**Kashmir Deserves UN Intervention**

[Dr Ghulam Nabi Fai](https://dailytimes.com.pk/writer/dr-ghulam-nabi-fai/)

December 12, 2020

Ms. Michelle Bachelet, the United Nations High Commissioner for Human Rights deserves an appreciation to acknowledge that, “A world with diminished human rights is a world that is stepping backwards into a darker past, when the powerful could prey on the powerless with little or no moral or legal restraint.”

Ambassador Volkan Bozkir, the President of UN General Assembly assured to become the voice of the oppressed people all over the world when he said on September 14, 2020, “People in need or under oppression should feel that their concerns are being heard in the UN’s most democratic body. I will work to bring the voices of the world’s people into our discussions.”

“Ruled as the world is by certain dominant elements and the policies and postures issuing from their entanglements, it is hard to keep international attention focused on a people and their situation in the light, not of power strategies but of undying principles of peace and justice, the principles that were enshrined in the United Nations Charter and the Universal Declaration of Human Rights. In the case of Kashmir, a people were first turned into a dispute and then the dispute was consigned to oblivion. “Ambassador Yusuf Buch

The Universal Declaration of Human Rights (UDHR) on its 72nd anniversary needs to be analyzed objectively. Everyone knows that fundamental human rights are universal. The declaration knows no religious, national, or political boundaries. And it is not hierarchical, like caste systems or monarchies.

Everyone stands on the same plane when human rights are at issue. Even if all of its lofty provisions safeguarding fundamental human freedoms and liberties remain dishonoured in many parts of the globe, declaration still stands as a moral reproach to wrongdoing nations that may facilitate reforms.

India&#39;s leaders are guilty of war crimes, crimes against humanity, and aggressive war on a scale vastly greater than Slobodan Milosevic and his sub-villains

It might be said that never have so many human rights been proclaimed yet been so routinely violated.

Think of the ongoing human rights atrocities that are going unsanctioned. Myanmar, where Muslim civilian population is routinely driven from homes and cities are consistently destroyed. Tragic genocide in Syria. Death and destruction in Yemen. Denial of the Palestinian demand to exercise the right to self-determination. Kashmiris brutalized by 900,000 Indian military and paramilitary forces. The list goes on and on.

It is tragic that civilized nations have fallen from their lofty calling: namely, human rights for all mankind.

There is a sad commentary on the state of human rights all over the globe. It seems to me that until there evolves a generally accepted moral duty among peoples and nations to assist all victims of widespread human rights violations by force or other stiff retaliation, human rights enforcement mechanisms will operate haphazardly and whimsically for reasons unrelated to the harm to the victims or the villainy of the perpetrators. It is the job of all human rights champions and defenders to jump-start that moral evolution.

If we were to judge the United Nations based upon its history of involvement in efforts to resolve international conflicts, the simplest answer is that it has been an enormous failure. The United Nations of course is a far more complex organization whose work covers such a wide range of activities that conflict resolution is really only one aspect of its work. Nevertheless, if we consider the fact that its fundamental mission was to be a means of preventing global catastrophes like the Second World War, then conflict resolution would have to be considered Job One.

Urgency of adding teeth to human rights is felt everywhere. On that count, the news is less auspicious.

The United Nations should officially declare that under international law and human rights covenants, every government official is vulnerable to criminal prosecution in every nation in the world for either direct or indirect complicity in human rights violations. Every alleged victim of a human rights violation or his or her relatives should be entitled to sue the alleged official culprits in the World Court to make it clear that nobody is above the law.

The barbaric situation in Bosnia, Kosovo, Syria and elsewhere has outraged the world and caused regrets that the enormous toll of human lives was not averted by timely action at an earlier stage. The failure of the international community can be explained but not denied. Yet in another part of the globe ‑ the Indian Occupied Kashmir ‑ atrocities of a similar pattern have been, and are being, perpetrated with no fear of a corrective international response. To date, no one power or combination of powers has blown the whistle.

The Kashmir question is one of the oldest unresolved international disputes in the world. The issue has been pending on the agenda of the Security Council since 1948. At that point, an agreement took place between India and Pakistan, endorsed by the United Nations that guarantees the right to self-determination to the people of Jammu &amp; Kashmir. The people of Kashmir who have never lost hope in the United Nations have since that date sought to freely exercise their right to self-determination. India, however, was soon undeceived of its delusions over Kashmir&#39;s political yearning. Recognizing that its people would never freely vote accession to India, it contrived excuse after excuse to frustrate a plebiscite. India&#39;s proclamation has never been accepted by the United Nations, which continues to list Kashmir as a disputed territory.

The seeming conspiracy of silence over gross affronts to the UDHR in Indian occupied Kashmir – an occupation which itself violates still binding United Nations Security Council resolutions – is worrisome.

That unheroic muteness has emboldened India to a chilling campaign of human rights atrocities against innocent Kashmiris. The 900,000 Indian military and paramilitary forces operate outside the rule of law under the protective umbrella of an Indian immunity statute. Egregious human rights violations are commonplaces: involuntary disappearances, extrajudicial killings, rape, torture, plunder, abductions, mutilations, arbitrary detentions, etc. It is even a crime to advocate implementation of the United Nations Security Council resolutions, a shocking affront to the Security Council itself.

Every human rights organizations that has witnessed the gruesome Kashmiri scene are shocked. The atrocities pale in comparison to East Timor or Southern Sudan. India&#39;s leaders are guilty of war crimes, crimes against humanity, and aggressive war on a scale vastly greater than Slobodan Milosevic and his sub-villains. But they don&#39;t make the same impact because India is adamant against unchaperoned broadcast and media journalists from abroad. Thus, no CNN or BBC heart clutching pictures to move the world. Kashmir is thus reduced to an insignificant inkblot on the map. New York based Committee to Protect Journalist (CPJ) has reported that the news media in Kashmir have been pushed to the brink of extinction.

According to expert consensus, Kashmir is the most densely soldiered and most nuclear combustible territory on the planet. It stands apart as the most cantankerous of conflicts, with the catastrophic possibility of nuclear devastation. After all India and Pakistan have fought three wars and nearly began a fourth with the ever-present threat of nuclear exchange.

The lesson of history — both old and new — is that peace is impossible if a people or nation is treated as a negotiable pawn by big powers. The most harrowing example is appeasement of Hitler at the expense of the Sudetenland and Czechoslovakia. Self‑determination, despite big power politics, has blossomed into a pivotal element in international relations in recent times. It has proven the key to resolving long festering disputes and unforgiving conflicts. Exemplary have been Namibia, East Timor, Eritrea. Kosovo, Montenegro, Southern Sudan, etc. In each case, self‑determination was fueled by oppressive rule, whether foreign or otherwise. They also derived strength from international law and resolutions of the United Nations Security Council. Let us hope that the stage is set to put the Kashmir conflict on a road to a durable and permanent settlement.

It is time that UN Secretary General intercedes in the disputed territory (so listed by the United Nations), appoint a special envoy on Kashmir, and, insist that the genuine political voice of the Kashmiri people, be a full partner in all negotiations over Kashmir&#39;s political destiny. As Dr. Syed Nazir Gilani, President, JKCHR, has advocated it well that “The ‘gross and systematic violation of human rights’, continued noncompliance of UN Charter obligations and occupation of a people waiting for a UN supervised Plebiscite, makes a strong case of intervention.”

*Dr. Fai is the Secretary General, World Kashmir Awareness Forum. He can be reached at: 1-202-607-6435 or gnfai2003@yahoo.com*