

Research Article

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Genocide in Kashmir and the United Nations Failure to Invoke Responsibility to Protect (R2P): Causes and Consequences

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Abstract: The member states of the United Nations General Assembly in 2005 unanimously adopted the resolution on Responsibility to Protect (R2P) to save citizens from genocide, war crimes, ethnic cleansing, and crimes against humanity. Since adoption, the norm has been invoked in Libya, South Sudan, Yemen, and Syria, nonetheless, the UN refrains to respond to the genocide committed in the Jammu & Kashmir and triggering a greater sense of anxiety. In this context, the present paper elucidates the factors behind the UN failure. It asks why the UN failed to call R2P despite systematic crimes against humanity in Kashmir. What factors or forces preclude the UN to invoke R2P? The paper argues that the inability of the UN to invoke R2P is a consequence of systemic and domestic factors. The Indo-US strategic partnership, materialism, and New Delhi's influence in the international system are obstructing the UN's ability to play a decisive role. Meanwhile, the economic and military potential of India and its regional influence forbid the international community to dissuade India not to commit genocide in Jammu & Kashmir. So the high politics of materialism and national interests override the norm of human rights and humanity.

Keywords: United Nations, R2P, India–Pakistan, genocide, Kashmir conflict

1 Introduction

The seven decades prolonged dispute over Jammu & Kashmir is a nuclear flashpoint between India and Pakistan, preventing peace, tranquility, and good neighborly

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relations in South Asia. It has led to two major wars and many small scale skirmishes in the past seven decades (Ganguly 1998). The genesis of the dispute can be traced back to the partition plan of India, which gave the choice to 565 Princely states to join either India or Pakistan considering the religious, geographic, economic, and ethnic affinity (Lamb 1991). Jammu and Kashmir being the only Muslim majority state wanted to accede Pakistan, yet Maharaja Harri Singh's instrument of accession to India dragged the two neighbors into the first war in 1947–1948. Consequently, Pakistan liberated one-third territory from Dogra rule, yet the remaining is under Indian control. Since then, India is violating the fundamental human rights recognized by the UN, deliberately involved in genocide, ethnic cleansing, and crimes against humanity. The Indian security forces overtly killed nearly a hundred thousand innocent civilians, illegally detained thousands in detention camps, and introduced several draconian laws to repudiate the basic human rights (Fayaz 2016).

The peoples of Jammu & Kashmir are struggling for the inherent right of self-determination a right recognized by the international peace keeping bodies and civilized nations, but India has been denying to accept it. Meanwhile, years of mismanagement and oppressive rule of India set the stage for an uprising in the late 1980s and streets of Srinagar experienced a new phase of the intifada. The legitimate demand was brutally crushed by the Indian forces and mass demonstrations of civilian killings, kidnapping, extra-judicial killing, gang rape, and property vandalism were reported across the region. Indian central government introduced various draconian laws contrary to the international human rights law, and provided immunity to security forces deployed in the Jammu & Kashmir region to commit the overt acts of genocide.

Article 2 of the Convention on the Prevention and Punishment of the Crime of Genocide (1948) define genocide as “any of the following acts committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious group, as such: killing members of the group; causing serious bodily or mental harm to members of the group; deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part; imposing measures intended to prevent births within the group, and forcibly transferring children of the group to another group” (OSAPG n.d.). As per the definition, Indian inhumane acts in Jammu & Kashmir are part of a larger plan of genocide. Indian security forces are intentionally killing the Kashmiri civilians, using the pellet gun to blind Kashmiris, detaining them in torture camps, raping women, and destroying the physical and psychological conditions of Kashmiri peoples. Since the abolition of the Special Status of Jammu & Kashmir on August 5, 2019, eight million peoples are living in complete siege and no one is immune from the Indian brutality (Wani 2020).

The world community developed a robust mechanism to stop the genocide and ethnic cleansing after witnessing the same in Rwanda and Balkans. The then

Secretary-General Kofi Annan of the UNGA made pleas to the international community to find a way to stop human suffering. Therefore, the Canadian government in September 2000 established the International Commission on Intervention and State Sovereignty. In 2001, it presented a report on “Responsibility to Protect” (ICISS 2001). In 2005, the UN adopted the R2P commitment with wider support from member states. The UN invoked R2P in certain cases but failed to do so in the case of Indian atrocities in the occupied Kashmir. Therefore, the present paper investigates the compelling factors behind the UN inability to invoke the norm. The paper argues that failure is a consequence of systemic and domestic factors. At the system level, the US is safeguarding its dominance with the help of India. The UN being a global peacekeeper is dependent on major powers including India, so it is not in a position to incite the Indian anger. At the domestic level, India is an emerging state with economic, military, diplomatic, and political clout, so its voice is more pronounced than the plights of peoples of Kashmir. Therefore, the high politics of major powers and emerging Indian status forbid the UN to invoke R2P.

The paper is organized into five major sections. Section one illuminates the theoretical underpinning, followed by the Indian atrocities in the Jammu & Kashmir. The third section explicitly highlights the barriers behind the UN failure, followed by a section on opportunities and challenges for Pakistan. The last section concludes the study.

2 R2P: Theory and Practice

The responsibility to protect is not a new concept, rather the European states in the late nineteenth and early twentieth century have effectively used the humanitarian intervention to protect the life and economic interests of Christians in the Ottoman Empire. Yet, the erosion of state sovereignty in the inter-war period led the statesmen to develop a coherent framework to simultaneously safeguard the state sovereignty and human rights of citizens. So the Charter of United Nations correspondingly prohibits the use of force in Article 2(4), and legally bind the member states to respect the human rights in article 1(3) of the charter (Francioni and Christine 2013). But the unfortunate genocide occurs in Rwanda in 1994, the inability of the UN Peacekeeping force to prevent the massacre at Srebrenica, Bosnia in 1995, and an unauthorized NATO intervention in Kosovo in 1999 required the international community to develop an effective political mechanism to collectively respond to such kind of tragedies. So the restrictive concept of Responsibility to Protect (R2P) came forth and mandates the UNSC to prevent such kind of crimes (Welsh 2009).

