

Global Discourse on Kashmir 2006

From the call for demilitarisation to the
holding of self-determination

European Parliament, Brussels
12-13 September, 2006



"The people of Jammu and Kashmir as well as Pakistan and India will be closely watching the deliberations of this discourse. The ideas and proposals that would come out of this Discourse could go a long way in resolving the long standing dispute of Jammu and Kashmir, bringing the sufferings of the Kashmiris to an end."

President General Pervez Musharraf
Islamic Republic of Pakistan

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to the holding of self-determination

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Sponsored by:
All Party Group for Kashmir in the European Parliament (APGK)
Kashmir Centre.EU (KC.EU)
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Foreword

Sixty years have passed since the Kashmir dispute in the South Asian sub-continent was born; a tragedy that in its immediate aftermath saw killings of thousands of people in 1947 and displacement of millions, particularly from the Jammu region. In its latest re-incarnation of about two-decades of popular resistance movement, nearly 100,000 people have been killed with hundreds of thousands more wounded – both physically and psychologically. Everyday consumes yet more lives, destroys more homes causing yet more scars. Geographically located between the two nuclear rivals – India and Pakistan, Jammu and Kashmir has metamorphosed into a series of tragedies that has left the future of nearly 15 million Kashmiris on both sides of the Line of Control (LoC) uncertain; a major cause of concern for whole of the region and beyond.

The All Parties Group for Kashmir in the European Parliament (APGK), which was launched in 2000, has been working to raise the profile of Kashmir with the European Kashmiris and the outside world. Thanks to these efforts, it has been possible to create a better understanding of the dynamics of the Kashmir dispute and the suffering of its people. The APGK and the Kashmir Centre.EU, which was founded in October 2003, have been able through a number of joint events, to bring the problems of the Kashmiri people to the attention of the EU and its member countries and seek their support for mitigation.

As major activities, the APGK and the Kashmir Centre.EU have held two 'Kashmir EU Weeks' and three 'Global Discourses' at the European Parliament. Both initiatives bring a wide range of international participants, namely politicians, writers, academics, human rights activists and officials. In addition, these events promote intra-Kashmiri dialogue across the spectrum as delegates from all the parts and ideologies are invited and included in such events.

As parliamentarians, the APGK have been promoting dialogue and furthering the possibilities to seek a peaceful settlement of the Kashmir Problem by respecting the demands and aspirations of the people of Jammu and Kashmir. The Kashmir Centre.EU has supported and complimented the 'peace process' between India and Pakistan looking at various ways for the inclusion of the Kashmiris in the talks in order to solve the problem. Further, the Kashmir Centre.EU has played a crucial role in furthering the cause of Kashmir and I commend the efforts of Barrister Majid Trambo and his team in this regard. In a very short span of time, Kashmir Centre.EU has emerged as a principal stake holder and defender of Kashmiris abroad.

Building on the successful 2004 and 2005 Discourses, the 'Global Discourse 2006' assumed significance as the guest of honour was the President of Pakistan General Pervez

Musharraf. The President extended his full support to our efforts of finding a peaceful resolution of the Kashmir problem. His address created a new hope for peace in the region, and was complimented by the participants from all sides as well as the EU. This Discourse gave a strong message of peace and resolution for the Kashmir issue while defending the right of self-determination of the people of Jammu and Kashmir. The two-day conference fully supported the ongoing peace process between India and Pakistan culminating in six specific conclusions.

The APGK and the Kashmir Centre.EU will continue their work to engage and involve all the parties constructively. We are aiming to bring together a wider range of participants for the 'Global Discourse 2007' for a broad based debate and discussion.

We will ensure that Kashmir is on the international agenda and that it is resolved peacefully, according to the aspirations and concerns of the people of Jammu and Kashmir.

This book is based on the proceedings of the 'Global Discourse 2006' held on 12-13 September 2006 at the European Parliament, Brussels. I hope this proves a valuable contribution towards building peace in Kashmir by adding to the current efforts to bring about a positive change and highlights our efforts for constructive engagement.

James Elles MEP

*South-East Region with special responsibility for Buckinghamshire and Oxfordshire
Chair All Party Group for Kashmir in European Parliament (APGK)*

14 May 2007, Brussels

OPENING PLENARY

James Elles (MEP)

Chair All Party Group for Kashmir in European Parliament (APGK)
(Opening Remarks)

We have the honour to have President Musharraf with us in the opening session. So I think we are in for a wonderful morning. Just a few words to introduce Majid Trambo; Majid is the Director of Kashmir Centre here in Brussels and has really revolutionized the way in which Kashmir has been considered in the Parliament. We in the All Party Group for Kashmir in the European Parliament, that was launched six years ago, have been able to contribute by having a hearing in the Foreign Affairs Committee and have been able to send an ad hoc delegation to both sides of Kashmir - the only directly elected Parliament to do that. I think it is a very revealing document which came from that particular visit of the delegation. We have also been promoting the idea of an initiative report on this visit and I think that you will all come to know of it as it will be shortly submitted to the European Parliament Foreign Affairs Committee within the next month or so.

Majid has been able to put together a wonderful programme for the next few days with a range of different subjects and a range of different experts who I think will be able to contribute some imaginative and forward thinking for a peaceful resolution for Kashmir. So I'd like to first thank Majid and then I will introduce Mr. President to you.

Barrister Majid Tramboo

Chair and Executive Director, ICHR Kashmir Centre.EU

His Excellency President General Musharraf of Pakistan, Prime Minister Sardar Attique Ahmad Khan, the Chairman Mr. James Elles (MEP), dignitaries, MEPs, ladies and gentlemen. We have gathered here today on the occasion of the third Global Discourse on Kashmir being held by ICHR Kashmir Centre.EU and the All Party Group for Kashmir in the European Parliament. I welcome you all on their behalf and on behalf of the millions of disenfranchised Kashmiris.

Mr. President, I am delighted that you accepted our invitation to this third Global Discourse on Kashmir. It is a great honour for us and for the people of Kashmir that you are with us here today. This demonstrates your love and affection towards the Kashmiri people and your resolve to help us achieve our right to live with peace and dignity. I feel privileged both as a Kashmiri as well as the Chair and Executive Director of ICHR Kashmir Centre.EU, by your presence here Sir, and it will certainly add a strong voice and visibility to the Kashmir cause here in the European Union.

Since the first discourse on Kashmir, that took place in April 2004, we have come a long way, not only the Kashmir Centre.EU as an institution, but also the situation between India and Pakistan. It certainly is an achievement that the roaring guns of both India and Pakistan along the Cease Fire Line, that divides the people of Jammu and Kashmir, are silent for the last more than two and a half years. This has given an immediate hope to thousands of villagers; the men, women and children living along the Cease Fire Line in Azad Kashmir whose lives were dotted by bullets and shells for more than 20 years.

This might be a small step, but indeed one in the right direction which can be emulated in the whole of Jammu and Kashmir, if the guns fall silent. In my recent visit to Azad Kashmir where I interacted with hundreds of common people, I felt a sense of relief among those living along the Cease Fire Line. I met with an old lady Sir. Her name was Sarah Bibi, who has witnessed the destruction of three wars between India and Pakistan and lived through thousands of shells and bombs that were fired from across the border every single day and night for around two decades; crippling movement, hopes and aspirations. I found Sarah Bibi brimming with hope as her desire for life was kindled again. When I asked her about her feelings, she praised heavens and said to me that now that the guns have fallen silent she can think and plan for the future of her household; her grandchildren and even her livestock which she had to move farther a field due to the continuous shelling and bombardment. However, she was still cautious in weaving her dreams that far into the future as she was afraid that the lull might not last long as the basic problem is still there and warrants a solution.

Mr. President, ladies and gentlemen, I am happy that the ceasefire between India and Pakistan has certainly offered hope and generated goodwill, but the wisdom of Sarah Bibi holds true that the hope that this relative peace is offering us at the moment may pass us

by any time in the future if it is not translated into a permanent peace which can only be attained through the resolution of the Kashmir problem.

As a Kashmiri I have lived most of my life in strife and turmoil because I lived it in Srinagar where life remains in the suspense of uncertainty and hence suspended. Therefore, I know how one cherishes for freedom, even for a moment. Kashmiris have a strong desire for attaining their freedom to live in dignity and we certainly know what it means for us, both as individuals and as a nation.

Mr. President, Sir, we the Kashmiris wish to realize Kashmir sans any killings, crack-downs, rapes and continuous humiliation. We want to explore and exploit our potential of our resources and our fertile generations that we have and shall have in the future. We want to see the promise of our youngsters that they will live and fulfil their dreams instead of their lives being cut short or their promises being extinguished in prisons, torture centres or the ever expanding territory of martyr graveyards across every valley and town in the Indian held Jammu and Kashmir.

But the question is how can that be possible? I believe that the current peace process between India and Pakistan is a good beginning. But now after two and a half years, this needs to move forward and in the right direction. Now it should certainly, albeit slowly, achieve the desired goal and target which is the resolution of the Kashmir issue.

For that to be achieved, the visionary leadership of India and Pakistan should seek visionary solutions that will generate hope. But the solution should be tailored in accordance with the wishes, aspirations, needs and concerns of the Kashmiri people. Mr. President, Sir, I wholeheartedly commend you for your courage and wisdom to offer new and creative thoughts on this issue which has generated a lot of debate in the region, fortunately and rightly most of it is positive. I hope that the Indian leadership will match your courage and vision to move from its entrenched, stubborn and unrealistic position over Kashmir and join both Kashmiris and Pakistan to find a solution that is realistic, respectable and long lasting based on mutual respect and trust.

The steps towards the achievement of a permanent settlement need to be bold and consistent and should start with:

As propounded by your Excellency and supported by all the sections of opinion in Kashmir, the army and paramilitary forces should be moved out of civilian areas so that the people could feel the visible movement on the ground. This will give hope to the Kashmiris that their basic fears about their security are being addressed and will create an atmosphere of goodwill towards a peaceful settlement.

India and Pakistan should make positive moves towards making the present Cease Fire Line irrelevant. Once a semblance of peace is established in Kashmir, borders could be easily made redundant. It could be complimented and achieved through unfettered trade and commerce followed by a total eradication of any border control over the movements of the people from either side.

As a certain degree of trust and understanding is developed between India and Pakistan,

this should further be complimented by forming a working group on Kashmir in which the governments of India and Pakistan should invite and include the people of Kashmir to explore the possibilities for resolving the Kashmir issue.

Mr. President, Mr. Chairman, ladies and gentlemen! There certainly would be disagreements, pitfalls and bottlenecks in the process, but that should be sorted out through friendly and persuasive international facilitation that would recognize the positions of all the sides but, would still be willing to play a part to accelerate and calibrate the process for peace and settlement of Kashmir. I envisage an active involvement of the European Union in this regard. The European Union is a growing influence in the world and all its three institutions—the Parliament, the Council and the Commission should be consulted and their cooperation sought on a regular basis. The European Parliament is engaged in a very positive role that is adding to the international calls for support towards the peaceful resolution of Kashmir. The ad hoc delegation of the European Parliament that visited both sides of Jammu and Kashmir and the subsequent report in 2004 set precedence. Currently the Foreign Affairs Committee is preparing its “own initiative report on Kashmir” under the rapporteurship of Baroness Emma Nicholson.

Mr. President, Sir, the government of Pakistan should impress upon the European Council of Ministers about the formation of a “three country interest group on Kashmir” as has been done previously for Rwanda, Iran and many other states. Such a step is important to compliment the progress towards achieving a peaceful resolution. Equally the European Commission has a very important role to play. To assist the Parliament and the Council, the Commission needs to organize high level meetings of experts in Srinagar, Muzzaffarabad and finally here in Brussels. Your Excellency may please recall that the All Party Group for Kashmir and the Kashmir Centre.EU formed a Steering Committee to hold such meetings in Islamabad, New Delhi, Srinagar and Muzzaffarabad. Indeed, your Excellency's government was generous to allow the Steering Committee's first meeting to be held in Islamabad in 2005. Regrettably, the government of India declined to hold its second meeting in New Delhi. All Party Kashmir Group and Kashmir Centre.EU is prepared to reactivate the Steering Committee and convene the postponed meetings in New Delhi and Srinagar, the purpose of which is to gather views, comments, suggestions and recommendations of experts from these areas.

Mr. President, Sir, we seek your assistance to persuade the Prime Minister of India in your upcoming meeting with him in Havana to allow us to proceed to hold these meetings in New Delhi and Srinagar.

I am hopeful that with the consistent support of Pakistan, the Government of Azad Jammu and Kashmir and the European Union, and with the determination of the people of Kashmir as well as with the strong desire for peace from the people of India and Pakistan, the Kashmir issue will be solved peacefully and in accordance with the aspirations, needs and concerns of Kashmiris which could be determined through the right of self-determination.

I see hope for a peaceful Kashmir resolution and a peaceful South Asia and let us cease the moment and let this hope not extinguish. Thank you very much.

James Elles (MEP)
(Introductory Remarks)

Thank you very much Majid for setting the scene so clearly for us and getting the ball rolling. And now I'm going to introduce the President. Last night Mr. President, you gave a wonderful speech saying how things have developed in Pakistan and I was particularly struck by how clearly you set out what your objective was since you came to power in 1999. The annual level of 7.5% of GDP is very encouraging even in this part of the world. You also indicated the importance of quality of life, the way steps have been taken for improving the education system and being part of the global economy. In particular what was striking too was the action that you are taking, at this present moment, to give rights to women in the political and daily life in Pakistan.

One of these things is, what you call, seeing the glass half full rather than half empty. But you also said if I remember the quote "not everything is hunky dory." Another thing under this title was the fight against terrorism and extremism. There is a very interesting distinction which you made to me between terrorism and extremism; that extremism is a state of mind. I think it's a very helpful distinction of how we should look at things. Indeed, by saying this you have indicated that it is not just the military that will be involved in this fight because we need to bring moderates along with us. But you referred, at the end of your speech, to the issue of Kashmir and that's the subject that you will be addressing this morning. What struck me was the vision which you have and the initiatives that you put forward for the solution. Finally, as Majid Tramboos has said, we wish you very well when you go to Havana in the next few days to see what steps can be taken. But we're now open to hear your wisdom and we very much formally welcome you to open the global discourse for us.

His Excellency
President General Pervez Musharraf of Islamic Republic of Pakistan

Mr. Chairman, Tramboos Sahib, MEPs, ladies and gentlemen. It's indeed a pleasure, unique honour and a privilege to be in this gathering of the Global Discourse on Kashmir. Before I say anything, I would like to say here, or admit here, that Kashmir runs in the blood of every Pakistani. And secondly it's quite an irony that I, being a man of war, am trying to become a man of peace, but may I say that being a man of war, having seen the ravages of war and having been part of two major wars with India (and a very active part) and a number of skirmishes that we have had regularly with them, I lost friends, including my best friend in this conflict over Kashmir with India; my son being named after that best friend of mine. I, being a man of war, am the most qualified person to talk of peace, because I understand the ravages of war and I understand them personally. Therefore, ladies and gentlemen, I will set out my views about what the Chairman has said and on subjects other than Kashmir. I will be too glad to answer any questions that may be bothering you, that may be in your mind, because Pakistan, as I keep saying, is directly or indirectly involved in everything that concerns the world. Today the world is concerned about terrorism, counter-terrorism and extremism, it is concerned about democracy, it is concerned about human rights, it is concerned about narcotics, and it is concerned about nuclear proliferation. These are the five major concerns of the world and may be Pakistan has the distinction of being directly or indirectly involved in each one of them. Therefore, whatever question you have on anything concerning the world in which Pakistan has a role to play, I will be too glad to answer our position and our rationale for doing everything we are doing. Let me say it with full confidence and conviction that we have responsibility to all issues concerning the world in direct relation to Pakistan. We have strategized our position. We have strategized our responses and I will be too glad to share those responses with you in our question and answer session. However, this discourse is on Kashmir. Therefore, let me confine myself first of all to Kashmir.

It is indeed, ladies and gentlemen, a great pleasure for me to address this important forum on Kashmir organized with the efforts of the International Council for Human Rights, Kashmir Centre.EU and the All Party Group for Kashmir in the European Parliament. This group in the European Parliament holds very special significance and there is no forum more prestigious than the European Parliament to deliberate on issues of freedom and of human rights especially in relation to the millions of suffering Kashmiris. This parliament enjoys great esteem as the voice of conscience and the custodian of human rights and democracy around the world.

The people of Jammu and Kashmir as well as Pakistan and India will be closely watching the deliberations of this Discourse. The ideas and proposals that would come out of the discourse could go a long way in resolving the longstanding dispute of Jammu and Kashmir, bringing the sufferings of the Kashmiris to an end. The Jammu and Kashmir dispute has been at the heart of conflict and tension in South Asia and I have been saying that South Asia is one region which is out of the loop for progress and economic development.

That is because the two elephants of the region, India and Pakistan are continuously in conflict and war, therefore, unless we resolve this dispute we cannot generate the momentum for economic development that other regions of Asia have. It has constricted development and progress, diverting the sources and energies of the two countries away from the task that must engage India and Pakistan to meet the primary challenge of socio-economic development.

Ladies and Gentlemen, I sincerely believe that today an opportunity exists and it must be seized to resolve the dispute through peaceful dialogue and improve the relations between the two countries. The conducive international environment can help the dialogue to achieve success provided these three qualities, that I always keep projecting that the leaders of the two countries must demonstrate three elements - sincerity, flexibility, courage and boldness. The dialogue must be meaningful to ensure that it does not meet the fate of similar endeavours as in the past when little was achieved beyond reaffirmations of good intentions that often regresses into chronicle exchanges. Every time when the two countries failed to resolve the issue, tensions rose and the hardship of the Kashmiri people prolonged, unfortunately. The peace process initiated by Pakistan and India over the last two years however, had a different background. In a transformed regional and international environment, the process is being sustained at different tracks in search for an acceptable settlement. When I say acceptable, it ought to be acceptable first of all to the people of Kashmir and then to Pakistan and India. The initiation of this process was preceded by unprecedented confrontation. India had mobilized more than 1 million troops on our borders in 2002 and we obviously responded and moved our troops forward and confronted them in an eyeball to eyeball war situation. This confrontation between the two nuclear-capable neighbours lasted for over one year and caused deep concern among the international community. Throughout this period of grave tension, Pakistan consistently advocated de-escalation, dialogue and conflict resolution. But may I add it could not be at the cost of the honour and dignity of our country. Therefore, while we want peace and stability, it has to be on the basis of sovereign equality and our honour and dignity can never be compromised.

I therefore, welcomed the hand of friendship extended by former Prime Minister Vajpayee that set the stage for confidence-building and efforts to address all issues including Kashmir. During my interaction with him at the beginning of the peace process, I emphasized that progress on Jammu and Kashmir would be crucial and central to the success or failure of the process. Confidence Building Measures by the two countries are certainly important to create a better environment but the peace process has to move beyond CBMs. We need to address malaise and not just the symptoms. The history of Pakistan and India relations tells us that without removing the main cause of tension and without solving the core issue of Jammu and Kashmir, the confidence building, trust and improvement of relations can be fragile. Accordingly there is no option but to adopt an earnest approach to solve this problem. I keep saying of the fleeting opportunities which mean the availability of a certain quality of leadership on both sides; quality that attempts to resolve the dispute, a sincerity to resolve the dispute and also a conducive international environment. Both keys are present at this moment and such opportunities do not keep coming. Therefore, this fleeting opportunity has to be grasped and moved forward towards ultimate peace.

The Kashmir dispute cannot also be brushed aside, as some people suggest placing it on the back burner and going on other tracks. This dispute involves fundamental rights and the sacrosanct of the freedoms and self determination of the people. Such issues can never be put in the cold storage. The affected people would never allow it to happen. Kashmir dispute has to be addressed squarely and there is no precious time than today to start the effort to reach a very early settlement.

Resumption of dialogue process and efforts for the solution has three aspects; Firstly, Kashmiri related Confidence Building Measures (CBMs) which will help alleviate the hardship of the Kashmiri people on both sides of the Line of Control. Second, greater interaction and involvement of the Kashmiri leaders with the process because first and foremost the issue concerns their future which means all the Kashmiri leaders across the divide, and thirdly focused discussion on the elements of a settlement. The progress has been uneven. Indeed, much requires to be done with regard to the discussion on a settlement. As I have often stated, we need to exhibit sincerity, flexibility, and courage on all sides, especially on the part of the leadership of the two countries. We need to engage in an out of the box thinking and allow ourselves room for manoeuvre without compromising the basic imperative of respect for the aspirations and rights of the people of Kashmir.

There has been good progress in putting in place Kashmir related CBMs. The ceasefire on the Line of Control which was announced by Pakistan and responded by India is holding well since November 2003 and continues to hold today. For those who don't know the Line of Control and what was happening there; there was shooting, fighting, shelling and killing everyday, on both sides. This is what happened in the absence of ceasefire. Thereafter, Pakistan initiated a number of Confidence-Building Measures in consultation with the leadership of Azad Kashmir and I am very glad that the new Prime Minister of Azad Kashmir, Sardar Attique, is sitting right in front of us here, and also the leadership of the Indian-held Kashmir. The initiation of the Muzaffarabad-Srinagar and Rawlakot-Poonch Bus Services as well as the opening of five crossing points were aimed at helping the divided Kashmiri families to be able to visit each other. These were the initiatives that we started and I'm very glad that we achieved results. It has a deeper human dimension because it has been unfortunate that contacts between the Kashmiris on both sides of the Line of Control have remained stagnant for over half a century. There is also an agreement for a truck service to begin which could help commerce and local trade and alleviate the economic suffering of the people. The people of Kashmir also suffered a massive earthquake which hit last October. In this hour of tragedy the divided Kashmiri families were able to reach out and provide solace and comfort to each other across the Line of Control. This is another idea, we proposed that let the Line of Control not be divided in this moment of crisis so that the families and people can come across and help each other.

On our part we are implementing a massive plan in the affected areas of Azad Kashmir to help the people by providing them with opportunities so that there is improvement in the living conditions of those affected. We very successfully launched and executed the two initial stages of meeting the earthquake challenge - rescue and relief. There was no epidemic, there was no famine or nobody died of cold. That was the success of the relief operation. We are extremely grateful to the United Nations, to all the countries of the

world, to all NGOs, and of course, to the people of Pakistan and the Pakistan army, having done such a wonderful job. We are now in the stage of reconstruction and rehabilitation. And may I say that this stage is going exceptionally well. With the financial assistance of the world and all our resources, reconstruction effort today is going on very successfully. We are involved with the reconstruction of about 500,000 houses, the health and education infrastructure and government buildings. We are shifting two major towns in Azad Kashmir, Balakote and some parts of Muzzaffarabad. Azad Kashmir University and district administration are being moved outside so that Muzzaffarabad comes up with a beautiful well-planned town and other places come up as monuments of well-planned and organized reconstruction. This activity is going on very well. May I announce here that at this moment, every school and every health facility at the grass-roots level, which we lost, is functional in a good temporary accommodation and we are in the process of converting this temporary accommodation into better permanent structures. That is converting challenges into opportunities. This will be completed in December 2008; whatever remains will be done by 2009. I am extremely grateful to the European Union and to the countries of the European Union for their financial assistance and assistance in kind.

Pakistan, ladies and gentlemen, also encourages interaction among the Kashmiri leaders. We are happy that many of the leaders of the All Parties Hurriyat Conference have been able to visit Pakistan from across the Line of Control and have had detailed discussions with us to examine the ideas for settlement. We have interacted with leadership on our side of the Line of Control. We have also met the Indian Prime Minister Mr. Manmohan Singh. Some of the prominent personalities from Srinagar have also been to Pakistan. Such interactions with the Kashmiri leaders would clarify the ideas and certainly help to build support and consensus for workable options and as I said the solution lies in getting all the leadership of Kashmir on both sides of the divide to come at a common platform and a common cause that will lend strength to their argument for a solution of the Kashmir problem. Therefore, interacting with the people particularly those who were not in contact with each other, maybe because of some reason or another, but in future we have to change our attitude and interact with everyone so that we can come to a common scope or common dimension of a solution to the problem.

I would now like to give some details on our approach and effort for an acceptable settlement. Ladies and Gentlemen, as early as 2001 I offered a 4 point proposal to break the deadlock. These include:

- a) The acceptance of the dispute of Kashmir;
- b) Meaningful and sustained dialogue process;
- c) Setting aside options unacceptable to either side; and
- d) Examining other possible solutions acceptable to all parties mainly to the people of Jammu and Kashmir.

This is what I said in 2001. In my judgment this is the way forward to address the final settlement of this dispute. In 2004 following the resumption of the peace process after a hiatus of over 2 years, we focused our efforts on a forward-looking approach to address the core issue. I agreed with Prime Minister Manmohan Singh in New York in 2004 that the two sides should explore possible options for addressing Jammu & Kashmir. On our

part we encouraged frank and candid discussions that began with my food for thought ideas. Many people started criticizing that these are off the cuff ideas. I never speak off the cuff. I pointed out this very well. It may appear off the cuff at the moment but they are very well thought out. I do this intentionally and I do these things by design. I am never impulsive in my behaviour. Since that time there has been considerable debate and important ideas have come under discussions which found receptivity especially with the Kashmiri leadership. In some of these ideas, first of all, there is a need to identify Kashmir. There are certain areas and distinct regions within Kashmir. How shall we take this reality into account for practical and realistic settlement? The second important idea relates to demilitarization. We can envisage stages of demilitarization. Obviously hundreds of thousands of soldiers cannot be made to evaporate from the scene. There has to be stages of demilitarization. In the early stages this could help raise the comfort level of Kashmiris, and especially reduce violence and improve the human rights situation in the Indian held Kashmir. Demilitarization can also be part of the overall settlement. On our part we are prepared to withdraw our troops from the Line of Control as part of an overall settlement. I even had proposed that in the main cities of Indian held Kashmir - Srinagar, Kupwara and Baramulla, all troops could be moved out to the outskirts in order to demilitarize the cities. Let us use all our energies, all of our resources and all our influence to ensure that there is no militancy in those cities. Thirdly, I believe that the Kashmiri people are the main stake holders in the peace process and eventual settlement. They must have the right to decide their own affairs and self-governance is the central idea of empowering the Kashmiri people. Lastly, the history of the Kashmir dispute is inextricably linked to the interests of Pakistan and India. There ought to be an institutional arrangement which could accommodate these interests and appropriate mandate for the arrangement - an institutional arrangement on top to see the self-governance which will be allowed to the people of Kashmir.

