

Procedure file

Basic information	
INI - Own-initiative procedure	2005/2242(INI)
Procedure completed	
Kashmir: present situation and future prospects	
Subject 6.10.04 Third-country political situation, local and regional conflicts	
Geographical area Pakistan Afghanistan India	

Key players			
European Parliament	Committee responsible	Rapporteur	Appointed
	AFET Foreign Affairs		12/12/2005
		ALDE NICHOLSON OF WINTERBOURNE Baroness	
European Commission	Commission DG	Commissioner	
	External Relations	FERRERO-WALDNER Benita	

Key events			
15/12/2005	Committee referral announced in Parliament		
21/03/2007	Vote in committee		Summary
25/04/2007	Committee report tabled for plenary	A6-0158/2007	
24/05/2007	Results of vote in Parliament		
24/05/2007	Debate in Parliament		
24/05/2007	Decision by Parliament	T6-0214/2007	Summary
24/05/2007	End of procedure in Parliament		

Technical information	
Procedure reference	2005/2242(INI)
Procedure type	INI - Own-initiative procedure
Procedure subtype	Initiative
Legal basis	Rules of Procedure EP 54

Stage reached in procedure	Procedure completed
Committee dossier	AFET/6/32402

Documentation gateway					
Amendments tabled in committee		PE382.592	17/01/2007	EP	
Committee draft report		PE376.409	19/01/2007	EP	
Committee report tabled for plenary, single reading		A6-0158/2007	25/04/2007	EP	
Text adopted by Parliament, single reading		T6-0214/2007	24/05/2007	EP	Summary
Commission response to text adopted in plenary		SP(2007)3179	14/06/2007	EC	

Kashmir: present situation and future prospects

The Committee on Foreign Affairs adopted with a comfortable majority the own-initiative report by Baroness Emma NICHOLSON of WINTERBOURNE (ADLE, UK) on Kashmir: present situation and future prospects.

In its introduction, the report summarises the strategic situation of the region from an economic and geopolitical point of view. Members consider that the constant engagement between the governments of India and Pakistan, involving the peoples of all parts of the former princely state, may be the best way to bring about a resolution of the conflict. Convinced that the EU may have something to offer in this context, Members propose that the parliamentary resolution and any meetings that may come out of it may serve in the form of shared experience from which the EU can also learn.

Overall, Members reaffirm the need for the EU to maintain its support for India and Pakistan in the context of the 2004 peace process. The representatives of these two countries are called upon to find viable solutions to the conflict and work towards its demilitarisation.

Noting the very negative impact of the earthquake on the people of Azad Jammu and Kashmir (AJK) and its effects on resources, in particular drinking water and the slowing down of development of its institutions, Members call on the Union to give their full support to the Kashmiris. They call on the Pakistani and Indian governments to settle riparian issues and to continue their dialogue to settle the issue of access to water, which is a priority problem.

Political situation: Although they welcome the parties' efforts towards peace, members consider that in view of the repeated violations of United Nations' resolutions, the preconditions for using the plebiscite have not been met at present. Reaffirming that all peoples have the inalienable right of self-determination, the Foreign Affairs Committee notes that the majority of resolutions regarding the former princely state of Jammu and Kashmir seek to make this entity a part of India or Pakistan. Members therefore consider it important to support the line of the current negotiations being undertaken by India which would make boundaries permanently irrelevant, as well as establish a system of self-government and institutional arrangements for joint or cooperative management of this region.

While welcoming the current peace process involving India and Pakistan, Members support the "second track" approach as well as wider dialogue involving eminent persons, academics and other relevant experts from all sides of Kashmir and from India and Pakistan. They also stress the shortcomings in the democratization process in Pakistan where women have few freedoms, where minorities are discriminated against and where the Gilgit-Baltistan people are under the direct rule of the army. Members call on Pakistan to review its concept of democratic responsibility minority rights and to encourage freedom of expression in AJK.

On the political level, Members call on Pakistan to guarantee free and fair elections in Kashmir and to hold elections for the first time in Gilgit and Baltistan. They call on Pakistan as well as India to transform the ceasefire in place in Siachen since 2003 into a lasting peace agreement. India is also invited to put an end to all practices of extrajudicial killings, "disappearances", torture and arbitrary detentions in Jammu and Kashmir. They also urge the governments of India and Pakistan to allow international human rights organisations immediate and unrestricted access to all parts of the former princely state in order to investigate the human rights situation there.