The United Nations approved the framework of R2P in a 2005 world summit meeting to tackle the plights of citizens under suppression and assimilation.

Articles 138 and 139 of the World Summit Outcome Document “have not only affirmed the primary responsibility of states to protect their citizens from genocide, war crimes, ethnic cleansing, and crimes against humanity, but also accepted the collective responsibility to assist each other in fulfilling this responsibility, and declared their preparedness to take timely and decisive action through the Security Council, and in accordance with the United Nations Charter, when national authorities manifestly fail to protect and peaceful means have proven inadequate” (Welsh 2017). Since R2P as a political norm is in conformity with the established fundamental standards of human rights as well as international criminal and humanitarian laws (such as the Convention on the Prevention and Punishment of the Crime of Genocide; International Covenant on Civil and Political Rights; International Covenant on Social, Economic and Cultural Rights; Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment; Convention on the Elimination of All Forms of Discrimination against Women; Convention on the Elimination of All Forms of Racial Discrimination; Convention relating to the Status of Refugees as well as the 1967 Protocol; Convention on the Rights of the Child; Rome Statute of the International Criminal Court; and Arms Trade Treaty) (Ercan 2015). In this regard, it can be safe to argue that the R2P norm has a close resemblance with the established standards of human rights and the international community unanimously adopted it to save the civilians from genocide, war crimes, crimes against humanity, and ethnic cleansing.

R2P is articulated around three pillars. The pillar one recognizes the responsibility of a sovereign state to protect its citizens from the four types of crimes. The pillar two entails that if a state is not capable enough to protect its citizens, the global community then helps the state to develop the capacity to safeguard its population. The pillar three illustrates that if a state manifestly involves in genocide, war crimes, ethnic cleansing, and crimes against humanity, then the responsibility to protect citizen’s transfer to the international community, and it has the mandate to take collective action appropriately and decisively through the guidelines given in the Chapter VI and VIII of the United Nations Charter (United Nations 2005). Therefore, it is understood that the sovereign state is exclusively responsible to protect citizens, and the international community helps the state to develop the capacity to fulfill obligations, nonetheless, if a state itself involves in mass human rights violations, the international community then retain the residual responsibility to protect the population in a timely and decisive response.

Although the states have made significant improvements to implement the Pillar I and Pillar II responsibilities, yet the record of Pillar III – decisive and timely response has a mixed record. The humanitarian catastrophe began in Libya in February 2011, when a rebellion broke out and the Gaddafi regime used the unprecedented force to kill the ‘cockroaches’, a term used by the Gaddafi to

designate the protestors (Zifcak 2012). After mounting civilian casualties, on February 26, the Security Council passed the resolution 1970 condemning the widespread and systematic killing of civilians and demanded an end to state-sponsored violence (UNSC 2011). When the Libyan government continued to kill civilians the UNSC met again on March 17 and deliberately discussed the deteriorating human rights situation and state-sponsored persecution. The outcome was the adoption of Resolution 1973 (UNSC 2011). The council expressed its stern disappointment with the Libyan government to comply with the responsibility to protect its citizen and authorized a military intervention by a coalition of nations under the North Atlantic Treaty Organization (NATO) umbrella (Zifcak 2012).

Two days later, the coalition forces initiated the military campaign over the Benghazi area against the government forces and military installations. The US deprived the Gaddafi forces of its air defense system, provided intelligence about the deployment of Libyan forces to the coalition partners for air assault. Once the fighting continued between government forces and NATO, the coalition forces decided to change the regime to save the civilians from extermination. The UNSC authorization revealed the old age practice of humanitarian intervention and compromise for state sovereignty, so Gaddafi's dispossession from power was deemed natural (Francioni and Christine 2013). In the meantime, Libyan military action is influenced by the humanitarian and wider geopolitical and geostrategic interests. Some regional states and the US wanted to use the most celebrated Arab Spring movement to remove the Gaddafi from power and to increase the US force's presence in the region for geo-security, geopolitical and economic interests (Schmitt and Sanger 2011).

With the demise of Gaddafi, the international community seriously considers the internal turmoil in Syria and resulted gross human rights violations. Multiple credible sources confirmed that the Assad regime has committed serious crimes against humanity requiring international response to end the extermination of civilians. Syrian Center for Policy Research documented between 15 March 2011 and May 2016, 470,000 peoples were killed. Similarly, the UN and Arab League recorded that 400,000 people were killed between March 15 and April 2016. The atrocities and genocide in Syria increased the importance of a decisive and timely response under the umbrella of R2P. But the world powers have remained at odds on how to intervene and save civilians from the negative repercussions of disorder (Erameh 2017). The entire context of the crisis has become problematic as different actors view the situation from the opposite lens. For instance, Russia and China have continued to veto the UNSC resolutions since the beginning of the crisis. They are of the view that the intervention will end up in the regime change in Syria such as was carried out in Libya.

The failure to make advancement in Syria is complex. Security and national interests of domestic, regional, and international stakeholders are at stake

(Eddine 2012). Emerging and the established power is maneuvering for Realpolitik and power politics. Three veto members of the UNSC (US, Russia, and China) are facing off in a contest for the new Middle East. Gareth Evans, Co-founder of R2P stated, “Syria has a very different geopolitical environment, no Arab League unanimity in favor of tough action; a long Russian commitment to the Assad regime; and strong Syrian armed forces with a credible air-defense system, meaning that any intervention would be difficult and bloody” (Evans 2012). In short, the quest for major powers to secure natural resources, political and economic influence makes it difficult for the UNSC to apply R2P in Syria.