Ladies and Gentlemen, the unfortunate Mumbai blasts, in which a large number of innocent lives were lost, were condemned by Pakistan in the strongest possible terms as a wanton act of terrorism. At the same time we find it difficult to understand the Indian decision to put on hold the composite dialogue. We must not allow acts of terrorism to affect the peace process in which both Pakistan and India have equal and important stakes. Pakistan had offered cooperation to help in the investigation relating to the Mumbai blasts and we promise to pursue the matter, at our end, in the same manner as we cooperate with other countries in counter terrorism. However, finger-pointing will help no one. We need to move forward and in future avoid interruption in the process that must be sustained with firm determination and commitment. I would like to add that stopping of the dialogue process through such acts of terrorism is exactly playing into the hands of the terrorists because they want to stall and disturb the peace process. And if we exactly do that then it is the terrorists who are winning and we, who want a solution, are losers.

Finally I would like to emphasize the role and the responsibility of the international community in helping both Pakistan and India to make progress and solve this long outstanding dispute of Kashmir. The United Nations Security Council Resolutions represent a solemn commitment and promise by the international community to the people of Kashmir. Regrettably, over the decades these resolutions have been unimplemented despite representing an international legality. Within the United Nations and other impor-

tant world forums such as the European Parliament there is a great deal of emphasis on upholding freedoms and human rights. The protagonists of these values cannot reside from their responsibility to address a dispute that represents denial of fundamental rights to the people as promised and sanctified internationally in the shape of the United Nations Security Council Resolution. We believe that this resolution is the best form of confidence building, the best assurance for peace and thereby an effective catalyst for progress and economic development.

There is always the need to move from conflict management to conflict resolution. This chain will herald a new chapter to all countries which delegate their energies and resources to the betterment of their people. We have seen this phenomenon in South East Asia where governments and leaders are not preoccupied with conflict resolution and instead devote themselves fully to ball stream inter-regional trade and economic cooperation. I believe the same environment is achievable for South Asia by resolving the Kashmir dispute. Pakistan will continue its efforts to achieve this goal through peaceful and political means.

Ladies and gentlemen, I appreciate the interest of the European Parliament in the Kashmir dispute. I hope in its upcoming report, its rapporteur will pave the way for a constructive dialogue and continue the engagement of the EU in this dispute. I thank you for your patient hearing and I thank you all.

Question & Answer Session
with the President General Pervez Musharraf

Question:

Sir, you mentioned the need to move from conflict management to conflict resolution and I think it's a very good idea, but I can't see any strong Indian leaders who can be counterpart to you. So in that situation where Pakistan has very strong leadership and a leader, but India has a divided political leadership, how do you expect them to move at the same level as you?

Kashif Qureshi, European Network Against Racism, Denmark

Answer:

My knowledge or my association and interaction with Prime Minister Manmohan Singh is not to be underestimated. He is a man of sincerity and has a flexible approach. This is my personal belief and my personal understanding of him and I feel very comfortable interacting with him. I am not meaning this as a formality in front of this group; I mean it from my heart. I see him as a person who is sincere towards the resolution of the problem, for peace in the region and peace between India and Pakistan and I have seen his flexibility. I hope and wish that he shows the courage to resolve this dispute which I'm sure he will in time. My interaction with him in Havana after only about two days I think, I look forward to a very useful discussion with him and I look forward to moving the process forward. I've already invited him to Pakistan. I hope he comes and moves the process forward. Therefore, I would like to say that every country has its own environment. They have some political environment of their own which the Prime Minister should be allowed to tackle. With him being there on the scene, I'm really hopeful that the process will move forward.

Question:

Your Excellency, I am pleased to hear that you said that the resolution which is acceptable to the Kashmiri people has to come first before it's acceptable to India and Pakistan and you talk about out of box and also moving away from the stated positions. But when you talk about joint management, self-governance, United States of Kashmir as options, and that's even before the process for a final settlement has started, and the position of Indians hasn't changed any way whatsoever, does this make the case for Kashmiris and Pakistan weaker or stronger?

Lord Nazir Ahmed, Member UK House of Lords

Answer:

If you see how many times in these years we have been trying to move the process forward, nobody has any idea. Frankly; I have spoken almost to everyone asking them about a possible solution. Nobody could give me an answer. Not one solution came to me, that this is the way forward. Therefore, I thought, let me play a card and then get the responses. Otherwise the responses are not coming. So I produced an idea; I thought myself what is the solution? And I came up with a solution to the best of my mental capabilities. I floated that solution which opened it up. And that actually initiated the international debate.

Nobody was talking about the solution, but now everybody is talking. I would like to boast about it that it was an idea that I floated and I boarded everyone towards a solution. Therefore, I think that while under normal theoretical conditions, I would agree, never play your hand before enemy and let the enemy play first but here the situation demanded that we play the card, see the responses and then take it forward. And now the ideas are coming and *InshaAllah* we will move it forward. So therefore, with hindsight even I personally think I did the right thing.

Question:

I am on campaign for Kashmir for a number of years now. Just one main question. You talked last night about moving on from the history of Kashmir and the solution from the history, you talked today about the UN resolutions. Can you tell us categorically what you feel about the Kashmiri people being involved in any decision rather than involved after the decision? And how will you try to engage the Kashmiri community more when India and Pakistan have meetings so that it's a three way discussion rather than just a two-way discussion?

Liz Lyn, Member European Parliament

Answer:

We will leave our stand if India is also prepared to leave its stated position on the whole of Kashmir. We move away where we should, from our stated positions, together. If they will not, we are not moving anyway. Our position is the same. This is a very, very subtle difference. Everyone keeps blaming me that you have given everything and they haven't given anything. I have not given them an inch. Our stance is the same. We will never move away from our stance until we see India moving away from its stance.

Another part of your questions was whether Kashmiris should be a part of it, before or after? If you ask my opinion, they should be a part of it all the way, immediately, before the process of final settlement starts. May I say there are certain practical problems in the way. Therefore, it is better to move bilaterally but at the same time keep on meeting the Kashmiris. So we are talking bilaterally, India and Pakistan but I am meeting all the Kashmiri leaders and Prime Minister Manmohan Singh is meeting all of them so it becomes trilateral, I think. The only difference is we need to get them on the same table which we may not achieve directly, but indirectly it is trilateral. I would call it indirect trilateral. Ultimately they have to be involved as there is no solution without the wishes and involvement of the people of Kashmir.

At the moment, we are moving forward bilaterally, but I would certainly urge Prime Minister Manmohan Singh that let us get the third element into the discussion. The idea is that the Kashmiris must be there, but it is meeting opposition on the other side, but we need to keep the door open and move towards involving them. May I also add in defence of the leadership on the Indian side that they have moved forward, if not substantially, but quite a bit. They have met with the leaders of the All Parties Hurriyat Conference. This was taboo in the past. Prime Minister Manmohan Singh has met them. They have allowed other leaders and APHC to come to Pakistan and meet me. I could never imagine ever meeting them. I met them in India and they have come to Pakistan to meet me. Leaders other than APHC have also come to Pakistan. Mr. Omer Abdullah has come to Pakistan and I met him a number of times. This is a good idea that all the Kashmiri leaders, whether on our side, or the Indian side must meet with each other, must meet

the leadership on both sides and then be integrated also in the peace process. This is a flexible approach and it is a practical approach which needs to be followed.

Question:

I want to question your blunt saying of setting aside the right of self-determination of the Kashmiri people. I think it is a very dangerous road to walk down to really set aside the principle before even sitting down at a negotiation table. So I would like to hear your explanation why to play card before sitting down at the negotiation table with India?

Lars Rise, former Member Norwegian Parliament and a member of the Kashmir Group.

Answer:

We have not set aside the right of self-determination. We did not set it aside at all. I explained a subtle difference. If you ask the official position of Pakistan today, it is unchanged. It is absolutely unchanged. It is self-determination, giving the right to the people of Kashmir to a plebiscite in accordance with the 1948 UN Resolution. We do understand that there is no going back and there is no setting aside. However, there is a subtle difference that I would urge you to understand. I have only, as I said, played our card and we are prepared to move away if India moves away from its stated position and this is the subtle difference. Yes, indeed we have played a card to urge the other side to take a step. We said we haven't taken a step forward but we are prepared to take a step forward if you are also prepared to take that step. There is a subtle difference, but we are prepared to move away from that in case India moves forward.

Question:

Many Kashmiris have this feeling that they are not included in whatever is going on between India and Pakistan. There is a general feeling in the streets of Kashmir that Pakistan is doing a sell-out. They are also asking as to how long can Pakistan continue to show its flexibility or out of the box thinking without any response from the Indian side?

Murtaza Shibli, Editor, Kashmir Affairs, London

Answer:

Again I would like to say that we are not showing flexibility in our stand. There is a subtle difference. We are only floating ideas. I am not showing flexibility. I am very rigid if they are rigid. But I am prepared to be flexible and I am throwing ideas. Please understand the difference. In fact I am a very strong man. I believe in very strong response to anyone. Stronger response than me so therefore, I never believe in giving up. I never believe in compromise unless there is a compromise from the other side. So the subtle difference, I am showing a way for a compromise through ideas and there was a dearth of ideas. Believe me I asked so many people, the leaders, what is the solution and no one came forward with a solution. They were just talking in vague terms like convenient solution of the Kashmir dispute through peaceful and political means. Therefore, I took it upon myself that let the ideas float. I don't think floating ideas is showing flexibility. Our stance is the same.

Lord Nazir did say that we should never float ideas and I would agree with him theoretically, if things were normal but since there was no move forward because of the dearth of ideas I had to play the card. This is what I want to say so please understand there is no

flexibility. If today India says that we don't want to solve the Kashmir dispute and we don't want to move ahead, we are back again at the same position, plebiscite; UN Resolutions of 1948. Idea floating doesn't mean that we are leaving our stance. I think this is the way of moving the process forward. I am not showing flexibility if they are not showing that. Now having said that let me also say that we can't say that there is total inflexibility from the other side. I do understand we have suffered over these 57 years but I think the leadership and the environment in the world today is different. After we became nuclear states and we had confrontation in Kargil between the two armies, the world now knows that this is a nuclear flash point. And therefore, we have to resolve this dispute. And we must resolve it.

I also need to add one more thing and I would say that Pakistan needs to be proud of that. Pakistan is now much stronger. This is emerging and rising Pakistan. This is not a Pakistan of the past. This is a much stronger Pakistan. So therefore, Pakistan is beyond any coercion. We cannot be coerced into any resolution or resolutions. We confronted the Indian forces for about a year and then they had to withdraw. We told them, you want to have war: have it your way but they had to withdraw. Now this coercion will not work any more at all and they have realized it. So therefore, this also should lead to a resolution. I told you that leadership from both the sides are meeting, bus services have started, truck service may start, and there are also things going on which are not known to everybody. Therefore, I have hopes and there is flexibility on that side also. Let's hope for the best.

Question: How much would the option of flexibility allow Kashmiris to be consulted and secondly what do you think that we should discuss here at the two-day discourse on Kashmir with so many dignitaries present here that are related to the dispute?

Mehboob Hussain Bhatti, President of European Forum, UK

Answer:

The ideas for discussion can be:

Let's understand Kashmir geographically

Let's demilitarize

Let us give self-governance

Let us have a system to oversee jointly.

This is the way forward which I have already said. And may I also say that all Kashmiris, from across the border, all the leaders there, we must not feel shy of meeting. We must meet all of them and when we meet them, our stand is right. We have the strength of right on our side. The stand of truth is on our side so we can convert any Kashmiri to our ideas. So therefore, don't hesitate meeting anyone and everyone. Debate with them and take them to a common cause and that will be the strength for the resolution of the dispute.

Question:

I have two very small questions. You have referred to crossing points and roads. We have seen, therefore, the divided families of the Valley and Jammu region are able to meet but what about Ladakh and Northern Areas? Is it possible for Kargil-Skardu road also to be opened? And second question; I am not sure you can answer. One of the things that is critical for Kashmiris is anti-violence. Is there any hope of get-

ting cease-fire with the militant groups? We have an India-Pakistan cease-fire but that needs to be accompanied by cease-fire with the armed groups. What is the chance?

Professor Radha Kumar of Mandela Institute of Conflict Resolution, New Delhi.

Answer:

I am very glad that you are here and that you asked these questions. Skardu-Ladakh road goes through very very difficult terrain. We don't mind looking into it certainly. There is no problem. I hope India finances the project but it is a real difficult terrain. We don't have any problem. If we have opened the Muzzaffarabad-Srinagar road why not this one? By the way, if you know, travelling from Srinagar to Delhi is shorter via Pakistan.

About the ceasefire with militant groups! Frankly, I'm not the leader of the militant groups. One can attempt to have influence over anyone through whatever channels. You understand those channels. India maintains channels. We maintain channels. So we would like to use our influence, whatever is possible but if you think one can manage a total complete ceasefire, I think you are talking utopia. I think that is not going to be possible. I'm against such attempts and emphasis without moving forward. What is the urge and what is my motivation if we are not moving forward on Kashmir. Let us have the motivation for everything through moving forward the Kashmir process towards a resolution and then everything will fall in line even though those terrorists who are free-lance and doing whatever activity in Mumbai or any other place which we strongly condemn, they will fall in place when the main source of their motivation goes and that is when the Kashmir dispute is resolved. But without that I certainly don't hold the whistle to achieve ceasefire between militants and everyone else. I don't have that capability at all. I hope I have answered your question.

James Elles (MEP)
(Concluding Remarks)

Mr. President, Thank you very much. I thank you particularly for your remarks and commitment towards building relationship with India, freedom, human rights and democracy. We have here many members of the All Parties Group for Kashmir; Mr. Sajjad Karim, Chairman Friends of Pakistan and Charles Tannock, Chairman Friends of India.

Secondly, just a phrase of yours that I would like to recall, that when two elephants are fighting, grass gets trampled. The way you were saying today was to try to stop these elephants to fight so that people can live with peace and, as you rightly mentioned, can share the benefits of global economy. I think that the concept you have is the same as what Majid Tramboos has mentioned; the formation of working groups which can bring both formal and informal process together so everybody can be brought on board, as was suggested earlier. I would like to comment on the qualities that you have mentioned; sincerity, flexibility and courage. And particularly the courage that you have shown to fight terrorism in your own country and we greatly encourage everything that can be done to end this process. You were the man of war but now turned into a man of peace, as you have mentioned in your speech. We wish you all the best for whatever lies ahead of you so that you can bring peace and prosperity to the region with your ideas and efforts. I like your saying that you could resist inflation of bombings but you cannot resist inflation of ideas. Let us find peace and prosperity with the force of ideas.

Thank you very much Mr. President. Now I would like to announce this session to be concluded.

End of Opening Plenary

Theme I
BUILDING PEACE IN KASHMIR
(Prime Ministerial Session)

Opening Remarks by
Lord Nazir Ahmed of Rotherham
Member House of Lords, UK
Chair of the Session

Ladies and Gentlemen! We are already late and if you allow me to be 15 minutes late for lunch then we can conclude this session by 1:30. So we have 1 hour and I have seven speakers and they're all very important. I think that if I give everyone 7-8 minutes to speak then we can have some questions at the end.

This session is about 'Building Peace in Kashmir'. It's a Prime Ministerial Session. Right in front of you is the programme and the speakers. I think that many of the speakers are going to have to change their speeches now because of what you've heard from the President of Pakistan. But I think there still remain many issues and questions to be addressed and the topics of conflict resolutions about Kashmir of what the President was talking about sincerity, flexibility, courage and boldness and how far Pakistan needs to go, how far the Kashmiris need to go and what does India need to do? What should be the conditions for peace, and peace at what expense? And at whose expense?

These are some of the important questions that need to be addressed like can one side move away from stated position without the other side changing or giving any concessions to its stated position? And is it possible to establish peace in South Asia when you have an emerging superpower that does not consider the other to be its equal partner? Is it right to talk about final solutions, as I was saying earlier on, when the peace process or the final settlement process hasn't even started? Is the issue more to do with land, and water and trees, or is it more to do with human beings and the right to self-determination?

For all that or all these questions and much more, we have many experts here today including the newly elected Prime Minister of Azad Kashmir who has huge experience and a distinctive political career, and who has been the head of his own political party for many years and has travelled around the world addressing the issue of Kashmir; looking for a final solution and building peace in Kashmir. Before I ask the Prime Minister, I would ask the Member of the European Parliament, my brother and friend, Mr. Sajjad Karim to address you.

Sajjad Karim (MEP)

Chair Friends of Pakistan, European Parliament

Lord Nazir, Thank you very much. I have taken a slight liberty that since we were given the title of 'Building peace in Kashmir', I've added on to that from an EU perspective. This is, of course, an EU perspective seen through my eyes and is entirely personal to me. It doesn't speak on behalf of the Parliament in any way or any of our Committees. I am sure from the dialogue we will have during the course of today, you will see that there is a whole spectrum of opinion within the European institutions and the European Parliament per se.

I'd like to touch mainly first of all upon the over riding theme, that is the issue of multilateralism because I believe it does has a role to play in conflict resolution. As a Union certainly we have given a commitment to multilateralism and this is increasingly coming to the fore in many ways. For instance, I serve on the international trade committee and very recently with the WTO round; we find that we as a union have been very sorely tested in the recent past. On the whole issue of bilateralism and multilateralism, I believe that we as a union have firmly reiterated our commitment in this regard.

Accordingly, it should follow that on the issue of Kashmir on the point of principle to want to strengthen the multilateral approach. And of course the history to the matter is firmly enshrined in the multilateral approach through the United Nations, as the President quite rightly described in some detail. Now with this as a basic starting point, I wish very briefly to consider the history of the EU's interaction on the issue. For some years now the issue has appeared on our agenda with different levels of frequency.

Undoubtedly, whenever Kashmir erupts as a flashpoint in the international affairs, we as a Union, the EU has no choice but to take notice. However, fortunately, when the crises are abated, the urgency of the resolution also seems to make its way to the back burner. On a human rights basis much work remains to be done within this house and by our assistant institutions so far as Kashmir is concerned. The European Parliament has sought to engage on the issue through the preparation of an ad hoc report in July 2004 where certain recommendations were made. I don't have the time to run through those at this stage.

As the Parliament and through our Foreign Affairs Committee we are now once again in the process of drafting a new report. This provides an opportunity to address the realities based upon changed circumstances, including of course taken into account the effects of the earthquake. Along with that I believe this is an opportunity for us as a union to reiterate our commitment to the multilateral forum and I hope that we as a Union will ensure that our report gives due recognition to the ever increasing need for a multilateral dialogue to achieve conflict resolution. Such a dialogue to work alongside domestic and national programmes and I give this as an idea that's talked about fairly frequently as

well the case of the truth and reconciliation process of South Africa, or in some of the other examples that have already been provided today.

But of course, on a democratic basis the rights of people to determine for themselves is an inalienable right which requires international community's support in the context of Kashmir. I will finish off simply by saying that I am delighted to be able to share this stage with such esteemed and knowledgeable speakers including Lord Nazir, Prime Minister of Azad Jammu and Kashmir, Senator Mushahid Hussain Sayed, and so many others who are very well-versed in how the Kashmir issue and politics plays out in South Asia and international context.

I limited my contribution to how I see things on an EU basis because I believe that I may insult their intelligence if I try to veer off into spheres in which they have far greater knowledge than I do, and I hope by doing so I've been able, in a very brief way to put forward an input which is constructive. Thank you.

Dr. Charles Tannock (MEP)
Chair Friends of India, European Parliament

First of all, it's been a privilege to be here today. I am President of Friends of India in the European Parliament. I am also shadow rapporteur on the Kashmir Report, hence my interest in this debate. It is my belief as it is my party's belief that the current bilateral ongoing confidence building talks between the Indian and Pakistani governments aimed at easing the Line of Control border tensions, remain the best strategy ahead to achieve a just and enduring peace in the region. I welcome the commitment made by the government of Pakistan on 6th of January 2004 to stop any support to terrorism against India from territories under its control. Indeed, we have witnessed since the agreed ceasefire of November 2003 one of the most peaceful periods in terms of military action since the establishment of the LoC in 1971 following the Indo-Pakistani war.

However, in spite of this in 2004, we have figures available, there were still 284 terrorist attacks in Jammu and Kashmir and most recently we have witnessed in the rest of India, 2 months ago, the Mumbai train attacks with 186 deaths, where suspicion regrettably was cast over radical Islamist organizations within India such as the "Student Islamic Movement of India" but also the alleged involvement of armed militant Kashmiri groups such as Lashkar-e-Taiba, possibly with Al-Qaeda help. This remains a great concern for people such as myself.

We must all reject these violent nihilistic solutions based on terrorist action every where in the region. I appeal to all parties concerned to address the concerns of peaceful Kashmiri political groups such as the moderate elements within the Hurriyat Conference led by Mirwaiz Umar Farooq through dialogue, whether their ultimate hopes lie with India or Pakistan.

This May, Roundtable Conferences were held between the Indian government in a spirit of dialogue and reconciliation and with Kashmiri separatist groups and the mainstream political parties who all shun violence. Both India, by extending the 1952 Nehru-Abdullah accords, and Pakistan, as evidenced by President Musharraf's June 2006 devolution and self-governance announcements, are prepared to maximize regional autonomy on both sides of the LoC, but for this to become a reality I call on President Musharraf who was here earlier a few minutes ago and his government and in particular the ISI to rein in all terrorist extremists, and to close down those madrassas which incite terrorist violence and to expel, as he promised to the international community following the 7th July bombings on London's underground, any foreign students enrolled there which provide terrorist links to the West.

Many of us are also questioning the wisdom of the deal signed by Mr. Musharraf's government last week with pro-Taliban Islamist militants in North Waziristan to cease the Pakistani military offensive against local Al-Qaeda operatives. The return of a Taliban regime in Afghanistan cannot be in the interest of Pakistan. If they were to prevail with

their fundamentalist beliefs, this will ultimately spread and escalate the tensions and conflict over Kashmir with India.

Returning to my role as a United Kingdom MEP, I would also like to take the opportunity to thank, as a London member, Islamabad's recent help in arresting the 23 mainly British suspects of Pakistani origin last month accused of plotting to blow-up transatlantic airlines in Heathrow, which is also in my constituency. Nevertheless grave concerns remain that the Pakistani based charity Jamaat-ud-Dawa, allegedly a front for the banned terrorist group Lashkar-e-Taiba, may have raised money in British mosques for Kashmiri's earthquake relief which is a very noble cause and instead fraudulently diverted it to the air plotters to purchase tickets for their airlines or to fund terrorist activities.

Therefore, as a good start and as a Vice-President of the Parliament's Human Rights sub-committee, I appeal today for a unilateral ceasefire, followed by an eventual disbanding of the militant MJC/UJC (Muttahida or United Jihad Council), some of whose components are clearly regarded internationally as terrorist. Kashmiri Pandits continue to claim that Islamist terrorists are attempting a campaign of ethnic cleansing against the local Hindu population. Similarly I call for restraint by the Indian military with full respect by the security forces of human rights, the well being of the civilian populations and to obey issued local court orders. In India there is to its credit an established mechanism of tackling these violations through the National Human Rights Commission and the Humans Rights Council of the State.

All my MEP colleagues and I warmly welcomed in 2005 the launching of a bus service across the Line of Control (LoC) between Srinagar and Muzaffarabad, allowing divided families to be reunited after nearly 60 years of division. Let there be more people to people contact across the LoC as eventually the borders will be just a line on the map and become increasingly irrelevant. We in the EU have already proved that with freedoms of movement of people, goods, services and capital to achieve these ends. A similar future vision of a South Asia as an economic community by 2025 will require free trade across the LoC. Both, India and Pakistan much to their credit co-operated positively after the October 2005 Kashmir earthquake to provide humanitarian aid to thousands of victims and displaced people.

The EU and my country in particular, the UK, with its historical imperial responsibilities in the region and significantly with a very large British Kashmiri origin community living within our country, is a friend of both India and Pakistan and President Musharraf has cited the Northern Irish situation as helpful in devising cross border institutional arrangements and devolved self governance for the state. The EU's role and the European Parliament's role is to support a peaceful settlement of the problem with the EU willing to act as an honest broker for peace but only if both sovereign governments ask for our help as ultimately we regard this matter as primarily a bilateral one. I know the President of Pakistan and the Prime Minister of India will be meeting in Cuba in the next couple of days at the Non Aligned Movement Summit in Havana to take these matters forward. Finally I once again repeat my appeal to all parties that all support for militants waging violent jihad must stop. Thank you.

Ambassador G Parthasarathy

Former Indian High Commissioner to Pakistan and Australia

Visiting Professor Centre for Policy Research, New Delhi

I would like to thank Mr. James Elles for the invitation. As he says, the purpose of this conference is to build on what he acknowledges are significant steps by the governments of both Pakistan and India to resolve the Kashmir issue and that this conference is to take this forward. I would like to say that I share this sentiment because Mr. Elles has spoken of progress in the last few years. The President alluded to it earlier in his speech. Apart from the ceasefire along the Line of Control which has helped many small towns and farming communities, living within the artillery range of the LoC, to live in peace which is very desirable. We have also seen the bus services and the opening of the Line of Control for travelling. On the President's proposal I think I want to say this: it is not only the President who has shifted from what is to be the stated position. I think Prime Minister Manmohan Singh has met him more than halfway. You must realize a democracy is functioning within the parameters of a parliamentary resolution under which he's required to say that there is nothing to discuss with Pakistan except the return of territories occupied illegally by Pakistan as Pakistani Occupied Kashmir to India. So there has been a movement forward on both sides. But I think what has been agreed which I see great hope for is the principle the President spoke about today; self-governance. He has spoken about institutional arrangements like those prevalent in Northern Ireland. He has ruled out independence as an option for Jammu and Kashmir and he has done this quite categorically. And he has also responded positively to Dr. Manmohan Singh's statement that borders cannot be redrawn but we can work towards making them irrelevant. People on both sides of the LoC should be able to move freely and also Dr. Manmohan Singh shares his views on institutional arrangements.

