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EICC-2021

Brussels, 8 November 2021

Mr. David Maria Sassoli
President
European Parliament
Brussels

Dear President, Mr. Sassoli,

Re: Kashmir

Since the European Parliament and its Sub-Committee on Human Rights have in the past taken interest on the Kashmir issue, I am writing you to bring to your attention the false and baseless narratives reaching you on the “status” of Kashmir. I am also writing to give you the current state of peace and development in the region post-abrogation of Article 370 and why it was legally and morally right to abrogate the Articles 370 and 35A.

It is more than two years since the abrogation of Article 370 of the Indian Constitution that delegated ‘special status’ - a greater degree of autonomy than that enjoyed by most other Indian states - to the former state of Jammu and Kashmir. This has brought bright and sunny days for Jammu and Kashmir. It was this ‘special status’ that had barred the Indian mainland as well as Foreign Direct Investment from investing in the former state. The abrogation of Article 370 was a dawn of a new era, which has opened opportunities for investment in tourism, the popular revenue generator of Jammu and Kashmir.

The removal of Kashmir’s special status has been widely hailed as a historic step towards true integration of the region with the rest of the Indian nation and heralded as the harbinger of “development” to the valley. As Jammu & Kashmir is undergoing on-the-ground reforms a new dawn of peace and development is also taking shape to take the future of Kashmir to new directions and new priorities.

Kashmir is known for its glorious past and it is time that this glory returns to the valley and Abrogation of Articles 370 and 35A has created the conditions and possibilities for this glorious return.

Jammu & Kashmir and peace are not synonymous; they have not been for a few generations. Prime Minister Narendra Modi has taken a bold step for peace building and furtherance of narratives by consensus by meeting mainstream politicians from both segments of the Union territory to discuss issues related to the political future of J&K.

We wish to remind you that India had unilaterally provided a special status to J&K by including Article 370, a “temporary” provision in the Indian Constitution. As this Article had led to rampant corruption, lack of development, rising unemployment, discrimination against women, increasing cross-border terrorism, and inefficacy of the successive state leadership, India revoked Article 370, essentially to enhance development in J&K on par with other states.

Sir, Kashmir is a complex issue but when there is a genuine interest in resolving the issue, then complexity becomes a motivating factor. This is exactly what the government is doing in trying to bring enduring and widespread peace in the region. In our view, the best way to usher in peace is to initiate dialogue, no matter how difficult and complicated the process may be and we firmly believe that the conflict over the disputed territory of Kashmir is soluble only if a pragmatic, realistic and tangible strategy is established to help set the stage to put the Kashmir issue on the road to a just and durable settlement.

It is important to state here that the Kashmir problem is a mixture of terrorism, state violence, subversion and general horror that rests upon several layers of history. Violence in Kashmir is a product of Islamist extremism who have succeeded in transforming Kashmir into a deadly narrative. The vortex of nationalist insurgent violence is now much more brutal than before. The targeted killing of minorities is though not a new phenomenon, it has however added the necessity for strong action. The rise in targeted killings is part of hybrid warfare in Kashmir that seeks to destabilize a society by influencing its decision-making. When death is celebrated by a society, there is a need for a new political thinking, need for a rational discourse of understanding the issues with compassion and compromise.

The Indian military has often been accused of human rights violations and being heavy-handed towards the local population in Kashmir, but little is known, however, about the sectarian policies exercised by Pakistan in Gilgit-Baltistan, where fundamental human rights have been denied since 1947. European Parliament should take note and express its concern at the pitiable conditions and violations of human rights and denial of democratic freedoms of the people in those areas of the Indian State of Jammu and Kashmir, which are under the illegal occupation of Pakistan. Pakistan has no moral right to speak on behalf of Kashmiris because Pakistan first must provide the same rights to its minorities that it is demanding for Kashmiris.

Kashmir issue is a boundary dispute between India and Pakistan. Although human rights or security situation on either side of the Line of Control are important matters which need to be appropriately addressed, they are not the Kashmir issue. There is also a need to understand and appreciate that there is marked difference in the status of territories on the two sides of the Line of Control.

