



# Impact of Ceasefire Violations by India on the Lives of the People of Azad Jammu and Kashmir: An Overview

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# **Impact of Ceasefire Violations by India on the Lives of the People of Azad Jammu and Kashmir: An Overview**

Bushra Bannian  
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## **Abstract**

*This paper is an attempt to identify and highlight the implications of ceasefire violations by India on the people of Azad Jammu & Kashmir. Not accepting Kashmir's right to self-determination and international mediation for the resolution of conflict, India has been continuously engaged in ceasefire violations and sabotaging military activities across the LoC. India has repeatedly floated baseless allegations against Pakistan to initiate ceasefire violations—from the Uri attack of 2016 to the deadly Pulwama attack in 2019. India has always propagated its false terrorism narrative against Pakistan and used this as a justification to escalate tensions across the LoC for the number of reasons including: (a) to divert international attention from Indian state-terrorism in IOK; (b) to damage the Kashmir cause and to inflict damage on AJ & K and Pakistan; (c) to gain sympathy and support for illegal occupation from the international community, and (d) for political advantage to cover the failures of the Indian government. This perilous Indian behaviour is indeed a threat to peace in South Asia and should be alarming for global powers. The paper aims to convey the demand of Kashmiris to global players who should force India to implement UN-backed resolutions that emphasize resolving the Kashmir issue*

*peacefully and according to the desire of its people. The major findings of the paper are: (a) under the pretext of combatting the so-called Pakistan-sponsored terrorism, India commits ceasefire violations; (b) the commitment of Pakistan to the Kashmir cause and firm stand of Pakistan's leadership regarding the rights of Kashmiris is commendable; (c) only with immediate and honest attention by the international community and United Nations, the human rights abuses against innocent Kashmiris and ceasefire violations by India can be controlled.*

**Keywords:** Ceasefire Violation, LOC, Indian Occupied Kashmir (IOK), UN Resolutions, Terrorism

## **Introduction**

The Azad Government of the state of Jammu & Kashmir was established on October 24, 1947. Azad Jammu & Kashmir (is the name of the territory, liberated by the local inhabitants with support of tribal people after a successful rebellion against the Maharaja Dynasty, and through the first Kashmir war between India and Pakistan. Jammu & Kashmir has an area of 13,297 kilometers squares, with a total population of 4.361 million.<sup>1</sup> AJ&K share its border with Gilgit Baltistan in its north, in its south, lies the Pakistani province of Punjab, while the Pakistani province Khyber Pakhtunkhwa lies in the west; and Indian Occupied territory of the erstwhile state of Jammu & Kashmir is located in the east.<sup>2</sup> AJ&K has its own flag, anthem, government, constitution, courts of law, etc.<sup>3</sup> However, in order to protect the interests of the territory and the local population in light of the spirit of the resolutions of the United Nations Security Council (UNSC) and United Nations Commission for India and Pakistan (UNCIP), it is under the indirect

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<sup>1</sup> Azad Jammu & Kashmir official portal online at <https://www.ajk.gov.pk/ajk-at-a-glance> (Accessed 08-01-2021).

<sup>2</sup> Azad Jammu & Kashmir official portal online at <https://www.ajk.gov.pk/ajk-at-a-glance> (Accessed 08-01-2021).

<sup>3</sup> Azad Jammu & Kashmir official portal online at <https://www.ajk.gov.pk/ajk-at-a-glance> (Accessed 08-01-2021).

administrative control of Pakistan with the consent and popular demand of the native political representatives.

At the time of Pakistan's independence, the erstwhile state of Jammu & Kashmir was among the 562 princely states of which the future was yet to be decided.<sup>4</sup> The popular opinion in this regard was that their future must be decided to keep in view the dynamics of territory and will of the people of the state. However, the then ruler Maharaja Hari Singh badly rejected this proposal. The continuous dreadful attitude of ruling Maharajas towards poor Kashmiris forced them to start a liberation struggle against Maharajas. The efforts of Kashmiris proved fruitful and a part of it was successfully liberated in October 1947 (now called Azad Jammu and Kashmir).<sup>5</sup>

However, due to the oppression and conspiracy of the then Maharaja, a large part remained occupied by India. Jammu & Kashmir (also referred to as Indian Occupied Kashmir) is still under unlawful occupation of India and is a flashpoint between the two nuclear powers.<sup>6</sup> The Indian Occupied Kashmir (IOK) and Azad Jammu & Kashmir are separated by a boundary called Line of Control (LoC)<sup>7</sup> that has remained highly volatile since its establishment. The Ceasefire Line (CFL) was established in 1949 under the Karachi agreement<sup>8</sup> and it divides Jammu & Kashmir into IOK and AJK. Later, in Shimla Agreement, 1972, it was formally renamed as Line of Control (LoC). To ensure peace along the LoC it

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<sup>4</sup>“Kashmir Conflict since Partition”, available online at <https://www.thedailystar.net/world/south-asia/news/kashmir-conflict-partition-1784887> (Accessed 08-01-2021) Read and compare with Ibrahim Khan, *The Kashmir Saga* (Lahore: Ripon Printing Press, 1965).

<sup>5</sup> Khan, *The Kashmir Saga*.

<sup>6</sup> Rashmi Sehgal, “Kashmir Conflict: Solutions and Demand for Self-determination”, *International Journal of Humanities and Social Science*, Vol. 1: 6 (2011).

<sup>7</sup> Line of Control (LoC) is a 740 km (450 mile) line that divides the two parts of Kashmir between India and Pakistan.

<sup>8</sup> See text of the ‘Agreement between Military Representatives of India and Pakistan Regarding the Establishment of a Ceasefire Line in the State of Jammu & Kashmir (Karachi Agreement)’

[http://peacemaker.un.org/sites/peacemaker.un.org/files/IN%20PK\\_490729\\_%20Karachi%20Agreement.pdf](http://peacemaker.un.org/sites/peacemaker.un.org/files/IN%20PK_490729_%20Karachi%20Agreement.pdf).

In July 1972, India and Pakistan signed an agreement defining a Line of Control in Kashmir which, with minor deviations, followed the same course as the ceasefire line established by the Karachi Agreement in 1949. See also Dr. Shaheen Akhtar, “Living on The Frontlines: Perspective from the Neelum Valley” *Margalla Papers*, (2017) available online at [https://ndu.edu.pk/issra/issra\\_pub/articles/margalla-paper/Margalla-Paper-2017/9-Living-on-the-Frontlines-Dr.Shaheen-Akhtar.pdf](https://ndu.edu.pk/issra/issra_pub/articles/margalla-paper/Margalla-Paper-2017/9-Living-on-the-Frontlines-Dr.Shaheen-Akhtar.pdf) (Accessed 08-01-2021).

is supervised by United Nation Military Observer Group in India and Pakistan (UNMOGIP)<sup>9</sup> whose function is to monitor the observance of ceasefire, and to investigate any ceasefire violation and report its findings to the Secretary-General.<sup>10</sup>

UNSC while playing its role to resolve the Kashmir dispute suggested that both states should enter into ceasefire agreement to protect the Kashmiris and to peacefully resolve the conflict thereby allowing the people of Kashmir to exercise their right of self-determination;<sup>11</sup> however, these principles established under UNSC and UNCIP never got respected and till date India has been committing human rights violations against innocent Kashmiris on both side of the LoC. <sup>12</sup> . In addition to its unlawful attempt to change the status of Jammu & Kashmir, it has made life miserable by, deliberately targeting the innocent Kashmiris in violation of the ceasefire agreement.<sup>13</sup> Hence due to the brutalities of India, people of AJ&K living in proximity to the LoC have been living in a crisis.