On demilitarization, I'm afraid that as long as terrorist violence continues, you are not going to see it. But certainly, I've explained in my paper on why the term is not acceptable to us but the principle is. Terms like re-deployment and reduction of forces would certainly be acceptable to India and especially because the location of Kashmir on the lines of communications on the borders with China. Here I'd like to go further than Mr. Tannock, and what the President said. We have no problem not only talking to the Kashmiri separatist groups; we have no problem talking to Hizb-ul-Mujahideen if they are prepared for such talks. But groups like Lashkar-e-Taiba, Harkat-ul-Mujahideen and Jaish-e-Muhammad are international terrorist groups banned under UN Security Council Resolution 1363. So with due respect to the President, I'm afraid we cannot talk in the situation where these banned groups operate with impunity with their leaders saying that they are waving jihad against India and their aim is to destabilize India and establish an Islamic emirate in India. Now if you want, I've got a whole text of statements by people like Hafiz Muhammad Saeed, Fazl-ur-Rahman Khalil and not to speak of Moulana Masud Azhar that AK-47 rifles and RDX don't grow on the trees of Jammu & Kashmir, they come from very well established sources.

As I said, we would like to go ahead on self-governance, taking it down from the grass-roots as the President would like, and we're quite prepared to work with him to make the LoC irrelevant. I have a personal view that even though we opened the LoC, both governments are insincere and the sort of restrictions we have on travel across the LoC are just not tenable. One more point I would like to make is that we're talking of self-governance, human rights, self-determination for the people of Jammu and Kashmir in this audience and to be absolutely frank, this audience comprises of people with a certain ideology from the Valley of Kashmir, and from Pakistan occupied Kashmir, but there is no representation in this conference which symbolizes the religious and ethnic diversity of Kashmir. The Hindus in Jammu and Kashmir are unrepresented, the Buddhists from Ladakh are unrepresented. I do not see any representative in sectarian terms - Shias from Kargil or Baltistan or Ismailis of Hunza or indeed Buddhists of Ladakh.

So I would like to welcome what Sardar Attique Khan has said; a genuine dialogue covering all communities and all sects, which is something I would also welcome. I've participated in three such dialogues, and believe me; they've been in Jammu where we had the honour to welcome Sardar Qayoom Khan. They were most useful. But let it be representative of Jammu and Kashmir, and not just sections of Kashmir. The State covers much more than the Kashmiri speaking or Mirpuri speaking. In terms of making borders irrelevant for economic cooperation I would like to state from an existing document that the SAARC vision beyond year 2020, which has been agreed to by both India and Pakistan and indeed all SAARC countries, will take us from a free trade area to a customs union and to an economic union by 2020. This should make boundaries irrelevant for economic cooperation. Similarly, on the question of self-governance, we need to harmonize the level of self-governance on both sides of the Line of Control and for this it is extremely important that I share the sentiments of everyone here that the people from both sides of Jammu and Kashmir should meet to establish a consensus.

Regarding the mechanisms for cross LoC cooperation; this can cover a huge number of areas from health, education, environment and tourism. We can make Srinagar the hub of tourism for everybody in Jammu and Kashmir and even for those of you expatriates living abroad who wish to travel back, from either side of the LoC. That's where the border becomes irrelevant for these purposes. And finally I would like to say that these mechanisms can be worked on but to expect that there will be a solution to the Kashmir problem tomorrow morning; no dialogue process can be compressed in time. This dialogue process, believe me, if you are talking of making borders irrelevant in economic terms, will take 15 years. I think we should have patience for that.

Finally and frankly, I would like to add a note of caution here: We should bear in mind that this is a complex issue affecting certainly the sentiments of the people of Jammu & Kashmir, of all segments and all sects, from whom we need a consensus not a monologue or selective gatherings in which these issues are addressed. And I would certainly support Sardar Attique in anything he does to make this happen. Finally, in his invitation Mr. Elles said that a working paper is going to be brought out. I would sincerely hope that the working paper confines itself primarily to the agenda which he has spoken in his invitation to all of us. There are several other issues that can be discussed. In conclusion, I would say that I very warmly welcome what President of Pakistan has said. I think it is a very realistic approach. I do believe that the Prime Minister shares this approach. I have

lived in Pakistan for 5 and a half years and I have more friends in Pakistan than any other foreign country. I would like to say that we have a historical opportunity, as the President said, let us not fitter away the history.

Written Speech

Recent Proposals on Jammu and Kashmir

The progress in moving towards a resolution of the issue of Jammu and Kashmir was frozen for several years, as there was no meeting ground between Pakistan's insistence on a "plebiscite" in the State and India's assertion that the entire State was an integral part of India. India also held that the only issue to be discussed with Pakistan on Jammu and Kashmir (J&K) was the withdrawal of Pakistan forces from areas of J&K occupied by it. But, in the recent past, the two countries have been trying to find common ground, by exploring suggestions that both find acceptable.

President Musharraf has urged that there should be four elements in any solution to the Jammu and Kashmir issue. He has proposed that: (1) J&K should be divided into seven distinct regions. (2) There should be a process of "demilitarization" in identified regions. He has specifically called for the withdrawal of Indian forces from Kupwara, Baramulla and Srinagar. (3) There should be "self-governance" in Jammu and Kashmir. President Musharraf had not indicated whether this "self-governance" will be equally applicable to POK (the area referred to "Azad Kashmir" by Pakistan and "Pakistan Occupied Kashmir" by India) and the Northern Areas. But on August 1, 2006, he clarified that self-governance would be equally applicable to both sides of the LOC. (4) India and Pakistan should agree to "Joint Management" of the State. He had not indicated whether "Joint Management" will apply equally to POK and the Northern Areas. President Musharraf has now clarified that he was not the one who and initiated the term "Joint Management" and would be agreeable to "Institutional Arrangements" for Jammu and Kashmir akin to those in Northern Ireland. (5) Independence as an option for Jammu and Kashmir has been categorically ruled out by President Musharraf.

Prime Minister Manmohan Singh has also outlined his vision on how to move forward in resolving the issue of Jammu and Kashmir. Speaking at the inauguration of the Amritsar-Nankana Sahib bus service across the India-Pakistan border on March 24, 2006 Dr. Manmohan Singh made the following points: (1) Borders cannot be redrawn, but we can work towards making them "irrelevant" and "just lines on a map". President Musharraf has welcomed this approach. (2) People on both sides of the LoC should be able to move more freely and trade with one another. (3) A situation can be envisaged where the two parts of Jammu and Kashmir can, with the active encouragement of the Governments of India and Pakistan, work out cooperative and consultative mechanisms, so as to maximize the gains of cooperation in solving problems of social and economic development of the region. This coincides with President Musharraf's endorsement of "Institutional Arrangements" between India and Pakistan akin to those of Northern Ireland.

India has responded to Pakistan's suggestion of "demilitarization" of Kupwara, Baramulla and Srinagar by stating that it could consider re-deployment of its forces away from population centres and even some reduction in its force levels, once infiltration from across the LOC and terrorist violence irrevocably and irreversibly end. Kupwara, Baramulla and Srinagar have traditionally since 1947, been the objective of takeover by armed groups operating with support from the Government of Pakistan. There has also been an aversion to accepting any use of the term "demilitarization," because this would amount to relinquishment of the sovereign right of India to deploy armed forces in any part of its territory. Further, Jammu and Kashmir is the lifeline for deployment of India's forces on its western borders with China. But despite this, India should not be averse to moving towards redeployment of forces away from populated areas and to even reduce its forces in Jammu and Kashmir once infiltration across the Line of Control irrevocably ends and all non state actors are disarmed, with those who do not belong to Jammu and Kashmir returning to Pakistan. While there can be no question of India talking or entering into any dialogue with foreign nationals and members of terrorist groups who have crossed the Line of Control vowing to wage *Jihad* against it, a dialogue with Kashmiri militant groups including the *Hizbul Mujahideen*, with a view to persuading them to renounce violence can always be considered.

Despite the foregoing, it will be difficult to sustain a dialogue as long as armed groups from across the Line of Control undertake acts of violence and terrorism after crossing the Line of Control. The dialogue process between India and Pakistan recommenced after President Musharraf made solemn commitment on January 6, 2004 that he would not permit any territory under Pakistan's control to be used for terrorism. There is a "*United Jihad Council*" based in Muzaffargarh that includes a Kashmiri armed Group, the *Hizbul Mujahideen* and groups made up predominantly of Pakistani nationals like the *Lashkar-e-Taiba*, the *Harkat-ul-Mujahideen* and the *Jaish-e-Mohammed*. These Pakistani based groups have been declared as terrorist organizations by the USA, UK and Canada and even under UN Security Council Resolution 1363. They have been found to have been promoting terrorist violence not only in Jammu and Kashmir. Their members have been apprehended or found to be involved in acts of terrorism and imparting terrorist training to their supporters resident even in London, San Diego, Virginia and Sydney. The leader of the *Lashkar-e-Taiba* Hafiz Mohammed Saeed frequently proclaims that Christians, Jews and Hindus are "enemies of Islam" and that he aims to establish Islamic Emirates across the length and breadth of India. The organization's magazines regularly publish the names of Pakistani nationals killed while waging "Jihad" in Jammu and Kashmir and elsewhere in India. Confidence in India that President Musharraf is fulfilling the assurances he held out on January 6, 2004 would be greatly enhanced and the dialogue process reinvigorated if the "*United Jihad Council*" operating out of Muzaffargarh is disbanded and banned and any individuals or groups advocating and participating in violence across the Line of Control from territory under Pakistan's control are effectively compelled to fall in line with President Musharraf's declared policy aim of disarming all armed groups and non-state actors, in territory under the control of his Government.

President Musharraf's proposal for dividing the State into seven regions, which is a variant of a proposal by the New York based Kashmir Study Group has been rejected by India on the grounds that any further division of Jammu and Kashmir on communal or sectarian lines is unacceptable. This view is largely endorsed by people in Jammu and Kash-

mir. But, there are grievances about regional disparities in economic development and allocation of funds that need to be addressed. In Jammu and Kashmir just 1569 of the State's 2700 Panchayats (self-governing elected Village Councils) exist even on paper, and fewer still provide anything resembling grassroots democracy. Across the LoC, there is no system of grassroots democracy in place. When he met participants at the Pugwash Conference in Islamabad in March 2006, President Musharraf acknowledged that while he did not have any models of what constitutes self-governance, devolution of power was an important ingredient of self-governance. Evolving a consensus within Jammu and Kashmir on what exactly self-governance means is going to be a difficult exercise, in the absence of a political consensus on the issue. At the same time, harmonizing the extent of self-governance on both sides of the Line of Control will also be a complex issue, involving participation of representatives from both sides of the Line of Control (LoC) and representatives of the Governments of India and Pakistan.

It is in this context that I wish to draw the attention of the organizers of this Discourse that in discussing issues of self-governance, human rights, self-determination, or the inclusion of people of Jammu and Kashmir in the Peace Process, the representation of the people from all the different regions of Jammu and Kashmir in this Discourse has been restricted and indeed disappointing. The different Regions of Jammu and Kashmir are inhabited diverse sectarian, religious, linguistic and ethnic groups ranging from Hindus in Jammu and the Kashmir Valley, Buddhists in Ladakh, Shias in Kargil and Baltistan, Ismailis in Hunza and Sunnis in the Kashmir Valley, Jammu and POK. There is no representation in this Conference of Hindus from Jammu and the Pandits of the Kashmir Valley, Buddhists from Ladakh, Shias from Kargil and Baltistan and Ismailis from Hunza. While it is naturally a pleasure to see political representatives from Muzaffargarh like Sardar Attique Khan present here, such efforts will have little impact without the similar presence of influential legislators from the J&K Legislative Assembly and the J&K Legislative Council. The Pugwash Conference has organized meetings in Kathmandu and Islamabad in which virtually the entire spectrum of people representing different schools of thought from across Jammu and Kashmir were invited and participated. Similar gatherings have been organized in Jammu and by the Jamia Milia Islamia University in Delhi. One hopes that in future gatherings of this nature, the European Parliament will see that a wider cross section of public opinion in Jammu and Kashmir is represented, so that there can be a genuine and broad consensus about how steps to move forward towards a better future can be evolved.

President Musharraf and Dr. Manmohan Singh have agreed that while boundaries cannot be changed they will have to be made "irrelevant". They agree that it is only through this path that there can be a mutually acceptable resolution of the issue of Jammu and Kashmir. Considerable thought, however, needs to be given to precisely how this can be achieved. Within Jammu and Kashmir, a novel system of travel documents has been devised that obviates the need for International Passports. This system works for residents of Jammu and Kashmir travelling by the Srinagar-Muzaffargarh bus service. New bus routes are being explored for travel across the LoC from Poonch to Rawlakot and from Kargil to Skardu, with progress already having been made for the Poonch-Rawalakot bus service. India has identified five meeting places along the LoC where divided families can meet. These are at Mendhar, Poonch, Suchetgarh, Uri and Tangdar. There has been legitimate criticism of the cumbersome procedures that have been recently devised for travel-

ling across the LoC. Simplifying these procedures, eliminating arbitrary denial of permission and opening more avenues for cross-LoC travel will be a first step towards “softening” of boundaries. This has necessarily to be followed by extending facilities for travel across the LoC by people from all parts of India and Pakistan and for foreign tourists. The establishment of a modern international airport at Srinagar and the development of facilities for travel across the LoC for tourists, businessmen and mountaineering expeditions will be a major step towards addressing aspirations in J&K, as this would restore the connectivity that existed in the State of Jammu and Kashmir before August 1947.

Making Borders Irrelevant For Economic Cooperation:

After a lapse of decades, trade across the Line of Control has recently commenced along the Srinagar-Muzzaffarabad road. While this is a good beginning, we have to recognize that both Governments have placed severe restrictions on the commodities that can be traded in this manner.

Pakistan has, for years, taken the position that it can have normal, good-neighbourly trade and economic ties with India only after the Kashmir issue is resolved to its satisfaction. But Pakistan, I believe, recognizes that there are winds of change blowing across Asia that are leading to the adoption of the logic of greater economic integration in Asia, as an essential requisite for economic progress and prosperity. In June 1998 a “Group of Eminent Persons” constituted at the Ninth SAARC Summit in Male submitted a detailed report to the Heads of State and Government of SAARC member States. The Report entitled “SAARC Vision Beyond the Year 2020” defined a long term vision for SAARC and identified the elements of a prospective plan of action for promoting regional economic, social, cultural and even political cooperation within South Asia. The Report noted that “mega-groupings” had emerged in the Europe, the Americas and the Asia-Pacific. Those outside these groupings including in South Asia were being progressively marginalized in the world economy, especially in the absence of cooperation in “core economic areas”. Given this reality, the report concluded that SAARC member States should establish a *South Asian Economic Union* by 2020. India and Pakistan expressed their commitment to implement the recommendations of the Report during the Lahore Summit of 1999. President Musharraf and former Indian Prime Minister Mr. Vajpayee agreed along with other heads of South Asian Governments to implement the proposals of “SAARC Vision Beyond the Year 2020” during the SAARC Summit in Kathmandu in 2002.

The SAARC Vision 2020 document envisaged that as the first stage, SAARC Member States should work towards establishing a South Asian Free Trade Area by 2010. At the second stage, SAARC countries would move towards creating a Customs Union by 2015, requiring the establishment of single tariffs by all member states on imports from non-member countries and agreement on non tariff barriers and other measures for regulation of trade. The third stage of moving towards the establishment of a South Asian Economic Union will initially require substantial integration in areas like telecommunications, transport and energy infrastructure and adoption of common standards. There has already been a slippage of almost 8 years on the establishment of SAFTA from the time frame envisaged in the Vision 2020 report. It would, therefore, be prudent to assume that the establishment of a South Asian Economic Union can now come about only by 2025.

Borders and boundaries between India and Pakistan and across the Line of Control will become irrelevant as President Musharraf and Prime Minister Manmohan Singh desire, once the countries of South Asia move forward on the path they have agreed to during the SAARC Summit in Kathmandu in 2002.

Making Borders Soft and "Irrelevant" and "Just a Line on the Map"

The concept of making the Line of Control "irrelevant" or just a "Line on a Map" have been separately articulated by President Musharraf and Dr. Manmohan Singh. Any negotiating process that seeks to make borders and boundaries "irrelevant" must, in the light of the foregoing, be presumed to extend till 2025 when borders could realistically be made "irrelevant" for economic exchanges and the free flow of goods, services and investments. It is, therefore, imperative for the peace process to move forward that India and Pakistan should set the pace within SAARC for moving in a committed and time bound manner to achieve the goals outlined in the Vision 2020 report by 2025. As neither India, nor Pakistan can formally agree to the LoC in Jammu and Kashmir being declared as an international border, the endeavour should be to devise documents other than passports that facilitate travel. Perhaps a common SAARC document that can be issued by all member countries can be devised to facilitate travel between member states. Alternately, an Indo-Pakistan passport valid for travel in both India and Pakistan can be considered. If mutual confidence grows, one could even consider driving licenses, or recognized national identity cards as being sufficient for such travel, as one observes across the US-Canada border. Procedures could simultaneously be devised that enable people to travel easily across the Line of Control. Given the present environment of mutual distrust, it is obvious that it is going to take time to move in this direction. But, it would be useful to outline a vision for the future in such terms. There is much that we can learn from the experiences of the EU on measures that could be taken to make borders "irrelevant".

Self Governance

Governance in Jammu and Kashmir on the Indian side of the LoC is conducted in accordance with the provisions of Article 370 and other related articles of the Indian Constitution and the provisions of the Jammu and Kashmir Constitution. Across the LoC, powers are effectively wielded by the Azad Jammu and Kashmir Council and the Northern Areas Council. These "Councils" are presided over by the Prime Minister or President of Pakistan. Power in administrative, financial and political terms is wielded by the Ministry of Kashmir Affairs in Islamabad. Though President Musharraf spoke of "devolution" being an aspect of "self-governance" there is really no system of grass roots devolution of powers to village and township level either in POK or the Northern Areas. It would, therefore, be necessary, as a first step, to carry out a detailed study by a group of constitutional experts from India and Pakistan that would include eminent jurists from both sides of the LoC in Jammu and Kashmir to harmonize the provisions for administrative, financial and legislative self-governance on both sides of the LoC.

This study would need to take into account the fact that while people from outside Jammu and Kashmir have not been permitted to acquire property and facilitate permanent residential status on the Indian side of the LoC, there has been an influx of settlers from outside Jammu and Kashmir that has affected the ethnic composition of the Northern Areas. This issue, along with the issue of the travails of internally displaced Kashmiri

Pandits and those who crossed into POK in the wake of the commencement of militancy in the Kashmir Valley in 1990 needs to be frankly and transparently addressed. This exercise could proceed, side by side, with separate efforts on either side of the LoC to build a consensus within Jammu and Kashmir on precisely what the provisions of self-governance and good governance are to be within the entire state. Such measures would necessarily include the establishment of mechanisms like empowered regional development councils within Jammu and Kashmir to address issues of regional economic disparities, especially in the allocation of financial resources.

Mechanisms for Cross LoC Cooperation

A large number of institutions and mechanisms to address issues of common concern can be put in place once agreement is reached on precisely the extent of self-governance within Jammu and Kashmir on both sides of the LoC and the modalities for making boundaries “irrelevant”. These institutions and mechanisms could include consultative bodies made up of Parliamentarians from India and Pakistan and legislators from both sides of the LoC. But, in the meantime borders and boundaries could be “softened” by extensive cooperation in areas like health, education and environment. To start with, students from PoK and the Northern Areas could be admitted for professional courses like engineering and medicine in universities in Jammu and Srinagar. Similar facilities could be sought in Muzaffargarh for students from Jammu and Kashmir. A system of having visiting professors and lecturers, especially for professional colleges could be introduced. As a first step a Committee of Vice Chancellors from Universities on both sides of the LoC could be set up to suggest the modalities for implementing such a scheme and moving to more ambitious projects like say a University for Jammu and Kashmir for students from both sides of the LoC that could be set up in Gilgit, with funding from the Governments of India and Pakistan. Such institutions could seek affiliation to institutions of excellence abroad and with institutions like LUMS in Lahore and the IIMs and IITs in different parts of India. Similarly, both Governmental and private sector involvement could be sought for establishing world class medical facilities in Jammu and Kashmir. As a first step, Health Ministers and officials can meet to work out mechanisms and modalities for establishing such institutions, with support from authorities in New Delhi and Islamabad.

Tourism, agriculture and horticulture will remain major sources of employment and revenue in Jammu and Kashmir. Economic cooperation across the LoC can be fostered by setting up Joint Committees of experts on how Srinagar can be made an international hub for trade in the entire State, by projects in areas like horticulture exports, on both sides of the LoC. As cooperation grows, Srinagar International Airport can also become a port of landing for people of the State who live abroad and wish to return to Muzaffargarh or Gilgit through Srinagar. It could also be used as an international airport for people from PoK and the Northern Areas wishing to travel abroad. This will involve the establishment of institutions that can devise methods for immigration and transit that are free from bureaucratic hurdles that one now experiences in travel across the International Border, or the LoC. The practices adopted in the European Union and particularly in Northern Ireland can serve as useful models to examine on such issues. A Joint Jammu and Kashmir Tourism Development Board could be constituted for promoting the entire State of Jammu and Kashmir as a hub for domestic and international tourism.

Despite its huge hydro-electric potential, hydro-electric projects in Jammu and Kashmir State face huge hurdles before they can come on stream. While the provisions of the Indus Water Treaty have sought to provide for equitable sharing of river water resources between India and Pakistan, getting mutual consent for hydro-electric projects has been a major hurdle. While agreement was reached bilaterally in the case of the Salal Hydroelectric Project, there have been complaints voiced in Jammu and Kashmir that India was compelled to reduce the height of the dam so much to secure Pakistani concurrence that excessive silting has substantially reduced the benefits flowing from the project, for the people of Jammu and Kashmir. In other cases, like the Baglihar and Kishenganga Projects there have been delays in implementation, because in the absence of agreement bilaterally on the designs of the dams. Differences over the Baglihar project have been referred to a neutral expert. Work on the Kishenganga project has not commenced because there are differences between Indian and Pakistani experts over the design of the dam. Mutual Agreement has yet to be reached on construction of even a relatively innocuous project like the Wullar Barrage/Tulbul navigation Project. The worst sufferers of such delays have been the people of Jammu and Kashmir particularly in the Kashmir Valley. The establishment of joint mechanisms to obviate such delays has to be accorded high priority. Such mechanisms should also effectively and expeditiously address concerns in Pakistan that the proposed projects will divert or withhold water supplies to Pakistan. Further, as integration of energy grids will be an important facet of moves towards establishing a South Asian Economic Union, linking of energy grids on both sides of the LoC should be a high priority in moves for making boundaries "irrelevant". Environmental protection is yet another area where Joint Mechanisms will be useful in addressing issues of common concern. There has been a proposal for a Science Park jointly managed by India and Pakistan near the Siachen and Saltoro Glaciers. This proposal could be pursued after India and Pakistan reach a mutually agreeable settlement on the issue of demarcation, delineation and demilitarization of the Siachen area.

All these mechanisms for making the LoC "irrelevant" could be reinforced by the establishment of a high powered "Council for Jammu and Kashmir". This Council could be jointly chaired by the Heads of Government of India and Pakistan and include high functionaries from the Governments of India and Pakistan and high level representatives from both sides of the Line of Control in Jammu and Kashmir. This high level Council can have subsidiary bodies to oversee implementation of decisions taken by it. This would be somewhat similar to mechanisms in place in Northern Ireland that President Musharraf has envisaged.

Conclusion

The dialogue process to resolve the issue of Jammu and Kashmir would have several facets. There would firstly have to be groups that will work separately and jointly to arrive at a common and mutually acceptable framework for self-governance in Jammu and Kashmir. There would also be moves to promote travel, tourism, trade and economic co-operation across the LoC. Mechanisms would have to be put in place bringing together people, representatives and officials from both sides of the LoC with representatives and officials of the Governments of Pakistan and India and others concerned, to achieve these goals. These processes will have to move in tandem with measures to establish a South Asian Economic Community.

A note of caution has, however, to be introduced while considering all these moves. This pertains primarily to the role of militant Islamic groups within Pakistan. It is essential that the present levels of suspicion and mistrust between India and Pakistan are replaced progressively by enhanced cooperation and mutual trust. Much will depend on how President Musharraf fulfils his assurance of January 6, 2004 in which he pledged that he would not allow any territory under Pakistan's control to be used for terrorism against India.

In recent days there have unfortunately been developments indicating that Pakistani soil has been used to arm, train and infiltrate cadres of the Taliban across the Pakistan-Afghanistan border and members of internationally banned terrorist organizations like the *Lashkar-e-Taiba* to cross into India, both across the international border and the Line of Control in Jammu and Kashmir. Groups like the *Lashkar-e-Taiba* and *Jaish-e-Mohammed* have been pursuing a relentless campaign designed to target political leaders, historical monuments and places of worship, with the aim of inciting communal violence across different parts of India. With Afghanistan having been admitted to SAARC, Kabul will be an integral part of any South Asian Economic Community. It is important that Kabul's concerns about Pakistani soil being used for support to the Taliban should also be satisfactorily addressed for the entire region to be able to attain its full potential for amity and mutually beneficial cooperation. The situation along the Pakistan-Afghanistan border where NATO troops are confronting, by President Musharraf's own admission, Taliban militants coming in from Pakistani soil cannot be divorced or separated from problems posed by groups like the *Lashkar-e-Taiba* and the *Jaish-e-Mohammed* that operate across India. The links between these groups on the one hand and the Taliban and the Al Qaeda on the other have been long established and are known to be mutually reinforcing.