Lastly, they compliment India on its efforts for the socio-economic development of Jammu and Kashmir.

Combating terrorism: the parliamentary committee urges a continuing and determined commitment by President Musharraf to fighting terrorism, which, it is widely recognised, presents enormous challenges; approves and supports multilateral and bilateral EU Member State aid to assist Pakistan in fighting terrorism. Members call on the Governments of Pakistan and of the EU Member States to intensify their efforts to identify and apprehend potential terrorist recruits coming to Pakistan from EU Member States. They strongly support the International Crisis Group's recommendations of 11 December 2006 for Pakistan to disarm militants and end the flow of money and weapons to the Taliban and other foreign or local militants on Pakistani territory.

Confidence-building measures: although Members welcome the various measures taken by India and Pakistan to resolve differences and to reunite families split up by the conflict, the Committee believes it is vital to increase the frequency of exchanges at all levels of civil society, as well as the opening of borders on both sides. It suggests that exchange programmes be created between law associations, schools and universities and recommends that a Joint India-Pakistan Parliamentary Committee be established to foster greater parliamentary exchanges and dialogue.

For its part, EU businesses should be encouraged to recognise the investment and tourism potential of Kashmir. Members also give their support to greater investment in the region and better use of the GSP+ system to revive the economy.

Impact of the earthquake of 8 October 2005: noting that this earthquake had a serious impact on the lives of Kashmiris on each side of the Line of Control (LoC), and that the overwhelming humanitarian situation has degraded the fragile institutional capacity on the ground in AJK,

Members call on the Union to pay proper attention to the protection, needs and social integration of victims of the catastrophe by establishing effective programmes and fighting corruption so that aid can reach them.

The Committee regrets that the earthquake has not been an opportunity for India and Pakistan to show the political will to prioritise the humanitarian needs of the Kashmiri population and to overcome political differences.

In view of the enormous challenge faced in the reconstruction of the area, Members call for long-term assistance that goes beyond the 750 million pledged for rehabilitation and reconstruction in Pakistan. They welcome the funds so speedily pledged by Pakistan's neighbouring states (India, China, Iran and Afghanistan) and, on a wider regional basis, by Turkey and the Organization of the Islamic Conference (OIC). However, members regret the fact that the initially hesitant reaction to the disaster by the Pakistani military created a needs vacuum in the immediate aftermath, which was exploited by militant organisations on the ground, such as the Jamaat-i-Islami, and Jamaat-ud-Dawa, the renamed Lakshar-e-Tayyaba. They are very concerned that this has bolstered the credibility of such polarising groups in the eyes of the local population, further undermining any potential for genuine democratic representation

In order to bring the parties closer together, Members support the idea of the establishment of a road network between Jammu and Sialkot and Gilgit-Baltistan, as well as the introduction of a rail link between Jammu and Srinagar and the improvement of the road connecting the two cities so as to encourage trade and commerce.

Conclusions: the Committee urges the Union not to let the plight of the people of Jammu and Kashmir disappear from the radar screen and to ensure that aid and other programmes are designed and implemented with long-term recovery and institution-building in mind. One of the keys to improving relations between countries is through increasing bilateral trade flows to generate the socio-economic and cultural development of the territory.

Kashmir: present situation and future prospects

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

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

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

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

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

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

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

Parliament also deplored documented human rights violations by the armed forces of India, especially if the incidents of killing and rape

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

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

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

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

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

The report welcomes the increase in the number of visas issued for travel between India and Pakistan, as well as the re-opening of truck and bus services, but adds that it is vital to remove all obstructions and hindrances for all Kashmiris to travel freely to the entire state. Lastly, the report underlined that, as the EU's own experience demonstrates, one of the keys to improving relations between countries is through increasing bilateral trade flows. In the case of Jammu and Kashmir, cross-LoC trade is particularly vital to the generation of economic growth, development and the unlocking of its economic potential. Parliament recommended that transportation and infrastructure projects be made a priority.