**Why UN and OIC are off Kashmir Case?**

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“Appeals to the Member States, OIC and Islamic Institutions, such as the Islamic Solidarity Fund, and philanthropists to mobilise funds and contribute generously towards providing humanitarian assistance to the Kashmiri people.” (Item 10 of the Resolution passed at The 22 nd Islamic Conference of Foreign Ministers held in Casablanca, Kingdom of Morocco from 10-11 December 1994).

Twenty six years later at the 47 th session of the Council of Foreign Ministers in the capital of the Republic of Niger, Niamey, on 27 and 28 November 2020, there was very little on Kashmir. Fundraising for the Rohingya case at the International Court of Justice (ICJ) and Palestine occupied the interest of the member states.

Why has the OIC interest expressed in item 10 of its Resolution on Jammu and Kashmir adopted at the 22 nd Session in December 1994 in Casablanca faded? We find that UN and OIC have gone off the Kashmir Case. OIC has avoided to concern itself with Indian invasion of Jammu and Kashmir on 5 August 2019. It has shown no interest in condemning Indian efforts to change the Muslim majority status by unlawfully bringing in non-Kashmiris (Indian Hindus) to settle there for the first time in the 93 year history of State Subject Law.

United Nations too has gone off Kashmir. It has not called any session of General Assembly or Security Council to consider Indian violation of its first written undertaking of 8 January 1948, violation of UN Resolution of 30 March 1951 and non-compliance of the recommendations made in the June 2018 and July 2019 reports of UN High Commissioner for Human Rights. UN knows that we slowed down on Kashmir at the UN SC from November 1965 to August 1996, for a period of 31 years.

Pakistan showed no interest in bringing Kashmir for a discussion during the period when it had the Presidency of the Security Council. The two closed door meetings requested by China on 16 August 2019 and 15 January 2020, could not be a substitute for a proper session on Kashmir or a proportionate and pointed response to Indian aggression.

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It is an old saying that charity begins at home. We seem to have off loaded this responsibility from our shoulders and as a routine hold others responsible for our non-performance.

Government of Azad Kashmir and the Government of Pakistan, remain in a constitutional arrangement under UNCIP Resolutions in running the affairs of Azad Kashmir and on the question of Jammu and Kashmir. The work is clearly defined and each has a duty to question the other, in regard to its share of work.

Government of Azad Kashmir carried a constitutional duty under article 8 of The Azad Jammu and Kashmir Government Act 1970 and under article 11 of The Azad Jammu and Kashmir Interim Constitution Act 1974 in respect of “Plebiscite” in terms of the UNCIP Resolutions. The first Act 1970 had a latch and limitation of consultation with Government of Pakistan but the second Act 1974 has allowed the Government of Azad Kashmir full independence to appoint a “Plebiscite Advisor” in terms of UNCIP Resolutions. It did not mean an appointment of a person but it provided for an institutional frame work, to assume work on Plebiscite. It was a means to establish a relationship with the UN and keep the UN interest in Kashmir alive.

The Azad Kashmir Governments have been appointing all manner of Advisors, except the only one recognised in the constitution. In fact Governments in Azad Kashmir have continued to ignore their constitutional role towards Plebiscite for the past 50 years.

Government of Pakistan including all its intra-agency disciplines working on Kashmir failed to spot the serious failure. There is a self-serving confusion in regard to a duty to advocate Kashmir at the international forums. Be it so. There is no ambiguity in regard to the appointment of a “Plebiscite Advisor” by the Government of Azad Kashmir. Article 11 of The Azad Jammu and Kashmir Interim Constitution Act 1974 has removed the earlier latch which existed in Article 8 of 1970 Act.

JKCHR has alerted the Government of Azad Kashmir in December 1992, on its failure of the constitutional duty towards “Plebiscite”. The NGO arduously argued a constitutional writ petition from December 1992 to April 1999. It is surprising that the decision of the full court announced on 2 nd April 1999, reported in Yearly Law Reporter 1999, declaring “In view of above, it is declared that president/Government is bound to appoint a plebiscite adviser under section 11 of the Constitution, who, shall be a man of calibre of plebiscite administrator as visualised by the truce agreement i.e., “a personality of high international standing and commanding general confidence”. It is accordingly directed.”

How can a Government (two Governments) reconcile with its failure for 50 years of not discharging a duty, which forms the foundations of the AJK set up and further explain a contempt of court for the last 21 years. These two pieces of evidence make bona fides of the Government suspect and its image very unimpressive.

Government of Azad Kashmir has created an institution, namely, Kashmir Liberation Cell to highlight Indian atrocities and work on self-determination. High Court of Azad Kashmir has pointed out the kind and calibre of people required in the area of work on Plebiscite. We have found the eighth wonder of the world in Azad Kashmir. The Director General who heads this institution, has a skeletal intermediate (10+) degree. This is how Azad Kashmir Government has found an anti-dote to neutralise Indian Amit Shah and their invasion and re-occupation of Kashmir.

There is an urgent need to reappraise the history of our non-performance and failure. Government may have been extra kind to have an intermediate as Director General of Kashmir Liberation Cell and extra extra kind to have a host of other matriculates of no consequence inducted in the Cell. Prima facie it is a recipe for disaster and an incorrect use of executive discretion.

It is time to reach out to properly qualified and knowledgeable people living in Azad Kashmir, among the 2.5 million refugees settled in Pakistan and the Kashmiri Diaspora, for a serious appraisal of our challenges ahead. Unless we fix the burst in our drains and introduce a culture of right person for the right duty, UN and OIC would remain switched off from Kashmir.

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