In his invitation to me the Honourable Mr. James Elles had stated that the Global Discourse will focus on developing a "Working Paper" setting out key proposals for further strengthening the peace process already underway and thereby establishing stability and peace in the whole region. It would be very useful if we could develop a consensus and avoid contention and controversy on achieving what Mr. Elles has alluded to, through constructive dialogue during the forthcoming sessions of this get together. I am sure that Mr. Elles and others will bear this in mind as the aim of this discourse is primarily to build on what the leaders of India and Pakistan have found to be areas of mutual agreement and convergence.

Senator Mushahid Hussain Sayed

Chairman Senate Foreign Relations Committee of the Pakistan Senate

Secretary General Pakistan Muslim League

In the name of Almighty, the Lord of all mankind.

First I would like to give just a brief historical context of two areas we discuss very loosely and broadly and where the blame game is often apportioned. Two words which are very common these days: extremism and cross-border terrorism. Let's be very clear, not just Muslims or Pakistanis are responsible for this. We have a set amnesia, a selective reading of history. Sikh extremism started in the 80's fragmented by the Indian establishment, followed by Hindu extremism. Muslim extremism was a product of Jihad which was joint Jihad of the Americans, the Pakistanis, the British, the Westerners, the Saudis, the ISI, and the CIA all together. And regarding cross-border terrorism our friends from India planted the seeds of cross-border terrorism in 1971 with Mukti Bahni and then Tamil Tigers in Sri Lanka and so on.

As far as Kashmir is concerned we all had forgotten about it. From 1972 to 1989 after Simla, India forgot about Kashmir, we forgot about Kashmir. We were talking about Palestine and Kashmir was not on our radar screen. Both India and Pakistan had forgotten it. We didn't talk about it. The Foreign Secretary is sitting here. I don't see any reference to Kashmir in the '80s. What started in 1989 was and is a populous, spontaneous widespread indigenous resistance to occupation and human rights violations. We didn't start it; we can't stop it and let's be very clear about it.

It is very easy to build myths about Pakistan paddled by the Indian friends, and bought by our gullible Western friends. What are those myths? That the military in Pakistan does not want a settlement. It's an impediment to a settlement. You had a military man right where Lord Nazir Ahmed is sitting. And the military man has shown maximum flexibility on the issue and has gone the extra mile. Then they say that Mullahs, the religious men, don't want settlement. MMA leadership Moulana Fazl-ur-Rahman went to India and said yes, we are ready for a settlement. Then they say that the Pakistani establishment is scared of people-to-people contact and Confidence-Building Measures. Today we want to reach out, but it's the Indians who are holding back. So I think the facts are very clear, that the issue is not Kashmir, the issue is the mindset of the Indian establishment. They should have a bigger heart, a bigger vision to reach out; it's not just Pakistan, its Nepal, Sri Lanka, Bangladesh, and Maldives. We want to have peace, and then there has to be a framework for peace. I think there's no doubt that Vajpayee had that frame work and Nixonian vision to reach out. If you leave it to the bureaucracies, the South Block or the Foreign Office, it cannot be done, I'll be very frank. You have to reach out and there has to be a framework for that.

There are 5 points which are worthwhile. The first one: Status-quo is unacceptable and untenable not because Pakistan says so but the Kashmiris don't want it and they've shown it with their blood, sweat and tears with 100,000 Kashmiri women, men and children martyred by the Indian occupation army in the last 17 years of the liberation struggle.

Secondly, the basic lesson: military might is not a solution. If it was a solution, then America would have won the war in Iraq and Israel would have won the war in Lebanon. That will not work. And let's be very clear, it's very fashionable after 9/11 now to tar every resistance movement with a brush of Al-Qaeda. Hamas, Hezbollah and Hizbul Mujahideen are not Al-Qaeda. They are genuine resistance movements rooted in the people of the respective territories whether it's Palestine, Lebanon or Kashmir.

And there has to be a dialogue, I welcome our Indian friends saying they are ready for a dialogue, it's important. The Israelis have been talking to Hezbollah; the Iraqis have been talking to resistance in Fallujah. There has to be talks with the resistance because they are struggling for it. The resistance of today is the rulers of tomorrow and that is the lesson of history. And finally I would say that any framework of peace has to be grounded in international law and in the United Nations Charter to be sustainable. UN resolutions – not just of 1948 but the last United Nations Resolution on Kashmir was the UN Security Council Resolution of June 6 1998, resolution 1172 which refers to Kashmir as the core issue, which links Kashmir with an inexplicable linkage of peace, security and stability and which mandates the UN Secretary General to go forward to seek a settlement. Of course the resolution also criticizes India and Pakistan for going nuclear. What I'm saying is, there is legitimacy under international law and in United Nations charter for resolving Kashmir issue as a right of self-determination in accordance with the aspirations of the people of Jammu and Kashmir. And that right has to be upheld. So I feel that the door is wide open, we welcome this meeting of Manmohan Singh with Pervez Musharraf which is supposed to take place in Havana and we hope that genuine, out-of-the-box thinking can take place because the destinies of one-fifth of humanity can no longer be held hostage to the whims of a few decision makers.

I think that the Indian establishment has to understand that international realities and regional realities have changed. And military might cannot be the answer to a long-standing problem that is based on denial of the right of self-determination to the people of Kashmir.

Thank you very much.

Farooq Siddiqui

Chairman Jammu Kashmir Liberation Front

I cannot forgive myself if I do not point out the commendable effort that has been placed in organizing this event by ICHR, Kashmir Centre.EU and the All Parties Group on Kashmir in the European Parliament. Barrister Trambo and Mr. James Elles, both of you have made your place in the hearts of all those who sincerely wish a peaceful south Asia. I also thank the President of Pakistan to have graciously attended this discourse, and his presence today has vindicated the policy of Pakistan that it will support the Kashmiris on political, moral and diplomatic fronts.

Today I see people from both India and Pakistan, as well as from both parts of Kashmir, in this hall of the European Parliament, a consortium of 25 nations which have taken a grand step to unify themselves without losing their self entity as individual nations, with the sole purpose of providing a better and peaceful tomorrow for the coming generations and for those who are yet unborn in this continent.

When we look back at the history of Europe, and see Europe of today it is unbelievable that the warring nations of the First and Second World Wars are sitting in one parliament for the good of the people of this continent. I hope the coming century will give rise to such parliaments in every region particularly in south Asia, which needs it the most. These achievements by the people of Europe have been possible only because of the fact that they believed and implemented the democratic principles all across the board of the continent.

Mr. Ambassador G Parthasarathy in his presentation described India's democracy as the most populous democracy and I am sure Mr. Ambassador derives pride from it. I do not refute his claim of being a populous democracy but I do have concerns about its functionality. Here I quote the Prime Minister of India, Mr. Manmohan Singh, when he described democracy in his speech to the US congress last year: "The real test of a democracy is not in what is said in the Constitution, but in how it functions on the ground."

The essence of democracy and its relevance is present as long as it functions in conformity with the basis of the internationally accepted principles. Does a democracy need garrisons and brigades of army to patrol and impose its authority on civilian cities, towns and hamlets on a daily basis for stretches of decades? The answer is "No".

As very rightly observed by the head of the ad hoc delegation on Kashmir of the European Parliament, Mr. Cushman, who visited both parts of Kashmir in the year 2004; he summarized the functionality of the Indian democracy in Kashmir as a "Beautiful Prison".

Democracies give power to people to decide. They open opportunities for people to even secede from the unions as was done in Quebec in Canada. Such are democratic principles. They don't have endless tenures of draconian laws like the Special Arms Act, the Public Safety Act and the Defence of India Rule for decades in endless streaks of imposition. In a functional and working democracy we do not find people arrested and disappeared for good while their kith and kin are still in the hope of seeing them one day. India's justification of imposing such rules and the presence of a huge army in Kashmir is based on the presence of resistance fighters in Kashmir and the so called cross border infiltration. We have on record various Indian Army Generals quoting the number of militants operating in Kashmir as 1500 to 2000 in an area of 84 thousand sq miles. With no logical proportion is it justified that 800,000 thousand army needs to be deployed in civilian areas, to manage a miniscule presence of resistance fighters.

It is the fear of the exposure of India's functionality of its democracy in Kashmir that becomes the reason for its deployment of the army. If the siege of army is lifted, the streets of Kashmir will throng with the masses of Kashmiris in a peaceful stand off, like what happened in Romania, Estonia, Georgia, Ukraine and other places of the world, where the will of the people has prevailed over authoritarianism.

It is in the interest of India and its people, if it wants to play a role in the globally interdependent world that is ushering in the twenty first century, that it changes its misconceived stand that Kashmir is its integral part. There are some great Indians who are realizing that India needs to change its policy about Kashmir so that it can tune into a growing expectancy of the world community. Given its economic rise in Asia, the re-evaluation of its democratic functionality is the need of the hour for the Indian socio-political elite.

Kashmiris on their part have always encouraged and supported a dialogue between India and Pakistan with the hope and desire that the two countries do inculcate a sense of responsibility towards resolving the Kashmir issue. We expect them to behave as responsible and mature states to deliver what is expected by them and demanded by their own people. This unconditional support to the peace process by Kashmiris should not and does not construe or should not be seen as any dilution of their aspiration of the right of self determination, which is enshrined in the UN charter and in the Universal Declaration of Human Rights Article 1, to which both India and Pakistan are signatories. The United Nation Resolutions on Kashmir are a witness and reminder for both India and Pakistan to discharge their obligations under international Law.

The concept of Independent Kashmir, in which both India and Pakistan become guarantors and Kashmiris become partners in safeguarding the geo-political interest of both countries, can not be erased from the minds and hearts of people of Kashmir for which they have in every era given sacrifices to realize the dream and to live in dignity.

It is the responsibility of the International Community, and in particular the European Union that has gathered significant support on the streets of Kashmir, for their continued engagement and role both in advocating for a peaceful settlement through dialogue and highlighting the importance and need to involve the people of Kashmir, irrespective of their colour, creed, caste, religion, ethnicity or political point of view.

I hope that this Global Discourse on Kashmir culminates with a new hope for all of us and a roadmap for those in India, Pakistan and Kashmir who want to tread the path of peace; the peace that provides dignity and values and the aspiration of all, rather than destruction. If we succeed in doing that we must have made this discourse successful.

Thanks.

Lars Rise

*Former Member Norwegian Parliament, and
Member of the Kashmir Group*

Your Excellencies, friends of Kashmir, ladies and gentlemen!

It is a great honour for me to speak on this occasion and meet again so many friends, whom I have met on all these conferences and got to know through about eight years of my engagement for the people of Kashmir. Some people may wonder; why do they continue to meet and discuss the same issue? I think we can call it single-mindedness, perseverance and conviction. A strong conviction that if we stop caring about the people of Kashmir, if we stop feeling disturbed by the sufferings, we will lose this golden opportunity to write history, and to contribute to a lasting peace for the people of Kashmir.

I many times thought that we are producing so many words, but then one should not forget that before every big change in the national history or even world history, lots of words are produced. Prior to a revolution or a change of regime people share dreams, thoughts and strategies. The words lead to new thoughts, new ideas and maybe even renewal of minds. Then come the new strategies and actions which lead to change.

I will try to be brief and jump to my three points on the strategic issues as regards to the proposed roadmap for Kashmir. I think what we have seen is very peripheral and therefore I would like to underline the importance of having all three parties involved in the process. A roadmap will have a limited value if we are unable to initiate a process with representatives of all the three involved parties participating in an agreement on the main principles in the road map. One side cannot make a road map alone.

To achieve having a process with three parties I think we really need to focus on what looks like a deadlock between India and Pakistan. I know that officially we have a peaceful ongoing dialogue and certain important confidence building measures in place. But we know that this process is very fragile. In the summit between Pakistan and India in 2001 major stumbling blocks were India's refusal to acknowledge the "centrality of Kashmir" to future talks and Pakistan's objection to the references like "cross-border terrorism". Later both countries changed their views. And in the January 2004 summit meeting we got a joint agreement to reengage a "Composite Dialogue" to bring about peaceful settlement of all bilateral issues, including Jammu and Kashmir, to the satisfaction of both sides.

During 2004 we saw normalized diplomatic relations, increased people to people contacts, and a cease-fire on the Line of Control. But the whole process will go nowhere without engaging representatives of the people of Kashmir in the process. After almost 60 years of waiting for the people of Kashmir to have a say – is this too much to ask?

I was happy to hear the stand of the President on this point today. But I think that we have to define what does it mean by the term representatives of the people of Kashmir. I think that we need to create an umbrella body representing all the different groups which complete the people of Kashmir.

It is imperative that we demonstrate our dreams and visions for the future in our practice and actions now. Therefore we should start immediately to create an umbrella like body which represents the Muslims in the Kashmir Valley, the Pundits, the Buddhists, and all other minorities belonging to Jammu and Kashmir. I think that we are missing a core point: the core idea of democracy. The main idea of democracy is self-determination and actually, the word democracy means "ruled by the people" and therefore this is the core idea of the United Nations Resolutions 1947 & 1948. It is my strong conviction that we will never reach a lasting peace if we give up the main idea of a plebiscite in these resolutions. This is the core of democracy – that the people will decide for themselves their own future, elect their own leaders and establish their own democratic institutions.

When I met with President Musharraf last year, he spoke about the importance of India's sincerity and Pakistan's flexibility. I think that's a good approach to be flexible. But I don't think that the suggestion that Pakistan should be willing to set aside a long-standing demand for a plebiscite in Kashmir is fruitful. I know that the President, in principles, favours that and he stated that very clearly today. Nevertheless, he made the suggestion to give it up as an option if India shows flexibility and I think that this should under no circumstances be an option. It's a disastrous shift in policy which means selling away the core rights of a people, the right to self-determination. Actually the right to self-determination was the key issue for Africa in the 60's. Now we have seen for a long time that Western Sahara is struggling for self-determination and the United Nations have been working overtime to find an agreement on how to give the Saharavis the right to self-determination. Why should this right be taken away from the people of Kashmir? I am not willing to walk down this road, because I believe it is a dangerous road. This is why we need a road map! And that should be a very important point in the road map.

If we cannot fight for self-determination any more, if this is given up even before we start the negotiations, we have not so much left to fight for. Seen from an international perspective it is hard to find a more important value to fight for.

I think that when men and women one day in the future meet in Srinagar to celebrate freedom and democracy they cannot celebrate this without the right to self-determination.

Keeping the famous words of Martin Luther King in mind – and as a Kashmiri in my heart – I want to be part of that celebration and shout "Free at last, free at last, thank God – we are free at last"

And finally, I would just like to pay tribute to my friend who travelled with me to the Kashmir conference in the British Parliament only a few months ago, the Vice-President of the Norwegian Parliament Jon Lilletun who passed away three weeks ago. Barrister Trambo and my friend Ali Shah Nawaz went to his office in the Norwegian Parliament and asked him, begging him to take over the leadership of the Kashmir group in the Par-

liament. And at that point he was seriously ill. But he said, if I can do something for Kashmir before I die, I am willing to stand up and take this responsibility. So in the midst of his own sufferings, he was thinking more about the sufferings of the Kashmiri people. Ladies and gentlemen we pay tribute to Jon Lilletun for his willingness to stand up for Kashmir and be the voice of the voiceless until his voice had no more energy. May we all follow his example and do our utmost as long as we can breathe and speak.

Thank you.

Sardar Attique Ahmed Khan

*Prime Minister
Azad Jammu & Kashmir*

Mr. Chairman, learned speakers, distinguished ladies and gentlemen. I'm grateful for this opportunity to share our views on Kashmir which is a cliff-hanging issue. As the Prime Minister of Azad Kashmir I pay my warmest compliments to you, to the Parliament and the Kashmir Centre.EU for taking bold initiatives on raising awareness through Global Discourse on Kashmir. For this I give my sincere compliments to Mr. James Elles of the European Parliament and Barrister Majid Trambo, Executive Director of the Kashmir Centre.EU, for making spirited efforts to highlight the Kashmir issue and seeking peaceful solutions for the Kashmiri dispute.

I welcome the bold measures as put forth by President General Pervez Musharraf in today's Global Discourse. We Kashmiris support a negotiated peaceful settlement of Kashmir. We also support President Musharraf's idea of demilitarization of the State of Jammu and Kashmir as well as the introduction of self-governance and joint management.

As Prime Minister of Azad Kashmir, I assure this forum that the Kashmiris wish to continue their struggle for a negotiated settlement and for a peaceful resolution of the conflict. CBMs and other initiatives between Pakistan and India need to be restarted. European Union and its institutions can play an effective role in reviving this process. We have always been stressing the expansion of scope of intra-Kashmiri dialogue at all levels. We are glad that intra-Kashmiri contacts proved beneficial when the Muzzaffarabad-Srinagar route was re-opened and five crossing points agreed along the LoC. Although the process is yet cumbersome and complicated, we hope and suggest that it should be simplified as much as possible.

We expect the other side to share our vision and reciprocate the flexibility as shown by Pakistan. The chance to move forward for the solution on Kashmir lies in softening respective positions. I strongly believe that the European Union has a special role for peace in South-Asia, which leads through the solution of the Kashmir issue. Once again, thank you for listening to me patiently.

Before I conclude, I must thank Ambassador Parthasarathy for making his generous offer of cooperation on whatever we are doing. We are just simply pursuing the peace process and working towards a political, peaceful and negotiated solution of the Kashmir issue. Thank you very much.

Lord Nazir Ahmed of Rotherham
(Concluding Remarks)

It's time for lunch which is already half an hour late. Therefore, I thank all the learned speakers for sharing their views on such an important issue. I also thank the participants for their patient hearing and for their contributions. I now announce this session to conclude.

End of Prime Ministerial Session

Theme II
INTERNATIONAL PERCEPTION OF THE KASHMIR ISSUE
(International Experts' Session)

Opening Remarks by:

Chris Davis (MEP)

Vice Chair All Party Group for Kashmir in European Parliament (APGK)

Chair of the Session

If you look at the programme, all the speakers are listed there and we will start in order. Obviously time is limited and I hope the speakers recognise it and try to constraint their remarks so that we can have an opportunity for questions and discussions at the end. So let us start with Professor Emilio Asti.

Professor Emilio Asti
Research Scholar, Milan University, Italy

Assalam-o-Alaikum and Hello everyone!

Thank you very much to everyone, I'm really very pleased to be here. I'm very grateful to Majid Trambo for his invitation and those in the organizing committee. Unfortunately, in the Western world there is a lack of understanding about the Kashmir issue. Many media men and journalists really don't know well what is really happening in Kashmir.

I think that the Kashmir question is a matter that involves not only South Asia but also the Western world and the Islamic world. The means of representation hangs on Kashmir, often labelled only as a problem or a question to be solved. With a long history, Kashmir still remains a disputed country and despite many efforts today Kashmir still remains a suffering country. In my opinion, the dialogue between the Islamic and the Western world could lead to a better understanding of this problem.

Unfortunately, the world is focusing too much on fighting terrorism, instead of understanding Islam, and is trying to avoid solutions to the various issues affecting the Islamic world, from Palestine to Kashmir. There are so many regions affected by various problems but unfortunately the Western world doesn't want to bring a solution to them. And so there is a mutual mistrust between Islam and the Western world. Only with a sense of dialogue and an effort made by the Western world, would it be possible to find a solution to the various problems, including the Kashmir issue. USA and Europe should make an effort to bring a solution to the problems still existing in many parts of the world. Also, I see that South Asian Association for Regional Cooperation (SAARC) can play an important role for providing that solution to the Kashmir problem. Asia is marching towards cooperation, economic as well as political, and so the nation members of SAARC - India and Pakistan, can start the dialogue and try to solve the problems in spirit, on sincerity, and mutual cooperation. Also the solution of the Kashmir problem would bring benefits to all of South Asia. It will allow the region to live in prosperity. Once a lasting solution will be brought to this region, SAARC will be able to build not only on economic cooperation but also a political community, bringing prosperity to the region.

I hope that these goals can be achieved very soon. Thank you very much.

Secretary Riaz H. Khokhar
Former Foreign Secretary of Pakistan, and
Former Pakistani High Commissioner to India

Thank you very much and I feel very privileged to be here at this dialogue on Kashmir. I'll start by making a few general comments and then I'll be specific on what exactly I want to say.

To begin with, we must understand this is not an issue or a problem; this is a major dispute between two major countries in South Asia. It involves the future of 13 million Kashmiris and the future of 1.2 billion people in the region. So let's not treat this casually; let's not think this as a minor issue or a minor problem. It is a serious dispute.

If you go to the origins of this dispute, the legacy of the British and the very distinguished Indian Prime Minister Pandit Jawaharlal Lal Nehru, before taking the matter to the United Nations, made a firm and a very clear pledge to the people of Jammu and Kashmir, to the people of Pakistan and to the international community, and please remember this, that "the dispute will be resolved by giving the people of Jammu and Kashmir the right to self-determination and through a plebiscite."

Now this very commitment was then enshrined in the UN Resolutions. And even with the United Nations Resolutions, please let's be very clear, these were not forced on India or Pakistan. These were voluntarily accepted, the body of UN Resolutions, and particularly the UNCIP Resolutions were voluntarily accepted, by India, by Pakistan and, of course, it is the inevitable responsibility of the international community. These resolutions were drafted and hammered out with the help and assistance of very eminent and distinguished ambassadors of the United Nations at that time and several foreign ministries were involved. So let's not treat this as something casual.

Now the important thing is that it has always been India's attempt to regard this as strictly a bilateral issue between India and Pakistan. As I said earlier, it cannot be so because it involves the fate of so many people. Now what is the dispute about?

1. It's about the right to self-determination!
2. It's a territorial dispute, let's not ignore that fact, and
3. It involves huge human rights violations.

Now right from the beginning, the international community has been involved on and off. It's a question of what will be the given international configuration in that particular time. In the very beginning Prime Ministers were involved. Then the war of 1965 occurred, even before that war, the Chinese-Indian war took place in 1962. Thereafter there

was the involvement of the United States and the UK in promoting some sort of dialogue between India and Pakistan which led to the famous six rounds between the Pakistani Foreign Minister Zulfikar Ali Bhutto and the Indian Foreign Minister Swarn Singh. Of course nothing came out of it, but there was a certain degree of involvement of the international community.

Post 1971 neither Pakistan nor India really made a serious attempt to discuss the problem in order to find a solution, even though Simla Agreement called for it. But why the international community is more focused on this issue more recently, is because today both India and Pakistan are nuclear powers. And if you recall, after the attack on the Indian Parliament there was a crisis between India and Pakistan, which the President referred to this morning, which led to an eyeball confrontation between the two armed forces of India and Pakistan and there was a general and genuine concern in the international community that this would escalate into a nuclear exchange. Now obviously I don't think we were going anywhere near that. I think that was partly a certain exaggeration in Western capitals and some powers were taking credit for having arranged a sort of a call-off in regard to the confrontation but what we were looking at really, it was a serious problem, and a serious issue of confrontation. But I don't think either India or Pakistan in their right mind ever thought that this would escalate into a nuclear exchange. I think certainly that the loose talk among politicians on either side may have created that impression. So the international community has been involved because of that particular crisis.

Now the main thing is what is the responsibility of the international community? The international community's responsibility is to ensure that the two parties engage, but in the ultimate analysis when it's a question of finding a solution it will have to be between India and Pakistan. But the international community has a role in facilitating, in promoting and encouraging a dialogue; a serious dialogue between India and Pakistan. I think this is the crux of the matter. But it appears as of now, the international community, particularly countries in the West, are really looking for the solution to this problem which will be status-oriented. On the basis of what we call existing reality, this is the point that the Indians have made from time to time. And as I have said earlier, India's approach has always been to create the impression that this is nothing but a bilateral issue and in fact it has been India's attempt over the last few years to paint it not even as a dispute between India and Pakistan or as an issue between India and Pakistan but an issue which is really a matter of dealing with questions of terrorism. Therefore, new phrases have come into currency. I mean we were not aware of cross-border terrorism in 1948 when the problem arose but then subsequently, in fact in more recent times, it has acquired currency. At least the Indians have attempted to paint it as a problem which is really a matter of cross-border terrorism; the day this thing ends, the day the problem of Jammu and Kashmir stands resolved. But that's not correct.

I would like to make a point, Mr. Chairman, before I conclude. Neither Pakistan nor India has a right to impose a solution on the people of Jammu and Kashmir. In fact if there is any party that has a right, it is the people of Jammu and Kashmir, who are the most important party out of the three parties. So they have the option to reject any solution that is made either in Islamabad or in Delhi, or any solution that is not acceptable to them. This is a serious matter.

I would make one more point; it's very important that while the people of Jammu and Kashmir have their limitations, certainly on the Indian side, we also have our political difficulties. But the Kashmiri Diaspora have a special responsibility to play a role, not only in finding a solution to the problem but at the same time in keeping the interest alive of the international community. And I will say that it's very good that the European Union is taking an interest in this issue but we hope this kind of interest is not skin-deep and it's not for fun-sake, but the interest grows into substantive steps.

Thank you!

Prof. Radha Kumar

Nelson Mandela Centre for Peace and Conflict Resolution, New Delhi

Listening to the presentations that have been made thus far, I have had an uneasy and strange sense of unreality – the bulk of what has been said refers to a past situation and not to the present. Please allow me to stress that today *we have a peace process*, one that has had terrible ups and downs, admittedly with grave obstacles and slow progress, but it is nevertheless a peace process that has endured since 2000.

When it comes to Jammu and Kashmir, we often end up debating history to the point that the past obscures the present. Should the dilemmas of the past continue into the present? Yes it is a fact that India took the issue to the UN in 1949. It is also a fact that in 1972 India and Pakistan signed the Simla Agreement committing the two countries to a bilateral resolution. The facts of 1949 and 1972 were different, and arguing over which fact should be given priority does not help. We can create new facts if we wish to; why not focus our discussion on that?

