**Consequences of confrontation**

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Reportedly, the new Indian army chief, General Manoj Mukund Naravane, has threatened that the Indian army would move to claim Azad Jammu and Kashmir (AJK) if it were

given orders by the Indian parliament.

Speaking to the media, the general said that there was a parliamentary resolution from several years ago about this, which said that the entire erstwhile Jammu and Kashmir – a reference to the region including AJK – was part of India, and that if parliament desired action would definitely be taken.

Gen Naravane, soon after taking over the command of the Indian army last month, had also ratcheted up tensions between the two countries in his first media interview, saying: “If Pakistan does not stop its policy of state-sponsored terrorism, we reserve the right to pre-emptively strike at the sources of terror threat and this intent has adequately been demonstrated in our response during surgical strikes and [the] Balakot Operation.”

It is pertinent to mention here that his predecessor General Bipin Rawat had also committed a similar indiscretion last September. In a statement he had said that the Indian army was ready to occupy AJK and was just waiting for a go-ahead from Narendra Modi’s government.

This bellicose blustering by Indian generals is the ugliest manifestation of Hindutva philosophy which is not only designed to divert attention from the internal strife in India over the Citizenship Amendment Bill but is also an expression of intent regarding future designs of India with respect to Kashmir. They reinforce Pakistani fears that India might enact yet another false flag operation against Pakistan.

In case of any such eventuality, there is every possibility of an armed conflict between the two nuclear states; a danger about which Pakistan has already sounded the world community and the UN. Prime Minister Imran Khan, reacting to the threats, has observed: “An extremist ideology RSS has taken over a nuclear armed country of over one billion people .It is an ideology based on hatred of Muslims and all minorities. Whenever this genie has come out of the bottle it has always led to bloodshed”.

In view of permeating circumstances, nobody in their right mind can take exception to what the prime minister has said. Pakistan has repeatedly reiterated that it does not want conflict with India, and has also been appealing to the world community and the UN to not only intervene to defuse the situation but also dissuade India from pursuing the path it has been treading before it’s too late.

Indian generals must be mindful of the fact that any aggressive act against Pakistan would be befittingly responded to as it was done in last February when Indian planes unloaded their payload at Balakot. The Foreign Office is right on the money to reject the statement of the Indian general, and reiterate that Pakistan is fully capable of responding to any Indian aggression in AJK, reminding New Delhi of the reply to her aggression last year. The ISPR has said: “Statements by [the] Indian COAS to undertake military action across [the] LOC are routine rhetoric for domestic audience. Pakistan’s armed forces are fully prepared to respond to any act of Indian aggression. India has experienced Pakistan’s response on February 2019. Same shall be even stronger next time [sic].”

India and its Generals need to understand that the resolution of the Indian parliament adopted on February 22, 1994 to which General Navarane has referred, has no legal or moral justification and was a negation of the UN resolutions on Kashmir. It is pertinent to point out that when the Indian government managed to extract a resolution from the constituent assembly of IOK, declaring accession of Kashmir to India, the UN through its resolutions 91 and 122 had unequivocally rejected the proposition reiterating that the question of accession of Kashmir could only be resolved through a plebiscite held under the auspices of the UN.

India under the Simla Agreement of 1972 also accepted Kashmir as a disputed territory, reiterating the fact that relations between the two countries would be regulated under the UN charter. The bilateral agreement did not change the status of the dispute. It also did not preclude the possibility of raising it again at the UN in case the bilateral agreement failed to deliver. Article 103 of the UN Charter says: “In the event of a conflict between the obligations of the members of the UN under the present charter and their obligations under any other international agreement, their obligations under the present charter will

prevail.” What this means is that the UN resolutions on Kashmir will take precedence over all other bilateral agreements on the same issue. Therefore, Pakistan is very much within its right to invoke UN resolutions, after having been frustrated in finding solutions through the bilateral arrangement.

The UN resolutions on Kashmir, adopted under Chapter VII of the UN Charter, remain legally binding on the parties. Article 25 also reiterates their obligatory nature. The UN Security Council has the power to enforce its decisions and resolutions militarily or by any other means necessary; power that it has used during the Korean war in 1950 and in Iraq and Kuwait in 1991. It is abundantly clear from the foregoing that the legal status and obligations of the parties to the dispute under UN resolutions and that of the Security Council to have its resolutions implemented, remains unaffected and Pakistan has the right to invoke UN intervention.

India’s action of August 5, to end the special status of IOK – and enactment of the Jammu and Kashmir Reorganization Act – are a blatant violation of the UN resolutions. The Kashmir dispute can only be resolved by implementing the UN resolutions. Actions taken on the dictates of Hindutva philosophy will spell disaster for the entire region and beyond, and India also may not remain unscathed from any likely catastrophe.

The world community and the UN must act now to prevent that from happening. They must put pressure on India to retract from the path of confrontation with Pakistan and refrain from becoming a war-like state inebriated by a supremacist philosophy. The world cannot afford yet another disaster.

Indian leaders must also remove the blinkers from their eyes and see the ground realities. The freedom movement in Kashmir has reached a stage where it cannot be subdued through ruthless oppression and decrees changing the status of the state arbitrarily. Pakistan will also not be a walkover for them. Any confrontation between these two nuclear states can have unimaginable consequences for the region, and the world at large besides leading to mutual destruction.

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