



Jammu and Kashmir Council for Human Rights

**NGO in Special Consultative Status with the ECOSOC of the United Nations
Established in 1984**

“JKCHR advocates the jurisprudence of UN Resolutions on Kashmir”

**“Upcoming G20 Tourism Working Group Meeting
in Srinagar and UN Framework for Addressing**

The Kashmir Conflict: A Comprehensive Overview”

Aide-Memoire May 2023

Aide-Memoire

This is an aide-memoire for G20 delegates scheduled to participate in the “3rd Tourism Working Group Meeting” in Srinagar, Kashmir on 22nd May - 24th May 2023. The aim of the meeting is to create a new economy in the state that benefits the people and the environment.

It's important to note that Srinagar is different from the previous venues for this meeting and has a complex political and economic situation. In March 1959, United Nations Secretary General Dag Hammarskjöld visited Srinagar for two days to assess the conditions. However, India's unlawful action in August 2019 has hurt the people and the state.

During the visit, G20 visitors should be aware that the Indian government may try to undermine the rights movement of the people. Since 6th January 1948, India and Pakistan have been at each other's throats, and the UN SC has examined the situation in Jammu and Kashmir.

It's essential to keep in mind that there is a UN template for a supervised vote in Kashmir to determine the future status of the state. Representatives from Australia, Argentina, Belgium, Britain, Canada, China, Colombia, Cuba, France, Netherlands, Philippines, Russia, the US, and other countries have attended and chaired meetings on Kashmir at the UN SC, contributing to the jurisprudence of the UN template on the Kashmir issue.

G20 visitors should take pride in the historic contributions made by the wisest men and women of their countries and associate themselves with the constituency of support for the right of self-determination of the people of Kashmir. The G20's interest in creating a new economy should not override the people's right to self-determination. They have lost a generation in the past many years, and there needs to be criminal liability and reparation. The UN has rightly recognized the people of Kashmir as “People of legend with a song and a story and life-giving waters – worthy of the right of self-determination.” Please support the rights movement of the people and their habitat.

Dr. Syed Nazir Gilani
President JKCHR

May 2023

“Upcoming G20 Tourism Working Group Meeting in Srinagar and UN Framework for Addressing The Kashmir Conflict: A Comprehensive Overview”

There is a growing concern among the people of Jammu and Kashmir, living on either side of the cease-fire-line or as part of the diaspora, that the upcoming “G20 Conference” in Srinagar from May 22-24, 2023, may help legitimize the Government of India’s actions of August 5, 2019. However, this concern is based on a misunderstanding. The conference is not a standalone event but rather one of the 95 events leading up to the G20 Summit in New Delhi on September 9-10, 2023.

While it is a challenge for the people of Jammu and Kashmir, as well as for the governments of Azad Kashmir, Gilgit-Baltistan, and Pakistan, similar challenges have been faced in the past. For instance, in 2013, the German Embassy in Delhi hosted a concert by the Bavarian State Orchestra in the Shalimar Gardens in Srinagar, and in 2019, the Indian government used the offices of two NGOs to encourage 27 Members of European Parliament to visit Srinagar.

The G20 Summit is an international forum for the governments and central bank governors from 19 countries and the European Union. In 2023, the summit will be held in New Delhi, with the troika of Indonesia, Brazil, and India supporting the event. The Indian Presidency began on December 1, 2022, and will end by the end of the year. India has a broad range of events planned leading up to the summit, including the “Tourism Working Group Meeting” in Srinagar from May 22-24, 2023.

The Srinagar meeting is crucial, as it will take stock of the progress made in the previous two meetings held in Rann of Kutch and Siliguri/Darjeeling and prepare a final ministerial communique for the “Tourism Ministers Meeting” to be held in Goa on June 21-22, 2023. The meeting will also focus on showcasing India’s geographical expanse, from Gujrat to Jammu and Kashmir, and adopting “Green Tourism” as a top priority. International organizations such as UNWTO and the International Labour Organization are expected to attend, and the significant business communities and centers of G20 will be involved in creating a “new economy” in Jammu and Kashmir.

How can we address the issue of Kashmir in a meaningful way? Is it possible to oppose the creation of a “new economy” in the region without denying the interests of G20 countries, and can we do so without causing harm to the people living under Indian administration?

The All Party Hurriyat Conference and failed militancy and political alliances have not served the people well, and the poor quality of advice to boycott elections has led to a loss of an elected government and direct rule from New Delhi. It is not fair for us to author the manner and quality of living for a people we stand away from and fail to deliver for.

To address this issue, we must showcase the UN template on Kashmir and UN Charter obligations to the attention of G20 countries, international organizations, and special invitee guest countries attending events related to Kashmir. All G20 countries are member nations of the UN and have accepted UN Charter obligations, including a “Positive Duty” in Kashmir. We have the tools to make a compelling case without hurting the people at and around Srinagar.

One approach is to highlight the jurisprudence of the UN template on Kashmir, which describes the principles of the UN Charter that member countries have agreed to uphold. Articles 3, 4, 5, and 6 of the UN Charter outline the manner in which a country could seek membership of the United Nations and how the organization could suspend or expel a country for a persistent violation of the principles contained in the Charter. India attracted disqualification and deserved a challenge under rule 143 of the rules of procedure of the UN General Assembly during its 2021-22 term as a non-permanent member of the UN Security Council.