Where I see signs of hope is that neither the Indian nor the Pakistani government is taking a purely legalist approach to the issue. Both countries have shown since 2000, the desire and the ability to go beyond declarations and treaties to asking the question – how do you get a really serious peace process which will recognize the aspirations of Kashmiris in all their diversity? And at the same time be acceptable to India and Pakistan?

None of us should think that that is an easy task. We know how very difficult it is to achieve a consensus that will satisfy everybody – it is, to be quite honest, a utopian idea. However, it is possible to achieve a solution that will be acceptable to all, even if it doesn't satisfy every single aspiration and every single person. The secret of reaching such a consensus, of course, is that each one of us would have to subordinate some of our aspirations or our desires or demands in order to reach a solution which might be acceptable to many.

I think that the formula that President Musharraf has outlined – of the combination of self-governance and demilitarization (starting with the non-state actors) – is in fact a winning formula. We have seen it win in almost every peace process of the contemporary period. We have seen it in Northern Ireland, we are seeing it in Sudan, if the North-South Comprehensive Peace Agreement can be made to stick, and we would have seen a variant combining statehood with demilitarization in the case of Palestine, except for the very troubled and distressing situation in West Asia. I believe that the reason why the Palestinian solution has not been found is that it is so constrained by the terrible dynamic of that region. I'm sure that many Kashmiris here would also feel in the same way that their own solution has been constrained by the bad dynamics in South Asia and the lack of trust between India and Pakistan. But that has changed with the two countries' perseverance in trying to get a lasting peace through the composite dialogue.

Turning to the question of the international community and how it can help to promote peace in Jammu and Kashmir; first of all, I would say, recognize the existing and ongoing efforts by India and Pakistan to get a solid, sustainable and durable peace process underway. That is a recognition that needs to be made by all the members of the international community, because the people that are involved – in particular, the political and civil societies – need support and encouragement to continue to build and strengthen the peace process.

Secondly, I would say do not attack what you do not know; and do not ask to know every detail from the start. We have looked at examples from other semi-successful, if not fully successful peace processes, of course the Northern Ireland example has come up time and time again. If you look at how the Northern Ireland peace process started, it was started by a few determined individuals who ran from pillar to post trying to get a breakthrough. A lot of the negotiations were conducted in secrecy, and the key leaders who helped make the peace process were allowed the element of deniability until they were convinced it was time to go public.

Moreover, if you look at the actual structures of the agreements that were reached, each concerned group had to give something up in order to gain something. That was one of the most important lessons of the Northern Ireland peace process.

I would like to make a couple of factual points here; Ms. Mazari has said that in Northern Ireland the armed groups only had to give up their arms after the peace agreement was reached. That is a fact. However, the IRA declared and maintained a ceasefire for *nine years* before there was a breakthrough and the peace process between the British and Irish governments was officially launched. It took another couple of years for the British government to recognize the Sinn Fein, and the Sinn Fein was a political wing of the IRA, not the armed group itself.

In comparison, in the case of India and Pakistan, there has not been a condition imposed that there has to be a ceasefire or there has to be an end to violence *before* dialogue and negotiations can begin. This position of the Indian government is actually very promising, because it shows how serious their commitment to the peace process is, but it is not a position that can be indefinitely prolonged. Historically and empirically, it is impossible for peace processes to sustain beyond a point if intense violence continues. Look at the evidence – every single peace process that has worked has only worked when violence has come down to a very, very low level. The violence in Kashmir is still very high. So we do have a problem over here and it would not be correct on our parts to blind ourselves to that problem. Frankly, if you visit Jammu and Kashmir, if you visit the valley, or if you visit the border regions of Doda, Poonch and Rajouri in Jammu, there is a desperate anxiety for peace and because of the peace process between India and Pakistan there is a real hope for peace. And every time that there is a rise in violence, those hopes are immediately dashed and people feel this is a hollow peace process; this is not going to lead anywhere. It is just the leadership of the two countries posturing with each other.

It is difficult to think of a more traumatic situation. So whichever way you want to cut it, whether you want to talk in academic terms about how to make the peace process successful or you want to talk in human terms about the value and preciousness of life, we

have to be serious about finding a way to improvise a solution that will end this trauma once and for all. Obviously, this requires a peace settlement that is based on recognition of aspirations, not an unjust peace, a just peace.

I have here a booklet in which I did the exercise of trying to summarize all the different political and constitutional issues which have historically and in the present day been critical for the resolution of the Kashmir conflict, and I tried to do that as an exercise to help focus our peace process debates in such a way that people can start thinking what kinds of solutions would work for them and in which terms they would work.

What we find is that in the three parts of the former princely state of Kashmir – Jammu and Kashmir, “Azad” Kashmir and the Northern Areas of Gilgit & Baltistan – very different political, constitutional and social arrangements prevail. In order for us to be able to arrive at a solution based on self-governance and demilitarization, it is necessary, first of all, for Kashmiri groups to decide whether they want one solution, or one set of solutions that will apply uniformly across the former princely state, or do they want three different solutions for the three different regions? This is a question that Kashmiri groups first and foremost have to sit down and discuss. And then India and Pakistan need to take their opinions on board. Ideally of course, one set of solutions and one framework for a settlement would be easier to achieve than several separate ones, but I think that people on every side need to be prepared to find different solutions if that is what is required.

I will say just one more thing. I do not know how many of you are aware of the current phase of the peace process on the Indian side, which is that the Indian Prime Minister has established five working groups to come up with recommendations for how to strengthen the peace process. The working groups’ membership is all Kashmiri. The only non-Kashmiris are the Chairs of the working groups who are just supposed to take notes of what the members say, and help them formulate some kind of consensus position.

The five working groups are: first, on Centre-State relations – that would be the most important one because it would tackle the contours of the political settlement, including internal democracy within Jammu and Kashmir, that is to say allowing all the different diverse communities, language and religious groups and regional leaderships to try and work out what would an internal formula of devolution means. In other words, we are discussing a three-tier system of devolution: tier one applies to relations between J&K and India and AJK and NA and Pakistan, as well as to relations between J&K, AJK and NA; tier two applies to relations between different regions within J&K, AJK and NA; and tier three applies to local controls or local self-government.

The second group deals with humanitarian concerns, in particular, the plight of widows, orphans, and the right to return of displaced peoples including for example, people who crossed the Line of Control (LoC) to train for armed struggle. The third group is on cross LoC confidence-building measures, including mechanisms for joint management in selected areas. The fourth group is on governance issues – rebuilding institutions, rule of law, rooting out corruption. And the fifth group is on economic revival, critical to implementing peace.

To sum up, I think the most important steps that the international community can take to help strengthen a Kashmir peace process are: support the initiatives being taken by India and Pakistan, and work with the Diaspora to get their support; and see whether there would be an interest in “Azad” Kashmir and Gilgit & Baltistan to have similar working groups, that could later join together with the Jammu and Kashmir working groups to see if all the different regions can come up with a consensus solution. That would be another way of strengthening the peace process. Thank you.

Dr. Shireen M Mazari

Director General

Institute for Strategic Studies, Islamabad

Thank you, Mr. Chairman. I was asked also to talk on the international perception of the Kashmir dispute and I have two different aspects that I'm going to focus on. The first is, of course, when we talk of international perception and international perspectives we have to also, I think, examine the context of international law and international norms that prevail. Because I think this is one aspect of looking at the dispute internationally.

The second of course is a more subjective context of how the international community perceives the issue today, especially within the political context. So let me just quickly go through the first aspect, the international law aspect, because what one is hearing is people's history, people's memory of history, people's memory of the legal aspects of the Kashmiri dispute which seemed to be getting blurred in the new rhetoric that seems to be coming out from South Asia. And I think that is unfortunate because first and foremost there's a very strong legal context of the Kashmiri dispute and that is of course the UN Charter and the principle of self-determination.

Even if India had not taken the dispute to the UN Security Council, the principle of self-determination is embedded in the UN Charter itself, article 1.2 of the UN Charter and I don't need to read that. And of course the fact that India took the dispute to the UN does matter because it took it under Chapter 6 of the UN Charter, not Chapter 7, so it was not accusing Pakistan of being an aggressor but it was acknowledging that this is a dispute between two sovereign states of the UN and it wanted the UN to intervene to resolve the issue peacefully, because Chapter 6 is specific settlement of disputes. And I think this point should not be lost sight of and as for the reference to the Simla Agreement, I'm really glad it was brought up by my friend from India because yes, the Simla Agreement of 1972 does state that the two countries resolve to settle differences by peaceful means, mutually agreed upon between them, that's Article 2. But, Article 1 of the Simla Agreement and I'm glad I have it with me, asserts the relevance of the UN principle when it states and I quote that: "the principles and purposes of the Charter of the United Nations shall govern the relations between the two countries." So there is no question of the UN resolutions or the role of the UN having been undermined because of the Simla Agreement.

But I have another view on Simla and I think I need to put that forward. The Simla Agreement in any case stands totally destroyed today and it stands destroyed by India, because there are two points in the Simla Agreement that India has contravened. One is in the preamble of the agreement which states that the status-quo will be maintained by the two sides. This is a general status-quo. Then in reference to the Line of Control it says the status-quo will be maintained again. Now, when India went into Siachen,

whichever way India wants to look at its occupation of Siachen, it contravened the Simla agreement, and then of course in 1984 it went into the Chor Batla sector and has not vacated those areas also. So, if the Ceasefire Line that both countries agreed to has been violated by India, and this was the central cord of what the agreement was, then to my mind, legally I think the Simla Agreement stands contravened and, therefore, if India wants to refer to the Simla Agreement it must restore to what was agreed to at Simla. That is what I have to say on the Simla.

Now on the UN Charter as I have said, self-determination is something that has been enshrined in the Charter. There is a 1960 UNGA Resolution 1514 which again reemphasized self-determination, then of course you had the International Convention Against the Taking of Hostages, which came into force in 1983, where the convention shall not apply to "an act of hostage taking committed in the course of armed conflicts in which peoples are fighting against colonial domination, and alien occupation and against racist regimes in the exercise of their right of self-determination". I think it's Article 12 of the treaty. Again, the OIC Convention on Terrorism in 1999 made the same exemption for three types of self-determination that were given legitimacy in these various conventions. And then of course in 1973, the UN General Assembly Report of the Ad Hoc Committee on International Terrorism makes a similar exemption, and this is further backed up by Article 7 of the General Assembly's 1974 Definition of Aggression which says that this will not apply to self-determination struggles which are in accordance with the UN principles and so on.

What I'm saying is that three types of struggles for self-determination are legitimate in international law as we look at different treaties that came about. But post-9/11 this is not the case. What I would present to you is that this is still the case. Unfortunately although post-9/11 there has been a qualitative shift in international perceptions of the struggles for self-determination, the law has not been altered. This is the point I want to make to you. In other words, that neither has the UN Charter been altered to remove the legitimacy of the struggles of self-determination nor any of the treaties that I have sighted been altered to remove the legitimacy of self-determination's struggles. So whatever people's perceptions may be, the fact is that self-determination remains enshrined in international law. Interestingly, much after 9/11 in the Almaty Declaration of June 4, 2002, while condemning terrorism in all its form, the states that signed and agreed to the Almaty Declaration, and both India and Pakistan were present and were party to it, it declared: "We reaffirm the right of people living under foreign occupation for self-determination in accordance with the UN Charter and International law". And as far as we are concerned, there is an occupation of Kashmir by foreign or alien forces. And this declaration was adopted, and what is interesting about the Almaty Declaration is it also makes a distinction between separatism and self-determination. The declaration not only reaffirms the principle of self-determination, it emphasizes that this principle must be exercised, and I quote again: "in accordance with the UN Charter and international law", and according to the declaration non-fulfilment of this will pose a threat to regional and international peace.

So even post-9/11 we have legally the international community reaffirming the legitimacy of armed struggles for self-determination. Now of course, the Kashmir dispute involves the principle of right to self-determination and of course in recognizing that the dispute

basically involves three parties, Pakistan and India are the two main parties while the third are the Kashmiris whose right to self-determination has been recognized in UN Resolutions which still remains valid. So, in the international legal context the position on the Kashmir dispute is very clear; a continuing legitimacy for the struggle of self-determination. This doesn't mean that the perceptions of the international community post-9/11 have not altered, they have and there are 4 or 5 points that I want to make here very quickly.

There is no denying the fact that the military aspects of the struggle have lost their political validity and therefore it is time for the struggle to shift to the primacy of politics. This happens in all struggles, there is a time for the military to be primary and another time for politics to come to the forefront. And undoubtedly, this is the time to bring the political framework to centre stage. The dispute is political and of course political solutions have to be found but we must keep the core aspect that is the right to self-determination in mind. I am emphasizing this because I think in our haste to sort of bolster the dialogue process; I wouldn't call it a peace process because at the moment there has been no peace on all the issues of conflict between Pakistan and India. So, at the moment what you have is a dialogue process, or you had a dialogue process which presently is suspended. We are in such a hurry to bolster this that we are tending to shift away from the core aspect of the dispute which is the right to self-determination, whichever way it has finally to be exercised.

The second is of course post-nuclearisation of South Asia. Kashmir gained international prominence politically because some people referred to it as the nuclear flashpoint that could lead to unintended major war between two nuclear antagonists; Pakistan and India. So, you have this push and a revival of international interest in getting a resolution of the dispute.

The third is post-9/11; India has unfortunately to some extent and because of hard failings of the Kashmiris, I think been successful in creating a tenuous linkage between so-called Islamic extremists linked to terrorism and some of the freedom fighters' groups. This further reduced international empathy unfortunately for the plight of the Kashmiris struggling for self-determination.

Also unfortunately, I think unlike the Palestinian struggle, and that this has been a major failing of the Kashmiri struggle, is that the Kashmiri struggle never developed a culture of resistance to fire the imagination of international civil societies.

And finally, despite 9/11, and this is again an important point to remember, international human rights groups have continued to highlight a very important component of the Kashmir dispute; the human rights violations in Occupied Kashmir by Indian security forces, including the use of rape as a weapon of war.

The Human Rights Watch, in its Report 2002 on India made a condemnation of Indian security personnel. According to the US State Department's Human Rights Report for 2005, which came out in March this year, it stated very clearly that Indian troops continue to use extrajudicial killings as a method to suppress the Kashmiris. So, while the international legality of the Kashmiris right to self-determination may have been eclipsed

post-9/11, the Kashmir dispute itself has gained greater international space and attention because of the related issues of unintended war in a nuclear environment and the possibility of terrorists gaining greater political access as a result of a civil society's perceived continuum of injustice and occupation by an alien power.

Any attempt to shift the focus away from the international nature of the Kashmir dispute will do no service towards resolving the dispute. So, the Indian government can open any amount of domestic dialogues with the Kashmiri groups either those under occupation or other leaders living in India. As long as the international norms and international law are not complied with, the dispute cannot be resolved in the long term, and in a lasting fashion. Thank you.

Written speech:

International Perception of the Kashmir Dispute

There has always been a debate within the international community over definitional parameters of notions such as self-determination, separatism and terrorism. The UN Charter has of course endorsed the concept of struggles for self-determination as one of the guiding principles of the UN^[1]. It is within this context that the Kashmir dispute's legitimacy within the UN and international law rests. UNSC resolutions have accepted the issue of self-determination as being at the core of the dispute.

So when we talk about the international perception of the Kashmir dispute, we have to look at two differing aspects. The first is the prevailing international law and international norms context; while the second is a more subjective context of how the international community perceives the issue today – especially within the political context.

Unlike the notion of terrorism, self-determination has been clearly identified within international law. Apart from the UN Charter, the norm of self-determination has also been a part of customary international law. Self-determination is seen within the context of people fighting against colonialism, foreign occupation and to enforce international commitments made to them by the United Nations. As early as 1960, the UNGA adopted Resolution 1514, which stated that “*all peoples have the right to self-determination and lack of political, economic, social or educational preparedness could not be a ground for delaying independence.*”

While the principle of self-determination may have lost its allure in the post-decolonization era and especially in the post-bipolar era of today, it still remains a peremptory norm of international law (*jus cogens*).

^[1] Article 1(2) of the UN Charter, (Chapter I ‘Purposes and Principles’), states: “To develop friendly relations among nations based on respect for the principle of equal rights and self-determination of people, and to take other appropriate measures to strengthen universal peace.”

The strength of the self-determination norm is such that international conventions dealing with terrorism have always acknowledged and distinguished between struggles for self-determination and acts of terrorism. For instance, the International Convention Against the Taking of Hostages (which came into force in June 1983) clearly states that the Convention “shall not apply to an act of hostage-taking committed in the course of armed conflicts ... in which peoples are fighting against colonial domination and alien occupation and against racist regimes in the exercise of their right of self-determination, as enshrined in the Charter of the United Nations and the Declaration on principles of International Law...” (Article 12).

In a similar vein, the Convention on Terrorism adopted by the OIC, in 1999, also confirms “the legitimacy of the rights of peoples to struggle against foreign occupation and colonialist and racist regimes by all means, including armed struggle to liberate their territories in compliance with the purposes and principles of the Charter and resolutions of the United Nations” (preamble).

Also, the 1973 UN General Assembly Report of the Ad Hoc Committee on International Terrorism makes a similar exemption, and this is further backed up by Article 7 of the General Assembly's 1974 Definition of Aggression, which states:

“Nothing in this definition, and in particular Article 3 ^[2] could in any way prejudice the right of self-determination, freedom, and independence, as derived from the Charter, of peoples forcibly deprived of that right and referred to in the Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States in accordance with the Charter of the United Nations, particularly peoples under colonial and racist regimes or other forms of alien domination; or the right of these peoples to struggle to that end and seek and receive support ...”.

So, broadly three forms of struggles for self determination have been reiterated as legitimate through international treaties and conventions: struggle against colonialism, alien occupation and racism. So far there is no legal international amendment in any form, to alter this legal status of struggles for self-determination.

Unfortunately, post-9/11, there has been a qualitative shift in international perceptions of struggles for self-determination. Post-9/11 the international community and comity of states have tended to ignore the existence of this basic principle in efforts to deal with the global threat of terrorism.

As the whole issue of dealing with international terrorism resurfaced as the primary objective of the international community, many legitimate struggles for self determination were thrust within the terrorism ambit. Even before September 11, the principle of self determination was losing support within the international community – at the political level. One reason for this was the political fragmentation in the Balkans with Europe unnerved at the thought of having multiple Muslim states on its southern edge. Hence the forceful intervention in Kosovo to prevent the creation of a separate national Kosovo state – while pushing for greater autonomy. Also, the last enthusiastic international support for enforcing the principle of self-determination was in 1999 in the case of East Timor.

^[2] which gives an inventory of the acts that are regarded as aggression.

Despite 9/11 and the international community's reluctance to continue accepting the legality of the principle of self-determination as manifest in violent struggles, little has been done to undermine the norm itself within international law – which would also require changes in the UN Charter itself. Even more interesting, post-9/11, while debate continues over what should constitute a comprehensive international convention on terrorism, the international community reaffirmed its commitment to the right of self-determination for people remaining under foreign occupation through the Almaty Declaration of June 4, 2002. While condemning terrorism in all its forms, the States declared “*We reaffirm the right of people living under foreign occupation for self-determination in accordance with the UN Charter and International law.*” (II:15) This Declaration was adopted by the Heads of State/Government of Member States of the Conference on Interaction and Confidence Building Measures in Asia (CICA). Both Pakistan and India are parties to this Declaration. Not only does the Declaration reaffirm the principle of self-determination, it emphasizes that this principle must be exercised “*in accordance with the UN Charter and international law.*” Non-fulfillment of this will pose a threat “*to regional and international peace.*”

In fact, the Almaty Declaration has gone one step further to clarify even further the notion of self-determination as being distinct from separatist struggles and acts of terrorism. In this context, the Declaration sees separatism as one of the “*main threats and challenges to the security and stability, sovereignty, unity and territorial integrity of states.*” (II:18) As such, all CICA member states are bound not to aid and abet, in any manner whatsoever, such movements. Separatist struggles are clearly those, which the international community through the UN has not recognized as struggles against foreign occupation.

The Kashmir dispute, as recorded in the UN documents, involves the principle of the right of self-determination. It is recognized that the dispute basically involves three parties, Pakistan and India as the two main parties, while the third are the Kashmiris, whose right of self-determination has been recognized in UN resolutions. So, within the international legal context, the position on the Kashmir dispute is very clear: a continuing legitimacy for the struggle of self-determination.

This does not mean that within the perceptions of the international community, the focus of the Kashmir dispute has altered, especially post-9/11.

One, the military aspects of the struggle have lost their political validity and it is time for the struggle to shift to the primacy of politics. Undoubtedly, the military struggle has few takers internationally – despite the legal aspect. Hence the need to bring the political framework to centre-stage. The dispute is political and political solutions need to be found, but which must keep the core aspect – the right of self-determination – in mind.

Two, post-nuclearisation of South Asia in 1998, Kashmir has been seen internationally as a “flashpoint” that could lead to unintended major war between two nuclear antagonists – Pakistan and India. Hence a revival of the international community's interest in getting a resolution to the dispute.

Three, post-9/11, India has to some extent been successful in creating a linkage between Islamic extremists linked to terrorism and some of the freedom fighters' groups. This

has further reduced international empathy for the plight of the Kashmiris struggling for self-determination. Also, unfortunately, unlike the Palestinian struggle, the Kashmiri struggle never developed a culture of resistance to fire the imagination of international civil societies.

Fourth, despite 9/11, international human rights groups have continued to highlight a very important component of the Kashmir dispute – the human rights violations in Occupied Kashmir by Indian security forces – including the use of rape as a weapon of war. The Human Rights Watch, in its Human Rights World Report 2002 on India, states: *“The conflict in Kashmir remained a flashpoint for violence. Indian Security personnel continued to target Muslim citizens suspected of supporting guerrillas. Arbitrary arrests, torture, and staged ‘encounter killings’ were reported throughout the year (2001).”* According to the US State Department’s Human Rights Report for 2005, published in March 2006, Indian troops continue to use extrajudicial killings as a method to suppress the Kashmiris.

So, while the international legality of the Kashmiris right to self-determination may have been eclipsed post-9/11, the Kashmir dispute itself has gained greater international space and attention because of the related issues of unintended war in a nuclear environment and the possibility of terrorists gaining greater political access as a result of a civil society’s perceived continuum of injustice and occupation by an alien power.

Per Gahrton

Member of Swedish Parliament

Chair The Palestinian Solidarity Association in Sweden

I am a sociologist by profession; I specialize in conflict resolution; I was in the Foreign Affairs Committee. I was Chair of the China Delegation, rapporteur of Carcasses and I was member of the Ad Hoc Committee to Kashmir. And I must admit that coming from Sweden where our conception of India is very, very linked to Mahatma Gandhi and non-violence; I was pretty shocked to see the absolute enormous military Indian presence in Indian-held parts of Kashmir. So that is part of my background.

I was asked to speak about the international perception of the conflict and I think the general impression is that the Kashmir conflict is neglected by the international community. So where do politicians get their advice from concerning what's important than what is less important? Well they usually get it from the media. We are all ruled by media. Now what about the media? Well I haven't had the time of course to make a thorough scientific accounted analysis of the media but I did it the easy way; I checked by internet hits on Kashmir in the major Swedish Daily and for comparison I also checked on Google. Then I checked hits also on eleven other hot spots: Israel, Iraq, Iran, Lebanon, Gaza, Palestine, North Korea, Darfur, Chechnya, Tibet and West Sahara. I could have added some more.

Well, I found first that it doesn't matter if I look at The Swedish Daily for this year only or for the last five years, or if I Google with no time limit at all. You get roughly the same priorities and there you see secondly that there is an overwhelming interest in the Middle East, especially Israel and Iraq and all other areas in the Middle East. The Middle East altogether takes about 10 times more place than all the six other hot spots. There is absolutely an obsession with the Middle East in the world media, whichever way you check - the daily newspaper this year, or Google which covers hundreds of millions of hits. And if you take only Israel, you find that Israel is mentioned 20 times more in The Swedish Daily than Kashmir, and you find exactly the same in Google. In The Swedish Daily, if you take Middle East and compare it with Kashmir, it's about 80 times more and it is roughly the same with Google. Incidentally Kashmir has order nine in all my three tables, whether Daily Swedish or Google, it doesn't matter. Kashmir is ninth out of twelve.

So the conclusion from this is that the Kashmir conflict is rather low on the international agenda. And when presented, it's usually presented as a symmetrical intra-state conflict, not as an asymmetrical conflict between popular or liberation resistance groups and the dominating or occupying military power. And thirdly, there are very often links made, according to the press reports I have read and studied, between the Kashmir resistance and Islamic extremism including Al Qaeda. Fourthly, very rarely are the historical roots of the conflict presented, so people don't know really what is behind all this. Also the

conflict is mainly seen as local, without direct repercussions for the rest of the world. Although sometimes the nuclear aspect is mentioned, mainly it is something local, far away from us, not so important for the well-being of the people far away from the area. So I think that the purpose for us and other's interests should be to try to show that it is also an asymmetrical conflict. It has been mentioned here, of course, several times, that it has historical roots that explain a lot, that it is not just an outcome or an aspect of the war on terrorism. And although it is local, it might be very dangerous for all of us and it deserves much, much more attention from everyone.

Having said this, I would like to conclude by making a remark that was originally directed to me by the former Indian Ambassador who was here and who implied that I was trying to give European lessons to Asian countries by mentioning the case of Montenegro and their relative choice of independence by voting for independence and immediately applied for membership in the European Union which will take away some 50-80% of their independence they just attained. Well I'm not trying to give European examples. I think however, that Europe has witnessed wars and destruction and very bad things like imperialism and colonialism. I happen to come from Sweden, and we sold our last colony I think in 1802 to France and then we didn't have any colonies and we ended our last war in 1812. So this is not advice, but some examples.

