**The Kashmir flashpoint**

[Malik Muhammad Ashraf](https://www.thenews.com.pk/writer/malik-muhammad-ashraf)

August 9, 2018

Life in Indian Occupied Kashmir (IHK) almost came to a standstill earlier this week due to the shutdown call given by the Hurriyat leaders against the move to abrogate Article 35-A of the Indian constitution. Kashmiris believe that the constitutional provision will pave the way for a change in the demographic realities in IHK.

Article 35-A of the Indian constitution empowers the legislature of Jammu and Kashmir to define permanent residents of the state, provides special rights and privileges to these permanent residents, and bars residents of other Indian states from buying land or property in the state, seeking government jobs in its precincts, and voting in its local elections.

The Indian Supreme Court was expected to deliver a verdict on August 6 regarding a writ petition filed by a NGO on behalf of the Modi government for the removal of the article from the Indian constitution. But it has adjourned the hearing till August 27. The Modi government is pursuing a well-thought-out policy to change demographic realities in IHK by encouraging Hindus from India to settle in the valley.

It has also made at attempt to remove Article 370 of the constitution, which recognises the special status of Kashmir and practically negates the Indian claims that IHK is an integral part of Kashmir. However, this attempt was thwarted by the high court of Occupied Kashmir, which held that India couldn’t do this unilaterally. The removal of this article was part of the manifesto of the BJP.

The decision of the Indian Supreme Court on Article 35-A could have an impact on the possibilities of peace in the region. It goes without saying that regional peace depends on resolving the Kashmir dispute. Instead of recognising the ground realities and showing a positive response to peace overtures by Pakistan, India is fuelling instability in the region by adopting a ‘no talks’ posture. It is vitiating the atmosphere through incendiary statements, and is using its military muscle to muzzle the voice of Kashmir’s people who are demanding their legitimate right to self-determination.

To cover up its atrocities against the people of Kashmir and divert the attention of the global community, India is continuously violating the ceasefire along the LoC and the Working Boundary. Many civilians have been killed in ceasefire violations that have been carried out for over a year. The Indian atrocities and brazen violation of human rights have been recorded and highlighted by international human rights organisations like Amnesty International.

Unfortunately, the UN and those elements who can wield influence in resolving the longstanding Kashmir issue – which is the root-cause of the continued hostilities between the two nuclear neighbours – have shown no interest in defusing the situation and fulfilling their obligation towards Kashmir’s people.

The UN was formed after World War II to promote global peace, prevent wars, and work collectively for human welfare. It is unfortunate that the world body has neither succeeded in preventing wars and conflicts nor managed to resolve the Palestine and Kashmir disputes, which pose a grave threat to global peace and security. The UN was created by the triumphant Allied powers that drew up the UN charter to promote their own global interests. They have used this forum to achieve their imperialist designs and refashion the world map according to their own skewed worldview.

The right to self-determination has been applied selectively. Conflicts have been either resolved or aggravated depending on the interests of the big powers. Although the big powers have acknowledged that Kashmir is a nuclear flashpoint, they haven’t taken steps to defuse the situation by resolving the dispute in accordance with the UN resolutions.

Pakistan’s leadership has been consistently advocating the need to resolve the Kashmir dispute at all available international forums, including the UN, through the diplomatic engagements with world leaders. It has justifiably pointed out that the UN and the global community had a longstanding responsibility to play a role in addressing the issue through a free, transparent and impartial plebiscite that has been promised to the people of Kashmir.

The US and its allies are trying to prop up India as a regional superpower to counter the rising influence of China in the region and beyond to give effect to their strategic and commercial interests. They seem to have blinkers on. Encouraged by their support, India is acting like a war-like state. It doesn’t seem to realise that a sustained process of dialogue with Pakistan on all outstanding issues, including Kashmir, is vital for the region to make progress.

Pakistan has made persistent and honest efforts to orchestrate bonhomie with India – an ultimate reality and inevitable necessity with regard to peace and progress in the region. But the Modi government in India hasn’t shown any inclination towards resolving the disputes between both countries and has instead adopted a bellicose posture towards Pakistan. It has been making persistent efforts to isolate Pakistan, and has been sponsoring and fomenting acts of terrorism within its territory. Pakistan has been inviting the attention of the UN and the world community to the situation in the region and Indian atrocities against the people of Kashmir.

The UN and other stakeholders must remove their blinkers, observe the situation in the right perspective, and prove their credentials in promoting world peace by fulfilling their obligations to the people of Kashmir. The issue isn’t going to die down any time soon. This has become evident from the longstanding freedom struggle that has been launched by the people of Kashmir since 1989, and the current uprising that surfaced in the backdrop of Burhan Wani’s killing.

The people of Kashmir are striving to achieve the right to self-determination and cannot be subdued through military might. Therefore, any efforts to change the demographic realities in the valley will also have a boomerang effect.

It is an irrefutable reality that any claim which suggests that Kashmir is an integral part of India has no moral and legal basis. India’s attempt to resolve the issue of accession through the constituent assembly of Indian Occupied Kashmir was vehemently repudiated by the UN through resolutions 91 and 122, which unequivocally reiterated that the question with regard to the accession of the state to either of the dominions can only be resolved through a plebiscite held under the auspices of the UN.

The Indian leadership should, therefore, accept the ground realities in its own interest, and in the interest of ensuring peace and security in the region. This will create a win-win situation for all stakeholders by ensuring peace, security, and the economic wellbeing of the people who live in the region.

The writer is a freelance contributor.

Email: ashpak10@gmail.com