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Human rights situations that require the Council's attention

Written statement* submitted by World Muslim Congress, a non-governmental organization in general consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[03 February 2020]

* Issued as received, in the language(s) of submission only.



State-sponsored land grab in Indian Administered Jammu and Kashmir

In light of the Government of India's actions to unilaterally annex the Disputed Territory of Jammu and Kashmir on 5 August 2019, by revoking Articles 370 and 35A and amending Article 367 of the Constitution of India by Presidential Order C.O.272, thereby creating a grave risk of a humanitarian catastrophe for the Kashmiri people, we call on the United Nations (UN) Human Rights Council and Member States to take immediate action to prevail upon India to reverse their illegal occupation and protect the human rights and the property of the Kashmiri people.

On 5 August 2019, the Government of India engineered the foundation steps for depriving the people of Kashmir of their land. By abrogating Article 370 of the Constitution of India, Kashmiris were deprived of their autonomy and the ability protect the land from massive land-grabbing by the Government of India, investors and settler-colonialists. This further subjugation of the human rights of the Kashmiri people and implications for ethnic cleansing, are devastating.

Article 370 allowed Jammu and Kashmir a certain amount of autonomy - its own constitution, a separate flag and the freedom to make laws, though foreign affairs, defence and communications remained the preserve of the central government. Article 35A granted special status to Jammu and Kashmir state providing permanent residents with rights to property and government jobs. The provisions also protected its citizenship law, which did not allow outsiders to settle in or own land in the disputed territory. Article 367 is an interpretative Article which defines how the relevant Articles should be interpreted.

The steps taken by the Government of India to make the Disputed Territory of the State of Jammu and Kashmir a part of India, against the UN Resolutions that allowed the ultimate right of Self Determination for Kashmiris, and without the consent of Kashmiris, has all the hallmarks of a neo-colonialist plan to overpower Kashmir with Hindu supporters of the ruling Bharatiya Janata Party (BJP) and drive out the Muslim-majority population.

The resources and large swathes of land of Kashmir, formerly protected under Articles 370 and 35A and owned by the State of Jammu and Kashmir and its people, are now being taken by the authoritarian, right-wing nationalist Government of India for their own purposes and for building more military bases and residential colonies. Land is also being made available to powerful investors from across India linked to the ruling party for commercial and industrial developments, and for Hindu colonial settlers and housing estates.

Changing the demographics of Kashmir from a Muslim-majority State to a territory that has a Hindu majority, through State-sponsored development and settler-colonial projects, raises the alarm about ethnic cleansing. Kashmiris are disempowered and by losing the control of rights to their land, and the influx of investors and settlers from elsewhere. Local businesses are disadvantaged by larger, well-funded Indian companies grabbing market-share, jobs are at risk through changes in rules to allow the settlers to take Kashmiri jobs, and the dynamics of villages and towns are becoming disturbed and fragmented.

Land prices will escalate through land speculators moving in with the encouragement of the Government of India, taking it out of reach of ordinary Kashmiris. Government-led pressure on residents and small landholders to sell their homes and land, or to have it taken from them for development, will leave many without affordable homes and productive land for their livelihoods and food security. Seventy percent of the population relies on agriculture for their livelihoods and food security. If forced out through imposed development, they become more less self-sufficient and vulnerable to a life of poverty. Many will have no option but to leave Kashmir to seek a life elsewhere thereby falling victim to the Government of India's aims to cleanse Kashmir of the Muslim majority.

Kashmiris' human rights have been totally subjugated. Protest is immediately and brutally crushed by the Army, Police and other enforcement authorities. Political and other arbiters of reason are imprisoned without charge, adding to the many thousand already imprisoned, some for years, under the oppressive Public Safety Act and the Armed Forces Special Powers Act. They are powerless to stand against the abrogation of Articles 370 and 35A, and the

onslaught against their human rights. They seek the intervention of the United Nations Human Rights Council on their behalf to restore their rights and prevent the ethnic cleansing of the Kashmiri Muslims.

Ultimately, the annexation of Jammu and Kashmir by the Government of India, human rights abuses, grabbing of their land, and overpowering of the population through demographic change and ethnic cleansing, violates the rights and long-cherished wishes of the Kashmiri people for self-determination.