I acknowledge that it is very difficult to achieve solutions for long festering problem. I will give you an example of how difficult it can be. I was rapporteur of South Caucasus and I met some leader of Nagorno-Karabakh, the Armenian populated area of Azerbaijan which has declared independence and is now occupied by the Armenian forces. The international community, of course, wanted it to go back to Azerbaijan in some way with self rule. I told him that we have a case in a Scandinavia - Oland which is situated between Sweden and Finland and it is 100% Swedish speaking but it belongs to Finland for a very long time. They have a very well developed autonomy and they don't want now to be Swedish, because it doesn't matter. Could you do a study of Oland and see if something this could be useful for Nagorno-Karabakh. Next time we met he told me that he went to Oland and that was very interesting. He told me that he is willing to accept the status for the Nagorno-Karabakh to be an autonomous region of Finland. So that shows that there are very very deep differences between different areas. And you can't just take an example from one part of the globe to another part.

But let me give you examples all the same from my part of the world. In Greenland they are now discussing if they should be completely independent. This is an autonomous area of Denmark, they are not even members of the European Union, so they're very, very autonomous and an argument given in favour is of course if they have a seat in the United Nations. But the argument given against this is maybe it's better to be an autonomous area of Denmark than to be an independent state in the shadow of the big United States of America. This is one of the arguments given in the public debate. This is one example that would be interesting to study.

Another example is that of the border of Denmark and Germany. There was a mixed population of Germans and Danes and in 1920; they decided to resolve the conflict by a plebiscite. Not one plebiscite in one area, but plebiscite in every municipality. So every municipality could choose to belong to Germany or to Denmark. So about half the mu-

municipalities chose Germany, so they became Germans and part of Germany, and half chose Denmark and they became part of Denmark. So that's also a possibility.

My final example is my own area, where I come from, in the most southern part of Sweden called Skåne in Malmö, which was part of Denmark until 1658 then was conquered by Swedish troops in an enormously cruel war, very cruel with torture and crucifixion and everything. And there was a liberation fight going on for many, many decades. But now there is nobody who cares whether we are Swedes or Danes. Our cultural capital has been Copenhagen all the time and not Stockholm, which is too far away. We have Danish friends and we commute over the border and the Danes live in Sweden because it's cheaper and we work in Denmark because the salaries are higher and so on. At the same time, the Swedes complain that we rule also in Stockholm which maybe true. So that is the final example.

I don't say that you could take any of these examples directly and push it on Kashmir. But there are many, many experiences all around the globe, not only Scandinavia, all over the globe. You can resolve these conflicts in peaceful ways, if you have a lot of imagination. We couldn't give advice as we have done too much imperialism, too much colonialism but I think we can give some ideas. Also we have some imagination, and I'm quite sure there will be very good solutions also for Kashmir, with all the imagination and then we will have peace and prosperity.

Thank you.

Dr. Ghulam Nabi Fai
Executive Director
Kashmiri American Council, USA

The self-determination of peoples is a basic principle of the United Nations Charter which has been reaffirmed in the Universal Declaration of Human Rights and applied countless times to the settlement of international disputes. The concept played a significant part in the post-world war in settlement, leading for example to plebiscite in a number of disputed border areas, even though no reference was made to self determination in the League of Nations Covenant.

After the Second World War, the concept began to acquire a much greater importance. Article 1.2 of the Charter of the United Nations, as one of the purposes of the UN, reads: "To develop friendly relations among nations based on respect for the principle of equal rights and self-determination of the peoples."

From 1952 onwards, the General Assembly of the UN adopted a series of resolutions proclaiming the right to self-determination. The two most important of these are resolution 1514 (XV) of 14 December 1960 and resolution 2625 (XXV) of 24 October 1970.

In the 1950's and 1960's the right to self-determination was seen almost exclusively as part of the process of de-colonization. Resolution 1514 is entitled: "Declaration on the Granting of Independence to Colonial Countries and Peoples". It includes the following statement of principle: "All peoples have the right to self-determination; by virtue of this right they freely determine political status and freely pursue their economic, social and cultural development."

The resolution 2625 of 1970, adopted a document entitled "Declaration on Principles of International Law Concerning friendly relations and Co-Cooperation among States". In a section entitled: "The principle of equal rights and self determination of peoples", the declaration states: "By virtue of the principle of equal rights and self determination of peoples enshrined in the Charter of the United Nations, all peoples have the right freely to determine, without external interference, their political status and to pursue their economic, social and cultural development, and every State has the duty to respect this right in accordance of the provisions of this Charter".

In 1966, the General Assembly of the United Nations adopted the International Covenants of Civil and Political Rights (the ICCPR) and on Economic, Social and Cultural Rights (the ICESCR). Article 1 of each of the Covenants states:

"1.1. All peoples have the right to self-determination. By virtue of that right they freely determine their political status, and freely pursue their economic, social and cultural development.

1.3. The States Parties to the Present Covenant, including those who have responsibility for the administration of Non-self-governing and Trust Territories, shall promote the realization of their right to self-determination, and shall respect that right, in conformity with the provisions of the Charter of the United Nations.”

The Covenants came into force in 1976. They take effect as treaties and (unlike resolutions of the General Assembly) are binding, in international law and on the ratifying States, subject to any reservations at the time of ratification. India ratified both Covenants on 10 April 1979.

The Vienna Declaration adopted by the UN World Conference on Human rights on 15 June 1993, repeated article 1.1. of the Covenants and continued: “Taking into account the particular situation of peoples under colonial or other forms of alien domination or foreign occupation, the World Conference of Human Rights recognizes the right of peoples to take any legitimate action, in accordance with the Charter of the UN, to realize their inalienable right to self-determination. The World Conference on Human Rights considers the denial of the right to self-determination as a violation of human rights and underlines the importance of the effective realization of this right.”

Article 20(1) of the African charter of Human Rights and Peoples Rights reads: “All people shall have the right to existence, they shall have unquestionably and unalienable right to determination. They shall freely determine their political status, and shall pursue their economic and social development according to the policy they have freely chosen.”

International Court of Justice considered the several resolutions of de-colonization process and noted: “The subsequent development of International Law in regard to non-self-governing territories as enshrined in the Charter of the UN made the principle of self-determination applicable to all of them.” This opinion establishes self-determination as the basic principle of the process of de-colonization.

The principle of self-determination in modern times can be defined as the right of peoples to determine their own political status and pursue their own social, economic and cultural policies. Self-determination in its literal meaning or at the terminological level implies the right (of a people) to express itself to organize in whatever way it wants.

The concept seems to be as old as government itself and was the basis of French and American revolutions. In 1916, President Wilson stated that self-determination is not a mere phrase. He said that it is an imperative principle of action and included it in the famous 14-point charter. This gave prominence to the principle. Self-determination as conceived by Wilson was an imprecise amalgamation of several strands of thought, some long associated in his mind with the notion of “self-determination”, others hatched as a result or wartime developments, but all imbued with a general spirit of democracy.

The Atlantic Charter of 14 August 1941, which was issued by the British Prime Minister Churchill and the US President Roosevelt, affirmed the right of all people or peoples to choose their own form of Government. They further added that they wished to see the sovereign rights restored to those who had been forcibly deprived of them. Finally, in 1945 the establishment of the UN gave a new dimension to the principle of self-

determination. It was made one of the objectives which the UN would seek to achieve, along with equal rights of all nations.

The principle of self-determination and the maintenance of international peace and security are inseparable. The denial of this right to self-determination to the people has brought two neighbouring countries in South Asia - India and Pakistan - to the brink of a nuclear catastrophe. Although the applicability of the principle of self-determination to the specific case of Jammu & Kashmir has been explicitly recognized by the United Nations, it was upheld equally by India and Pakistan when the Kashmir dispute was brought before the Security Council. Since, on the establishment of India and Pakistan as sovereign states, Jammu & Kashmir was not part of the territory of either, the two countries entered into an agreement to allow its people to exercise their right to self-determination under impartial auspices and conditions free from coercion from either side. The agreement is embodied in the two resolutions of the United Nations Commission for India and Pakistan explicitly accepted by both governments. It is binding on both governments and no allegation of non-performance of any of its provisions by either side can render it inoperative.

The idea that the dispute over the status of Jammu & Kashmir can be settled only in accordance with the will of the people, which can be ascertained through the democratic method of a free and impartial plebiscite, was the common ground taken by all three parties of the dispute, viz., the people of Jammu & Kashmir, Pakistan and India. It was supported without any dissent by the United Nations Security Council and prominently championed by the United States, Britain and other democratic states

It became a matter of controversy only after India realized that she could not win the people's vote. Due to the Cold War, she found a firm ally for her obstructionist position in the Soviet Union. With the end of the Cold War, the original perspective should be recovered.

There was much in these submissions that was controversial between India and Pakistan, but the proposal of a plebiscite was not. This is clear from the statement made on 28 January 1948 by the President of the Council. He said: "...the documents at our disposal show agreement between the parties on the three following points:

The question as to whether the state of Jammu & Kashmir will accede to India or to Pakistan shall be decided by plebiscite;

This plebiscite must be conducted under conditions which will ensure complete impartiality;

The plebiscite will therefore be held under the auspices of the United Nations."

Led by the United States and Britain, the council adopted a resolution on 21 April 1948 which noted: "with satisfaction that both India and Pakistan desire that the question of accession ... should be decided through appointed a Commission of the United Nations, of which the United States became a member, to work out a plan for the demilitarization of Kashmir prior to the plebiscite.

The United Nations Commission for India and Pakistan (UNCIP) submitted proposals to the two governments. Formulated as resolutions, they constituted an international agreement upon being accepted in writing by both governments. Part III of the Commission's resolution of 13 August 1948, agreed to by both, India and Pakistan, states:

"The governments of India and Pakistan reaffirm their wish that the future status of the state of Jammu & Kashmir shall be determined in accordance with the will of the people and, to that end, upon acceptance of their truce agreement, both governments agree to enter in consultations with the Commission to determine fair and equitable conditions whereby such free expression will be assured."

What prevented the plebiscite holding was India's refusal to accept any proposals that called for her to withdraw the bulk of their forces from Kashmir and thus conclude a truce leading to the induction of a Plebiscite Administrator. When the Commission reported this to the Security Council, Sir Owen Dixon, an eminent jurist from Australia, was appointed as United Nations Representative to negotiate the synchronized withdrawal of all Indian and Pakistani forces in order to prepare the stage for an impartial plebiscite under the United Nations supervision. After an intense effort, he reported to the Security Council on 15 September 1950 that: "In the end, I became convinced that India's agreement would never be obtained to demilitarization in any form or to the provisions governing the period of plebiscite of any such character, as would in my opinion, permit the plebiscite being conducted in conditions sufficiently guarding against intimidation and other forms of influence and abuse by which the freedom and fairness of the plebiscite might be imperilled." The same was the substance of the reports of Senator Frank Graham (United States) and Gunnar Jarring (Sweden) who succeeded Sir Owen Dixon as United Nations Representative.

Since the plebiscite could not be impartial unless both India and Pakistan withdrew their forces from Kashmir, a stalemate ensued. This stalemate has now lasted for more than fifty-nine years.

The United States, Britain and France have traditionally been committed supporters of the plebiscite agreement as the only way to resolve this issue. They sponsored all of the Security Council Resolutions which called for a plebiscite. Their commitment was indicated by a personal appeal made by America's President Truman and Britain's Prime Minister Clement Atlee that differences over demilitarization be submitted to arbitration by the Plebiscite Administrator, a distinguished American war hero; Admiral Chester Nimitz. India rejected this appeal and, later on, objected to an American acting as the Plebiscite Administrator. As mentioned earlier, American Senator Frank Graham visited the Subcontinent as the United Nations Representative to negotiate the demilitarization of Kashmir prior to the plebiscite. India rejected this proposal as well.

The American position was bipartisan and maintained equally by Republicans and Democrats. Secretary of State John Foster Dulles stated on 5 February 1957 that: "We continue to believe that unless the parties are able to agree upon some other solution, the solution which was recommended by the Security Council should prevail, which is that there should be a plebiscite."

On 15 June 1962, the American Representative to the United Nations, Adlai Stevenson, stated that: "... The best approach is to take for a point of departure the area of common ground which exists between the parties. I refer of course to the resolutions which were accepted by both parties and which in essence provide for demilitarization of the territory and a plebiscite whereby the population may freely decide the future status of Jammu & Kashmir. This is in full conformity with the principle of self-determination of people which is enshrined in Article I of the Charter as one of the key purpose for which the United Nations exists."

India's obdurate stand has been effective in creating the impression among policymakers in America, Britain and elsewhere that the idea of the plebiscite is unworkable. This, however, cannot be a considered conclusive.

In the first place, the commonsense appeal and justice of the idea is undeniable. There is no way the dispute can be settled once and for all except in harmony with the people's will, and there is no way the people's will can be ascertained except through an impartial vote. Secondly, there are no insuperable obstacles to the setting up of a plebiscite administration in Kashmir under the aegis of the United Nations. The world organization has proved its ability, even in the most forbidding circumstances, to institute an electoral process under its supervision and control and with the help of a neutral peace-keeping force. The striking example of this is Namibia, which was peacefully brought to independence after seven decades of occupation and control by South Africa. Thirdly, as Sir Owen Dixon, the United Nations Representative, envisaged five decades ago, the plebiscite can be so regionalized that none of the different zones of the state will be forced to accept outcome contrary to its wishes.

India's position, though plainly untenable and unjust, appeared to gain some plausibility during the Cold War. To demilitarize Kashmir under those circumstances was to expose it to unpredictable dangers – this was the undertone of India's pleas. Since India was supported by the Soviet Union and Pakistan had allied itself with the United States, the insinuation was that Kashmir would somehow become an American base and thus a detriment to India's professed non-alignment.

With the end of the Cold War, this line of argument – if argument it ever was – is no longer sustainable. In the post-Cold War era, the demilitarization of Kashmir will not cause a power vacuum because a peacekeeping force under United Nations command will immediately replace Indian and Pakistani troops and remain there until Kashmir becomes a part of either India or Pakistan or chooses independence. The imponderable element was a fiction contributed by India that can no longer stand against reality.

It is clear from this historical narrative that there is nothing fuzzy about the modalities of holding the plebiscite. These were exhaustively worked out during the negotiations concluded by the United Nations about the implementation of its peace plan for Kashmir. The phased withdrawal of forces on both sides, the appointment of the Plebiscite Administrator by the United Nations, his induction into office, the institution of electoral process under his authority, the exercise of powers deemed necessary by him, all these are fully known to the parties. If a credible peace process is instituted, given the political will of India and Pakistan to implement their international agreement, and the will of the

Security Council to secure that implementation, there shall be no obstacles. It is not the inherent difficulties of a solution, but the lack of the will to implement a solution, that has caused the prolonged deadlock over Kashmir dispute. The deadlock has meant indescribable agony for the people of Kashmir and incalculable loss for both India and Pakistan. The peace that has eluded the South Asian subcontinent, home to one fifth of humanity, should be made secure.

The question arises: what should be the point of departure for determining a just and lasting basis? The answer obviously is (a) the Charter of the United Nations which, in its very first article, speaks of "respect for the principles of equal rights and self determination of peoples" and (b) the international agreements between the parties to the dispute.

Therefore, a sincere and serious effort towards a just settlement of the Kashmir dispute must squarely deal with the realities of the situation and fully respond to the people's rights involved in it. A peace process mounted on a fragile platform is bound to collapse. Indeed, any process that ignores the wishes of the people of Kashmir and is designed to sidetrack the United Nations will not only prove to be an exercise in futility but can also cause incalculable human and political damage.

Thank you.

Danielle Caron
Member Brussels Parliament

Mr. Prime Minister, ladies and gentlemen! I am not an expert on Kashmir, but have witnessed the wide scale devastation in Azad Kashmir last year when I visited the region in November 2005. That time I met with the former Prime Minister of Kashmir, and now I am very happy that the President of Pakistan and the Prime Minister of Azad Jammu and Kashmir were here today. I think it's very important to also have the opportunity to meet these very important people here in Brussels who are welcome in Brussels.

We have been to Azad Kashmir just after the terrible earthquake and in fact, we sent assistance to the destroyed areas. I am pleased that MPs from Brussels and Mr. Ali Raza Syed, President of the Advisory Council of the Kashmir Centre.EU here in Brussels came to my office at the Town Hall and he said to me that we must do something. This is the reason why I asked deputies of the Parliament from Brussels and also from the National Parliament to come with me.

In fact, just after the tsunami, a lot of people here in Europe, including in Belgium, knew not only everything about the tsunami but the country as well because it's a country where we go for holidays. But about the Azad Kashmir not so many people know where it is. Of course, we received the images and information about Kashmir on television and radio and about the President of Pakistan, Pervez Musharraf. People here in Belgium know Mr. Musharraf and his courage and what happened in Azad Kashmir after the earthquake. This gave us the opportunity here in Belgium to know more about the region. That is the reason why we went to Azad Kashmir to help - to help with blankets, medicine and money. We also have engineers and doctors in Azad Kashmir and Pakistan, not just after the earthquake but now also at this moment.

I know there is a lot of work to do and for that I think it is important for us to have more information about Kashmir and to continue this cooperation. We need to have more information about Pakistan and Kashmir for future relationships between Europe, Pakistan and Kashmir and also with Brussels. There are a lot of Pakistanis here in Brussels and that is also the reason why we have another opportunity to have not only just a commercial relation but also to have more political interaction.

I want to say a few words of appreciation about the Kashmir Centre.EU here in Brussels. It is doing a wonderful job by promoting peace and prosperity which is very important for us. So I hope that we can have perhaps some more interactions in the future and do our best to keep on working towards peace and prosperity in Kashmir and in the whole region.

Thank you.

Chris Davis (MEP)
(Concluding Remarks)

I would have very much liked to have a question and answer session, but unfortunately we have run out of time. Therefore, I would formally end this session.

I would like to thank all the speakers for having taken part in this session. Thank you very much indeed.

End of International Experts' Session

THEME III
HUMAN RIGHTS IN JAMMU & KASHMIR
(Human Rights Session)

Opening Remarks by
Jean Lambert (MEP)
Chair of the Session

My name is Jean Lambert and I am member of the Greens in the European Parliament. I am one of the nine members of the European Parliament from London, UK. I feel honoured to have been invited to chair this session. We have a number of speakers. All of them are highly experienced and they are going to be very brief and to the point so we may have some time for question and answers, but I make no promises because they have travelled a long way just to speak. I am going to take them as they appear on the programme so that I can easily keep track of them.

This session is on Human Rights and I am sure that many of you in the room must have had a direct experience of the very poor human rights situation for Kashmiris. What we want to do in this session is to hear something of the state of affairs but also to look as what can be done in this Parliament and elsewhere to actually change the situation so that people can live in peace and can make their own decisions about their future. I would like to start by inviting Professor Lombardi who is Associate Professor of Sociology at Catholic University of Sacro Cuore.

Prof. Marco Lombardi
Associate Professor of Sociology
Catholic University of Sacro Cuore, Milan, Italy

I wish to express my thanks to the organizers of this important meeting and record my appreciation for the important work being done by the Kashmir Centre EU.

I'm sure we all agree that the conflict in Kashmir has been a major factor in the differences between the two great nations of India and Pakistan. The conflict has potential implications for peace and security for over two billion people of South Asia, Central Asia and China and if not resolved it continues to pose serious implications for world peace. The Kashmir conflict has resulted in tremendous costs for the region and ending the immediate conflict is not enough: India and Pakistan need to settle the Kashmir dispute for their well being and that of the entire region. In doing that, they must both work with the people of Kashmir to secure a peaceful future. All these three parties (Pakistan, India and Kashmiri people) need an exit strategy that has to be honourable for all sides and has to be implementable.

Let me give what I consider the global frame of the situation. Yesterday night, September 12th, I got two pieces of information on the web giving us the ambiguity and complexity of the question. The first one was the positive news by President Musharraf when he said he looked forward to making his talks with Prime Minister Manmohan Singh "substantive" when they meet on the sidelines of the non-aligned movement in Havana at the end of the week.

The second news was the negative one coming from Mr. Al-Zawahiri As-Sahab, released on the occasion of the fifth anniversary of 9/11. In a long interview Al-Zawahiri, an Al Qaeda ideologue said in the last three minutes of his over one hour long talk: "I encourage the Muslims in Pakistan to overthrow Musharraf and confront him with all means at their disposal, both active and passive, and to support their brothers, the Mujahideen in Afghanistan." Both news items testify uncertainty and ambiguity of the present situation, stressing how in the present global world no issue is a single issue; no conflict is regional in the sense that it has no effects outside of the region; no problem has only one solution. This is the frame of references: our play-ground. The question is what role do human rights play in this new game?

Let's talk about facts first! In the last two years, India and Pakistan continued talks to resolve the Kashmir issue, and both sides also met with some Kashmiri rebel leaders. In April 2005, the governments launched a bus service between Indian and Pakistani held Kashmir to allow separated families to meet. After a devastating earthquake in October 2005, which killed tens of thousands in Azad Kashmir, India sent relief materials and offered other assistance. Five points have been opened up along the Line of Control to send relief materials and allow Kashmiris to meet and assist their relatives affected by the earthquake.

There was a marked decline in violence in 2005 because of the peace efforts. India withdrew some troops from Indian-administered Kashmir and promised to continue demilitarization of the valley if the violence is contained. The government released several detainees as part of a goodwill effort and as a means of addressing human rights concerns.

Yet human rights abuses continued and accountability remains a serious problem. The Indian authorities have also steadfastly refused to allow any independent monitoring of the situation. Human rights organizations are routinely denied permission to investigate in a free manner. The International Federation of Human Rights and Amnesty International have also been denied permission to visit. Newspersons have been attacked and arrested. Humanitarian relief is limited as external agencies are not being allowed to provide medical assistance and other relief materials. There are incidents of destruction of revered shrines and cultural practices by the Indian forces.

Many cases of human rights violation stem from abuse of power under repressive laws and police/army brutality unleashed against the Kashmiri people. They are taken into custody for acts that are legitimized by international human rights standards of free speech, freedom of association and assembly, and freedom of the press. While many arrests are without any legal justification whatsoever, the Indian forces also depend on several laws to justify their acts of human rights violation.

Let's talk frankly of politics! In the political arena human rights have few rights except to be a useful tool to achieve political tasks. Public sensitivity about human rights is high and for that reason we can justify any politics using such a shield. Look at the UN resolutions; the one in favour of Kashmir and the other of the Saharavis both stating the right of self-determination – a basic human right – both resolutions have not been implemented since decades.

Look at the sport activities as a manifestation of freedom and equality, again a basic human right; the next Olympic game will be in China? Look at the millions of people displaced and murdered in Africa and the Middle East in the last few years. There is no UN declaration to protect them.

Politics has, and is, power while human rights have no, and is not, power. But human rights can become powerful. That is what human rights could become in the Kashmiri question; powerful. If Pakistan and India will share their "state power" with Kashmiri people, involving them as a third legitimate actor for deciding their future. If Kashmir civil society will be able to grow up and express its willingness for self-determination, if the question will be addressed in a global perspective (human rights) but locally implemented (political result), if the two powerful nations will make the previous "possibilities" a reality for Kashmiri people, then the Kashmiri solution will be the most important example of conflict resolution of the still new century, where human rights can play a significant role. Thank you.

P.J. Mir

*Head of ARY One World Television
UK, Europe and USA*

Chair, ladies and gentlemen, distinguished guests, thank you for having me here. We gather from time to time at different venues, on different platforms across what we call a global village to discuss and make an attempt to resolve a long-standing dispute from mirage. Now in this issue of human rights, I would say let us not forget that it is a call of an unfortunate puzzle when we speak of building peace in Kashmir and highlighting the international perception of the Kashmir issue. Without going into detail, it becomes difficult for me to hit the ladle on the head.

Ladies and gentlemen, where can we start, India began its independence on 14th or 15th August 1947, the Islamic Republic of Pakistan was created out of that independence on the subcontinent. The purpose of this state was very simple. It was to give the Muslims of India a sacred piece of land to build and progress, like any other nation. But regrettably, the region has been plagued by the Kashmir dispute and despite the fact that both India and Pakistan have been to wars, standoffs and continual military confrontations, let me tell you, that Pakistan continues to engage India in the area towards a peaceful process. Now since 1947 Pakistan, despite the threat of a neighbour who does not wish to come to terms to settle the dispute once and for all, continues to play a positive role, I would say again, in the region. Reality and gravity of the situation have turned, ladies and gentlemen, into myths and distorted tales for the world, accusations and negative media campaigns on the international arena where Pakistan is portrayed and pictured and held responsible for cross-border terrorism when in actual fact, it is the other way around. In my brief today, I will not give rhetoric or a signature of fairness but instead will post questions of significance and utmost importance which needs to be addressed urgently as we move towards the frontiers of world peace.

But today as we are gathered here at the European Union Parliament my soul-searching question would be will it again be a lip service or should we, when we leave this seminar, come to some avenue which takes us a road map to work on? We have seen the making of the Line of Control, but we have not yet seen a road map which leads us to a permanent boundary. And basically, in simple terms, that's what it's all about. Enough is, I would say, is indeed enough. And there have been today thousands of civilians and armed forces personnel who have laid down their lives for Kashmir, and may I add will continue to do so if necessary, but is this the situation the world wants to witness, is this what we propagate in civilized societies? Does the misery of these people bring some sort of satisfaction? I don't think so. We have amongst us today many people who have in the past and I'm sure in the future, will continue to emphasize the importance of Kashmir and it's repercussions to the world. I see in here people like James Elles, Lord Nazir, Riaz Khokher who go and speak on international platforms. But the question is who is going to resolve this issue? I do not think, in the most serious of terms today, we will have a lot to answer for future generations to come. And today we speak of the past references and

fair enough, but where have we gone and what have we achieved and what is the delay? And what is more important elsewhere to keep this issue on the back burner? Why are the human rights of others more important than the fellow human rights in Jammu and Kashmir? Why is it that when hundreds of civilians have been massacred as a routine that never makes the front page, yet when one soldier or civilian not associated with that area loses their lives it becomes part of the national headlines?