The genocide and crimes against humanity in Gaza demand immediate intervention from the UNSC. The civilians are largely affected by the lingering conflict between Israeli forces and Hamas. Ilan Pappé in 2007 labeled civilian killings as ‘genocide’ in Gaza and ‘ethnic cleansing’ in West Bank and urged the international community to stop the humanitarian crisis in Gaza. Gaza is an inter-state conflict between Palestine and Israel (Ercan 2015). The Palestinian Authority is a legitimate representative of the state, whereas Hamas is the *de facto* government exercising authority on the territory of Gaza and Israel is illegally occupying the area and targeting civilians. The conflict is inter-state among Hamas, PA, and Israel. Hamas is overtly challenging the authority of the PA through firing rockets on Israeli forces, whereas the retaliatory response of Israel largely targets the civilians. Nevertheless, the nature of inter-state conflict and geopolitical struggle of big powers makes it difficult for the UN to call for responsibility to protect (Hindawi 2014). Yet, the case of Kashmir is unique, as India proclaims it an integral part of the state, but the security forces stationed in Kashmir are deliberately committing the genocide, ethnic cleansing, and crimes against humanity. Like Libya and Syria, Indian government is itself perpetrating the crimes against humanity, so Kashmir calls the international community to fulfill its responsibility and to save civilians from persecution.

3 Indian Occupation and Human Rights Abuses in Kashmir

The nation-states are sovereign in determining their internal and external policies, fully responsible to protect their citizens from harm and dangers. They constitute certain laws to uphold the basic rights and protect citizens from persecution. India always praises its democratic and secular posture. Nonetheless, the situation in Jammu & Kashmir is contradictory. Since 1947, the fundamental human rights of peoples of Jammu and Kashmir have been grossly violated by the Indian occupied forces. The paramilitary troops are purposefully involved in systematic killings

and gross violations of basic human rights, using various draconian laws to legitimize the persecution. Since January 1989, the suppressive forces persecuted some hundred thousand Kashmiris to change the demography of the region (KMS 2016). The given table illustrates the human rights violations committed by the Indian forces in the region.

The forces are part of the gross and systematic assassination of citizens of Kashmir. On 8th July 2016, the Indian security forces killed a 22-year charismatic leader of Hizbul Mujahedeen Burhan Muzaffar Wani. The murder of the Kashmiri poster boy provoked the widespread protests across the valley deteriorated the law and order situation. The law enforcement agencies used the brutal force to control and curtail the crowds leading to higher numbers of casualties and injuries. It is estimated that around 145 civilians were killed and heavy injuries were reported from July 2016 to the end of March 2018 (OHCHR 2018). “Human Rights Watch” reported that “Indian forces in Kashmir have engaged in massive human rights violations, including extrajudicial executions, rape, torture and deliberate assault on health care workers” (HRW 1993). The UN commission for human rights have also expressed grave concerns for peoples of Kashmir. Back in 1992 and 1993, human rights conditions aggravated as the security forces embarked on a “catch and kill” campaign against the militants. The summary executions of detainees, civilian massacres, and shooting of unarmed protestors have become a routine life in Kashmir. The citizens in Kashmir often face widespread degradation of human rights in the form of extrajudicial killings, wounds, unlawful detentions, torture, sexual violence, disappearances, and vandalism of civilian goods, chattels, and properties throughout the conflict (JKCCS 2016).

The pellet-short gun has become a weapon of security forces to control and curtail the protestors in the Jammu & Kashmir. This has been exceptionally used amidst the unrest from 2016 to 2018 (Amnesty International 2018). The UNHRC report of 2019 exposed that despite the warnings issued by human rights groups

Human rights violations in Kashmir from January 1989 till October 31, 2020

Sr. No.	Description	Numbers
1.	Total murders	95,709
2.	Custodial killings	7,150
3.	Civilians detained	161,131
4.	Structures arsoned/destroyed	110,374
5.	Women widowed	22,922
6.	Children bereaved/orphaned	107,805
7.	Women gang rapes/molested	11,224

Source: Human Rights Violations-Kashmir Media Service.

and civil society activists, security forces continue to use the pellet shotgun to disperse the crowds. Doctors at Shri Maharaja Hari Singh Hospital confirmed the eyesight loss of 1253 individuals from mid-2016 to the end of 2018 (OHCHR 2019). Jammu and Kashmir State Human Rights Commission (SHRC) estimated that 1726 civilians were injured by the metal pellets in 2016. In January 2018, former Chief Minister Mehbooba Mufti testified to the state assembly that the pellet gun injured the 6221 individuals from 8th July 2016 to 27th February 2017 (OHCHR 2019). Among them, 728 suffered eye injuries. According to the UN Convention, the use of pellets is torture and a violation of the international convention on Civil and Political Rights. Article 7 inscribes “No one shall be subjected to torture or cruel, inhuman or degrading treatment or punishment” (JKCCS n.d.). So, the use of a pellet gun is a serious crime against humanity including the rights associated with life, personal freedom, a reason to livelihood, and work.

The security forces are using rape as a weapon to terrorize the locals. The sexual assault and intimidation of Kashmiri women have become a routine phenomenon for security forces during the “cordon and search” operations. It is a matter of fact, that army and paramilitary forces have been involved in rape, but no serious investigations have taken place. Security forces personnel’s involvement in rape cases is a somber violation of International human rights and humanitarian law. Torture is a crime under the Indian criminal law and it has very often sentenced members of police and security forces involved in the rape cases. Indian Penal Code under section 376 para 1 entails that, a minimum term of seven years imprisonment is to be obligatorily imposed for rape. Also, the Criminal Law (Amendment) Act of 1983 prescribes compulsory imprisonment for 10 years for custodial rape and human rights abuses (Asia Watch 1993). Nonetheless, security forces deployed in Kashmir are immune from these laws, and victims are denied to offer justice and reparation. It is reported by “Kashmir Media Service” that security forces raped 11,224 women including as young as 11 years and as old as 60-year women. The major incident of gang rape took place on the night of October 10, 1992, when 23 women were gang-raped by the security forces personnel in the town of Shopian and Kunan Pushpura, district Pulwama (Asia Watch 1993).