AJ&K is known for its spectacular beauty, lush green valleys, snowy mountains, majestic waterfalls, and fertile lands. But today it is also known for a human rights debacle that people face daily due to unprovoked firing by Indian Army on the LoC. On one side, the people of IOJK have gone through severe human rights abuses by Indian army and on the other side, the innocent people of AJ&K are

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<sup>9</sup> Resolution adopted by the United Nations Commission for India and Pakistan on August 13, 1948 available online at <http://mofa.gov.pk/wp-content/uploads/2019/12/FMs-letter-along-with-factsheet-and-annexures-to-the-President-of-the-UNSC-and-UNSG-25-September-2019.pdf> (Accessed 16-01-2021) Read and compare with Security Council resolution 91, S/RES/91(1951) (30 March 1951) available at [https://undocs.org/S/RES/91\(1951\)](https://undocs.org/S/RES/91(1951)) (Accessed: 16-01-2021) see also Official website of United Nations Military Observer Group in India and Pakistan, available online at <https://unmogip.unmissions.org/mandate> (Accessed 08-01-2021).

<sup>10</sup>Resolution adopted by the United Nations Commission for India and Pakistan on August 13, 1948 available online at <http://mofa.gov.pk/wp-content/uploads/2019/12/FMs-letter-along-with-factsheet-and-annexures-to-the-President-of-the-UNSC-and-UNSG-25-September-2019.pdf> (Accessed 16-01-2021)

<sup>11</sup> Security Council resolution 47, S/RES/47(1948) (21 April 1948) available from [https://undocs.org/S/RES/47\(1948\)](https://undocs.org/S/RES/47(1948)), (Accessed: 16-01-2021).

<sup>12</sup> *Institute of Policy Studies, Islamabad*, (2019), “Kashmir: The Issue, Global Scenario and Policy Imperatives,” available online at <https://www.ips.org.pk/kashmir-the-issue-global-scenario-and-policy-imperatives/> (Accessed 08-01-2021).

<sup>13</sup> Indian Army deliberately targeting civilians along LoC, DG ISPR briefs diplomats, *The Nation*, (September 25, 2020) Available online at <https://nation.com.pk/25-Sep-2020/indian-army-deliberately-targeting-civilians-along-loc-dg-ispr-briefs-diplomats> (Accessed 16-01-2021).

the victims of Indian brutality. The ceasefire violations by Indian army have drastically affected each aspect of the lives of the people of AJK living near LoC.

The notion of cross border firing has been characterized by unpredictability, surprise, and lack of protection. These military tactics have been adopted across the border regions to inflict damage on the opposite country without indulging in open warfare.<sup>14</sup> In all 10 districts of Azad Jammu & Kashmir, there are more than 12 constituencies near LoC which include sectors like Bhimber, Batal, Athmaqam, Kel, Bagh, Leepa, Shakargarh, Tata-pani, Hajira, Karela Harpal, Charwah, Nikyal and Khoirata etc. Since the establishment of the Ceasefire Line, these areas have become active flashpoints and highly volatile regions. The Indian hostility has severely affected the residents of these areas. The quality of life of these people has been affected in more than one dimension, their physical security, livelihood, socio-cultural life, educational development, psychological health, and well-being has been at the mercy of the unpredictable and fragile situation.<sup>15</sup> Apart from human casualties, basic social activities like festivals and social gatherings have been curbed. People are alienated from their own agricultural land and are living under the shadow of death.

### **Escalation between India and Pakistan and Ceasefire Violations: An Overview**

The tense relations between India and Pakistan can be traced back to 1947. The decision regarding the status of the princely state of Jammu & Kashmir was never made according to the will of its people that resulting in the Kashmir conflict which has not been

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<sup>14</sup> Nital Gupta, Shafiq Hackla, Virendar Bhagat, Satvir Singh, Farid Hussain, and Anil Gupta, "Cross-border firing and injury patterns," *Journal of Emergencies, Trauma, and Shock* Vol. 9:1 (2016): 17–21.

<sup>15</sup>Atia Anwer Zoon, "Voices Unheard, Stories Untold: The Plight of Women in Neelum Valley – AJK," *Kashmir Institute of International Relations*, (2013) available online at <https://content.kiir.org.pk/Content/Files/WOMEN-IN-NEELUM-VALLEY.pdf> (Accessed 08-01-2021) Read and compare with Christopher Snedden, *The Untold Story of the People of Azad Kashmir* (Oxford: Oxford University Press, 2012).

resolved to date. Hence, the history of dialogues and crises between the two nuclear states is as old as the Kashmir dispute itself.

The first war between India and Pakistan over Kashmir started in 1947.<sup>16</sup> This alarmed a serious threat for human rights violations and global peace. To tackle the situation peacefully and amicably, the forum of the United Nations was approached, and the UN foresaw that the Kashmir dispute cannot be resolved without granting the right of self-determination to the people of Jammu and Kashmir. This led to several UN resolutions, more specifically United Nations Commission for India and Pakistan (UNCIP) resolutions of August 13, 1948, and January 5, 1949. These resolutions as well as subsequent United Nations Security Council (UNSC) resolutions acknowledge the right to self-determination of the people of Jammu & Kashmir to determine their own political future.<sup>17</sup> This commission was introduced by UNSC under Resolution No 39 of 1948 to impartially investigate the issue and conduct the mediation between two countries.<sup>18</sup> Additionally, UN also extended its services to protect the rights and interests of the Kashmiris. Hence, an environment of constructive dialogue between India and Pakistan was paved that resulted in Karachi Agreement in 1949 under which Ceasefire Line (now Line of Control) was established.<sup>19</sup> The Ceasefire Line (CFL) is a duly-acknowledged line between India and Pakistan and both the countries have mutually agreed to preserve the sanctity of the CFL until the final settlement of the

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<sup>16</sup> Abby Pokraka, "History of Conflict in India and Pakistan," *Center for Arms Control and Non-Proliferation* (2019) available online at

[https://armscontrolcenter.org/history-of-conflict-in-india-](https://armscontrolcenter.org/history-of-conflict-in-india-and-pakistan/#:~:text=October%201947%20%E2%80%93%20January%201949%3A%20The,ceasefir)

[and-pakistan/#:~:text=October%201947%20%E2%80%93%20January%201949%3A%20The,ceasefir%20was%20ar](https://armscontrolcenter.org/history-of-conflict-in-india-and-pakistan/#:~:text=October%201947%20%E2%80%93%20January%201949%3A%20The,ceasefir%20was%20ar) (Accessed 08-01-2021) Read and compare with Khan, *The Kashmir Saga*.

<sup>17</sup> Muhammad Tahir Tabassum, "Political Situation in Kashmir and Role of United Nations," *Studies of Changing Societies: Comparative and Interdisciplinary Focus*, Vol. 1:2 (2012).

<sup>18</sup> Security Council Resolution 39, S/RES/39(1948) (20 January 1948) available [https://undocs.org/S/RES/39\(1948\)](https://undocs.org/S/RES/39(1948)) (Accessed: 16-01-2021).

<sup>19</sup> Dr. Shaheen Akhtar, "Living on the Frontlines: Perspective from the Neelum Valley," *Margalla Papers* (2017) available online at [https://ndu.edu.pk/issra/issra\\_pub/articles/margalla-paper/Margalla-Paper-2017/9-Living-on-the-Frontlines-Dr.Shaheen-Akhtar.pdf](https://ndu.edu.pk/issra/issra_pub/articles/margalla-paper/Margalla-Paper-2017/9-Living-on-the-Frontlines-Dr.Shaheen-Akhtar.pdf) (Accessed 08-01-2021).