The 11th of September, ladies and gentlemen, is a day that we all appal in the sense that the horrible, atrocious and unforgivable acts of terrorism, which was carried out in 2001, resulted in the losses of 2749 innocent civilian lives. It moved the world towards a united effort to eliminate terrorism and Pakistan has been and is the leading country on the rest of this. But I ask, without being critical, that what will it take to recognize the human values and human traits and rights of those people who died in hundreds of thousands on a routine basis? This is the burning question which comes to mind every time a minute of silence is observed for innocent people and made frontline news with heads of states joining in internationally when something happens but, then I say do it for the Kashmiri people as well, because they are no less human than anyone else. We see governments taking after the pretext of prevention and proliferation of terrorism. But who will take the steps to oversee this in Kashmir? Situations like these, let me assure you, lead to movements as we have seen with history and have changed the course of history many times and yes, let us not run away from the reality of facts that there are people present in every society who carry their own views, their own messages, and sometimes yes, they are violent and destructive for the peace-loving people of the world. So how do we curtail them? How do we solve their grievances? What will it take? If we want people to live in a tranquil and peaceful environment, then we have to develop it by creating an atmosphere of mutual respect. Pakistan as I mentioned today is a leading country against violence, destruction and terrorism and stands firm for the international community on global terrorism. But what has it gained out of this? What have been the after effects of being a partner on this onward campaign for peace? Not a lot.

Since 2003, what have we achieved for those people except for cultural changes? There is no horizon and that's a fact and let's not be afraid to admit it. So it is even more imperative on the international community, and the European community in particular, that they join hands with both I would say India and Pakistan, and do not let those hard-line elements take this issue into their own hands because they're the biggest perpetrator of human rights. When can this be resolved, all of this, in a very peaceful manner? I believe strongly that if you do not give basic human rights you will breed militancy anywhere and everywhere. People who are referred to as hardliners have given up on these seminars and dialogues as we sit, and again I refer to the President of Pakistan who has made sure that the hard-line attitude is not nurtured in a pacifying era. But again I ask how long for? Every time our hand is extended to our neighbour for a dialogue we end up seeing eternal disturbances, resurgences and a civil disorder. I ask would Pakistanis and even the most illiterate of them, would they raise their arms against their own army, against their own people, against their own state for which their forefathers have worked so hard and laid their lives for? I don't think so.

The violation of civil rights, civil liberties, and human rights have reached, ladies and gentlemen, those frontiers which are hard to describe in verse. I cringe, and believe me I

do cringe, when I hear the likes of Lord Nazir, Majid Trambo, Sardar Attique, Barrister Sultan, who make it known in their overseas visits about the atrocities and inhuman treatment of peaceful human beings in Kashmir. So who is going to create an atmosphere of principles of non-discrimination which are respected? Who is going to make sure that people are protected from discrimination based on the freedom of movement and family unity? Who is going to ensure the rights of women and particularly the vulnerable ones, the children and the disabled? Since at least the early 90s, Indian paramilitary forces are employing systematic use of state-sponsored counter-military forces called renegades. If you read about them in newspapers, they are seen as Kashmiri resistance militants who have surrendered and now the army subcontracting some of their abusive tactics to groups with no official accountability. Many of these groups have been responsible for grave human rights abuses including summary executions, disappearances, torture, and illegal detention. Custodial killings are another big issue in occupied Kashmir. The summary execution of detainees remains a central component of the Indian counter-insurgency strategy. Disappearances of detainees also remain a serious problem. Not only does the practice continue, there is no accountability whatsoever. In fact, let me tell you that torture is also routinely used to punish suspected militants and their supporters and to extort money from their families.

But who is right now being crucified in between the two? - Innocent Kashmiris. I could go on for hours on this, but if I did really but where would I end? Let me tell you that the police and government security forces in India continue to play the truth on human rights violations while this dispute that we talk about here dies a lingering death. I believe that if Pakistan, now this is important, who continues to assure the Kashmiri people that they will be supported in the struggle for their right of self-determination, decides to back off or decides to cool off, let me assure you that the heights of violence will reach those marks which the world has not seen for a long time in history. The people of occupied Kashmir are suffering of the hope which has been given to them by the supporters worldwide. Let us not make them suffer any longer.

Last night I was listening to what President Pervez Musharraf when he mentioned that he will be meeting up with Prime Minister Manmohan Singh, I sincerely hope that he will not be doing any lip service but do something positive to resolve this tyranny once and for all. Don't we want the same sort of atmosphere, a nice peace loving atmosphere in Kashmir as what we want in our own homes? Now before I leave, I would sincerely like to ask the international media that please do give the people of Kashmir the same status as it gives to other people of the world. If the media claims to be the fourth estate then it must play its role in all its sincerity and integrity and show it to the world the true colours of the living life. I thank you distinguished guests, the audience, for your patience for hearing what has been said but I do ask to digest and work with what you might have been touched with. But before I end, let me tell you that whatever I have said, in a very short version, Amnesty International, Physicians for Human Rights, Asia Watch and the US State Department all confirm the mass abuses of human rights and torture including rape, gang rape perpetrated by the Indian soldiers against innocent civilians. And before I finally depart, let me congratulate Barrister Majid Trambo, James Elles and other people who have worked behind the scenes to at least get these people together over here. Thank you very much.

Zafar Meraj

Editor, Kashmir Monitor, Srinagar

There is a general agreement that in any war zone whether created due to any internal strife or due to the engagement of two or more powers, the human rights violations occur from all sides - whether they could be equalized on behalf of either of the parties. Kashmir is no different to this unfortunate truth. There are human rights violations occurring on a regular basis and they are well documented by so many international groups and I need not to repeat what has been said and written on this count. I may only say that the graph of the rights violations has not come down in Indian administered Jammu and Kashmir, so far, despite repeated assurances given by the Indian government including the Prime Minister Manmohan Singh. Only in May this year, Prime Minister Manmohan Singh in his concluding speech at the two day long much publicized second round table conference in Srinagar, said that a directive has been given to the Indian security agencies to observe strictly 'zero tolerance' towards the civilian population while dealing with the militancy.

However it seems that Manmohan Singh's directive is yet to reach to the concerned as immediately after he returned to New Delhi, the number of incidents of rights violations involving Indian Army, against unarmed, innocent civilians suddenly shot up. There were cases when the troopers gunned down Kashmir youth not even remotely involved in the militancy related activities and in some cases Army top brass had to offer public apologies.

However, as I said earlier, I would not like to go into the details of such incidents of rights violations. Fortunately or unfortunately the issue of human rights in Kashmir particularly as been restricted to the right to life, killings, or physical torture or rapes. Other connecting rights which have been granted by the Constitution either in Indian-administered Kashmir or the Pakistan-administered Kashmir are being continuously infringed upon. I am going here to talk about very briefly about a few other cases where besides right to life, right to liberty, right to free movement of people are restricted or denied by the Indian administration, especially in the Kashmir valley.

Liberty of a person and right to travel both are guaranteed by the Constitution of India as applicable to the State of Jammu and Kashmir. Besides others, both right to liberty and right to travel, in Jammu and Kashmir, especially Kashmir Valley I should say, are treated with utmost contempt. As you know, large numbers of youth in Kashmir are still languishing in prisons on one charge or another. There are cases where there are no charges framed against the detainees who have been languishing behind bars for at least ten years. There are cases of many prisoners who have spent more time in prison than they would have, if they were awarded sentences on the basis of charges against them.

In many a case, the courts have passed orders for the release of such prisoners, in specific terms. However, the Executive especially the security agencies are least moved by the

judicial orders thus resulting in continued imprisonment of the concerned youth which amounts, least to say, to unlawful confinement of a person, an offence punishable under the Indian penal laws. I have an instance of a youth, who was arrested way back in 1991. Charged with so many offences, the said youth was subjected to both physical and mental torture in various prison centres outside Jammu and Kashmir. After the expiry of 14 long years, that is equal to the life imprisonment for murder accused, the said youth moved the court and the highest Indian court, Supreme Court of India, ordered that he be set at liberty forthwith. But till date this judicial order has not been honoured by the security agencies. Doesn't this amount to a gross violation of human rights besides contempt of the highest court of the land? And mind you this is not the only case of this nature. There are hundreds of such instances where the security agencies have flouted the judicial orders with regard to the release of the detainees.

Another case, worth mentioning here relates to right to free movement. The government of India is employing a policy that is strange and intriguing. Some of the people - former militants and others against whom there are heinous charges of murder are allowed to travel around the world very freely, but on the other hand there are countless examples where political activists or former militants, separatist leaders or even ordinary people who were, sometime in the past, detained by the security agencies but against whom no cases were registered, are denied travel documents to travel abroad, despite repeated applications from these persons. This has allowed stagnation both political and beyond, as this blocks genuine political dialogue and exchange of ideas. Certain people - that are widely to be believed complimenting a certain political persuasion are encouraged to go outside and reach out the world to portray particular political ideology or ideas.

I will give example of a senior government employee I know. In his official capacity, he is privy to top government secrets as he attends top government meetings and holds a senior post in the government. Way back in 1990, he had protested against the human rights violations of the Indian forces, as was done by many senior government officers and bureaucrats including Ashok Jaitely who later rose to become Chief Secretary, the senior most bureaucrat in Jammu and Kashmir. As a result of his protest, this senior government official I am mentioning was arrested and kept behind the bars. However, later he was released by the courts withdrawing all the charges against him and he joined back the government service. Now this officer has been continuously applying for a passport which is being denied on the basis that he is a security risk. Similarly there is a case of a photo journalist. He was also arrested way back in 1992, and detained for three months. He too was released by the courts as they found nothing against him. The irony is that the Indian army treats him as one of the most important photo journalist in the Valley and invites him to all their functions - to remote border posts etc. But when he applies for a travel document, he is denied on the basis that he is a security risk.

Similarly, there are number of Kashmiri youth who are stranded on the other side of the border in Azad Kashmir. They went there in early 1990s for arms training or as refugees and now are stranded there. Now that Prime Minister Manmohan Singh has formed a working group to looking into the matter of their return and let us hope that they people are allowed to come back to their homes. Thank you.

Marjan Lucas

Project Manager on Kashmir, IKV, Netherlands

I would like to give you a brief introduction of IKV. IKV is a Dutch NGO working in conflict areas and one of them is Kashmir and I am project manager for Kashmir. What we do is to support local activists, activists in Srinagar and we try to support them through their capacity building, by looking for partners, by horizontal linking and relate them to lawyers here in Europe. Of course we try to work on raising awareness and organize debates, try to support, lobby but not do what others are already doing but support them like what Majid Tramboos is doing over here to support that by lobbying in the West for the Kashmiri case.

I am expected to do is talk about human rights violations in Jammu and Kashmir. I also will not go in length on facts and figures, because as has been said by previous speakers, there are reports from Amnesty International etc., and recently also a report by the Medecins Sans Frontieres throws light on that. I think it is a very special report as it is written by the people working on the ground. Next to that there is also a report and that is what I would highlight a little bit for you. This report was launched two days ago and it's a report by lawyers. I mentioned earlier that we network lawyers in Kashmir with the lawyers outside - European lawyers. This report based on the lawyers' visit to Kashmir in April this year, highlights several cases of human rights violations. It also highlights the working conditions and the situation in which lawyers in Kashmir work. The report also mentions meetings with several sections of society and politicians are also mentioned and described in the report but what I think is very special is there is a very special part about female lawyers, lady lawyers. There are more and more women who are studying law and I think that is something very encouraging. Women so far are known as victims of human rights violations, and these human rights violations are described in the report. But I think it's very good for the women themselves to give voice to such human rights violations and maybe they can speak for themselves in next conference etc.

What I think is also nice in the report is recommendations, What the lawyers who visited Kashmir did together with the other lawyers in Kashmir is to have a list of recommendations about what can be done and for example what can be done is to see which instruments are there already here in the West which are lacking in Srinagar. What instruments are there to fight human rights violations or to support human rights defenders? For example, there are European Union guidelines to support human rights defenders and there has been a lot of discussion and debate and it is accepted but it is an instrument that is not really used. I think there are maybe more instruments. So these instruments must be known, must be used, and I think it is also responsibility of us here in the West but also the Europeans and the European Parliament itself that it also advocates its own instruments. And it's especially important because as you think and know that such instruments lack due to the 'black' laws that exist in Indian Kashmir.

I need to highlight another aspect of human rights violations. People mostly think that the human rights violation is physical only – torture, killings etc. But what is also human rights violations is the psychological aspect of humiliation. It is not only for the people who live there, but also for the people who visit the place. One of the lawyers who visited the place said, “For me as a European lawyer working in Srinagar I felt it was not much of the violence that I feared, but deep sense of humiliation. The humiliation due to the overwhelming military presence which is there for nearly twenty years now”. So this kind of humiliation is deeply embedded in the psyche of the people and I see this as very important human rights violation.

I would like to mention here that it needs consistency and persistence to highlight human rights violations over and over again and also keep such meetings as this to continue in order to explain these violations. That is what I would like to underline – persistence and commitment and that is why we are here.

Before I end, I would like to thank James Elles and Majid Tramboo for making this possible and inviting me here to share my thoughts with you. Thank you.

Murtaza Shibli

Editor, Kashmir Affairs, London

Ladies and Gentlemen! Before I start my speech, I would just like to make one observation about what Professor Radha Kumar said earlier about India's commitment and change in attitude from its rigid and entrenched position on Kashmir. She mentioned the formation of the working groups and one of them caught my fancy which is the working group about the displaced groups and the government of India looking into various possibilities of how the displaced people of Jammu and Kashmir could be repatriated. Regrettably, there is no mention of the hundreds of thousands of Kashmiris who were violently displaced from Jammu, in particular in 1947. Therefore it is naïve to think that there is any kind of shift in the Indian position on Kashmir.

Ladies and Gentlemen: Now I would like to start my speech.

I would like to start with a Farsi couplet:

Tan huma daag daag shud

Panba kuja kuja nea hum

(The whole body is full of scars; where shall one apply the gauze)

The lives of the people of Jammu and Kashmir are full of scars—both visible and invisible, inflicted by the unsettlement of Kashmir, and all the problems that emanate from it. The current phase of détente, dubbed as 'peace process', officially started in February 2004 when India offered a 'hand of friendship' to Pakistan in an effort to solve all bilateral problems, including Kashmir. It was followed by many such 'gestures' including the opening up of the trans-Kashmir bus service. This was hailed as truly an historic step as the hate mongers of yesterday turned into love-lorn neighbours. All this was done in the name of solving the deep and enduring injury that has been inflicted on Kashmir.

But as the calls for peace multiplied and good will statements flashed across the television screens on both countries, amid exchanges of cultural troupes, *qawwali* singers, business delegations and joint film premiers - Kashmir and its weeping valleys and tormented hills were ignored; deliberately so, lest it dampen the over-hyped and media-created frenzy of good will; the resounding noise of which drowned out the cries of the suffering Kashmiris. Ladies and gentlemen, the various rounds of talks between India and Pakistan, and the many rounds of meetings between a section of Hurriyat leaders and the Indian government, have become pure ritual amid the daily battering of Kashmiris. It is no wonder that common Kashmiris view such exercises with both contempt and suspicion, and there is a growing feeling that the Hurriyat leaders hobnobbing with India are preparing for an epic betrayal. Whether this is true or not, negotiations between Mirwaiz led Hurriyat and the Indian government have changed nothing for the Kashmiri people, despite their assertions that dialogue with India would this time be different.

The most worrying aspect of all this so-called 'peace process' and 'dialogue' between a section of Kashmiri leaders and India is that both the Pakistani establishment and the pro-dialogue Kashmiri leadership view growing human rights violations with increasing complacency, as an inevitable part of Indian reaction to the resistance movement. During my recent visit to the Indian side of Kashmir, I met with many pro-Hurriyat leaders. When I asked them about the growing human rights violations, despite their continuous dialogue with the Indian government, it seemed that they were not bothered or showed little signs of alarm.

There is no denying the fact that the past two years have been relatively peaceful between India and Pakistan, but this has not fulfilled any demands of the Kashmiris, including peace. Despite the Pakistani President General Musharraf making a complete volte-face on his country's historical position on Kashmir, India has yet to respond positively. The militant incursions from across the Line of Control have decreased dramatically but the wanton killings, deaths in custody, rape and forced labour continue unabated. Worse, the pro-India Chief Minister, Ghulam Nabi Azad, recently justified the use of force against a peaceful protest demonstration that was demanding an end to the army's reign of terror. The army fired on peaceful protestors killing one and injuring several others. The Chief Minister asserted that people should not create a situation where the army or paramilitary forces will have to shoot them, thereby giving a clear indication that not even peaceful demonstrations against the high handedness of the Indian forces are allowed.

Ladies and gentlemen, according to the Public Commission of Human Rights, an independent human rights group, which is part of Jammu and Kashmir Coalition of Civil Society based in Srinagar, 22 people have been killed in custody by the Indian troops between the period 2nd November 2005 and 4th September 2006. This is more than one person every two weeks and indicates a level of widespread abuse. If such a scale of abuse is prevalent at the time which is supposedly 'peaceful' and brimming with good will gestures, one can only imagine the fate of Kashmiris when there are no promises of 'peace' in the air.

The leading Srinagar daily Greater Kashmir summed up the mood in Kashmir in its editorial dated 12th August as thus, "It seems they (*Indian paramilitary forces*) have been brainwashed to consider every Kashmiri a terrorist and entire Kashmir Valley as enemy territory where they can operate as per their sweet will to kill anyone whom they consider a potential threat."

Of course, there is another side to the human rights violations as well. There has also been a sustained pattern of grenade attacks by the resistance militants against the Indian paramilitary forces are often carried in civilian areas - in the streets and public places causing death and injury to the helpless civilians as they have no control over the circumstances they are caught in their daily grind of life. In addition, the gruesome massacre of 22 innocent villagers in Doda in May this year was an indication of how things are shaping up at a time when we are constantly reminded about the peace process. Though the massacres were widely condemned, it is generally believed that it was carried out by Lashkar-e-Taiba, a group that believes in radical ideology that is alien to Kashmiris despite being at the receiving end of largely state sponsored violence directed by India.

It is sad to notice that certain radical ideologies or methods of action are slowly creeping into our society which was hitherto unknown. In my opinion, the continuous and blatant repression in Kashmir and the failure of the international community to cease it would put both India and Pakistan and the fragile peace at risk despite both the country's desire to build trust. Driven by frustration and radical thoughts, our new generation will be more determined to seek their voices heard through the medium of violence, if it is the only way of expression left. Ladies and gentlemen, their only hope - if one could call it so - in such circumstances would be that of radicalization and the ossification of hatred that will certainly breed yet a more severe and serious cycle of hatred and violence.

The recent resignation of Justice Ghulam Muhammad Mir, Chairman of the official Jammu and Kashmir State Human Rights Commission (August 2006) assumes significance, as he accused the local pro-India government of undermining the Commission and its recommendations. Justice Mir said that his resignation was in protest against the government's growing disregard for the human rights violations, adding that the government did not allow the Commission to work freely or take its advice seriously. He also suggested that the Kashmiris see the Indian Army and paramilitary forces as occupation forces.

Despite their diametrically opposing views on the Kashmir problem and its possible solutions, both pro-India and pro-freedom Kashmiri politicians agree that the human rights situation has deteriorated. The seriousness of the situation can be gauged by the fact that since November 2002 the present government on the Indian side of Kashmir has ordered probes into 115 incidents of killings at the hands of the Indian army and the paramilitary forces. But none of the enquiries have been completed so far, nor has any soldier involved in these murders been punished or reprimanded. In fact the government has a policy of honouring murderous officers with out of turn promotions, medals and state honours, therefore, virtually encouraging a culture of wanton brutality with prospective honours.

Speaking as a common Kashmiri who has no insight into what may or may not be the real transactions between India and Pakistan, I have no hope from this so-called peace process, since the dance of death in the streets of Kashmir runs without a pause. This dialogue and calls for peace are no different from their predecessors; during the last 58 years, there have been more than 100 pacts and agreements between India and Pakistan on various issues including Kashmir. This is in addition to more than four wars, and countless occasions of tough talk and sabre rattling. This has not changed anything for Kashmiris; why should it be expected that future agreements will be different?

Under these circumstances, the only hope would be tripartite negotiations convened under international supervision. The UN resolutions on Kashmir provide such a meeting ground. As a Kashmiri, like millions of my countrymen, I strongly believe in the sanctity and viability of these UN resolutions and them being the reference point for all future discourses and engagements. No new and confusing solutions imagined by desperation or ignorance can make the slightest difference. The only solution that would be viable and long term must be grounded in history and acceptable to Kashmiris. Of course it could be a long and protracted struggle for peace and justice, but for such a thing to hap-

pen, first India has to change its heart and mind and start looking at Kashmir as a human problem mired in politics rather than a political problem mired in territory.

Stopping human rights violations could be a stepping stone, but to stop the recurring rights violations, the army and paramilitary forces have to be moved out of the civilian areas. This is what is being currently discussed as the process of demilitarization. There is a positive hope towards this. Hizb-ul-Mujahideen, the largest and the most influential resistance group recently said that it would welcome a ceasefire if it leads to the withdrawal of the Indian army from civilian areas as a first step towards peace. Such a gesture could start a real progress in Kashmir and will allow those who are in favour of a dialogue to gain respect and support of the Kashmiri people. Thank you very much.

Ali Shahnawaz Khan
Kashmir Scandinavian Council, Norway

Given the paucity of time, I will very briefly touch upon the present state of human rights in the Indian held part of Kashmir and will focus on how to persuade India to respect the basic human rights of Kashmiris and let them enjoy those under all circumstances.

Just to put the things in perspective, the freedom struggle in Indian-held Kashmir is now in its second decade with human rights violation issue getting worse with every passing day. The conflict has had a devastating effect on the civilian population with thousands of people having been killed or injured. Tourism, a major source of revenue for many in the Valley, has dried up. There is severe economic hardship in the state. The psychological trauma, especially among women and children, has been immense.

One of the most disturbing aspects of the Indian response to the freedom movement is the widespread and deliberate targeting of civilians by the Indian forces. With several draconian laws in place, the Indian forces are using disproportional force to silence the voice of freedom. The categories of human rights abuses include deliberate targeting of civilians, cordon and search operations, abuse of women, illegal detention, torture and custodial killings, extra-judicial killings, and destruction of property. India has also made a concerted effort to silence political opposition in the state, targeting the All Parties Hurriyat Conference (APHC) in particular.

The National Human Rights Commission was set up by India in October 1993 to address domestic and international concerns about human rights violations. In 1997, a State Human Rights Commission was established in Jammu and Kashmir to specifically address human rights concerns in the state. Both the national and state human rights commissions are appointed by the government. This raises serious concerns about their impartiality and resolve to investigate abuses.

Amnesty International and Human Rights Watch continue to produce annual reports on human rights abuses in India, including Kashmir. The information is gathered from secondary sources and people who have left the state. Though valuable, it can only provide a glimpse into the state of human rights violations in Indian-held Kashmir. The standard response of the Indian government is to ignore or condemn such reports as misleading, inaccurate and biased.

With this in the background, the million dollar question is how to convince India to desist from inhumane practices and respect the basic rights of Kashmiris. We can discuss this issue at three levels:

- Pakistan-India peace process
- Role of the international community, and
- What Kashmiris can themselves do

Role of Pakistan

It is unfortunate that in an utter disregard to the proposals put forth by the President Pervez Musharraf, India has not shown the required flexibility to move ahead. Pakistan now needs to put extra spot light on human rights violations in Kashmir and link the progress on peace process with the improvement in human rights in Kashmir. In other words, human rights violations should be portrayed as a kind of terrorism and departure from the internationally acknowledged principals and agreements.

Therefore, our demand should be that for making headway in the ongoing peace process, India must take following steps as a matter of urgency:

Repeal of anti-human legislations and 'black' laws that allow abuse of human rights in Indian-held Kashmir.

Release of those held under TADA, POTA and other draconian legislation.

Demilitarisation - Withdrawal of the Indian army and paramilitary forces as they are involved in massive human rights abuses.

Large-scale reform of the state police.

Investigation of human rights abuses by an independent body, and giving exemplary punishments to those found guilty.

Allowing access to the international human rights groups into the Indian-held Kashmir.

Empowerment of national and state human rights commissions, and their transformation into independent bodies.

Lifting of restrictions on political activity in Indian-held Kashmir, including release of political prisoners and removal of travel restrictions.

Role of International Community

The international community especially the US and European Union are today focussed in their fight against terrorism and predisposed to take every possible measure to root out this menace. Unfortunately, there is a strong feeling in the Muslim World that it is singled out as the basic cause of this problem and subjected to utter injustice across world especially the Middle East, Afghanistan and Kashmir.

Common sense dictates that the US in particular has to prove to the Muslim world that it is not anti-Islam or the Muslim world. Given the delicate nature of other disputes, the US is not in a position to ensure an immediate relief to the Muslim world. The need of the hour, therefore, is to project them that by convincing India to stop human rights violations in Kashmir, the US can win the sympathy of a big part of the Muslim world. Kashmir is for sure a less complicated issue in the present context of the US role in the world and it can use its resolution to win the support of Muslims in this part of the world. It can also use its influence on the Arab countries to ask India to respect human rights of the people and look for ways to resolve it peacefully.

Role of Kashmiri civil society

Civil society in Kashmir has to now reach to its Indian counterpart and garner its support to ask Indian government to ensure the protection of the basic rights of the Kashmiris. In the past, there have been some moves in this regard, but it is time to broaden the scope of them and underline the point that the success of peace process depends on the respect of basic human rights in Kashmir.

Last but not least, it needs to be re-emphasized at every available forum that the Indian claim of being the largest democracy in the world will remain disputed and doubtful as long as it does not improve human rights situation in Kashmir. International community in particular should make it a point and bring it home to Delhi that it is very much in the interests of India itself to resolve this issue and let Kashmiris decide their future status in a peaceful and amicable way. As long as there is human rights violations issue in Kashmir, the Indian image will remain under cloud.