India has granted the sweeping powers to security forces under various laws and ordinances. The Armed Forces Special Powers Act (AFSPA), 1990 is one of them. Section 7 of AFSPA grants complete immunity to the security forces personnel from prosecution for human rights violations. The record of Amnesty International from 1989 to 2013 exposed that army and security forces killed more than 800 civilians in custodial torture and hundreds another in extrajudicial executions (Amnesty International 2015). Yet, despite the undeniable facts not a single member of security forces deployed and positioned in Jammu and Kashmir faced trial for human rights violations in a civilian court. The International

People's Tribunal on Human Rights and Justice based in Jammu and Kashmir (IPTK) reported 214 human rights violation cases in December 2012, but nothing has been done to bring justice to victims (OHCHR 2018).

The peoples of Jammu and Kashmir are living in a prolonged threat to life, dignity, and property. The Public Safety Act (PSA) is in place to detain any individual without charge or trial for up to two years. This has often been invoked to book protestors, political dissidents, and other activists based on indefinite grounds for long terms. In 2018, Section 10 of the PSA has amended by the state government of Jammu & Kashmir to allow the detention of permanent residents of Jammu & Kashmir outside the state. At least, 40 separatist political leaders have been transferred to prisons outside the state in 2018. Yasin Malik, Chairman of JKLF has also been detained under PSA and transferred to Tihar Jail in New Delhi, where he kept in solitary confinement, denied the basic medical and food facilities (The Nation 2019).

August 5, 2019, is a black day in the history of Jammu & Kashmir. On this day, New Delhi abrogated the Article 370 and 35A, stepped down the special status of Jammu & Kashmir, and completely integrated the region into the Union territory. India has deployed the additional troops and imposed a curfew to curtail the protests against its illegal decision. Since then, Kashmir is under complete siege, Peoples are kept in a cage, internet and communication facilities have been terminated, and curfew has been put in place (Hussain 2019). The arrest of civilians, forced disappearances, and torture has become a common practice in the area. Security forces are free to use the indiscriminate power to curtail the anti-curfew sentiments. The food and medicine supply is in short in the area and peoples are denied to offer basic health facilities. In the meantime, the government rejected to allow human rights groups and civil society to monitor the situation and put stringent measures to camouflage the situation.

The abrogation of Article 370 and 35A exposed the evil designs of the Bharatiya Janata Party (BJP) to bring a demographic change in the region. The presidential decree stepped down the special status of the state permitting the non-state individuals to purchase property, and secure the government jobs in the region. The change could be disastrous for Jammu & Kashmir, as non-state settlers will largely transform the Muslim majority into a minority. The indigenous peoples bluntly rejected the Indian notion and urged the international community to take notice of nefarious Indian designs (BBC News 2019). Genocide Watch, a US-based pressure group has issued a genocide alert for the Indian occupied Kashmir. The alert called on the United Nations and the international community to warn India not to commit the genocide in the region, as the ruling BJP is on a campaign to make India a pure Hindu state. The prior genocidal massacres and continuing

impunity has also increased the consciousness for a pre-planned genocide and ethnic cleansing in the Indian Occupied Jammu & Kashmir (Genocide Watch 2019).

3.1 Factors Behind the UN Inability to Invoke R2P

The following section explicates the dynamics of the United Nations' failure to activate the Responsibility to Protect (R2P).

3.2 The Triviality of Kashmir in the New Geopolitics

In the contemporary arena, control of vital geostrategic locations and maritime routes ensure the superiority and stability of major and rising powers. The possession helps the dominant powers to ensure the smooth supply of public goods and natural resources considered to be vital for economic and political stability. The present geopolitical scenario exposes the proxy wars of major powers waged in different parts of the world. The US is governing the key chokepoints in the Middle East and Southeast Asia, Russia has maintained its traditional sphere of influence in the Eurasian and Central Asian regions. The 21st-century experiences the shifting struggle for geopolitical and geostrategic influence in the Middle East, Indo Pacific, and Africa, where these Powers are engulfed in proxy wars against each other. The sheer example is Syria, where the US and its allies are fighting against the Assad Regime and his key allies. The geostrategic significance of South Asia made it a vital region for superpowers rivalry. Historically to gain control of hot waters in the Indian Ocean, the former USSR invaded Afghanistan a pivot state in major powers rivalry. After 9/11 the US attacked Afghanistan to safeguard its interests in Central, South, and Southeast Asia.

Nonetheless, in this wider geopolitical paradox the US, Russia, China, and major European states largely ignored the Indian occupied Kashmir. The geographical location and uncertain status of the territory discourage the major powers to indulge in this area. The rugged topography and harsh weather with no direct links to sea demand the gigantic amount of financial resources to develop the physical infrastructure ultimately discouraging the major powers to stay out of the dispute (Awan 2013). Russia has always made the attempts to control the Indian Ocean through Afghanistan, China built the Karakorum Highway now expanding it into the China–Pakistan Economic Corridor to enter in the Indian Ocean through Pakistan administered Kashmir. CPEC connects the Chinese Province of Xinjiang with the Pakistani port of Gwadar located at the conduit of the Arabian Sea. The 3000 km-long economic corridor passes through the Gilgit

Baltistan and Pakistani administer Kashmir downgrading the geographic importance of the Indian held Kashmir. On the other hand, the US has been securing its grand strategic interests through staying in Afghanistan and Central Asia. Washington also introduced the Indo-Pacific strategy to contain the rising Chinese influence, invited India to shoulder the regional security responsibilities. Therefore, the emerging scenario exposes the triviality of Jammu & Kashmir for major powers.