Kashmir issue.<sup>20</sup> The Line of Control runs from “Manawar in the south, north to Karen and from Karen east to the glacier area”<sup>21</sup> and reflects the troop’s positions of December 1948. To monitor and supervise the CFL, a military observer group known as United Nations Military Observer Group in India and Pakistan (UNMOGIP), was appointed by the UNCIP resolution of 13<sup>th</sup> august 1948. In 1972, CFL was formally defined and renamed as Line of Control (LoC) under Shimla Agreement. The 740 km long LoC<sup>22</sup> is one of the most intensive and volatile militarised quasi borders in the world with respect to the strength of troops, the intensity of conflict, and a number of latest and modern armed equipment. After the 1972 Shimla Agreement, India asserted that the mandate of UNMOGIP has lapsed; however, Pakistan rejected this viewpoint. Owing to the contradiction between India and Pakistan on the mandate of UNMOGIP, the Secretary-General took the position that the mission can only be terminated on the decision of the United Nations Security Council and stresses that since no resolution has been passed to withdraw the mission so it will continue to function. Thus, to date, the mission has remained in the area to “observe developments pertaining to the strict observance of the ceasefire” and report them to the Secretary-General.<sup>23</sup>

After the Shimla Agreement of 1972, the LoC remained peaceful for almost a decade, however, the nuclear experiment by both countries sparked the tension, and the Kargil war further triggered the already stressed relations. Hence, late 1990s and early 2000s witnessed a rise in ceasefire violations.<sup>24</sup> To peacefully end the tensions on the LoC, both countries negotiated an agreement to practice cessation of hostilities and hence the ceasefire agreement of 2003 was signed.

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<sup>20</sup> Saeed Ahmed Rid, “India and Pakistan: Formalizing the 2003 Ceasefire Agreement,” *International Relations*, (8-02-2018) Available online at <https://www.e-ir.info/2018/02/08/india-and-pakistan-formalizing-the-2003-ceasefire-agreement/> (Accessed: 16-01-2021).

<sup>21</sup> Akhtar, “Living on The Frontlines.

<sup>22</sup> Akhtar, “Living on The Frontlines.

<sup>23</sup> United Nations Military Observer Group in India and Pakistan, official website of UN peacekeeping available online at <https://unmogip.unmissions.org/background> (Accessed 16-01-2021).

<sup>24</sup> Muhammad Faisal, “Ten Years of Ceasefire along the LoC: Recent Violations,” *Institute of Peace and Conflict Studies*, (Accessed: 20 -12 - 2013).

The 2003 agreement is an unwritten joint commitment that was communicated by the then Director-General of Military Operations (DGMO) of both countries. The ceasefire agreement pledges to uphold the legitimacy of the LoC and to maintain peace across the LoC.<sup>25</sup> However, the life of this accord proved to be short owing to Indian hostilities. After 2008 Mumbai attacks, India falsely alleged Pakistan to be behind the attacks and it set ground to divert public attention at home.<sup>26</sup> It thus engaged in ceasefire violations and used the plea of combatting the so-called Pakistan-sponsored terrorism as an excuse of its military activities across the LoC. This behavior on India's part continues till date. Be it Uri attack of 2016,<sup>27</sup> or 2018 terrorist attack on Indian army base<sup>28</sup> or deadly incident of Pulwama in 2019, India has always propagated its false terrorism narrative against Pakistan<sup>29</sup> and used this as a justification to escalate tensions across the LoC. It has a number of reasons: (a) to divert international attention from Indian state-terrorism in IOK; (b) to damage the Kashmir Cause and to inflict damage to AJK and Pakistan; (c) to gather sympathy from its own public, and (d) for political advantage to cover the flaws and failures of the Indian government. This perilous Indian behavior is indeed alarming for peace in the region.

Hence, despite a series of commitments to obey the ceasefire, LoC is subject to continuous ceasefire violations by the Indian army, and it is only increasing with time. In 2017, the number of ceasefire violations by India was about 1970; in 2018, it was more than 1000 times.<sup>30</sup> A surge in it was seen in 2019 when it was recorded more

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<sup>25</sup> Rid, "India and Pakistan: Formalizing the 2003 Ceasefire Agreement".

<sup>26</sup> Sabir Shah, "History of False Flag Indian Operations Dates Back to 1971," *The News*, (February 27, 2019) Available online at <https://www.thenews.com.pk/print/437337-history-of-false-flag-indian-operations-dates-back-to-1971> (Accessed 16-01-2021).

<sup>27</sup> "Conflict between India and Pakistan," *Council on Foreign Relations*, (2021) Available online at <https://www.cfr.org/global-conflict-tracker/conflict/conflict-between-india-and-pakistan> (Accessed 08-01-2021).

<sup>28</sup> "Conflict between India and Pakistan," *Council on Foreign Relations*.

<sup>29</sup> Aamir Latif, "Pakistan Rejects Indian 'so-called Charge Sheet,'" *Asia Pacific* (26-08-2020) Available online at <https://www.aa.com.tr/en/asia-pacific/pakistan-rejects-indian-so-called-charge-sheet/1954367> (Accessed: 16-01-2021).

<sup>30</sup> Ministry of Foreign Affairs, Government of Pakistan available online at <http://mofa.gov.pk/ceasefire-violations-by-india-on-26-april-2018/> (Accessed: 10-01-2021).

than 3,000 times.<sup>31</sup> In 2020, when the whole world was jolted by the pandemic, India continued to further the human rights crisis across the LoC and breached the ceasefire line more than 2900 times.<sup>32</sup> Along with the violation of the ceasefire, the breaches of international law regulating the conduct of conflicts is also a common practice by Indian troops deployed across the LoC. Hence, the use of both small and heavy weapons to cause damage to the lives and properties of non-combatants living near LoC. India has now become an epicenter of extremism and its behavior is a threat not only to Kashmiris but to regional and global peace.

### **Kashmir Conflict and Line of Control under UN Resolutions**

As discussed earlier, the efforts by the UN to resolve the Kashmir dispute can be traced back to 1948 when India brought the issue before UNSC. In response to which Pakistan requested the UNSC to “appoint a commission to secure a cease-fire, ensure the withdrawal of outside forces, and conduct a plebiscite to determine Kashmir's future.” UNSC acknowledged this and adopted resolution 39 (1948) by the virtue of which the United Nations Commission for India and Pakistan (UNCIP) was established with the task to investigate and mediate the dispute. Shortly thereafter, United Nations Security Council (UNSC) called for a plebiscite under resolution No 47 to determine the status of the territory. This unfortunately has never been implemented and its failure started a series of unsuccessful attempts to reach a peaceful solution. Meanwhile, in August 1948 a resolution was adopted by UNCIP, under which both India and Pakistan were directed to ensure immediate ceasefire, and to supervise the situation of the ceasefire, UNMOGIP was appointed. The team of these unarmed military observers which eventually formed the nucleus of the United Nations Military Observer Group in India and Pakistan (UNMOGIP) made its first visit to their

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<sup>31</sup> Tariq Naqash, “Indian Violations Claimed 59 Lives along LoC in 2019,” *Dawn News*, 01-01-2020 Available online at <https://www.dawn.com/news/1525564> (Accessed: 10-01-2021).

<sup>32</sup> Tariq Naqash, “2020 Round up: 33 Civilians Martyred and more than 260 Injured by Indian Shelling,” *Dawn News*, 01-01-2021 Available online at <https://www.dawn.com/news/1599059> (Accessed: 10-01-2021).

mission in January 1949. In order to accomplish the task assigned to them, to monitor and observe the ceasefire between Pakistani and Indian forces deployed along LoC and submit impartial findings to Secretary-General, observers of UNMOGIP had been deployed on both sides of the LOC to monitor implementation of UNCIP resolution of 1949.<sup>33</sup> The UNMOGIP established its headquarters both in India and Pakistan.

