

Kashmir: present situation and future prospects

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The European Parliament adopted a resolution based on the own-initiative report by Baroness **NICHOLSON of WINTERBOURNE** (ADLE, UK) on the present situation in and future prospects of Kashmir. The report was approved with 522 votes in favour 9 against with 19 abstentions. MEPs welcome and encourage bilateral talks between India and Pakistan to find a solution to the Kashmir conflict, while criticising Pakistan for lack of progress on democracy and human rights.

It was recalled that Jammu and Kashmir has been a source of conflict for nearly 60 years, a period punctuated by armed conflicts between India, Pakistan and China, and this dispute has allegedly claimed more than 80,000 lives. A ceasefire has been in place on the Line of Control (LoC) since November 2003 and, despite a few breaches, has continued to hold. This ceasefire has enabled India and Pakistan to engage in an ongoing dialogue on Jammu and Kashmir which is now starting to be modestly successful. It was also recalled that in 2005, an earthquake of magnitude 7.6 on the Richter scale struck a broad swathe of territory from Afghanistan through Pakistan and India, but with by far the greatest impact felt in Jammu and Kashmir, and left over 90,000 people dead with tens of thousands of people injured and millions entirely displaced.

Parliament felt that the EU might have something to offer to India and Pakistan, based on past experience of successful conflict resolution in a multi-ethnic, multinational, multi-faith context. Therefore it offered the present resolution and any meetings that might come out of it as part of a shared experience from which the EU could also learn. It was important to continue EU support to both India and Pakistan as they implement the 2004 peace process.

Members drew attention to the fact that India is the world's largest secular **democracy** and has devolved democratic structures at all levels, whereas Pakistan still lacks full implementation of democracy in AJK and has yet to take steps towards democracy in Gilgit and Baltistan. While India's nuclear doctrine rests on the principle of "no first use", Pakistan has yet to make such an undertaking. In addition, they noted that President Musharraf has not been able to implement his undertaking made in 1999 that "the armed forces have no intention of staying in charge any longer than is absolutely necessary to pave the way for true democracy to flourish in Pakistan". They very much regretted the negative chain of events set in motion by the suspension of Chief Justice Iftikhar Muhammed Chaudhry.

Parliament underlined the common heritage shared by India and Pakistan, exemplified in the ancient culture of Jammu and Kashmir and felt that the EU's respect for regional identities and efforts to ensure that its own decisions are taken at the most appropriate administrative level are relevant to the aspirations of the Kashmiri people for devolved decision.

The crises and conflicts of recent years have enhanced, not diminished, the relevance of the United Nations. Parliament recalled the large number of UN Security Council (UNSC) resolutions on Kashmir, from 1948 to 1971, which have expressed the conviction that a peaceful settlement of the dispute will best promote the interests of the people of Jammu and Kashmir, of India and of Pakistan. It drew the conclusion, in the light of violations of the resolutions and recent events, that the preconditions for invoking the **plebiscite** have not been met at present. Parliament reaffirmed that all peoples have the right of **self-determination**. The report noted that all UN resolutions on the Kashmir dispute only acknowledge the right for the former princely state of Jammu and Kashmir to become part of India or Pakistan. It welcomed the new ideas that are currently under consideration within the Composite Dialogue and India's Round Table discussions, and in particular ideas related to making boundaries permanently irrelevant, a system of **self-governance**, and institutional arrangements for joint or cooperative management. Both

India and Pakistan were strongly encouraged to explore further these concepts in joint discussions and with Kashmiris on both sides of the LoC and in Gilgit and Baltistan.

Parliament was critical of Pakistan, stating that it regretted that Pakistan has consistently failed to fulfil its obligations to introduce representative democratic structures in AJK, the continuing absence of Kashmiri representation in the Pakistan National Assembly, the fact that AJK is governed through the Ministry of Kashmir Affairs in Islamabad, that Pakistan officials dominate the Kashmir Council and that the Chief Secretary, the Inspector-General of Police, the Accountant-General and the Finance Secretary are all from Pakistan. Parliament felt that the Gilgit-Baltistan region enjoys no form of democratic representation whatsoever. It expressed concern regarding the lack of freedom of expression in AJK and reports of torture and mistreatment, of discrimination against refugees from Indian-administered Jammu and Kashmir. It also urged a continuing and determined commitment by President Musharraf to fighting **terrorism**, which, it is widely recognised, presents enormous challenges. The report went on to strongly support the International Crisis Group's recommendations of December 2006 calling on Pakistan to take decisive action to disarm militants in AJK and Gilgit and Baltistan, shut down terrorist training camps, stop terrorist recruitment and training on its territory and end the flow of money and weapons to the Taliban and other foreign or local militants on Pakistani territory.

Parliament also deplored documented human rights violations by the armed forces of India, especially if the incidents of killing and rape continue in an atmosphere of impunity. It noted with concern that the National Human Rights Commission has no power under its statutes to investigate human rights abuses perpetrated by the Indian security forces. However, Parliament was encouraged by the NHRC's recommendation – which is being observed – that the army nominate senior military officers to oversee the implementation of fundamental human rights and the rule of law in their military units.

MEPs called on both governments to allow international human rights groups access to the region for investigations, and stressed the risk of maintaining the death penalty in a complex political situation such as the one in the region, arguing for a moratorium to be established.

Parliament urged the EU to take a firm stance in upholding the **democracy and human rights clause in its agreements** with both India and Pakistan, and examine the possibility of setting up a specific human rights dialogue with Pakistan, as is the case already with India, and the establishment of specific human rights subcommittees dealing with both countries, as in the case of certain other countries.

It complimented India on its efforts to promote the socio-economic development of Jammu and Kashmir through special packages for the state, and its emphasis on job creation and measures to promote tourism in Jammu and Kashmir. It proposed an examination of how the (forthcoming) EU-India partnership could help with the creation of new skills-based jobs, especially for women and young people.

Parliament emphasised that the **earthquake** has had an immense impact on the lives of the Kashmiris on both sides of the Line of Control (LoC), although the size and impact of the earthquake had a much greater effect on the Pakistani side. They recommended that the EU consider favourably any further requests for assistance for reconstruction in the area. It that Pakistan was unable to accept Indian offers of helicopters, on the grounds of their pilots' nationalities, as well as cross-LoC joint relief operations, medical relief teams and repair of telecom infrastructure, all of which could have significantly contributed to reducing casualties.

The report welcomes the increase in the number of **visas** issued for travel between India and Pakistan, as well as the re-opening of truck and bus services, but adds that it is vital to remove all obstructions and hindrances for all Kashmiris to travel freely to the entire state.

Lastly, the report underlined that, as the EU's own experience demonstrates, one of the keys to improving relations between countries is through increasing **bilateral trade flows**. In the case of Jammu and

Kashmir, cross-LoC trade is particularly vital to the generation of economic growth, development and the unlocking of its economic potential. Parliament recommended that transportation and infrastructure projects be made a priority.