3.3 Indo-US Strategic Partnership

The September 11 tragedy not only transformed the global politico-security dynamics, but it also brought far-reaching implications for South Asia. The US adopted the preemptive and unilateral policy to fight terrorism, introduced new policy orientations to reshape the existential objectives and the long-term goals by an increased political, economic, military, and strategic partnership with India. The Indo-US defense relationship has become the cardinal feature of a new strategic partnership. The crucial element of the new strategic partnership is the Indo-US Civil Nuclear Deal signed in 2005. The deal primarily motivated to transfer the nuclear fuel, components, and technology to India, but the contenders argue that the deal can start a new era of the arms race in South Asia (Hussain 2017).

The US and India both have channelized an increasing series of defense policy dialogues on a growing ambitiousness to further expand the aspects of defense ties and resultantly both countries have achieved billions of dollars in defense trade agreements. The US signed a defense pact with India for 10 years in 2005, renewed in 2015 for another 10 years aimed at strengthening the military and defense relations. Such an agreement with the US has empowered India to start joint weapons production that is helpful for the transfer of civil and military technology and growing cooperation on missile defense equipment. Among others, the conclusion of the Logistics Support Agreement enables the defense forces of two countries to make joint usage of services for maintenance and communications, refueling, and medical care (Kronstadt and Pinto 2012).

Since 2004, India has purchased military weapons and hardware from the US worth more than \$10 billion. The transfer “includes several high-end assets such as the P-8, maritime surveillance and anti-submarine warfare aircraft; Apache attack helicopters; CH-47 Chinook, transport helicopters; C-17 and C-130, transport airplanes and many other systems” (Kathleen et al. 2016). In 2012, New Delhi and Washington signed a landmark framework for Defense Technology and Trade Initiative (DTTI), under which six core projects were identified; “(i) development of a chemical–biological protective ensemble for troops; (ii) development of mobile electric hybrid power stations; (iii) a next-generation small unmanned aircraft; (iv) intelligence and surveillance module for transport aircraft; (v) Digital helmet-mounted displays and

(vi) the joint biological tactical detection system, along with two joint working groups one on aircraft carrier technology development and the other oversee the jet engine technology” (Kathleen et al. 2016).

The US acknowledged the Indo-centric vision of the South Asian region. India being a powerful country in the region possesses robust economic and military resources. This is true of great importance for the US and her long-term strategy in the region. India is keen to provide military bases for American services and industrious military drills. In the case of the Navy, India has a kind of supremacy in the Indian Ocean from the Bay of Bengal to the Strait of Malacca. The Indian Navy is an essential element to protect the US interests from the Arabian Sea to the Strait of Malacca by providing a heavy shield to the US Naval supply ships. Geographically, India is positioned in a location that is very significant in the region of the Indian Ocean, explains its importance and complexity about its neighbors but also remote players such as the US who have geopolitical and geostrategic interests in the region (Sadaf Farooq 2018).

Former President Bush brought significant shifts in the Indo-US strategic partnership. By considering India an important global player, Washington lifted several sanctions and opened vistas for cutting-edge technology, civilian and military cooperation, and boosts the political backing for India. The Indo-US Joint naval exercises have been observed fully-fledged and rapidly increasing the scope and complexity of partnership in the twenty-first century. Both partners have long commitments to work in the areas of joint research and drills especially the large-scale war game exercises, codenamed “Malabar” along with many small and large training exercises such as “Habu Nag” (Naval aspects of amphibious operations), “Spitting Cobra” (Explosive Ordnance Destruction), and “Salvex” (diving and salvage) (Department of Defense 2011). The air front reflects the “Cope India” exercise a lynchpin of the Indo-US air force cooperation and focused on humanitarian assistance and disaster relief operation as one of the key objectives of such exercises. More than 110 the US and Indian paratroopers conducted jumps in the first known airdrops of IAF personnel from US C-17 and C-130J aircraft during the Cope India 09 exercise (Kronstadt and Pinto 2012). The Indo-US army cooperation is centered on the annual “Yudh Abhyas” (“training for war”) exercise that was conceived in 2001 and first held in 2004 aimed at marking the first joint conventional military exercise for the United States and India in more than four decades (Verma 2019).

Nuclear Supplier Group decided to grant India a distinct waiver to further exempt India from NSG rules governing the civilian nuclear trade in 2008 (Siddiqi 2016). The US lifted the three-decades suspension on nuclear trade with India. On the other point of agreements, both countries collaborate in energy and satellite technology. Additionally, they have signed a 10-years Defense Framework, under

which they provide each other with the Strategic discussion, exchanges of armed forces of both countries from time to time, and solidification of military capabilities (Javaid and Rashid 2018). In the year 2019, the Indo-US strategic partnership experienced more sustained and affluent cooperation. The 2 + 2 ministerial-level dialogue was held in Washington D.C. to further cement the military and defense cooperation. The joint statement highlighted an increased focus on cooperation in the Indian Ocean, discussed the important agreements that go beyond security cooperation. The two countries signed a landmark agreement to facilitate the transfer of defense technology in the second 2 + 2 meeting held in December 2019. The two sides also reached an agreement on the Communication Interoperability and Security Memorandum Agreement (COMCASA), a military technology-sharing pact. They also decided to launch a new (Tiger Triumph) tri-service exercise and agreed to increase Indian access to the US Central Command for a more balanced “Indo-Pacific” partnership (Rossow 2019).

India is an economy of more than 1.30 billion citizens having huge investment and trade potential. The Indian military strength along with nuclear arsenal is a source of strength for the US strategy to contain rising Chinese influence. Washington’s partnership with New Delhi is a two-pronged strategy. At first, it exports military equipment and hardware to New Delhi a primary sector of its exports. Second, the US is eager to get maximum benefits from the emerging Indian economy and skilled labor force. The investment and technology transfer to India injects the US troubling economy. The Indian willingness and support boost its strength to crumble down the Chinese influence in the Indo-Pacific region. So, the economic and geopolitical interests forbid the US to play a significant role in the Kashmir dispute.