However, the desired results were never attained; even after the UNSC resolution 209, UNSC resolution 210, UNSC resolution 211, and UNSC resolution 214, this could not be materialized.<sup>34</sup> The UNSC demanded that representatives of India and Pakistan meet with a representative of the Secretary-General under UNSC resolution 215 of 5 November 1965. Along with the failure to implement UN resolution vowing free and fair plebiscite for people of Jammu and Kashmir, the major and minor ceasefire violations also continued. The war of 1971 further sparked the tensions between India and Pakistan and the UN again came forward to resolve the matter on 21 December 1971 through UNSC resolution 307. This resolution demanded “a durable ceasefire and cessation of hostilities until withdrawals of all armed forces to the ceasefire line in Jammu and Kashmir. It also requested the Secretary-General to keep the Council informed “without delay” on developments related to the implementation of the resolution”.<sup>35</sup> Not only this but UNSC has had a series of subsequent resolutions like the resolutions 38, 39, 47, 51, 80, 91, 96, 98, 122, 123 and 126, etc.<sup>36</sup> aiming to seek a peaceful solution for the Kashmir issue and to protect the rights particularly the right to self-determination

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<sup>33</sup> Report of the “OIC-IPHRC Fact-Finding Visit to the State of Azad Jammu & Kashmir to Assess Human Rights Situation in the Indian Occupied Kashmir” *Independent Permanent Human Rights Commission*, (2017) Available online at <http://www.na.gov.pk/uploads/content/OIC%20Report%20on%20Kashmir.pdf> (Accessed 16-01-2021).

<sup>34</sup> UN Documents for Jammu and Kashmir, *Security Council Report* available Online at <https://www.securitycouncilreport.org/un-documents/jammu-and-kashmir/> (Accessed: 16-01-2021).

<sup>35</sup> UN Documents for Jammu and Kashmir, *Security Council Report*.

<sup>36</sup> UN resolutions on Jammu and Kashmir, Ministry of Foreign Affairs, Government of Pakistan, available online at <http://mofa.gov.pk/un-resolutions-on-jammu-kashmir/> (Accessed: 16-01-2021).

of Kashmiris; however, all failed before any fruition due to Indian aggression.

India did not allow UN military observers to visit areas beyond their living/office compounds after Shimla Agreement, 1972.<sup>37</sup> In 2018, a 49-page report was published by the Office of the United Nations High Commissioner for Human Rights which claimed that it is the first-ever report “issued by the UN on the human rights situation in India—Controlled and Pakistan—Administered Kashmir.”<sup>38</sup> This report was titled *Report on the Situation of Human Rights in Kashmir: Developments in the Indian State of Jammu & Kashmir from June 2016 to April 2018, and General Human Rights Concerns in Azad Jammu & Kashmir and Gilgit-Baltistan* revealed that according to “UNMOGIP, the peacekeeping mission has received 141 alleged ceasefire violations complaints from Pakistan between the start of 2018 and 27 March 2018, 479 complaints in 2017 and 115 complaints in 2016, while India has not submitted complaints to UNMOGIP since 1972.”<sup>39</sup> Thus, despite having a staff of 114 personnel including 45 military observers<sup>40</sup> rendering their services, no significant success is on their credit so far.

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<sup>37</sup> Report of the “OIC-IPHRC Fact-Finding Visit to the State Of Azad Jammu & Kashmir to Assess Human Rights Situation in the Indian Occupied Kashmir” *Independent Permanent Human Rights Commission*, (2017) Available online at <http://www.na.gov.pk/uploads/content/OIC%20Report%20on%20Kashmir.pdf> (Accessed: 16-01-2021).

<sup>38</sup> “First-ever UN Human Rights Report on Kashmir Calls for International Inquiry into Multiple Violations,” official website of *United Nations Human Rights Office of High Commissioner*, Available online at <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=23198%20> (Accessed: 16-01-2021).

<sup>39</sup> “Report on the Situation of Human Rights in Kashmir: Developments in the Indian State of Jammu & Kashmir from June 2016 to April 2018, and General Human Rights Concerns in Azad Jammu & Kashmir and Gilgit-Baltistan,” *Office of the United Nations High Commissioner for Human Rights*, (2018) Available online at <https://www.ohchr.org/Documents/Countries/IN/DevelopmentsInKashmirJune2016ToApril2018.pdf> (Accessed: 16-01-2021).

<sup>40</sup> Shaheen Akhtar, “Living on the Frontlines: Perspective from the Neelum Valley” *Margalla Papers*, (2017) available online at [https://ndu.edu.pk/issra/issra\\_pub/articles/margalla-paper/Margalla-Paper-2017/9-Living-on-the-Frontlines-Dr.Shaheen-Akhtar.pdf](https://ndu.edu.pk/issra/issra_pub/articles/margalla-paper/Margalla-Paper-2017/9-Living-on-the-Frontlines-Dr.Shaheen-Akhtar.pdf) (Accessed: 08-01-2021).

## Violations of Laws of War on LoC by India

Indian firing across the Line of Control is not only a violation of international and bilateral ceasefire agreements between India and Pakistan, but the unprovoked and indiscriminate shelling with heavy artillery fire, heavy-calibre mortars and automatic weapons by Indian occupation forces have been continuously targeting civilian populated areas along the LoC.<sup>41</sup> It is also breach and disgrace to the principles of military conduct established by Geneva Conventions and international humanitarian law.<sup>42</sup>

Both India and Pakistan are party to the four 1949 Geneva Conventions.<sup>43</sup> The fourth Geneva Convention of 1949, its additional protocols and the fundamental principles of IHL regulate the conduct of armed conflict in order to protect population. The 1977 Additional Protocol of these Conventions strengthens the protection of victims of armed conflicts; however, both India and Pakistan have not ratified it yet.<sup>44</sup> However, keeping in view the universality of the Geneva Conventions, their general principles have now become customary law and are thus binding on non-parties. The fundamental and main principles of customary IHL demands distinction between lives and properties of civilians and combatants.<sup>45</sup> IHL limits the actions of parties to the conflict and prohibits all the means and methods that “fail to discriminate between those taking part in the fighting and those who are not,

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<sup>41</sup> Islamuddin Sajid, “India Violated Ceasefire 1,595 times in 2020: Pakistan,” *Asia Pacific*, 7-07-2020 Available Online at <https://www.aa.com.tr/en/asia-pacific/india-violated-ceasefire-1-595-times-in-2020-pakistan/1901855> (Accessed: 08-01-2021).

<sup>42</sup> Naveed Siddiqui, “Indian Army used Cluster Ammunition along LoC in Violation of International Laws: ISPR,” *The Dawn*, (August 3, 2019), Available Online at <https://www.dawn.com/news/1497882/indian-army-used-cluster-ammunition-along-loc-in-violation-of-international-laws-ispr> (Accessed: 08-01-2021).

<sup>43</sup> International Armed Conflict between India and Pakistan, *Geneva Academy*, Available online at <https://www.rulac.org/browse/conflicts/international-armed-conflict-between-pakistan-and-india#collapseIaccord> (Accessed: 11-01-2021).

<sup>44</sup> Official website of International Committee of the Red Cross (ICRC), Treaties, States Parties and Commentaries, Available online at [https://ihldatabases.icrc.org/applic/ihl/ihl.nsf/States.xsp?xp\\_viewStates=XPages\\_NORMStatesParties&xp\\_treatySelected=475](https://ihldatabases.icrc.org/applic/ihl/ihl.nsf/States.xsp?xp_viewStates=XPages_NORMStatesParties&xp_treatySelected=475) (Accessed: 16-01-2021).

<sup>45</sup> Gloria Gaggioli, Nils Melzer, *The Oxford Guide to International Humanitarian Law*, (Oxford: Oxford University Press, 2017).

