

KASHMIR ISSUE: A CALL FOR JUSTICE & GLOBAL ACTION

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The origins of the Kashmir issue trace back to 1947 when the state's people revolted against their rulers in India, subsequently bringing the Kashmir issue to the United Nations Security Council (UNSC) under Article 35 of the UN charter in 1948 by India. The UNSC approved two resolutions and established the UN Commission on India and Pakistan to investigate the disputes and mediate between the two countries. Later, UN resolutions reiterated that the question of Jammu and Kashmir's accession to Pakistan or India should be settled through a free and independent plebiscite. However, both sides were unable to reach an agreement. India has maintained a strong hold over Indian Occupied Kashmir, using domestic and international illegal tactics that significantly impacted Pakistan's Kashmir policy. It has perpetuated its unjust occupation through brutal persecution, human rights abuses, and violence. Indian forces have taken the lives of over 96,000 Kashmiris, destroyed more than 110,000 properties, and arrested and tortured 162,000 individuals over the last three decades.

These grievous violations have been extensively documented by international media and human rights organizations, including Amnesty International, the International Commission of Jurists, and the United Nations High Commissioner for Human Rights. They have published two reports detailing the dire human rights situation in the Indian Illegally Occupied Jammu and Kashmir in 2019. India has employed a range of oppressive tactics, including communication blackouts, torture, night raids, sexual assault, property destruction, and forced disappearances. Yet, the indomitable spirit of the Kashmiri people for freedom remains unbroken. A significant escalation occurred on 5th August 2019, when India deployed hundreds of thousands of additional troops in Jammu and Kashmir to alter the status of the disputed territory. This move aimed to change the demographic composition of the region by settling non-Muslim outsiders, thereby challenging the presence of the Muslim majority in their homeland.

The revocation of Article 370 and Article 35A, which provided autonomy and safeguarded the rights of Kashmiris, by India in 2019, was seen as a violation of the region's special status and a breach of the rights of Kashmiris, leading to escalated tensions in the region. Indian government has no power to amend the clause in Article 370 without the consent and approval of the government of Jammu and Kashmir. Therefore, the Presidential order dated

5th August 2019 is unlawful. The Indian government in Kashmir remains confounded by the people's ongoing fight for independence and self-determination.

Although Kashmiris have been granted the right to self-determination by UNSC decisions, they have yet to be granted the chance to exercise this right. This seriously calls into doubt the international system's dedication to justice and human rights. The unresolved Kashmir issue underscores the unfortunate truth that the global system has failed to live up to its responsibilities. This continues as the vulnerable persist under occupation, while the dominant behaves without accountability. It is significant to recognize that any form of injustice in any part of the world sets a threat to justice at the international level.

Pakistan needs to build its case on war crimes and mobilize the Kashmiri diaspora to garner their endorsement as a significant factor. They can help shift the narrative from human rights violations to atrocities against mankind and war crimes while increasing public awareness of the issue. Pakistan & international community should support the just cause of Kashmir by offering political, diplomatic, and ethical collaboration to uphold the legitimate aspiration for autonomy among the Kashmiri people.

India has three potential options regarding the Kashmir issue. The first option involves the Supreme Court deciding directly on the special status of Kashmir and formalize the annulment of special status of Kashmir on permanent basis. The second option entails the Supreme Court directing the government to hold elections in Indian-Administered Kashmir (IOK), maintaining Article 370 and 35A temporarily. The assembly formed through elections, influenced by India, may then request the federal government to abolish the special status and declare Kashmir as another state under the Indian constitution, leading to the automatic cancellation of Article 370 and 35A. The third, and least likely, option is maintaining the special status of Indian-Administered Kashmir as it is till UN sponsored plebiscite held. It is worth noting that the third option aligns with UN resolutions. However, keeping Indian influence and relevance in global affairs, option -1 or 2 are most likely. It is therefore, Pakistan needs to be ready for all such eventualities.