**India desperate for a character certificate**

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India has once again fallen to her old reflexes for getting a “good character certificate” to cover her crime scenes in Jammu and Kashmir. India may have succeeded to put together a group of 20 envoys representing OIC, EU and some other countries, the issue at core would remain whether these countries would risk to cover up an expose of the two OHCHR Reports on the situation of human rights in Indian administered Kashmir (now re-occupied) and the expose made in the UN Secretary General’s report of May 2018, that Indian soldiers are using Kashmiri minor boys to spy for them – which is a war crime.

As a start the two envoys from EU countries Netherlands and Belgium shall have a difficulty to be party to any such “good character certificate”. They have accepted their positive duty in Kashmir in the UN Security Council. Belgium in particular has presided the first meeting of UN Security Council on “Jammu and Kashmir question” and remains the signatory on the India-Pakistan agreement of 20 January 1948. Agreement S/654 is the first Resolution on “The Jammu and Kashmir question”, signed by India and Pakistan and presented to the Security Council by Belgium at the 230th meeting of the Security Council held on 20 January 1948.

Introducing the agreement the representative of Belgium Mr. F. Van Langenhove said “I have the honour to submit this resolution to the Council, not only in my capacity as representative of Belgium but also on behalf of both parties, who have signified their approval”. Netherlands shall also have a difficulty to throw itself in the Indian lap and condemn its position on Kashmir at the UN Security Council. Netherlands has argued at the 611th meeting of the UN Security Council held on 23 December 1952, 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, a right which, in other contexts, both parties have so often and so eloquently defended.”

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In view of Netherlands position on non-compliance, India on 5 August 2019, without doubt has “loaded upon itself a very grave offence.” This offence has been committed against three parties namely, “the other party (Pakistan), United Nations, and against the right of the people of Jammu and Kashmir to self-determination.” If for any error of judgement Belgium and Netherlands endorse a “good character certificate” in favour of India, we need to act speed post and file our grievance against the two in their respective capitals.

The abuse of human rights by Indian security forces in Kashmir is logged in 15 chapters and no right minded envoy from any country would risk giving India a clean chit, unless we err as we did in the case of Sheikh Abdullah, when he gave a ‘character certificate’ to Indian army at the 241st meeting of UN Security Council held on 5 February 1948. We failed to make use of the ‘caveat’ that was part of the ‘character certificate’. Sheikh Abdullah said, “There need be no fear, since the Indian Army is there, that this army will interfere in the exercise of a free vote. After all, a Commission of the Security Council will be there in order to watch. The Indian Army does not have to go into every village”. It was our duty to raise it for the attention of the world that the attendant ‘caveat’ is the presence of a UN “watch”. We failed to understand the UN template on Kashmir.

We have tried to reach out to EU members through social media and have asked them to ask for a copy of the “Resettlement Bill of 1982” in respect of 2.5 million Kashmiri refugees housed in the four provinces of Pakistan and recognised in para 14 (a) of UN SC Resolution 47 of 21 April 1948, “The State Autonomy Committee Report” of July 2000, “Hurriet Constitution” of July 1993, “Gupkar Declaration” of 4 August 2019, details of the “Five Working Groups on Kashmir” constituted by Prime Minister of India in May 2006 and a copy of the “Common minimum program” agreed upon by PDP and BJP in March 2014.

The “Common minimum program” which granted maiden entry to BJP into Kashmir, comprises of 5 Chapters, 38 Main Titles and 54 sub titles. For example title 10, 19 and 20 read as:

Item 10. ” While recognising the different positions and appreciating the perceptions BJP and PDP have on the constitutional status of J&K, considering the political and legislative realities, the present position will be maintained on all the constitutional provisions pertaining to J&K, including the special status in the Constitution of India”.

Item 19: “The Union Government has recently initiated several steps to normalise the relationship with Pakistan. The coalition government will seek to support and strengthen the approach and initiatives taken by the government to create a reconciliatory environment and build stakes for all in the peace and development within the sub-continent.”

Item 20: “The same will be pursued by taking confidence building measures, such as, enhancing people to people contact on both sides of the LoC; encouraging civil society exchanges, taking travel, commerce, trade and business across the LoC to the next level and opening new routes across all three regions to enhancing connectivity.”

The two day visit by foreign envoys, including from African, European and Latin American countries, of Indian-administered Kashmir took place amid an increased blanket of security and a spontaneous shutdown of all activities. It should have caught the attention of these visitors and they would have felt an engagement with tutored and managed sections of the community and administration. No one of them can justify that they saw a life free from surveillance and repression.

In addition to explaining themselves, should they err to grant a “good character certificate” to India, they shall have to explain themselves in accordance with UN SC Resolution 91 of 30 March 1951. It cautions that “any action that assembly might attempt to take to determine the future shape and affiliation of the entire State or any part thereof would not constitute a disposition of the State in accordance with the “above” principle” – which is that “the future of the State of Jammu and Kashmir shall be decided through the democratic method of a free and impartial plebiscite conducted under the auspices of the United Nations”.

The envoys from the six OIC countries Malaysia, Bangladesh, Senegal, Ghana, Kyrgyzstan, Tajikistan in addition to explaining themselves in accordance with UN Resolutions on Kashmir shall have to explain the merits of their “good character certificate” in favour of India (should they err so) in accordance with OIC Resolution on Jammu and Kashmir adopted at the Islamic Summit in December 1994 at the Casablanca, Kingdom of Morocco. The OIC Resolution upholds the Kashmiris right to self-determination under the UN Resolutions.

India may have played clever by luring OIC, EU, African and Latin American envoys for the visit. It cannot alter the fact that the people and habitat remain under siege and streets were deserted. We need to rush with the speed post and engage each of the 20 countries (and more) and hold them accountable against their obligations to a people described in the three UN reports and cut off from rest of the world from 5 August 2019.

We should learn from the change in US administration and how it has decided to re-set its compass of relationships. India should not be delusional that it could remain an exception for long. India should accept that there are many tomorrows and her army has passed its sell by date in Jammu and Kashmir. At this point it has aggressed against a people and its army has violated the three UN restraints placed on its behaviour, number and location in Kashmir. It has degenerated into an occupation force.

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