With this I come to the end of my presentation. Many thanks to all of you for giving me a patient audience. Thank you very much.

Dr. Attiya Inayatullah

*Member National Assembly of Pakistan, and
Member of the Parliamentary Kashmir Committee*

Thank you Madam Chairperson. May I on behalf of all of us who are gathered here for this very interesting and important Kashmir Discourse which you have enabled, thank you and all your colleagues who are supporters of the All Party Group for Kashmir in Parliament, thank you very much.

At the end of a long but very interesting day, substantive and intensive, I do not intend to take up too much of your time. Theme III is the one we are addressing at present and we are required to look at Human Rights in Jammu and Kashmir. As a preface, I would like to link it with Theme I, Theme II and the President's address which we heard this morning. In this regard I would simply like to say that without addressing human rights violations and the abuse of humanitarian laws in Kashmir, there is no question that we can build peace. In any regional forum that you go to, there is recognition of one thing on which there is agreement from all sides of the divide and in the international world and that is: human rights abuses must stop, and that human rights is a critical element in building peace. However, I would like to say that we cannot only look at Indian-held Kashmir, and we cannot just look at the Valley when we are talking about human rights violations, I therefore welcome the Human Rights Watch decision to undertake a study on the human rights situation in Azad Kashmir. This is a recent decision which they have taken and indeed we all welcome it. Secondly, I would like to move and I am sure that we all condemn the killing of non-Muslim Kashmiris, wherever it is, particularly in the Valley and in Jammu. We need to broaden the perspective as was mentioned this morning and look at the totality of Kashmir.

The evidence of human rights violations in Jammu and Kashmir is very well documented, particularly in respect of the Valley of Kashmir. In fact, I think we now have enough evidence that it is the most concentrated violation of human rights in contemporary history since the Nazi period. I'm not using this as a sound bite but we can clearly say that Kashmiris are humans without any rights. In fact if we look through the Conventions and the optional protocols, each and every clause has been violated with impunity for over a decade in Indian-held Kashmir. And who is the perpetrator of these abuses? It is the Indian army, and then they claim it is due to collateral damage. I think that this is absurd to say the least and it rings very hollow when we have figures which I will quote, these are the available figures, no one has access to the hidden numbers. There are 3,735 young people who are in interrogation camps and are victims of daily torture. This is the second generation of suffering Kashmiris, I hate to think of their plight and wonder in what mental state they are. In a very concentrated area the casualties are 22,000 women widowed and can we even imagine that there are 100,000 orphans today in Indian-held Kashmir. We know that rape has been used and used very extensively as a tool of war, and we know that our children, because the Kashmiri child belongs to the world,

are the future. Yet these children are now being used as human shields and there is enough evidence that this is commonplace. We know involuntarily disappearances have increased. However, another interesting thing which has happened and is unforgivable is the surfacing of prostitution, this evil was not known before and I think that it is nothing but a reflection of the gross human rights violations which are taking place in Indian-held Kashmir. But, I would like to say that despite this abuse, despite this misuse of the female-kind, and despite the humiliation, there is evidence, as we have just heard that the Kashmiri people are a people of great dignity and will not go under.

The Chairman of the Human Rights Commission in Indian-Occupied Kashmir has recently resigned because he could take it no longer. We will not be humiliated, and we will fight to the last. This is what the struggle is all about. What about the crackdowns which are again commonplace? Every day, in the cities and in the rural areas one hears about crackdowns. And who is responsible for the violation of property; be it farms, livestock, homes? Up till today, the record is that over 100,000 people have been left destitute because their home and hearth have been destroyed. There is the divided family syndrome; to get travel documents between the two countries is almost impossible.

Just a few days back on July 13th we observed Martyr's Day. That day was in memory of the atrocities of the despotic Dogra rule which has been replaced by the Indian rule. The struggle today in Indian Held Kashmir is against another oppressor, earlier it was the Dogra, today it is the Indian army. What are the Kashmiris looking for is freedom for their rights and their right to self-determination? Can this be such a big sin? The right to self-determination when looked at in the historical perspective and through the lens of the Kashmiris, compliments the President of Pakistan who this morning so categorically stated that the Kashmiris must be at the table. And how do we get them there? The sooner the better.

I will now very quickly go to what we could or should do in the human rights area. We heard this morning, Pakistan wants conflict resolution, and India wants conflict management. The fact of the matter is that we need a third element in all this. We need to look at conflict prevention recognizing that human rights violations are one of the major reasons for conflict. If we are abused as Kashmiris, if we are humiliated, and if we are used, there will be conflict.

In conflict prevention I would like first of all to wholeheartedly support demilitarization. Because until and unless there is demilitarization, human rights violations an expression of Indian militarism will continue. What has forced the Kashmiris into a freedom struggle? We repeatedly keep talking about this and I hope it would be coming before the working groups tomorrow. It is clearly and unequivocal Indian militarism which has caused struggle in Kashmir. There is a direct relationship between the two. With demilitarization we need to get back to the rule of law.

The second area I would like to touch upon is that the time has come to let international human rights and humanitarian NGOs go into Indian-held Kashmir to assess the situation, because everyone has their own story and we want to come to closure on this, so we must let them assess the situation and also let them assist in containing and ending human rights violations. Thirdly, there must be ownership of Kashmiris in all CBMs. We

heard from the President this morning that the Kashmiris have been involved in the past, but it was not enough. The consultation was not sincere, and certainly I feel that there's a lot of scope for ensuring that in all the CBMs, the ownership must be with the stakeholders and the stakeholders are the Kashmiris. How are we going to get Kashmir-centric CBMs? We can do it. India and Pakistan can jointly do it; they have the capability and the capacity to take forward important Kashmir-centric CBMs. The best CBMs are for suffering humanity. As a suggestion, can the two countries together plan for the rehabilitation of some 13,000 widows. Protection of our orphans is another important Kashmir-centric CBM. In addition, trauma-counselling, is needed. The youth of Kashmir, the women, and children are deeply traumatized and there is no trauma counselling centre in any part of Kashmir, we could do with an innumerable number of them and finally, I hope that the day will come when the Indian military and whoever is responsible in the Indian establishment can find the courage and the will to make a public apology to the people of Kashmir for state sponsored humanitarian and human rights violations. That will be the greatest CBM and a leap forward if we get the Government of India & the Indian armed forces to make a public apology, I hope this and more will happen sooner than later. Thank you.

Barrister Majid Tramboo

Chair & Executive Director, ICHR Kashmir Centre.EU
(Concluding Remarks)

Thank you very much Dr. Attiya Inayatullah. It has been a very long day and we have a very long day tomorrow ahead as well. All the elegant speakers here made their presentations very clearly and if there are any questions, we would like to go through them. I see none and that makes life easier.

I am sure everybody, including those who have left for the hotel, have the program by now. On the back we can see the schedule for tomorrow and to begin with, we have three workshops. Though we have put the delegates into different workshops ourselves, we would like to leave it up to you. So please think over night which workshop you would wish to go. There are three workshops each with a Chairman and a rapporteur. Tomorrow morning all delegates will be directed to different slots for each workshop. With these words I announce to conclude this session and the proceedings of the day.

Note: Barrister Majid Tramboo held the chair after Jean Lambert left the conference for her scheduled appointment.

End of Human Rights' Session

CLOSING PLENARY
(Workshops and Conclusions)

Chair: Gary Titley – MEP
Leader of the European Parliamentary Labour Party
Vice-Chair All Party Group for Kashmir in European Parliament (APGK)

Guest of Honour: Sardar Attique Ahmed Khan
Prime Minister of Azad Jammu & Kashmir

Gary Titley (MEP)
(Opening Remarks)

Welcome to this closing plenary of the Global Discourse on Kashmir 2006. I take this opportunity to welcome and thank the Prime Minister of AJK to be with us today.

All Party Group for Kashmir facilitates dialogue, conferences and debate in relation to the Kashmir issue organized in association with our good friends Kashmir Centre.EU. This is why we are here for the last two days.

The sequence of events this afternoon will be:

First – we will receive Reports from the rapporteurs of the three workshops;
Second – we will have debate and discussions on the ‘conclusions’ of the ‘Discourse’.
Third – The Prime Minister will deliver his concluding speech; and
Fourth –James Elles will conclude this ‘Discourse’ with his final remarks.

So we begin with the Reports from the Workshops:

Workshop I

*Examining win/win strategies for all three parties to the Kashmir dispute:
Pakistan, India and Kashmir.*

Chair: Frank Schwalba-Hoth (Former MEP)

Rapporteur: Prof. Marco Lombardi

The rapporteur of the workshop presented the following report in the closing plenary:

The nearly 30 participants agreed on the following issues:

Win/Win strategies do not admit any loser. For these reasons the strategies must be negotiated among all the partners, based on a process of exchange of ideas etc.

Three actors must be involved: Pakistani government, Indian government and people of Jammu & Kashmir. The way as to how the Kashmiri people could be involved was not agreed amongst the participants.

The negotiation process that has already started should be continued, even if the timeline of the process is not yet defined.

After a long discussion, participants presented different options as elements of the road map. The following is a list of proposals discussed with no formal agreement between participants:

1. Methodological Issues:

The promotion of a broad band dialogue (BBD) is requested; the meaning of BBD refers to a deep dialogue both in quantity and quality.

A holistic approach is required, where different issues such as CMBs, Human Rights, violence, etc. are addressed in a systemic and systematic way.

Continuing composite dialogue between Pakistan and India with effective results for Kashmir people.

2. International Issues:

Internationalisation of the Kashmiri question but recognition of its bilateral character; bilateral relations in an international framework.

A fourth actor as facilitator of talks is needed. EU was suggested as a facilitator.

International experts' assistance is needed for technical issues.

3. Other Specific Issues:

Promotion of CBM strategies focused on family reunification, trade, release of political prisoners, issue of passports and travel documents.

The necessity of stopping violence and promoting demilitarization was stressed.

There is a need for the formal recognition of the right of self-determination and its implementation for Kashmir.

Organization of the Consultative Forum. To encourage the people's participation in the peace process, it was suggested to have a consultative forum where a representation of the Kashmiri civil society can meet and exchange ideas. The people who could be involved in this process will consist of retired/former diplomats/judges and vice-chancellors of Universities all from Azad Jammu Kashmir, Kashmir, Pakistan and India.

There should be a recognition of the resistance movement by all the sides involved in the talks to avoid "Talibanization" of the area.

There should be a start-up of a specific state building process for an Independent State of Kashmir, identifying a specific role of management by Pakistan and India on the areas today already controlled by the two countries.

Workshop II

“Examining Demilitarization and Self-Governance as steps to Self-Determination”

Chair: Cem Ozdemir (MEP)

Rapporteur: Lars Rice

I would like to give a summary of the ideas which were discussed. There was an agreement on two or three points. All the participants in our workshop agreed that it would have been good to have broader participation. We saw that the participation of Professor Radha Kumar from India, whose presence gave a broader picture to the debate and even some extra flavour. I think it would be good for conferences like this to have a broader representation.

I know Barrister Majid Tramboos has worked all the time to have a broader representation. But I think we should all encourage the purpose that we should aim for such representation, especially since we argued about the Kashmir Strategy Group. One of the purposes is perhaps a three party dialogue – at least we should manage to have a three party dialogue here in a kind of informal conference. Therefore, I would like to pay tribute both to Gopalaswami Parthasarathy and Professor Kumar for adding so much to the discussion here.

All the participants agreed that there is a very heavy military presence in Srinagar especially, and that it should be reduced. We had some discussions about how heavy it is, but I think that everybody agreed that it is heavy. It's difficult to discuss numbers but also not so important. But the numbers ranged from 300,000 to 700,000 troops. And I mention that as late as June 2006 it is mentioned on the website of the US State Department in a report that some 700,000 troops are stationed in Jammu & Kashmir. So the idea of demilitarization may have different interpretations but we were in agreement that it is necessary to reduce the troops. This is mainly because the presence of the troops in itself can be provocative to the population especially in the big cities. We have had numerous examples mentioned about how it can create tension and even more violence, because the troops are there with very heavy artillery, weapons, and ammunition. But at the same time it was pointed out that Pakistan should do more to stop the activities of terrorist organizations that still operate out of Pakistan. We had a discussion also on the United Nations Resolutions and whether they are outdated, if they still count or if they are illegal.

There was almost an agreement that it should be possible to use these Resolutions as a basis for our discussions. If we cannot do that then we have to ask from which year did they become redundant, and perhaps refer to Kofi Annan in 2000 when he said that these Resolutions are outdated and this can be interpreted only as they are almost 60 years old

and need to be adjusted and updated on facts and figures and maybe even on strategies. But it doesn't mean that they are not legal. Shireen Mazari in our group launched the idea that the United Nations should take an initiative and I think we agreed that this is a good idea that the United Nations should play a role like they do in other places for instance in Western Sahara which has been struggling for self-determination for 15 years at least and that United Nations have appointed a Special Envoy to work out on an agreement on how to organize the referendum and who would be allowed to vote in the referendum. We see no such engagement or concern for Kashmir. All the legal basis is in place and then it's just to follow up which is lacking. I think I will just stop there.

I would like to mention that we were happy to be chaired by Cem Ozdemir who is originally from Turkey and now represents Germany in the Parliament.

Workshop III
*Examining the Foreign Affairs Committee's 'Own Initiative
Report on Kashmir'*

Chair: Sajjad Karim (MEP)

Rapporteur: Marjan Lucas

The rapporteur presented the following report in the closing plenary:

We were supposed to discuss and comment on the Foreign Affairs Committee's Own Initiative Report on Kashmir, which was expected to be presented to the EP-FA Committee after the visit of MEP Mrs. Nicholson to Kashmir in the summer of 2006.

However, we were severely handicapped by the fact that the said report is not available as yet. Therefore, we developed our own set of points that we wanted to be included in the "Own Initiative Report on Kashmir". The 15 points below were agreed upon by the participants in consensus. Special attention was asked for recommendation no. 13 (on prisoners of conflict).

1. Kashmiris should be part of any decisions taken.
2. Principle of self-determination, the right to self-determination, should be respected and not bypassed at any stage. UN Resolutions taken as starting point (note the formulation: starting point, thus acknowledging the limited scope of the said resolutions).
3. Commitment of EU to multilateral approach shown in regard of other disputes/ conflicts, must also apply to the Kashmir Dispute.
4. The report must not only merely enlist facts and figures (quantitative information) about human rights violations but also express worries (qualitative statements) and formulate concrete proposals for urgent action.
5. The Initiative Report has to include the previous report (of the Ad Hoc Delegation, prepared 18 months ago) as an important basis.
6. A Special Rapporteur on Kashmir has to be appointed;
7. CBMs must be more Kashmir centric and advocate COHESION and UNITY of the people of Kashmir instead of encouraging divisions on ethnic/geographic/religious lines.
8. Both India and Pakistan should work more Kashmir centric in its resolution negotiations.

9. Pakistan made efforts to find a peaceful solution to the long standing issue of Kashmir Dispute: EU invites India to come out with a clear set of proposals and recommendations for conflict resolution as well.
10. EU must advocate freedom of movement of the people within Kashmir and by the Kashmiri Diaspora.
11. EU must advocate that International organizations, in specific human rights defenders, are to be allowed free access to Kashmir and work without restrictions.
12. EU must advocate to bring the indigenous militants in the dialogue process as they should be involved in the negotiating dialogue.
13. Prisoners of conflict are to be afforded due legal process in accordance with international standards, or are to be released.
14. EU must advocate that Earthquake Rehabilitation Programmes in Pakistan should reach International Standards .
15. In Kashmir, enough and equal space must be granted to all groups active in especially Azad Jammu Kashmir (AJK) and Northern Areas (NA), including those who throw a different line than the establishment line, to participate in, and/or work on a democratic process.

(Following the Reports from the workshops, there was a discussion & debate on the "conclusions" of the Discourse. Following an intense debate, a set of six "conclusions" was adopted which is reproduced at the end of these proceedings).

Gary Titley (MEP)

As I said earlier, we are grateful that the Prime Minister of Azad Jammu and Kashmir is with us here today. I now call upon him to deliver his concluding speech to this Closing Plenary.

Sardar Attique Ahmed Khan
Prime Minister, Azad Jammu & Kashmir
 (Concluding Speech)

Mr James Elles Member EU Parliament & Chairman All Party Group on Kashmir in European Parliament, Lord Nazir Ahmad, Member British House of Lords, Mr Gary Tillet, Member European Parliament and Vice Chairman of All Party Group on Kashmir in EU, Ladies and Gentlemen, it is a profound pleasure and privilege for me to address such a galaxy of illustrious personalities. For arranging this Global Discourse on Kashmir I express my deep thanks to Mr James Elles, Member European Parliament and Chairman All Party Group on Kashmir and to Mr Majid Trambo, Executive Director of Kashmir Centre.EU and their colleagues.

It is a valuable exercise and must continue in any form. It highlights the seriousness of Kashmir dispute. The speeches delivered by learned participants today and in yesterday's opening and later sessions of the Global Discourse on Kashmir are really enlightening. President General Pervez Musharraf's personal presence in this forum and his sincere address inspires us. Also his ideas on Kashmir are valuable additions.

Ladies and Gentlemen, Kashmir is a living issue, a burning topic. This Discourse has invited scholars, intellectuals and researchers from all over the world. Almost all speakers here emphasized the urgency to resolve the Kashmir dispute. The views and comments expressed by our friends are a contribution in search for a permanent peace in South Asia. At least I take them so. I would like to emphasize a continuation of this important Discourse.

Let me once again remind that there are four parties to this dispute: people of Kashmir themselves, Pakistan, India and the UNO. India had taken it to the United Nations Security Council in January 1948. Since then the UN recognizes it as a dispute. A number of UN and Security Council resolutions on this dispute make it all the more important. The Pakistan government has tried its best to discharge its role in a manner compatible with the global scenario and the people of Kashmir duly acknowledge this.

The latest ideas of President General Pervez Musharraf on Kashmir of demilitarization etc indicate a seriousness to solve this complex issue. I think it opens up a window of opportunity to let in the light of trans-national peace in South Asia. The overwhelming majority of Kashmiris on both sides support demilitarization. People of Kashmir prefer a negotiated settlement. For this purpose they must be given a space to sit around the table along with Pakistan and India. Pakistan generously concedes to this demand.

The CBMs (confidence building measures) initiated in the recent past in South Asia need to be reactivated. The re-start of this process is most essential in the region. We wish

that instead of jumping too quickly to catch a Kashmir solution, the CBMS should re-start in a result-oriented focus. That process in the least will invariably minimize the danger to security and peace of over one billion souls in South Asia, and will create a conducive atmosphere.

Our view is that we should take some interim measures on Kashmir. The recent CBMS in the region has created a conducive condition for talks and the contribution of the EU is certainly helpful in this regard. We hope the forthcoming EU report on Kashmir will also add to the efforts. The active role of the EU can help in bringing a solution of this dispute. We would also like to propose that the EU Commission should hold its next meetings in the centre of location of dispute; in Muzaffarabad or in Srinagar. The Kashmiris need to be actively associated with the process besides facilitation of more intra-Kashmir dialogue and contact. In this connection we welcome the efforts of President General Pervez Musharraf.

Mr Chairman, The people of Jammu and Kashmir are not insensitive towards the beneficial dividends of peace. We are aware of its usefulness. All three, the people of Pakistan, of Kashmir and of India will be the ultimate beneficiaries, rest of the world besides. I, on behalf of people of Jammu and Kashmir appeal all the world forums and organisations to help removing the dangers of instability from the South Asia by resolving the Kashmir dispute.

Mr Chairman, ladies and gentlemen, I once again thank you all with the hope that we are able to build bridges across the regions and continents, across races and religions.

Thank you.

Gary Titley (MEP)

Thank you very much Prime Minister for your kind words. Now I call upon my colleague James, Chairman of All Party Group for Kashmir for his final remarks and to close the "Global Discourse on Kashmir 2006". James, please.

James Elles (MEP)

(Word of Thanks)

Thank you very much Gary. Indeed it was very good progress in my absence that brought very good conclusions of the conference. I am thankful to all those who have been involved in making this a practical reality. First of all I would like to thank you Gary for sharing the burden with me. I don't know why you always chair concluding sessions but it must be your diplomatic talents and nice manner in which you harmonise the differences together that attract the organisers. Thank you, indeed, for chairing the concluding session and thanks to my fellow parliamentarians in the Kashmir Group for their involvement in the process. Thank you to, of course, Majid as you made sure that we got together at a right time at a right place. My thanks to the staff of Kashmir Centre.EU and to my assistant. They have done a wonderful job. Thank you to all of you for making this Global Discourse, once again, to be a reality. It was not an easy task to operate from Brussels and getting people from different parts of the world into the building of European Parliament. But now I am very much satisfied with the results we have achieved. Lastly, thanks to all you who have managed to travel a long way to be with us here, today. I thank you Prime Minister for being here.

Having newly entered your functions you have a large number of responsibilities following the elections of the parliament, following the earthquake and following all the different things going on there. But your presence has considerably enhanced our image and we have been able to manage this dialogue as it was because of President Musharraf, when he came to open the Global Discourse. There are other friends and colleague also whose presence has certainly delighted us by feeding in their ideas to the Discourse. Not the least, I thank ARY TV and P.J.Mir. I am thankful to you and other television networks who have covered our conference so that the wide world knows what we have been saying and what we are trying to do together. I think I had one wish to express that as we have been making progress through these three Global Discourses, it would be nice if we hold another one with more participation. Thanks for making it lively and giving it a flame otherwise the conclusions might not be so perfect as they are. With these discussions we certainly provide informal support to the formal process underway. I wish safe journeys back home to all of you and look forward to keep in touch with you. Thank you all of you for being here today. This Discourse now concludes here.

Global Discourse Concludes

The Global Discourse on Kashmir 2006

Conclusions:

The following six conclusions were adopted at the Global Discourse on Kashmir 2006:

1. Recognizing that the people of Jammu and Kashmir should be fully included in the peace process, the governments of India and Pakistan should agree to establish a "Working Group on Jammu and Kashmir. Such a "group" should bring together all the three parties with legitimate interest in being involved in finding a solution – the Pakistani governments, the Indian government and the people of Jammu and Kashmir.
2. Believing firmly that reduced military and para-military forces in Jammu and Kashmir will bring a sense of security along with cessation of all violence and flexibility and tolerance in thinking and mindset.
3. Recommending strongly that international organizations to appeal to all Kashmiri militant groups to declare a ceasefire.
4. Insisting overwhelmingly to ensure the promotion and protection of all human rights in Jammu and Kashmir.
5. Ensuring that there is enhanced and improved communication across the Ceasefire Line in order to make the Ceasefire Line as irrelevant as possible.
6. Making progress on the path towards resolution and peace, the initiative need to be taken, with help of the EU and others, to organize as early as possible a conference at which all segment of Jammu and Kashmir political spectrum should be invited in order to give them the opportunity for consultation in a free and fair atmosphere.

- The End -



President General Pervez Musharraf arriving at Global Discourse 2006 in the European Parliament



President General Pervez Musharraf addressing the Global Discourse 2006



President General Pervez Musharraf replying during the Question & Answer Session



A view from the audience listening to President General Pervez Musharraf



Barrister Majid Tramboo delivering inaugural speech



President General Pervez Musharraf leaving the Global Discourse 2006



Prime Ministerial Session: Building Peace in Kashmir



International Experts' Session: International Perception of Kashmir Issue



Human Rights Session: Human Rights in Jammu and Kashmir



Lunch Time discussions at the President's Dining Room, European Parliament



Welcoming guests inside the European Parliament



Workshop I: Examining win/win strategies for all the parties to the Kashmir Problem



Workshop II: Examining Demilitarisation and Self-governance as steps to self-determination



Workshop III: Examining EP Foreign Affairs Committee's 'Own Initiative Report on Kashmir'



Closing Plenary and Conclusions



Barrister Majid Trambo talking to the Prime Minister AJK Sardar Attique Ahmad Khan

International Council for Human Rights

ICHR is an international NGO which is committed to provide assistance to United Nations and its affiliated organs in the promotion and observance of the Universal Declaration of Human Rights and to work for fundamental freedoms and world peace, and to facilitate and co-ordinate the efforts of oppressed peoples, minorities, unrepresented peoples and nations to gain access to international law and its enforcement mechanism for the protection and promotion of their rights.

Kashmir Centre.EU

Since its establishment, KC.EU has strenuously lobbied to gain support and understanding of the European Union's institutions on the Kashmiris' right to self determination and for the protection and promotion of their human rights.

All Party Group for Kashmir (European Parliament)

APGK was launched in March 2000 by a group of MEPs with the aim of raising the profile of Kashmir, its people and the protracted dispute in the region in the European institutions and the wider European public.

Kashmir Centre here in Brussels has really revolutionized the way in which Kashmir has been considered in the Parliament. We in the All Party Group for Kashmir in the European Parliament, that was launched six years ago, have been able to contribute by having a hearing in the Foreign Affairs Committee and have been able to send an ad hoc delegation to both sides of Kashmir - the only directly elected Parliament to do that.

*James Elles - MEP
Chair, All Party Group for Kashmir.EP*



I envisage an active involvement of the European Union. The European Union is a growing influence in the world and all its three institutions - the Parliament, the Council and the Commission should be consulted and their cooperation sought on a regular basis. The European Parliament is engaged in a very positive role that is adding to the international calls for support towards the peaceful resolution of Kashmir.

*Barrister A. Majid Tramboor
Chair & Executive Director, Kashmir Centre.EU*

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**From the call for demilitarisation to the
holding of self-determination**

European Parliament, Brussels
12-13 September, 2006



"The people of Jammu and Kashmir as well as Pakistan and India will be closely watching the deliberations of this discourse. The ideas and proposals that would come out of this Discourse could go a long way in resolving the long standing dispute of Jammu and Kashmir, bringing the sufferings of the Kashmiris to an end."

**President General Pervez Musharraf
Islamic Republic of Pakistan**