(such as civilians), cause superfluous injury or unnecessary suffering; cause severe or long-term damage to the environment.”<sup>46</sup>

Thus, in order to establish the legality of military conduct, it is crucial to maintain that each attack was conducted at a specific military object, the weapon used is capable to distinguish between the combatant and non-combatant, and if the plea is that damage was collateral it must be maintained that anticipated civilian casualties were not disproportionate to the expected military gain from the attack. However, India has violated the ceasefire line more than 2,900 times in 2020 alone that causing 33 casualties and more than 260 injuries to civilians.<sup>47</sup> According to 2020 data published in *Dawn News*, Indian shelling partially or completely damaged 596 houses in different sectors of AJ&K, while the number of completely damaged shops is 40.<sup>48</sup>

Indian aggression across LoC is a serious threat to civilian lives and their properties and is also causing long-term damage to the environment. The use of cluster ammunition by Indian forces across the LOC is common. Cluster ammunition is forbidden under the Convention on Cluster Ammunition because of its severe impact on non-combatants.<sup>49</sup> The convention prohibits the use, production, stockpiling, and transfer of cluster munitions and requires states to ensure that they claim no further victims. According to the International Committee of Red Cross, cluster munitions kill and injure large numbers of civilians and cause long-lasting socio-economic problems.

Under UNSC and UNCIP resolutions and the UN charter, both India and Pakistan are bound to ensure the safety and security of the UNMOGIP observers. The most recent action of Indian Military

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<sup>46</sup> Gaggioli and Melzer, *The Oxford Guide to International Humanitarian Law*.

<sup>47</sup> Tariq Naqash, “2020 Round up: 33 Civilians Martyred and more than 260 Injured by Indian Shelling.” *Dawn News*, 01-01-2021 Available online at <https://www.dawn.com/news/1599059> (Accessed: 10-01-2021).

<sup>48</sup> Naqash, “2020 Round up: 33 Civilians Martyred and more than 260 Injured by Indian Shelling.”

<sup>49</sup> Sidiqui, “Indian Army used Cluster Ammunition along LoC in Violation of International Laws: ISPR”.

forces targeting the officials of the UNMOGIP conducting the routine monitoring at Chirikot sector along the LoC has again exposed the aggression prevailing among Indian leadership and Indian armed forces. This recurrent escalation between nuclear-armed rivals is dangerous, not only for each side but also for regional and global stability.

### **Frequent Violations of Ceasefire Line and Humanitarian Crises in Jammu & Kashmir**

The conflict of Jammu & Kashmir not only continues to raise the specter of war between India and Pakistan,<sup>50</sup> but it also continues to spark a serious human rights disaster that has been the result of unprovoked firing and ceasefire violations by India across the LoC. This not only is a threat to international peace but has also disturbed every aspect of life in LoC-bordering areas of AJ&K. Today, where attention is being highly paid to mental health, the vulnerable residents of AJ&K are living in a state of endless trauma. The casualties, injuries, loss of loved ones, destruction of property, socio-economic stagnation, and the guilt of being a triggering population in the event of a nuclear war have drastically damaged the psychological health of people living along LoC.

Most of the areas located near LoC are villages that already have poor infrastructure and socio-economic development has been extremely slow in these remote areas due to tough terrain and frequent ceasefire violations. The tough and uncertain circumstances further add to their miseries and thus even completing their regular tasks is challenging and full of distress for these marginalized people. Be it attending school, going to workplaces, harvesting the lands, taking care of cattle, collecting firewood, or fetching water, due to long-distance with the damaged roads that are directly

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<sup>50</sup> Happymon Jacob, "Ceasefire Violations in Jammu and Kashmir, A Line on Fire," United States Institute for Peace, (2017), Available online at <https://www.usip.org/sites/default/files/PW131-Ceasefire-Violations-in-Jammu-and-Kashmir-A-Line-on-Fire.pdf> (Accessed: 08-01-2021).

exposed to cross-LoC firing, the accomplishment of every single routine task is a real test of nerves for the inhabitants.

The people living in these frontline villages are so severely affected by Indian ceasefire violations that every third person is a victim to a landmine or has lost loved ones, lost their limbs to Indian shelling, or have been alienated from their agricultural land or other properties –people are living under constant fear of becoming a victim to Indian hostility. The violation of ceasefire by India resulting in human rights crisis in AJ&K and the brutalities that people of IOK are facing is enough evidence that the role of the international community and UN in resolving the Kashmir dispute has not been satisfactory. While Pakistan has always supported Kashmiris in more than one way and has always brought this issue to the attention of the world, much more is required to be done to seek a permanent solution to this crisis.

### **Fieldwork to Gauge the Impact of Ceasefire Violations**

The 740 km long Line of Control (LoC) dividing Indian and Pakistani Kashmir has been an active flashpoint between India and Pakistan since its inception. The people living near frontlines have witnessed many a confrontation and few brief intervals of peace since 1947. The escalation of the conflict on LoC affects different peoples differently; but the impact of conflict on inhabitants is always negative. For this paper, the residents of frontline villages were interviewed to find out the unusual circumstances being faced by them. It wouldn't be wrong to call the interview responses as untold stories of those living near the figurative 'Line on Fire'. Findings of the interviews have been laid under the following broad themes:

### **Human Catastrophe**

Firing and shelling have dreadful effects on the physical security of people living on frontlines. According to a recent report, shelling

from the Indian side left as many as 33 innocent civilians martyred and about 260 wounded in different parts of AJK in 2020.<sup>51</sup> According to a survey conducted in Neelum Valley by the Kashmir Institute of International Relations (KIIR), over 86 percent of the respondents contended that they perceive the conflict as a direct threat to their lives. Moreover, over 13 percent of those surveyed feared the loss of life from cross-border firing by India. The same survey reveals that ceasefire violations have directly affected as much as 64 percent of respondents who have lost one or more family members.<sup>52</sup>

The people living in villages near LoC consider themselves direct victims of Indian aggression. It thus acts as a barrier to their socio-economic development. Moreover, the landmines placed in forests adjoining the LOC areas to counter any movement of the hostile armed forces often prove fatal for the local population, causing human casualties, disabilities, and loss of precious livestock which is usually the only source of income for most of the inhabitants.

The village households in AJ&K mostly have one or two earners. There are various incidents in which the sole bread earner of the family had either been killed or severely injured by shelling.

- Altaf Hussain a resident of Nikyal sector AJ&K, and the sole bread earner of his family, became a target of unprovoked Indian shelling when he was busy cultivating his land. He got severely injured and, due to continuous firing and shelling the local residents couldn't take him for emergency care; thus, he could not survive due to excess bleeding and died.<sup>53</sup>
- Another case is of Muhammad Latif a resident of village Jabar of Nikyal sector Jammu & Kashmir, who was

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<sup>51</sup> Naqash, "2020 Round up: 33 Civilians Martyred and more than 260 Injured by Indian Shelling".

<sup>52</sup> Atia Anwer Zoon, "Voices Unheard, Stories Untold: The Plight of Women in Neelum Valley – AJK," *Kashmir Institute of International Relations*, (2013) available online at <https://content.kiir.org.pk/Content/Files/WOMEN-IN-NEELUM-VALLEY.pdf> (Accessed: 08-01-2021).