3.4 India as a Regional Hegemon

The decade of the 1990s witnessed the most awaited economic reforms in India, set the stage for New Delhi to claim the fastest growing economy, and a rising power. India received billions of dollars in foreign direct investment, as well as in the export of services and goods. So, by 2003, India achieved a growth rate of 10.1% annually easing the economic burden on the pocketbook and generating billions of dollars for military modernization (Ghani and Chandio 2013). India invested nearly \$39 billion in 2012–2013 to modernize its 1.3 million-strong military men, developed advanced combat aircraft, helicopters, and howitzers. The realist scholars from Hans J. Morgenthau to John Mearsheimer recognized the economic power as a basic tent in the total power of a state. Correspondingly, India is translating the economic power into military power and increasing the security dilemma for smaller states in South Asia (Pardesi 2005).

Looking at India's relations with her South Asian neighbors, it is mainly categorized by several bilateral disagreements from time to time. India rigorously hunts for special treatment at bilateral dialogues with her neighboring states including Nepal, Bhutan, Maldives, and Sri Lanka, whereas there are a growing tendency and demand for a multilateral regional approach from these neighboring states. Resultantly, it worries India by making certain assumptions that neighboring states might align together and claim unrealistic concessions in a multi-lateral environment. Neighboring nations view Indian bilateralism as an instrument of coercive diplomacy, while India vocalized the demand of multilateralism as an unnecessary burden of the nascent and fragile process of SAARC, a South Asian Regional Cooperation Organization (Bhasin 2008).

If we look at the status of India at the international stage, it has been considered as having a long record of stable, secular society and multicultural democracy, at the same time Indian political elite visualizes its robust role in global affairs at the very highest level. India's wish to become a permanent member of the UN Security Council is in Indian sensitivities not only legitimate but also carries an orientation of long-term strategy (Nusra 2018). Observing India's insistence on being a nuclear weapons state and its annual high growth of investments in security and conventional weapons are vivid claims her global ambitions gives clear indicators to its neighbors for regional leadership and dominance. India's current ability and diplomatic determination demonstrates an extraordinary degree of resilience and hard determination for regional hegemony. The government is pursuing a two-fold strategy to advance its global role in various activities by simultaneous attainment of international recognition (Wulf 2013).

In South Asia, the inter-state relations have been marked by endemic hostilities and turbulence. In the region, India's economic potential and military capabilities have made it a primary regional power. In terms of population, resources, size, and developed economy, India is the largest country in the region. Moreover, the Indian military power is quite inconsistent in comparison to the other regional states. Such superiority in terms of national power indicators has granted India the status of hegemony and supremacy. India's relations with its neighboring states have been characterized by rivalry, enmity, and disharmony (Jamil 2017). India is an aspirant for the regional hegemon to which it is pursuing the hawkish and ignorant foreign policy. Except for Pakistan a nuclear-capable rival in the region, the economic and connectivity dependence of smaller states in South Asia confine them to make an independent foreign policy. Whenever smaller states embark on an autonomous foreign policy posture, India starts blocking roads for them. Back in 2015, India put an economic embargo on Nepal showing displeasure for the secular constitution, ultimately leading to the economic and humanitarian crisis that revealed the hegemonic actions of New Delhi (Ghani and Chandio 2013). India's relations with Sri Lanka,

Bangladesh, Bhutan, and the Maldives are predominantly hegemonic, where an independent domestic and foreign policy is absent. The Indian leadership often uses the economic and political clout to adopt the multidimensional foreign policy. The Indian influence at the regional level interdicts the nations in South Asia not to speak about the Indian crimes against humanity in the Jammu & Kashmir. The smaller states are afraid of the Indian intrusions in their domestic affairs, so they pursue policies consistent with Indian objectives and often avoid the Indian displeasure.

3.5 Indian Contribution to the UN

India has been proudly contributing to the UN efforts to maintain the international peace and security of the world since its inception in 1947. So far, New Delhi participated in 49 peacekeeping missions with a total of 240,000 troops, and a proportionate number of police personnel. An Indian contribution is a top-down approach with the services of two military advisors, and deputy military advisors to the Secretary-General, two divisional commanders, seven deputy force commanders, and soldiers. Many Indian soldiers made gallantry sacrifices to restore peace and harmony in the war-torn areas. According to the assessment for 2016–2018, India has contributed 20.46 million to the UN regular budget, making it the 23rd highest contributor (Dabhade 2017). According to the assessment by the contributions committee, Indian contribution to the UN regular budget was fixed 0.666% for 2013–2015. India has also contributed to other UN agencies like the UNDP, UNICEF, and UNEP. Based on statistics, the Indian overall contribution to the UN peacekeeping operations was fixed at 0.1068% from 2009 to 2012 and 0.1332% for the period 2013–2015 and 0.1474% for the period 2016–18. The sum of contribution to the UN was round about an amount of Rs 244 crore in 2015–2016. Among the BRICS nations, India is the third-largest contributor to the UN budget (Dubbudhu 2016).

India has been struggling hard to reform the Security Council for getting a permanent seat. The Indian claim is based on its geographical size, economy, military resources, and most importantly its historical interaction with the UN. India is of the view that it is an active adherent to international law which is compulsory to govern international relations. In September 2015, the UN made a historic move to reform the Inter-Governmental Negotiations (IGN) to Text-Based Negotiations (TBN) process for reforming the UNSC, the move was warmly welcomed by the New Delhi. The Indian Ministry of External Affairs called it a “significant development” towards the reformation of global governance. In Indian sense, no reform process can be completed without due consideration to reform the Security Council after witnessing the realities of the twenty-first century.