Pakistan has been waging a proxy war since 1989 and justifies “jihad” in Kashmir as a legitimate part of its foreign policy. Pakistan has no legal basis to speak on behalf of Kashmiris and it has no claim over the occupied territory. Pakistani occupied Kashmir was not included in the Dominion of Pakistan created under the Indian Independence Act 1947 nor did it become a part of Pakistan through the signing of any Instrument of Accession.

Pakistan has been systematically engaged in its efforts to create a false international narrative about Kashmir issue. For this, Pakistan has adopted a two-pronged strategy, first to foment trouble in the Indian State of Jammu & Kashmir, particularly in the Kashmir valley including sponsoring, aiding and abetting terrorism there and secondly to internationalize the Kashmir issue in which it remained focused on the Indian State of J&K, while pushing under the carpet the dire state of affairs for the millions who are forced to live in the occupied territory under Pakistani control where they don't enjoy any of the democratic freedoms that their brothers and sisters in the Indian-controlled territory have been enjoying for the past 75 years.

Under the Shimla Agreement in 1972, India and Pakistan had agreed to resolve all disputes bilaterally through dialogue. While India adhered to this agreement, Pakistan has paid scant respect to this and has consistently raised Kashmir issue at every international forum as well as in the bilateral interactions with various world leaders, in a selective and distorted manner to suit its own interest.

There is no denying the fact, however, that the absence of meaningful and significant political steps and New Delhi's complete reliance on the security metrics to gauge success has been a failure and a security disaster. It only widened the distance between people, power, and politics. For long, lack of proper understanding of the issues, lack of visionary approach for a sustainable and durable peace and above all, failure to craft a political future of the state has in the past led to chaos and confusion. Also, the failure of the dialogical and interactive politics and the state in not able to build a "narrative of truth" to counter the religious dominated discourse in Kashmir, has left a big trust void for all. I am glad that this however now is being addressed with seriousness that it deserves.

The European Parliament and many in the international community have failed to understand that the Kashmir conflict revolves through Five Ms: Mosque, Mullah, Madrasa, Money, and Militant; each factor having the potential to create chaos, conflict, and confusion. What New Delhi is doing is to break the violent and unholy criminal nexus between the Five Ms and take the future of Kashmir to new directions and new priorities. This dangerous cocktail of the Ms cannot be allowed to operate at will because it "intoxicates" the insurgency, and the result is terrorism, turmoil, and tragedy.

We very much appreciate the work of the European Parliament in becoming voice of the voiceless on human rights, but it must be careful that its observations are not influenced by vested interest. In this respect, I would like to state that the Sub-Committee of Human Rights should not get misled by false and borrowed narrative of human right violations in Kashmir. Selective interpretation of human right abuse does not serve the cause of human rights and defeats the objective of the critical analysis.

Jammu & Kashmir is more stable and peaceful today than it was when there was lack of proper understanding and genuine eagerness to address the grievances of the general Kashmiris. Over the past two years, by scrapping the outdated, ineffective, and counterproductive Article 370, New Delhi has strengthened its ability and communication to reach out to disgruntled Kashmiris.

Instead of now trying to block a fresh approach by India to bring lasting peace and prosperity to this long-troubled region, Pakistan should join in and help the residents of the entire region, including the areas under illegal occupation of Pakistan, emerge from the decades of darkness that has enveloped their beautiful home that has often been referred to as the Paradise on Earth. Indeed, by cooperating in restoring peace to this paradise, Pakistan can help India in finally deliver the promises that independence in 1947 brought to the rest of the subcontinent.

We at the EICC, the Apex Chamber that supports, advocates, and speaks for stronger trade and economic relations between European Union and India, are of the view that only a sustained and genuine peace process between the two countries can address the multiple factors that give rise to Indian and Pakistani suspicions about each other's intentions and Pakistani tactics designed to prolong the conflict in the hope of eventually altering the status quo.

Thank you for your prompt attention to the Kashmir issue and I hope this offers you the reasons and issues in perspective and in clarity.

With kind regards,

Yours sincerely,

A handwritten signature in black ink, appearing to be 'S. H. Khan', written in a cursive style.

Secretary General

Cc. Mr. Josep Borrell, EU High Representative for Foreign Affairs and Security Policy and Vice-President of the European Commission