

OpEd by High Commissioner Jaideep Sarkar in Cape Times on 6 Augu 2020

Empower the people of Jammu, Kashmir to live with dignity

It's been a year since the special status accorded to Jammu and Kashmir within the Indian constitution was revoked through due process.

The special status was granted through Article 370 of the Indian constitution on "Temporary provisions with respect to the State of Jammu and Kashmir", adopted in 1949.

Seventy years is a long time to continue with what was essentially an interim provision in the context of the partition of India.

The provision is an internal constitutional arrangement and has no effect on any international obligation or bilateral agreement signed by India.

The dispute over Kashmir between India and Pakistan has been with the UN since 1948. UN Security Council Resolution 47 sought restoration of peace and order in Jammu and Kashmir. It recommended as a first step in clause A1(a) the withdrawal by the government of Pakistan of all Pakistani nationals from Jammu and Kashmir.

Other provisions of the resolution were to follow this condition precedent. Thus the UN Security Council resolutions on Kashmir have not been implemented because of the illegal presence of Pakistanis in Pakistan-occupied Kashmir.

The whole spirit and purpose of the resolution was to bring about conditions of peace.

It's well known that the "political, diplomatic and moral support" given by Pakistan to the Kashmiris is actually a cover for creating, funding and sustaining a terror machine that has killed thousands of innocent Kashmiris and others. The state sponsorship of violence and terror are contrary to the ideals of the UN and the values that govern relations between states.

Pakistan's claimed support for self-determination of the Kashmiris is difficult

to understand, given the fact that Pakistan claims Kashmir to be an integral part of Pakistan.

A Human Rights Watch report titled “With friends like these” has documented the human rights abuses in Pakistan-occupied Kashmir and observes: “(It) is a land of strict curbs on political pluralism, freedom of expression and freedom of association; a muzzled press; banned books; arbitrary arrest and detention and torture at the hands of the Pakistani military and police; and discrimination against refugees from Jammu and Kashmir State

“Anyone who wants to take part in public life has to sign a pledge of loyalty to Pakistan, while anyone who publicly supports or works for an independent Kashmir is persecuted.”

The international community should take note of the hollow claim to speak for self-determination and the blatant double standards at play.

Turning to the situation in Jammu and Kashmir, there have been a number of positive developments.