The brave soldiers of World War II laid the foundations of the UN. By 1945, the Indian war veterans counted 2.5 million, the largest volunteer strength in terms of force in history. Among them 24,000 foregone their lives for the glory of the British Empire, half went missing. That legacy is shared by present-day Pakistan, India, and Bangladesh. The three remain today among the largest contributors to the United Nations Peacekeeping Operations. The 180,000 troops made India proud for the largest contributing country in Peacekeeping missions. New Delhi has participated in 49 of the 69 UN peacekeeping missions, and 161 Indian peacekeepers have made the supreme sacrifice. It is a charm for India by sending Female Police Force Unit to the UN Mission in Liberia focused on providing training to peacekeeping officers from a large number of countries. As a whole, nearly 800 officers from 82 countries are trained by the Indian military instructors (PMIN 2015).

India is also a party of six core human rights covenants/conventions, namely, the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention on Elimination of All Forms of Discrimination against Women, the International Covenant on Civil and Political Rights, the Convention on the Rights of the Child (and its two Optional Protocols), the International Covenant on Economic, Social and Cultural Rights, and the Convention on the Rights of Persons with Disabilities. Moreover, New Delhi has been an active and a potential contributor for the former UN Commission on Human Rights, also India served as a member since the Commission's inauguration in 1947.

Human Rights Council in 2006 replaced the Commission on Human Rights and successively elected India with the highest number of votes especially in 2006, 2007, and 2011. India also played a larger role in the work of the Human Rights Council, including its Universal Periodic Review mechanism and advanced contacts with the High Commissioner for Human Rights. In 2011 India recognized the UN Convention against Transnational Organized Crime and its three Protocols and the United Nations Convention against corruption. Moreover, it has become the first country to respond to meet up the call with early involvement of \$100,000. This voluntary contribution is dedicated to ensuring greater support for developing country participation in the subcommittee meetings of the UN Tax Committee, which are presently unfunded (PMIN 2015).

3.6 Pakistan's Inability to Advocate Kashmir

In an ideal world, Pakistan should have given evidence of India's brutality to the international community and could have effectively raised the issue in the United Nations. But that has never been the case. Nearly all governments are least bothered to use the vibrant diplomacy to deal with this issue except lip service from

time to time at various UN meetings. Foreign policy needs proper lobbying and homework and cannot just use emotional statements and speeches to provoke people's sentiments without any significant result. It's high time, Pakistan should get a bit realistic and come up with a proper plan to discuss how it should make India accountable for its crimes in the occupied valley of Kashmir (Zehra 2016).

Kashmir reached close to independence for three times but the political actors cast it again in the lap of India. Kashmiri brethren have not lost their resolve despite the genocide of nearly 100,000 Kashmiris in the freedom movement. Ashraf Gujjar, president PNM stressed that political and social leadership should play its role in the freedom movement of Kashmir beyond protest rallies. Yet, Politicians like Maulana Fazl-ur-Rehman and many others related to this matter were enjoying the comforts of ministry as Chairman Kashmir Committee for the last 10 years without any provoking actions. Consequently, the Kashmir issue has not been taken up appropriately at the international forums (Jamal 2016).

Pakistan has failed to act vigorously on the Kashmir issue. It is time to present a blueprint for conflict resolution upon the principles and legal code of self-determination and referendum. Pakistan should demand an impartial inquiry in the IOK to draw the attention of the world community on the legal framework aimed at violations of human rights particularly women abuses by India. Dr. Shireen Mazari, Minister for Human Rights suggests that Pakistan should propose a conflict resolution model as a key for Kashmir's problem resembling the Irish Peace Accord adding that we should press the Kashmir case on the lines of the East Timor independence based on the concept of self-determination. She further stated that "Pakistan should convince the United Nations to document all the Kashmiris in IOK and also of the Kashmiri Diaspora across the world" (The News International 2018). Nevertheless, Pakistan's Foreign Office performance remains pathetic. The Ministry of Foreign Affairs failed to develop a strong lobby in Washington and European capitals to express the international community and world at large the intensification of the Indian record of human rights abuses. Contrary, the Indian lobby has been successful in portraying the genuine and legitimate struggle of Kashmiri people as a militant movement largely influenced by religious fundamentalism (The Nation 2017).

On August 5, 2019, India revoked the special status of Jammu & Kashmir through eradicating the Article 370 and 35A from the Indian Constitution. Since then, more than eight million peoples are locked down in a living hell and a consistent curfew has been put in place. Pakistan being a party to the dispute condemned the unilateral decision, but ground steps have largely been abstained. The lip service of Pakistan has made no significant impact on Indian behavior (Hussain 2019). The Prime Minister of Pakistan, Imran Khan addressed the 74th UN General Assembly session and warned the international community about

pre-planned genocide in Jammu & Kashmir. Simultaneously, human rights groups and activists highlighted the plights of Kashmir peoples, but high politics is dominating the international system. The emerging Indian economy and skilled population have huge economic potential for major powers as compared to the sluggish economy and scanty semi-skilled population of Pakistan. The geopolitical goals and economic incentives undermined the respect for human rights and international law. Pakistan itself made no sincere efforts for Kashmir on domestic and international theatre. The leadership is too busy in dirty power politics and is reluctant to break the ground for Kashmiri peoples. Despite, the Indian atrocities since August 5, Pakistan has maintained diplomatic relations and developed the Kartarpur corridor for visa-free entry to Indian Sikhs. On the other hand, on 31st October India fully integrated the Jammu & Ladakh regions to the Union territory and issued new maps. India also introduced the new domicile law for Kashmir to settle non-Kashmiri's in the area. Pakistan did not resist and it seems that Islamabad accepts the unilateral decision of India (Bashir and Hussain 2019).

4 Opportunities and Challenges for Pakistan

Pakistan is a country with a fragile economy, a weak political system, and an unstable social structure. The economic situation is not satisfactory due to overburdened foreign debt and military spending. The country often turned to the multilateral monetary institutions and friendly states for debt servicing. So, economic dependence and excessive military spending left minimum policy options for the country. It is a matter of fact that economically strong states hold the decision-making position in the international system and fragile states act as clients of capitalism. Their position in the international system makes no impact on the geopolitical and geostrategic endeavors of major powers. Pakistan is facing a similar dilemma. Islamabad always remain dependent on foreign powers for military and economic stability.

