**Peripheral and substantive interests groups on Kashmir**

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Today is 455th day since India took an action in its part of administered Kashmir on 5 August 2019. So far, we have not proposed, discussed and taken a proportionate and pointed action to vacate the Indian unlawful action and free the people from military siege. Could India take such an action? The answer is no. Do we have any options? The answer is myriads of them. Then why do we seem to be “delaying” a response needs an examination?

We are caught between two “peripheral” and “substantive interest groups. Unless we make a serious effort to reconcile the two schools, people of Kashmir would continue to suffer oppression and Indian aggression would continue to prevail. The peripheral interest group has made a political career out of Kashmir tragedy and would be looking forward to add other interests to the list.

While as the substantive interest group has immediate issues of war crimes and reparation against Indian military apparatus in Kashmir. My father, my two uncles (the surviving uncle died on 10 October 2020) were arrested by Assam Rashtriya Rifles on 19 December 1995, on two exceptionally serious charges of “harbouring militants” and “having arms dump in their orchards”. Para 207 of UN Report of 20 December 1996, explains that the Security Forces had picked up the elders of my family to harass me and stop me from my work on human rights at the UN Human Rights Commission in Geneva.

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We have to call out India and remind it and the world that India has made a statement at the 533rd meeting of the UN Security Council held on 01 March 1951 and has stated, “There is a tendency in certain quarters to assume that this is just a dispute between India and Pakistan, and that the views of the lawful government of Kashmir need not be considered. This is a mistaken assumption. As I have already said, the authority of the Government of India over the Government of Kashmir is limited to certain subjects; outside that sphere, it can only advise and cannot impose any decision.”

The Report of The State Autonomy Committee published in July 2000 and adopted by both houses of J&K Legislature reaffirms this limitation in relationship and further finds that the State has not signed any “instrument of merger” with India. The contested instrument of accession has been surrendered at the UN on 15 January 1948, for a UN supervised vote. United Nations at the 773rd meeting of the Security Council held on 20 February 1957 has held that, “pending the holding of a plebiscite, neither India nor Pakistan can claim sovereignty over the State of Jammu and Kashmir.”

United Kingdom has said that Kashmir was “the greatest and gravest issues in international affairs.” Britain has said that “The Plebiscite, has been written into solemn agreements by the two Governments and endorsed by the Security Council. These agreements have been affirmed and reaffirmed by the two Governments many times.” So what is the status of the Indian action?

India has committed a “very grave offence” against the “solemn agreements by the two Governments India and Pakistan.” The Security Council has said that, “The party that would dare to violate an agreement thus reached would load upon itself a very grave offence against the other party, against the United Nations and against the right of the people of Jammu and Kashmir to self-determination.” 611 meeting held on 23 December 1952.

India has committed an offence against Pakistan (other party), United Nations and against the right of the people of Jammu and Kashmir. It has savaged the findings of The State Autonomy Committee report adopted by the J&K Legislature. India remains under a caution, given in UN Security Council Resolution of 30 March 1951 and remains subject of a written undertaking given on 8 January 1948 to the UN Security Council.

If the two vested interests in Kashmir – ‘peripheral’ and the ‘substantive’ reconcile their dissent and Government of Pakistan would consider a pro-active policy, it is not difficult to find an immediate proportionate and pointed response to Indian actions. India has aggressed, re-occupied and unlawfully annexed part of the State. It is on its path to push through laws that would render the people of Kashmir homeless and would be run over by an influx of non-Kashmiris coming from various parts of India.

People like me would lose home and land. As Israel is unto Palestinians, Indian would draw curtains on our return to our homes. The ‘peripheral’ school would not be the immediate victim. On the contrary the situation will create a better constituency of interestsfor them.It is possible that they will find support in some quarters in Pakistan and both would work to perpetuate the status quo. The assurance of a moral, political and diplomatic support to the people of Kashmir would have no merit.

The UN Resolution of 21 April 1948, guarantees me, the 2.5 million refugees living in various provinces of Pakistan, living as diaspora and as displaced people in Azad Kashmir, their right to return in safety and dignity. The Resolution guarantees that we, “will be safe and free in expressing our views and in voting on the question of the accession of the State.”

It would be unfair for this ‘peripheral school’ to barter away the interests of the ‘substantive school’ and deprive them of the rights guaranteed to them in the UN Security Council Resolutions. India under no circumstances could stop them from returning to their homes. India is at war with everyone, including those who earlier had liked to remain with India. They have a right to do so. However, it could not be done in piecemeal. There has to be a UN supervised referendum and let all the three options be voted upon. Indian “grave offence” has to be addressed as provided in the UN mechanism. A delay in taking an action and a running away from this duty would wrong our case.

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