<sup>53</sup> This story was traced by the author for the purpose of this study.

martyred by the Indian army. His close family member recalls that in an incident of unprovoked heavy shelling by Indian troops, while Latif was in the fields near his house, three shells hit him leaving his body in pieces. Late at night, when there appeared a short break in Indian shelling, only 4-7 villagers managed to offer his funeral prayer and buried him. His three children were traumatized and his family in distress migrated with their relatives to another village.<sup>54</sup>

- Muhammad Imran (name replaced in the study to preserve anonymity), a retired government school peon who resides in Nikyal sector of AJ&K burst into tears while recalling the incident of his daughter's death. His daughter lost her life when an Indian shell hit her while she was sitting outside her house. He said "the painful and horrifying incident keeps me awake at night".<sup>55</sup>
- Mrs. Saima Begum (name replaced in the study to preserve anonymity), another innocent civilian of Nikyal sector broke down while citing the painful story of being hit by an Indian shell that resulted in severely injuring her leg and that would lead her to permanent disability. The mental stress of the injury keeps her restless and in pain. She said, "I have no option but to live with this pain".<sup>56</sup>

### **Threat to Psycho-Social Security**

Today while mental health is a topic of great consideration for the modern international world, it is disappointing to notice that the psychological suffering of marginalized people living near LoC is ignored by the international community. So far, no significant attention has been given by the international community to take

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<sup>54</sup> This story was traced by the author for the purpose of this study.

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steps to improve the circumstances that will prove helpful for their psychological and social wellbeing.

The impact of cross-border shelling or armed conflict has a direct and close link with the psychosocial wellbeing of people. The continuous fear of casualties, injuries, loss of cattle, and destruction of the property greatly influence the mental health of inhabitants. For this research, residents of different areas close to LoC were approached to access the various impacts of conflict on them. One common response from all the respondents was the depression that they have been undergoing due to the uncertain situation of LoC as unpredictable ceasefire violations by India have badly damaged their psychosocial health.

- Muhammad Ikram (name replaced in the study to preserve anonymity), a resident of the Nikyal sector of AJ&K is working as a peon in a government school. Both his residence and workplace are situated in an area close to LoC. He has a hearing disability by birth and uses a hearing aid. According to him, on several instances when India starts unprovoked shelling, he could only access it by the movement of other people when they shelter themselves and he can only hear the bomb when it drops really close to him. He cites that the fear has affected his and his family's mental health. He says that "due to these circumstances whenever I leave my house for running errands or work, it always feels like I am walking under the shadow of death". One of his sisters is deaf as well and all family members always keep a close eye on her to save her from any uncertain incident of indiscriminate Indian firing. The uncertain situation of LoC due to the aggression of the Indian army is a continuous source of depression for him and keeps him awake even during peacetime. Sehrish, a junior government teacher (name replaced in the study to preserve anonymity), is also a frontline inhabitant of Nikyal sector. She is a widow raising three orphaned children. All of them are school going and

according to her, the fear that she or her children might be a target of indiscriminate Indian firing has not only damaged her mental and physical health but has also adversely affected her work. She expressed her worries about the future of her children. The physical insecurity they have been facing due to conflict is a barrier to education. She fears that in this age of competition, conflict is endangering the career and educational opportunities of her children. She says that her younger son, who is just 8 years, finds the sound of gunshots and mortar shells so terrifying that even the sound of thunder scares him. Being a mother, it is painful for her to notice the trauma her son has been facing at this young age.

A survey conducted by the Kashmir Institute of International Relations (KIIR) during 2013 in Neellum valley reveals that over eighty percent of people find Indian firing and shelling as a source of insecurity and uncertainty which affects the psychological well-being of people and is a matter of great concern.

### **Forced Displacement**

The dislocation or displacement is another grave impact of ceasefire violation. Besides destruction and casualties, in most cases, the incidents of ceasefire violations not only harm the physical wellbeing and socio-economic development of people but also adversely affect them psychologically as being forced to leave home.<sup>57</sup>

Despite the scale of escalation of hostility in the LoC areas, there is always a certain ratio of people that are forced to migrate. There are hundreds of thousands of people who have migrated to relatively peaceful regions. Some of them have found a good

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<sup>57</sup> Preeti John, "Understanding the Lives of Those Living Along the LoC," *The Wire*, (2016), Available online at <https://thewire.in/uncategorised/understanding-the-lives-of-those-living-along-the-loc> (Accessed: 16-01-2021).

source of earning there, while most of them are living in vulnerable circumstances with no satisfactory subsistence. The uncertain circumstances prevailing at the LoC compel them not to return to their hometown, thus adding to their miseries and problems. One such example is of Zohra (name replaced in the study to preserve anonymity) and her family. She has three daughters, and her husband is a daily wage labourer. She recalls that her financial condition never remained good, but five years ago when they were living in their hometown their economic situation was comparatively better. They had their own cattle and a small piece of land to cultivate. Electricity, gas, and water costs were bearable as well. In 2016, when tensions between India and Pakistan grew higher, the circumstances near LoC got aggravated too. Her house is in close range of Indian shelling and it was impossible to live there due to continuous unprovoked and indiscriminate shelling and firing. They lost the number of their livestock to Indian shelling and were forced to sell the remaining to get some financial support to migrate. They moved to a relatively remote area of Mirpur. Although her family succeeded to escape the danger her husband couldn't find regular work and even when he did, his income was not enough to meet the minimum expenses of his family.<sup>58</sup>

### **A Barrier to Education**

The complex situation near LoC is not only a threat to the present condition of people but is also a question mark on their future. In this era of development where education is the only key for a successful and secure future, the young people of AJ&K claim that ceasefire violations by the Indian army have been a barrier to quality education, thus leaving their future uncertain. For this study, a question was forwarded to 70 teachers at government schools in different sectors parallel to LoC in which they were asked if they considered ceasefire violation as a hindrance to

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<sup>58</sup> This story was traced by the author for the purpose of this study.

quality education. 55 of them responded to this and all the answers were in affirmative.

The populated public spaces and neighbourhood like schools, markets, residential areas, and hospitals always remain the target of indiscriminate Indian shelling. In 2016, a school bus driver was killed and several children were injured during an Indian firing in Mohra village in the Nakyal sector of AJ&K.<sup>59</sup> In another incident in 2003, mortar shells were used by the Indian army that resulted in the destruction of hundreds of houses and schools in the Nakyal and Battal sectors.<sup>60</sup> However, despite tough, uncertain, and risky situations, it is encouraging to notice that parents are keen to send their children to schools. For instance, in 2018-19, Government Girls Middle School Lanjoot, located very close to LoC, was targeted and the school building was damaged. Despite the horrifying incident, the strength of students in school is very satisfactory and the inhabitants of the area are determined to stay strong against Indian aggression.

Finding: Hence, a healthy trend revealed during the conduct of this research is that despite the potential danger associated with unprovoked firing, a long and unsafe distance of schools, and poor transportation system, generally, residents of the areas near LoC are willing to send their children to schools. However, due to the difficult environment children usually start their schooling late—normally at ages 6-7. In addition to this, the government of AJ&K is sometimes compelled to close the schools near LoC for such intervals as considered necessary, depending on about escalation. All these collectively act as a barrier to education and raise serious concerns about the future of those children. Their parents have been saddened by the knowledge that this continuous tension on LoC

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<sup>59</sup> “One Dead in ‘Indian Shelling’ on School Van in Kashmir,” *Aljazeera* (December 16, 2016) Available online at <https://www.aljazeera.com/news/2016/12/16/one-dead-in-indian-shelling-on-school-van-in-kashmir> (Accessed 16-01-2021).

<sup>60</sup> Nakyal & Battal Sectors: Hundreds of Houses, Schools Hit by Indian Shelling”, *The Express Tribune* (November 12, 2016), Available online at <https://tribune.com.pk/story/1228547/nakyal-battal-sectors-hundreds-houses-schools-hit-indian-shelling> (Accessed: 16-01-2021).

warlike situation is keeping their children academically backward by denying them effective learning opportunities.

