**It is not Indias Jammu Kashmir’**

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5 August 2019 would not have happened if India had not found us dithering and derelict in prosecuting the Kashmir case in accordance with the jurisprudence of UN Resolutions.Our approach so far has been a kitchen sink approach and we have forgotten that 5 August 2019 is just the beginning of a grand plan that RSS seen on the streets of Lahore on 20 December 1931.

India overran our diplomatic defences and has not allowed an OIC special session on Kashmir. On the contrary it succeeded to hold an international conference in Dubai on 5 March 2020 and discussed the 5 August 2019 action in Kashmir as the first item in the first session of the conference titled as a “significant internal matter of India”. India has been making desperate attempts in inviting Members of European Parliament and heads of foreign missions based in Delhi to see a stage managed atmosphere of normalcy in the Valley.

The third such delegation of 20 MEPs is to visit Valley on 17 February 2021. It goes to prove that our diplomatic and civil society investment in Brussels has failed to take off and we are making a serious error of relying on our lazy and unrewarding optics.

India continues to build on its deceit and has succeeded to elicit a praise from the US Bureau of South and Central Asian Affairs Tweet on 10 February on the “the resumption of 4G mobile internet in India’s Jammu & Kashmir”. The praise is not a simple acknowledgement of an improvement in the human rights situation but it embeds a serious re-definition of the Indian status in Kashmir.

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The Indian administered Kashmir has been described in the TWEET as “India’s Jammu and Kashmir”. It is incorrect and awards an advantage to India. After Dubai Conference of 5 March 2020, this Tweet from US Bureau of South and Central Asian Affairs has wronged the Kashmir case. If we do not monitor the chain of events and fail to hitch our wagon,Pakistan may be thrown off the track and Kashmiris shall have to fight the Indian rule on their own. So far Kashmiris walk along with Pakistan and India cannot de-legitimise the Kashmiris struggle against Indian rule and Pakistan’s interests as a party.

Burying our heads in the deep sand is not going to alter the circumstances and accepting the defeat is not an option. What could be done? Pakistan has no option but to rise as a North Star and act as a ‘guide star’ to the struggling people of Jammu and Kashmir. Or it has to come clean and admit that it has reached the near end of the road and cannot help the people of Kashmir any further.

In the latter case advocates of Kashmir struggle shall have to re-set their compass and look around for support. Militant leadership surrendered the gun and opted for a dialogue and Hurriet leadership failed to prevail. Both these disciplines have collapsed due to their inherent ailments. It would not help to carry out a post-mortem in these columns except to say that both these disciplines remain responsible for losing what we had in Kashmir until 5 August 2019.

In regard to the contents of the TWEET of 10 February 2021 Government of Pakistan needs to rise as a North Star and take upon to guide the various disciplines of civil society, Government of Azad Kashmir, APPG on Kashmir and many others sympathetic to the rights movement. Government of Azad Kashmir should move from politics and lip service into playing a practical role and supporting all those engaged in the rights struggle.

Government of Pakistan should conduct a check on the eggs in its Kashmir basket. Many of these eggs do not have the shelf-quality. It should take up the matter with the Government of USA, their think tanks and influential individuals, in particular, those of Kashmiri (World Kashmir Awareness Forum) and Pakistani origin for help. JKCHR has taken up the merits of the Tweet with the US Bureau of South and Central Asian Affairs and has raised the following issues and has pointed out that:

1. It is not “India’s Jammu & Kashmir” as described in the TWEET. The two OHCHR reports of June 2018 and July 2019 on the Human Rights situation in Jammu and Kashmir, have described the fractured entities of the State as Indian Administered Kashmir and Pakistan Administered Kashmir.

2. United States of America along with many other countries has played a lead role in the development of UN Template on Kashmir and has contributed to the jurisprudence of UN Resolutions on Kashmir.

3. On 27 August 1951 Office of South Asian Affairs and Office of United Nations Political and Security Affairs of United States prepared a document on Kashmir titled, “Kashmir Dispute: Future Action” . The document stated, “At some time in the course of our efforts, we might consider asking the Security Council to request the International Court of Justice to render an advisory opinion regarding the legality of the act of the Maharaja of Kashmir in signing an instrument of accession to India. If the ICJ finds the accession was invalid, this would knock out one of the principal Indian arguments supporting their occupation of Kashmir.” US had taken United Kingdom Foreign Office on board but later decided to put the desire of going to ICJ on hold, fearing it might take considerable time.

4. United States of America has argued at the 768th meeting of the UN Security Council held on 15 February 1957 that “The Security Council will, ‘always welcome any agreement which the parties themselves can reach on any basis which will settle the dispute, provided of course that, that basis is consistent with the principles of the Charter of the United Nations. Security Council had a ‘positive duty’ and ‘unless the parties are able to agree upon some other solution, the solution which was recommended by the Security Council should prevail.”

5. In March 1950 UN Security Council appointed Admiral Nimitz (US national) as Plebiscite Administrator to conduct the UN supervised Plebiscite in Kashmir. He was scheduled to hold the Plebiscite by 01 November 1950. It would be a matter of interest to know that UN Plebiscite Administrator Admiral Nimitz was allotted a temporary office in the State Department and had the assistance of the South Asian Division Staff. Mr. Ray Thurston had been dealing with Kashmir Affairs in the State Department and had been assigned the task of briefing Admiral Nimitz. Mr. Ray Thurston and Mr. Joseph Sparks were the two people liaising with Admiral Nimitz.

6. The Gupkar Alliance comprising of seven political parties in the Indian administered Kashmir has called the military action of 5 August as an “aggression” against the State. The aggression has turned into a re-occupation, cultural invasion and political vandalism. People of the State have been disenfranchised and severely wronged.

7. The Bureau of South and Central Asian Affairs and member nations of the UN shall have to hold India accountable against the principle of “noncompliance and offence” discussed at the 611th meeting of UN SC held on 23 December 1952. It has been made clear at the UN Security Council 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.”

India 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.” There is a just cause for The Bureau of South and Central Asian Affairsto formulate an urgent response to Indian action of 5 August 2019 and it should make future references to Kashmir in a manner consistent with UN Jurisprudence on Kashmir.

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