It is also important to note that the issue of Kashmir has been discussed by the UN Security Council since 1948, and various countries, including Argentina, Belgium, Canada, China, Colombia, France, Syria, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Kingdom, and the United States of America have been present at these meetings. The Netherlands, a special guest country invited to the G20 summit, has played an active role in the construction of the UN template on Kashmir.

In summary, we can address the issue of Kashmir in a meaningful way by showcasing the UN template on Kashmir and UN Charter obligations to G20 countries, international organizations, and special invitee guest countries. We have the tools to make a compelling case without hurting the people at and around Srinagar, and it is important to engage in constructive dialogue and diplomacy to achieve a just and peaceful resolution to this long-standing issue.

Rather than engaging in conflict with the G20, it would be more productive for the governments of Azad Kashmir, GB, Pakistan, and the diaspora to reach out to G20 member countries such as Canada, China, France, Russia, the United Kingdom, and the United States of America. These countries have played an important role in the Kashmir debates and in building a UN template on the issue. It is crucial to clarify to them the distinction between creating a new economy and the importance of a UN-supervised vote for self-determination in Jammu and Kashmir.

The UN template on Kashmir is based on several key components. **The first** is that the Government of India surrendered temporary Kashmir accession at the 227th meeting of the UN Security Council on January 15, 1948. According to Indian prayer, the question of Kashmir's future status, including whether it should withdraw from its accession to India and accede to Pakistan or remain independent with a right to claim admission as a member of the United Nations, should be decided by the people of Kashmir after normal life is restored to them.

The second component of the UN template on Kashmir comes from the United Kingdom, which has emphasized the importance of a fair and impartial plebiscite under the auspices of the United Nations. This objective has been written into solemn agreements by the two governments and endorsed by the Security Council.

The third component comes from the United States, which has stated that the Security Council has a positive duty to welcome any agreement that the parties can reach, provided that it is consistent with the principles of the United Nations Charter. If the parties are unable to agree upon a solution, the solution recommended by the Security Council should prevail.

The fourth component of the UN template on Kashmir comes from France, which has highlighted the importance of the resolutions of August 13, 1948, and January 5, which won the express agreement of both India and Pakistan. These resolutions provide for arbitration to establish the conditions for a fair expression of the will of the people of Jammu and Kashmir, who should be able to make their choice free from any fear or intimidation.

The fifth component comes from the Netherlands, which emphasizes that the issue should ultimately be decided by the people of Jammu and Kashmir themselves, and that no pre-arranged political organization in any part of the state should interfere with their freedom of choice. The United Nations has developed a template to address the Kashmir dispute, which includes various components contributed by different member states.

The sixth component of the template was contributed by Argentina, which asserted that the Maharaja and the governments established by him were biased in favor of one party, and thus could not preside over a free and fair plebiscite. Argentina also noted that the idea of an absolute monarchy was not acceptable in the modern world, and emphasized that any decision made by the Security Council must be in accordance with the UN Charter.

The United Kingdom contributed **the seventh component**, stating that the Kashmir dispute was the greatest and most serious issue in international affairs. **The eighth component**, a peculiar feature of the dispute, was contributed by China, which noted that the plebiscite solution was agreed upon by the parties before they came to the Security Council. China also emphasized that the wishes of the people of Kashmir should be respected in determining the future of the state.

India contributed **the ninth component**, expressing hope that a resolution of the Kashmir dispute would remove the main obstacle to peace between India and Pakistan. Finally, India added **the tenth component**, stating that a minimum force of 28,000 was required to carry out its responsibilities in Kashmir, but that it was willing to reduce this number to 21,000 if the Azad Kashmir forces were disbanded and disarmed. India also emphasized that this force would not have any supporting arms such as armor or artillery.

The UN template on Kashmir binds all member nations, including the G20 countries, to respect the principle of equal rights and self-determination of peoples enshrined in Article 1 (2) of the UN Charter. This template ensures that the Kashmir case is insulated from any harm or wrong. Efforts made by individuals or groups, such as General Pervez Musharraf's four-point formula or General Qamar Bajwa's doctrine, are extraneous to the UN template, which was fully debated and structured by the wisest minds on earth.

During the debates on Jammu and Kashmir at the UN Security Council, military advisors like Lord Ismay and General Schemes, who had served in World War II, emphasized the futility of war and the importance of finding a peaceful solution that respected the will of the people of Kashmir. Other military men, such as Admiral Chester William Nimitz and General Andrew McNaughton, also contributed to the jurisprudence of the UN template on Kashmir. Admiral Nimitz was appointed as UN Plebiscite Administrator in Kashmir, and General McNaughton proposed the need for the UN to provide security to the people of Jammu and Kashmir under a recognized impartial authority and to conduct a plebiscite to determine their wishes for the future government of the state.