Political instability is another major challenge to Pakistan's policy on the Kashmir dispute. Frequent military interventions and incompetent political leadership seriously damage the foreign policy of the country. During the military regimes, the foreign office turned idle in policy guidelines, and the military took control of the Kashmir's policy and often used military maneuvers to liberate the region from the Indian occupation. Yet these adventures along with the aloofness of political leadership raised serious questions on Pakistani credibility at international forums. The muted and nascent diplomacy during the Pakistan Muslim League Nawaz (PMLN) regime left unprecedented damage to the Kashmir cause. The post of foreign affairs minister remains vacant in the entire tenure of Nawaz Sharif

(Jamil 2018). This unfortunate decision not only strengthens the Indian view, meanwhile it hampered the Pakistani perspective. The situation is not much different than 2013, as Pakistan Tehreek-e-Insaf (PTI) government is muddled in domestic political troika and offsetting the importance of the Kashmir dispute. Though, the government appointed a new head of the parliamentary committee on Kashmir, but its work remains pathetic. The new chairman is involved in party politics and largely ignoring his primary task to document and share the plights of Kashmiri peoples. In the meantime, the diplomatic team lacks vision and a policy framework over the Kashmir dispute. The foreign office and Pakistan's permanent mission to the United Nations failed to counter the Indian diplomatic offensive (Hussain 2019).

If Pakistan wants to liberate Kashmir, it must end the economic dependency and follow the path of self-resilience. It can achieve economic freedom through cutting unnecessary non-development expenditures, upsurge the export of services and goods, and a major cut in imports. Meanwhile, a transparent and investment-friendly industrial policy can help Pakistan to attract the foreign direct investment and a boost in exports. An economically strong Pakistan will be able to contribute more to international economic stability and induce the international community to play an active role in the resolution of the Kashmir dispute. Economic and investment potential not only sustain Pakistan's standing in international politics, meanwhile the accrued economic benefits will also encourage the major capitals to listen and endorse the Pakistani perspective. Domestic political differences must be settled down and a collective policy framework on Kashmir should be drawn. A major diplomatic offensive is a dire need of the hour to counter the Indian diplomatic influence in major capitals across the globe. A cognizance and trained diplomatic cadre along with documented facts of human rights violations in the Jammu & Kashmir can induce the United Nations and the international leadership to condemn the Indian atrocities. Proactive diplomacy and foreign policy can win the diplomatic war of Kashmir.

Additionally, the two decades of India–United States strategic partnership cost unprecedented damage to Pakistan. The United States not only refused to endorse the Pakistani position on Kashmir, but it has also used multiple forums to pressure Pakistan. The United States and India used their influence in the FATF to include Pakistan in a gray list on allegations of terror financing and money laundering (Karim and Hayat 2019). To counter the India–United States nexus, Pakistan needs to explore the new avenues of relationship based on converged interests. China, Russia, and Turkey can play a more sustained role in the illumination of Pakistan's perspective on Kashmir. The common interest of these countries to contain the United States influence in the global and regional politics can be beneficial for Islamabad to achieve its policy objectives. The Veto power of

China and Russia can be instrumental for Pakistan to challenge any unfavorable decision in the UN Security Council and beyond.

5 Conclusion

The R2P concept has developed by the UN to save citizens from the persecution of state and non-state actors. The concept is based on three pillars; i.e. states assume sole responsibility to protect citizens, the international community help states to build capacity for protection, and the international community should take timely and decisive action in case of state-sponsored persecution. The Indian massacres in the Jammu & Kashmir require the cognizant attention of the international community, as the Indian security forces are systematically and deliberately involved in the gross human rights abuses. The atrocities have been documented by the UN Commission on Human Rights and other credible groups working in the domain of human rights, yet the inability of the UN to take effective action is questionable. The analysis exposes that the domestic and systemic variables largely influence the UN reluctance to invoke R2P. At the system level, the high politics of economic and military interests of major powers in India and the UN dependence overruled the concerns of human rights abuses in the Jammu & Kashmir. Equally, ascertains that the geography of Jammu & Kashmir largely ignores in the new geopolitical great game of major powers, and India's rise as a regional hegemon further augment its position in regional political and security architecture. On the other hand, Pakistan's limited capacity and domestic instability inhibit it to internationalize the crimes of India. The Indian growing power in the international system and Pakistan's limited capacity to present Kashmir on the international forum making headways for UN failure.

Since 1947, Kashmir experienced various episodes of crimes against humanity and ethnic cleansing. The tragedy of November 1947 is most vehement when the Dogra forces with the aide of Sikhs and RSS extremists slaughtered some 230,000 Muslims in Jammu region alone. The second wave of slaughter started from 1989 to 2019 with the killing of around 100,000 innocent peoples in the protracted conflict. Since August 5, 2019, the third episode of massacres is in full swing, as India repealed the special status of Jammu & Kashmir. The New Delhi put eight million civilians in the cage and planning to undertake the massive ethnic cleansing and demographic change. On March 31, 2020, the ruling BJP quietly amended the Jammu & Kashmir Reorganization Act 2019 and redefined the permanent residents by introducing a policy of issuing domicile certificates (Ahmar 2020). The amended Act serves the agenda of extremist BJP to settle the Hindu extremists and BJP cadres in the Kashmir. The Act is a blueprint of the Modi government's plan to

persecute the Muslim population and change the demography of Kashmir. The large scale assassination will turn the Muslim majority into a minority and will pave the way for a greater India. Before it is too late, the international community and the UN seriously consider the issue and take decisive and timely action to save the Kashmiri's from the large scale genocide and ethnic cleansing.

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