### **An Impediment to Economic Growth and Agriculture**

Escalation of conflict along LoC has multi-dimensional effects on the lives of people, and economic stagnation is one of them. The areas near LoC are mostly villages where the economic conditions of inhabitants are already not ideal. The uncertain circumstances at LoC impede their economic development along with adversely affecting the development of AJ&K in general. Due to the unprovoked and indiscriminate acts of ceasefire violations by Indian troops, foreign investments are nonexistent and local individuals too are reluctant to invest. Moreover, the cycle of violence destroys public and private assets and causes an overall decrease in the productive capacity of businesses. This results in the shrinking of trade networks and thus impedes economic growth.

The residents of AJ&K living near LoC specifically have very few economic opportunities. They mostly depend on their agricultural lands and cattle for their livelihood. This too is under severe danger and most of the time the desired profit cannot be earned due to explosive attacks, unprovoked firing, and shelling. These acts result in the loss of cattle and bar the locals to take proper care of their land. It damages their lands and destroys standing crops.

Furthermore, the economic crisis also prevails due to escalation across LoC and the residents are forced to leave their agricultural land and migrate to other areas. One of such internally displaced persons is Muhammad Mushtaq (name replaced in the study to preserve anonymity), who has migrated to Mirpur from Nara, a village close to LoC. He says that before his forced migration, his source of earning was livestock and produce of his land. Although the amount he earned was never satisfactory, still it was relatively enough for him to support his family. Now he works as a daily wage laborer and often does not find any work. He quoted that “my

financial issues keep me under constant stress, despite having inherited agricultural land I am forced to face economic crisis.” I see permanent peace along the LoC as the only solution to my problems.”<sup>61</sup>

Besides, the damage caused to agricultural lands, livestock and the threats prevailing for tourism, the eruption of hostilities cause heavy damage to homes, schools, hospitals, shops, and other infrastructures. It thus proves deadly to the economic life of already marginalized people. According to a report, an event of Indian ceasefire violation “burnt the local Bazaar to the ground in this incident. Besides other huge losses, the bazaar lost its traditional woodwork heritage”.<sup>62</sup>

According to 2020 data published in *Dawn News*, Indian shelling partially or completely damaged 596 houses in different sectors of AJ&K, while the number of completely damaged shops is 40. The ratio continues as “complete destruction of 34 houses and 14 shops and partial damage to 167 houses in Neelum Valley. Whereas in Jhelum valley, eight houses and 16 shops were destroyed, and 88 houses were partially damaged. In the Poonch district, 143 houses were partially damaged, while six houses and seven shops were destroyed. In Kotli district, 83 houses were partially damaged, while three houses and two shops were destroyed. In the Bhimber district, 38 houses were partially damaged, and one shop was destroyed. In Haveli district, 10 houses were partially damaged, and 7 houses were destroyed, while in Muzaffarabad district, eight houses were partially damaged”.<sup>63</sup> In addition to this, the aggression by Indian troops caused the partial or complete destruction of a petrol pump, 23 vehicles and 5 motorcycles, four rice milling machines, three cattle sheds and nine mosques in various sectors close to LoC.<sup>64</sup>

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<sup>61</sup> This story was traced by the author for the purpose of this study.

<sup>62</sup> Akhtar, “Living on the Frontlines: Perspective from the Neelum Valley.

<sup>63</sup> Naqash, “2020 Round up: 33 Civilians Martyred and more than 260 Injured by Indian Shelling”.

<sup>64</sup> Naqash, “2020 Round up: 33 Civilians Martyred and more than 260 Injured by Indian Shelling”.

## Impact on the Environment

Today where global warming, climate change, threat to environment and protection of woods and forests are topics of great importance in the global debate, it is surprising to notice that world has very less or almost no focus on how explosive activities of Indian troops are causing environmental loss. While the concept of environmental security goes back to the Cold War era,<sup>65</sup> not much concentration has been paid on environmental rights of people that are continuously affected by one of the world's longest conflicts.

Miss Asma (name replaced in the study to preserve anonymity), a government schoolteacher in Nikyal sector of AJ&K says that the effects of noise and air pollution of conflict are very disturbing. Sometimes, it is even difficult to breathe during the heavy shelling. She says “we can feel the smoke of explosions in our lungs and the chances that it can lead to respiratory diseases cannot be overruled”.<sup>66</sup>

The indiscriminate explosive attacks by the Indian army have resulted in pollution and environmental degradation and loss of biodiversity and habitat. In Neelum Valley, soil erosion causes landslides, which sometimes even force people to migrate. The heavy shelling and firing results in wildfires that compel wild animals like bears and chimpanzees to come down. This in return causes a threat to human lives and cattle and gives rise to man-animal conflicts.<sup>67</sup> Irrespective of the period of shelling or firing, the drastic effect of it on the environment is always long-lasting. The environment that gets poisonous and polluted because of the explosive military attacks directly affects the wellbeing of people and their livestock.

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<sup>65</sup>Wim Zwijnenburg, “Environmental Security in Times of Armed Conflict,” *the Blog of Environmental Change and Security Program, Wilson Center* (November 6, 2018) Available online at <https://www.newsecuritybeat.org/2018/11/environmental-security-times-armed-conflict/> (Accessed: 16-01-2021).

<sup>66</sup> This story was traced by the author for the purpose of this study.

<sup>67</sup> Akhtar, “Living on the Frontlines: Perspective from the Neelum Valley.

## **Kashmir Conflict, Ceasefire Violations, and the Role of UN: Past, Present, and Future**

UN has always been vocal about the fundamental rights of people and in maintaining and protecting global peace. While the UN has achieved some great success in uplifting and supporting socio-economic development across the globe, its role in dealing with violations of fundamental principles and laws is not very satisfactory in conflict areas like Kashmir. UN took up the Kashmir issue with spirit, but the output of the role of the UN in this regard is still a question mark.

The history of the UN's involvement in peacefully tackling the Kashmir issue has already been discussed in detail. The UN has so far taken various steps to ensure peace between India and Pakistan. These efforts include a series of UN resolutions, the establishment of UNCIP, the existence of UNMOGIP, and mechanisms of arbitration and mediation between the two countries that resulted in quite a number of bilateral dialogues and agreements. Notwithstanding all these UN efforts, the Kashmir issue has been getting complex and violations of human rights and ceasefire violations by India are increasing day by day which is a matter of grave concern. This entire situation is also a question of the effectiveness of the UN in ensuring peace. There are the following points on the continuous failure of the UN and the international community for shared analysis of the Kashmir issue in this context:

- Firstly, it must not be ignored that earlier discussed relevant resolutions of the Security Council were not binding decisions pursuant to Article 25 of the U.N. Charter. Their legal status thus is nothing more than recommendations made under Article 38. The same is the case with resolutions adopted by UNCIP. As UNCIP member Josef Korbel wrote in 1949, one "had to keep constantly in mind that (UNCIP)

was an agency of good offices having no power to impose its decisions."<sup>68</sup>

- The second aspect of failure to a permanent solution to ceasefire violations and Kashmir conflict can be regarded as the lack of any practical and effective binding action by UNSC towards the subject to date. This again is not surprising keeping in view the distinct interests of members of the UNSC. The UNSC is a structure composed of and driving the force from its members. Every member state has its own approach when it comes to tackling the violations of international laws and norms. Their viewpoints are based on the reasons reflecting their social, economic, diplomatic, and regional interests. Thus, what might be acceptable for one state party can be disturbing for the other; hence, a consensus on any matter can neither be reached nor stressed by UNSC.

