

Statement by Ambassador Munir Akram, Permanent Representative of Pakistan to the United Nations on Agenda Item-108: “Universal Realization of the Right of Peoples to Self-Determination”

Mr. Chairman,

The UN Charter proclaims its purposes as being “To develop friendly relations among nations based on respect for the principle of equal rights and self-determination of peoples”.

2. The two International Covenants start in Article 1 with “All peoples have the right of self-determination”. Realization of self-determination is the foundation for the enjoyment of all other rights.

3. States come into being on the basis of the exercise of self-determination by their peoples. The UN Charter speaks of “self-determination of peoples”. It can only be exercised by peoples, not by potentates, kings and maharajas on behalf of their “subjects”.

4. In 1947, two new nations, Pakistan and India emerged in South Asia. They were precursors of the wave of de-colonization and emancipation – on the basis of the right of self-determination. But having realized its own liberation, India chose to deny self-determination of the people of Kashmir.

5. Contravening the principles of the partition of British India, New Delhi coerced the Hindu Maharaja of Kashmir, to lay claim to Kashmir. When the Kashmiris revolted, India sent its troops to occupy the state.

6. The UN Security Council, adopted resolutions 47(1948) and 80(1950) which provided that “...the final disposition of the State of Jammu and Kashmir will be made in accordance with the will of the people expressed through the democratic method of a free and impartial plebiscite conducted under the auspices of the United Nations”. Kashmir is not part of India; the UN recognizes it is a disputed territory.

7. Shorn of sophistry, the problem in Kashmir is simply that India is unwilling to allow the Kashmiris to express their wishes freely and democratically. A democracy that is shy of allowing a people to exercise the right of self-determination is a contradiction in terms. Democracy in words and autocracy in action equals hypocrisy in reality.

8. Today, 54 years after the UN Security Council first called for a plebiscite, India continues to maintain its hold over occupied Jammu and Kashmir by force and fraud.

9. For the past 12 years, Kashmir has been the killing field for the 700,000 - strong Indian occupation army. Over this period 80,000 Kashmiris – men, women and children – have died. Thousands of young Kashmiris remain incarcerated. Thousands have been tortured. Thousands maimed. Crackdowns are common: torture, arbitrary arrest and custodial killings are endemic. Rape has been systematically used as an instrument of war. Collective punishments – such as putting entire bazaars, villages and crops to torch – have been the response to even a whisper of defiance. Kashmiri political leaders – the APHC – have been arrested and intimidated. Some have been tortured; others killed. All these gross violations of human rights have been attested and compiled by reputable human rights organizations – such as Amnesty International and Human Rights Watch. But India has failed to break the will of the Kashmiri people. In Kashmir, India's military power, which some believe is overwhelming, is pitted against the irresistible force of freedom.

10. The dispute over Jammu and Kashmir has led to three wars between India and Pakistan. Kashmir is a volatile flashpoint in South Asia's nuclear tinderbox.

11. This year, our region unfortunately lived up to its image as the “most dangerous place on earth”. Utilizing the lexicon of the war against terrorism, India mobilized a million-man army against Pakistan’s borders in a self-advertised exercise in “coercive diplomacy” and military brinkmanship. For the past 10 months, India attempted to blackmail Pakistan and the world by threatening war. Last May, the Indian Prime Minister threatened a “decisive battle” against Pakistan. The Indian Army Chief said that an Indian strike could make Pakistan’s “continuation in any form doubtful”.

12. Throughout this crisis provoked by India’s military mobilization and threats of war, Pakistan demonstrated restraint and responsibility. We offered dialogue; we accepted the intercession of friendly states; we accepted the UN Secretary-General’s offer of good offices. India rejected all peace overtures. It rejected a bilateral dialogue; it rejected third party mediation; it refused the Secretary-General’s good offices.

13. Pakistan regards the Indian announcement of a phased withdrawal of its forces from the international border with Pakistan as a step in the right direction. Pakistan too has decided to withdraw its forces from Pakistan-India border to their peacetime locations. We hope India will also soon pullback the additional forces it has deployed along the LOC and in occupied Kashmir, Pakistan’s deployments along the Line of Control in Kashmir will also remain unchanged.

Mr. Chairman,

14. We trust that New Delhi now recognizes that coercive diplomacy is neither cost-effective nor effective against the brave and proud Pakistani nation. We will never flinch or flounder in the face of military threats or blackmail.

Mr. Chairman,

15. The recent so-called “elections” organized in Indian-occupied Kashmir should be no reason for satisfaction -- to India or anyone else. As in the case of every previous election, this one too was an exercise in fraudulent and forcible “democracy”. The exercise was designed to stifle the voice of the Kashmiri people, not to hear it. This has been attested by credible and documented reports by the world media and several NGOs, including Indian NGO “Coalition of Civil Society”. Free and fair elections cannot be held in Kashmir under foreign occupation; under the jackboots of the 700,000 Indian troops; much less can such elections serve to legitimise foreign occupation. The UN Security Council had declared unequivocally that such “elections” are no substitute for the UN-supervised plebiscite called for by the UN Security Council. The APHC has rejected these elections and reiterated its demand for “Azadi” i.e. freedom from India.

16. India’s hope that it can succeed in imposing a political fait accompli in occupied Kashmir - - without a dialogue with Pakistan and without responding to the wishes of the Kashmiri people -- is a pipedream.

17. Instead of pursuing its present strategy of force and fraud, India should acknowledge certain fundamental facts:

one, a military solution is not possible; any attempt to impose this will be dangerous;

two, the status quo is the problem; it cannot be the solution;

three, a peaceful political settlement will have to be the outcome of negotiations between India and Pakistan and involve the true representatives of the Kashmiri people;

four, a durable Kashmir solution will have to be based on the wishes and aspirations of the people of Jammu and Kashmir as envisaged in the resolutions of the Security Council.

18. Taking into account these fundamental facts, India should join Pakistan, with the assistance of the international community, to promote a peaceful solution to the Kashmir dispute.

19. To create the appropriate conditions for a negotiated solution of Kashmir, India must end its repression and human rights violations in Kashmir. Specifically, it should take the following steps:

- release all Kashmiri leaders in detention;
- allow humanitarian assistance to the suffering people of Kashmir;
- allow the stationing of impartial human rights monitors and the presence of international human rights organizations in Jammu and Kashmir;
- allow the expansion of the number of UNMOGIP observers along the Line of Control;
- remove military pickets and troops from Kashmiri towns and villages;
- halt the practice of crackdowns on Kashmir villages and urban areas.

20. We hope that India will respond positively to the call of the entire international community to commence a serious dialogue with Pakistan to address and resolve the Kashmir dispute and other outstanding differences between the two countries. India's acceptance of a dialogue will be no favour to Pakistan; such a bilateral dialogue is in India's own interest. It is India, which has expressed a persistent preference to resolve the problem of Jammu and Kashmir through bilateral dialogue.

Mr. Chairman,

21. The UN has a direct role and responsibility to enable the people of Jammu and Kashmir to exercise their right to self-determination. The UN must discharge this responsibility and India and Pakistan must implement the UN Security Council resolutions in accordance with article 25 of the U.N. Charter.

Thank you Mr. Chairman