

Kashmir: “We The People” Should Stand Up

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The armed conflict in Kashmir has reached a dangerous point. The killing of 17 Indian soldiers in the Uri camp, 6 kilometres from the Line of Control (LoC) that separates the two state protagonists, India and Pakistan, could lead to a further deterioration of a volatile situation that threatens to spiral into a much larger conflagration. Indian authorities allege that the four militants who killed the soldiers were trained by Pakistan. Pakistan has denied the allegation.

Both India and Pakistan should not allow the situation to escalate into an open war between the two states. Starting with the first Kashmir War in 1947, they have already fought three wars over Kashmir. These wars have only witnessed the loss of thousands of lives on both sides.

The Kashmir conflict cannot be resolved through war and violence. Indian and Pakistani leaders know this. The people of Kashmir themselves are deeply aware of the importance of a peaceful solution.

Right from the beginning of the Kashmir conflict 69 years ago, many commentators from Kashmir, other parts of India and Pakistan and indeed from other countries have argued that a peaceful solution must be built around a free and fair plebiscite that would allow the people of Kashmir to determine their own future. Self-determination then is the key to ending the conflict in Kashmir. This was the position adopted by the United Nations itself in 1949. At that time, the people of Kashmir, it was felt, should be allowed to choose between joining India or Pakistan. Today, however, it is obvious that Kashmiris should be given a third choice: of establishing their own independent, sovereign state that is not a part of either their two neighbours.

Whatever it is, the fundamental principle that should be observed at all costs is the right of the people of Kashmir to decide their own destiny. Unfortunately, it does not appear that the elite in New Delhi or in Islamabad will willingly allow the people of Kashmir to exercise this right. The UN is in no position to compel the Indian and Pakistani authorities to give the green light to Kashmir's sovereign right.

Major world powers will not be able to play a role either. The United States of America which has developed increasingly close ties to India in recent years will not try to persuade New Delhi to grant Kashmiris their sovereign right because it is not in its interest to do so. China which has tremendous rapport with Islamabad has no reason to ask the latter to acknowledge the right of self-determination of the people of the whole of Kashmir, including that part of Kashmir which is under the control of Pakistan. Incidentally, it is self-determination for the whole of Kashmir that the UN had in mind in 1949.

If the people of Kashmir cannot depend upon major powers or the UN to help them to

exercise their right, who do they turn to? What can they do to achieve their goal of independence? Perhaps they should begin by acknowledging what they cannot do. Resorting to violence is not the solution — though it is true that freedom-fighters in Kashmir have been subjected to unspeakable brutality and horrific torture. This is also true of the present cycle of violence which reveals that the harsh measures adopted by the Indian armed forces have been mainly responsible for the retaliatory tactics of the freedom-fighters. But violence and counter-violence have only increased the immense suffering of the people of Kashmir which has been under a curfew for more than two months.

This is directly linked to another dimension of the conflict that demands the immediate attention of the international community. If freedom-fighters should not resort to violence, it is even more important for the Indian army to exercise maximum restraint in addressing peaceful dissent. Its excessive use of force must cease immediately. The world should demand this. Indeed, to develop a modicum of trust between the Indian authorities in Kashmir and the people, a substantial portion of the army should be withdrawn.

Just as the Indian authorities should demonstrate that they are capable of changing their behaviour, so should the Pakistani army and the Pakistani elite desist from any sort of conduct that would suggest that they are interfering in the domestic affairs of Indian occupied Kashmir. This will help to create an atmosphere that makes it easier for Kashmiris themselves to articulate their interests and mobilize the popular will in pursuit of their own agenda.

In ensuring that both India and Pakistan respect the rights of the people of Kashmir, the UN peace keeping force in Kashmir should perhaps expand its mandate beyond the LoC and play a more vigorous role in maintaining security and stability. As a general principle, the UN should be more involved in trying to find a solution to the Kashmiri conflict — arguably one of the longest conflicts in the world that weighs heavily on the UN's conscience.

For the UN to be more involved, global civil society should also give more attention to Kashmir. If world opinion could be mobilized on behalf of the right of self-determination of the Kashmiri people, it could well accelerate the peaceful resolution of this longstanding conflict.

The time has come for “we the people” in the language of the UN Charter to stand up for the sons and daughters of Kashmir.

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