com/indepth/features/women-biggest-victims-inhumane-siege-190820122327902.html>.
- ²⁸ Pakistan Horizon Retweeted, February 16, 2023.