The G20, as a forum for international economic cooperation, recognizes the importance of the UN system and upholds the principles of the UN Charter. Therefore, any violation of the UN Charter by a G20 member country would be a serious matter that could result in consequences such as sanctions or other measures under the UN system. It is important to note that both the G20 and the UN are committed to upholding international law and promoting cooperation among member countries. As such, the UN template on Kashmir should be respected by all member nations, including those in the G20.

We should not oppose the holding of the third "Tourism Working Group Meeting" as part of the G20 Summit in Srinagar from 22nd to 24th May 2023. Instead, we must take this opportunity to showcase the UN template on Kashmir and the four components of the Rights Movement, as described by the UN Security Council. The Security Council has accepted a "Positive Duty" on Kashmir, and "unless the parties are able to agree upon some other solution, the solution which

was recommended by the Security Council should prevail". Therefore, we need to revisit the quality of advice given to the people of Jammu and Kashmir since 1990, as we remain criminally liable for creating conditions that led to the killing of a generation in Kashmir and causing the loss of an elected government since November 2018.

India has aggressively re-occupied the part of the State of Jammu and Kashmir, which was previously outsourced to it under an international arrangement to hold a free, fair, and secure plebiscite on the right of self-determination. De facto, after 31 October 2019, India has superficially annexed the part administered by it. De jure, this violates UN resolutions on Kashmir, particularly the UN Security Council resolution of 30 March 1951, making Indian action unlawful and an aggression.

As far back as 1952, the Netherlands warned against violating the agreement reached and the grave offense it would be against the other party, the United Nations, and the right of the people of Jammu and Kashmir to self-determination. India has committed this offense against three parties: the other party (Pakistan), the United Nations, and the right of the people of Jammu and Kashmir to self-determination. Therefore, there is a just cause to formulate an urgent response jointly and severally.

Before the G20 Summit in Srinagar on 22nd-24th May, we should submit an aide-memoire to the Netherlands, United Kingdom, United States of America, France, Argentina, China, India, and other guest countries, alerting them that this meeting might or might not affect the interests of the people of Jammu and Kashmir. Every member nation of the UN, particularly those that have debated the issue of Jammu and Kashmir and structured a UN template for a UN-supervised vote in the state, should be informed. However, we should not oppose the interest of the G20 Business Community and Business Centres in creating a "new economy" for the people of Jammu and Kashmir.

We should showcase the statement made by the Philippines at the 773 meeting of the UNSC on 20 February 1957 on the question of sovereignty. The Philippines supported Pakistan's proposal for sending a UN Force into Kashmir and the Resolution brought by Australia, Cuba, the United Kingdom and Northern Ireland, and the United States of America. The Philippines emphasized that the sovereignty of India or Pakistan is not involved in the proposal to send a UN force into the state of Jammu and Kashmir for a temporary and limited purpose. In the view of both the Council and the Commission, neither India nor Pakistan can bring into question the sovereignty of the State of Jammu and Kashmir. Under the circumstances and pending the holding of a plebiscite, neither India nor Pakistan can claim sovereignty over the State of Jammu and Kashmir. This position is crystal clear in the assurances given by the Commission to the Governments of India and Pakistan, which forms the basis of their acceptance of the resolutions of 13 August 1948 and 5 January 1949.

It is important to remind the people of India to hold their government accountable for fulfilling the commitments they made at the United Nations. Regarding the Indian-administered Jammu and Kashmir, UN Security Council Resolution of 21 April 1948 charged both the Government of India and the Government of the State with the duty of ensuring the safety and freedom of all subjects of the state, regardless of their creed, caste, or party affiliation. This includes the right to express their views and vote on the question of accession of the state, freedom of press, speech, and assembly, and freedom of travel, including lawful entry and exit.

Furthermore, the Government of India was tasked with using their best efforts to withdraw all Indian nationals who are not normally resident or entered the state for a lawful purpose since 15 August 1947. Any attempt to change residency laws in Kashmir and settle non-Kashmiris would be a violation of the UN resolutions on Kashmir and the pledges made to the people of Kashmir, the United Kingdom, and Pakistan. It would also amount to colonizing a part of the Kashmir state by India. It is important to inform the G20 guests meeting in Srinagar that until 31 March 1959, Indian citizens needed an entry visa for Kashmir.

We should also bring to the attention of the G20 the jurisprudence of the UN template on Kashmir and the crucial role of wise people in putting together a program for a free, fair, and secure plebiscite in Jammu and Kashmir. The UN Secretary-General himself visited Srinagar in March 1959 to assess the political and economic conditions of the people. It is essential to highlight that the UN template on Kashmir would not permit the Jammu and Kashmir Prime Minister to rescind the travel control.

We need to reconnect with all the countries, particularly Australia, Argentina, Belgium, Britain, Canada, China, Colombia, Cuba, France, Netherlands, Philippines, Russia, US, and other countries that have attended or chaired meetings on Kashmir at the UN Security Council and have contributed to the jurisprudence of the Kashmir case. The new generation of diplomats may not be as familiar with the Kashmir case, and they may not be as proud of the historic contribution made by the wisest men and women of their countries. However, they would still want to honor that contribution and associate themselves with the constituency of support for the right of self-determination of the people of Kashmir.

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