It has been established earlier that there might be a long-term solution like that of Ceasefire Accord 2003 but no permanent solution to ceasefire violations is possible till the Kashmir issue is resolved as per the will of its people. The unsatisfactory role of the UN towards the burning disputes like Palestine and Kashmir issue and the continuation of Cold War politics between major powers can be cited as the main reason that has prevented a resolution of the Kashmir dispute. However, we can derive hope from the fact that despite the severe rivalry and tense relations, the success of the UN in protecting global peace, thereby preventing any horrifying incident like WWI and WWII, should be acknowledged and hence it's potential for resolving the Kashmir conflict and tackling ceasefire violations must not be underestimated.

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<sup>68</sup> Brian Farrell, "The Role of International Law in the Kashmir Conflict," *Penn State International Law Review*, Vol. 21:2 (2003) read and compare with Josef Korbel, "The Kashmir Dispute After Six Years," *International Organization*, Vol. 7:4 (1953).

## **Recommendations: Lessons from the Past and Way Forward**

The Kashmir dispute “sparked two of the three major Indo-Pakistani wars in 1947 and 1965, and a limited war in 1999”.<sup>69</sup> Despite the fact that since 1999 both countries have not been involved in open warfare, the violation of ceasefire by India across the LoC and its involvement in activities that endanger the peace in Pakistan is of grave concern.<sup>70</sup> This alarming attitude of Indian leadership is not only a direct threat to global peace but is also a question mark on the role of the international community and the. But better late than never, the world needs to focus on the violations of human rights and international norms that India is being guilty of.

Pakistan has always extended a positive role, extraordinary sacrifices, and support towards the people of Kashmir; however, the hopes of Kashmiri people from Pakistan are higher than ever before. Furthermore, the contemporary condition of the Kashmir issue demands the leadership of Pakistan to revise their strategy towards this unresolved dispute. A strong Pakistan is crucial to tackling the Kashmir issue effectively. For this, Pakistan needs to continue to ensure the best use of constructive and creative diplomacy at international forums. In order to keep pace with the changing times and to address the Kashmir question effectively, Pakistan needs to polish its diplomatic skills.

The escalation of conflict across the LoC is directly and closely linked to the unsettled Kashmir dispute and hence the resolution of the Kashmir issue is the only permanent solution to ensure peace across LoC, while there is a long history of unsuccessful dialogues and agreements between India and Pakistan on

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<sup>69</sup> “Conflict between India and Pakistan,” *Council on Foreign Relations*, (2021) Available online at <https://www.cfr.org/global-conflict-tracker/conflict/conflict-between-india-and-pakistan> (Accessed: 08-01-2021).

<sup>70</sup> Naveed Siddiqui ““Irrefutable Evidence” Dossier of India’s Sponsorship of State-Terrorism in Pakistan Presented,” *Dawn News* (November 16, 2020) Available online <https://www.dawn.com/news/1590333> (Accessed: 16-01-2021).

Kashmir issue and ceasefire, it should be kept in mind that war can never be an option and the only way out for both countries is an effective dialogue on terms of UN resolutions that endorses peaceful settlement through an impartial plebiscite. On the positive side, the fact that in the decades-long conflict both countries have surpassed some major tensions and have achieved some goodness for their people by inaugurating the historic “peace corridor” thereby granting the opportunity to Indian Sikhs to visit their religious sites in Pakistan.<sup>71</sup> The initiative of Confidence Building Measures (CBMs) was also a great success as it provided an opportunity to people of both countries to meet and greet their loved ones across the LoC by traveling across LoC through bus service<sup>72</sup> and by initiating the trade exchanges, etc. So, the hope for an effective dialogue between two countries to overcome the crisis must not be underestimated. However, the task of finding ways to peace is important as well as challenging.

India also needs to learn from the past that whatever tactic it has adopted to control the people of Kashmir, it failed to dim their aspiration towards self-determination. The concern of the Kashmiri people against Indian leadership is a clear sign that India is losing Kashmir.<sup>73</sup> Hence, India needs a radical shift in its policy towards Kashmir.<sup>74</sup> The world needs to realize the sensitivity of the Kashmir issue for maintaining global peace. The real situation prevailing in Kashmir and the violations committed by India across the LoC should be examined closely. The world should end its role as a silent spectator and should play a more vocal role about the rights of Kashmiris.<sup>75</sup>

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<sup>71</sup> Asad Hashim, “Pakistan and India Sign Sikh Pilgrimage Corridor Agreement,” *Aljazeera*, (October 24, 2019) Available online <https://www.aljazeera.com/news/2019/10/24/pakistan-and-india-sign-sikh-pilgrimage-corridor-agreement> (Accessed: 08-01-2021).

<sup>72</sup> The bus service, was more a symbol of diplomatic relations between the two nations was initiated for the first time on February 1999.

<sup>73</sup> Institute of Strategic Studies Islamabad, (2016), “*India is Losing Kashmir*,” available online at <http://issi.org.pk/india-is-losing-kashmir/> (Accessed: 08-01-2021).

<sup>74</sup> Institute of Strategic Studies Islamabad, (2016), “*India is Losing Kashmir*”.

<sup>75</sup> *Institute of Policy Studies, Islamabad*, (2019), “Kashmir: The Issue, Global Scenario and Policy Imperatives,” available online at <https://www.ips.org.pk/kashmir-the-issue-global-scenario-and-policy-imperatives/> (Accessed: 08-01-2021).

There are three primary ways in which the U.N. and the global community can play in the settlement of the issue:

- Firstly, the UN through its respective organs can encourage India and Pakistan to resolve the dispute as per principles of the international and bilateral agreement between two states. UN can actively engage both parties in process of dialogues, facilitating the process.
- Secondly, in order to be compelling India to step back from its unlawful attempt of changing the status of Jammu & Kashmir and to prevent it from violating the ceasefire, the UN and international community can take effective steps like imposing trade embargos or cutting diplomatic ties with India.
- Thirdly, the countries across the globe generally and Muslim countries specifically need to gather their resources to stop the human rights crisis and ceasefire violations by India against innocent Kashmiris.

Finally, in the present era where media is considered as an influential tool to attract the attention of countries across the globe on important issues, means and methods should be brainstormed to strategically gain the focus of international media towards the Kashmir cause and violations of the rights of Kashmiri people by India on both sides of the LoC.

## **Conclusion**

Kashmir is often referred to as “paradise on earth” which has become a nightmare to live in due to ceasefire violations by India. This study aimed to understand the issues and challenges faced by people living in conflict-affected districts situated near the LoC. The uncertain circumstances that are giving rise to insecurity, psychological distress, and socio-economic stagnation have been highlighted. While collecting the data for case-studies respondents were asked, “What can be the possible solution to their miseries”?

They gave a common reply and that, “Peace and permanent solution to Kashmir issue according to wills and aspirations of the people of Kashmir”. The historic and legal background of the Kashmir dispute has also been discussed in detail in order to better understand the issue of ceasefire violation and to present a way forward. Thus, the present study establishes that the issue of ceasefire violations by the Indian army along LoC can be linked directly to the Kashmir issue. Hence, no long-term solution to tackle ceasefire violations is possible until the environment is paved in favor of Kashmiri people in which they can exercise their right to self-determination. This requires more effective steps by the UN and the international community towards the Kashmir cause. While Pakistan has always played an exceptionally positive role in supporting and aiding the Kashmiri people, the changing circumstances and complexity of the issue demand that there is still much more to be done. The government of Pakistan needs to develop a more effective strategy on the longstanding conflict of Jammu and Kashmir. Despite many difficulties, negotiations and international law can offer the best opportunity for the final settlement of the dispute. With the assistance of the international community and the UN, both India and Pakistan should work together to create favorable means to facilitate the Kashmiri people to participate in an UN-backed free and fair plebiscite. Meanwhile, to bring stability and peace, an agreement endorsing a complete ceasefire across the LoC must be brainstormed immediately. The effective dialogue and cooperation between India and Pakistan are the only key to bringing peace and development to this volatile region.