

Fourth Global Discourse on Kashmir

European Parliament

1-2 April 2008

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Cover Note to report on the fourth Global Discourse held in the European Parliament on 1-2 April 2008:

The fourth Global Discourse, held in the European Parliament on 1-2 April 2008, was a remarkable success. This year's Discourse built on the experience of three previous Discourses held in the European Parliament since 2004 but differed in the scope of its ambitions and its balance. The following report, prepared by rapporteur Victoria Schofield, which summarises the contributions of the representatives present, attests to this success.

The fourth Global Discourse was attended, for the first time, not only by a large group of Pakistani representatives and a cross section of Kashmiris but also by a sizeable contingent of Indian representatives. In contrast to previous years, this provided a more realistic balance in the nature of the discussions between the component parts engaged in the dispute. This effort to engage all sides of the debate was reflected in the innovative use of a very successful video-link between Muzaffarabad and Srinagar, so that local people, unable to travel to Brussels, could listen and contribute to the debate.

The final page of the report includes a Declaration agreed by all present at the event, urging recognition of the substantive progress made in confidence-building between India and Pakistan helping to create a better political environment to resolve the Kashmir issue.

The Declaration also indicates the way forward for the future. A commitment of significance was made to set-up a rolling programme of events to follow up the Discourse, to be monitored by a newly-formed advisory steering committee composed of the major component delegations present. This advisory committee should help set-up meetings to be held in Islamabad, New Delhi, Muzaffarabad and Srinagar in the months ahead.

I would like to extend my grateful thanks to all who participated in the event, and in particular to my fellow Members of the European Parliament who generously gave their time to chair the sessions. In addition, I would like to thank Commissioner Ferrero-Waldner for her kind message of support for the event. Finally, I would like to thank rapporteur Victoria Schofield for her excellent work preparing the report.

The report, agreed in principle at the meeting, provides a concise summary of the progress made by the fourth Global Discourse and a useful roadmap as to how we can take the Global Discourse forward in a pragmatic manner.

James Elles

Chairman, All-Party Group for Kashmir
Conservative MEP – South-East Region

Statement of support for the fourth Global Discourse from the Commissioner for External Relations Benita Ferrero-Waldner:

Benita Ferrero-Waldner
Member of the European Commission

Rue de la Loi 200 - B-1049 Bruxelles
Wetstraat 200 - B-1049 Brussel

Dear Mr. Elles,
Dear Participants,

The focus on Kashmir is timely. After last year's positive political developments, when both India and Pakistan indicated that the Line of Control could become a "soft border", we were pleased to see that both parties behaved responsibly in the recent months.

The EU has expressed its firm support to the reconciliation process between India and Pakistan. But there are still difficulties ahead. It is encouraging that the composite dialogue process continues to be on track, despite for example the terrible attacks on the Samjhota Express last year. I also believe it is important that the Kashmiris themselves have become more involved in the modalities of the peace process.

In conclusion, I would like to emphasize that I feel there is now renewed hope that the Kashmir issue can be brought closer to a solution as both sides have sent out signs of increased flexibility. Nevertheless this process is likely to be slow and gradual. But it is important that it is very much in the political aspirations of people in both parts of Kashmir, that the key to resolving this conflict is held.

Looking at the composition of the panels, I am sure that the debate will move forward the European Parliament's proposals for bringing positive developments in the peace process between Pakistan and India.

I wish to all the participants a very fruitful discussion.

Benita Ferrero-Waldner
Commissioner for External Relations

4th Global Discourse on Kashmir 2008. European Parliament.

Rapporteur: Victoria Schofield

Day 1, 1st April 2008.

The 4th Global Discourse on Kashmir opened at the European Parliament on Tuesday 1st April. Organized jointly by the ICHR Kashmir Centre.EU and the All Party Group for Kashmir European Parliament, among invited guests were representatives from India, Pakistan and Kashmiris from both the Indian administered and Pakistan administered regions of the state. Mr James Elles (MEP) chairman, All Party Group for Kashmir, European Parliament gave the introduction. Welcoming the delegates, he emphasized that there was a need to have a balanced discussion and he suggested that the problem of Kashmir could be better understood in its regional context. 'Everyone has to find ways to sort out their problems together,' he said. Barrister Majid Trambo, Chair and Executive Director of Kashmir Centre.EU also emphasized the need to encourage a broad exchange of opinions and hoped that the new government of Pakistan would pursue the Kashmir issue with the same enthusiasm as previous governments have done in the past. The basis of the first day's discussion focused on two themes taken from the European Parliament's Report on Kashmir.

Theme 1, chaired by Elizabeth Lynne, MEP, examined the political situation and the aspirations of the people (paragraph 11, European Parliament's Report on Kashmir). Mr Per Gahrton, Director of the Swedish Green Think Tank COGITO and a former MEP, gave the introductory speech. His presentation stressed the need to reconcile existing demands for self-determination with continuing globalization, which was altering the concept of the nation state. 'There is going to have to be a compromise between self-determination and supra-national co-operation. It is up to those who want self-determination to prove that their demands do not constitute a threat to the stability of the state.' Citing numerous examples where self-determination was still an issue, he demonstrated that 'Kashmir was not a unique case if seen from a global perspective.'

Comments followed by Mr Mushahid Hussain Sayed, Dr Udit Raj, Mr Farooq Siddiqi, Mr Vijay Bakaya and Mr Aga Syed Hassan Budgami. A difference of opinion emerged between those who believed that the unstable situation in the valley of Kashmir had been created by Pakistan, as suggested by Mr Vijay Bakaya, who, as a former Chief Secretary in Jammu and Kashmir, said that he had been an observer of the Kashmir situation since 1990. 'Kashmiris,' he said, 'were waiting for peace to break out and for a miracle to happen so that they could go back to 1989.. they are not with those who are seeking a final solution of the issue before normalcy can return.' He also suggested that the Kashmiris themselves did not have any 'festering wounds'; rather 'we are allowing the wounds not to heal and are opening them up.' Mushahid Hussain, Chairman of the Pakistan Senate Foreign Relations Committee and Secretary-General of the Pakistan Muslim League (Q) disagreed, stating that the Kashmir insurgency which began in the valley was an indigenous movement on account of genuine grievances. He pointed out however that, following recent elections in Pakistan, with the election of a coalition government, there could be a broad consensus for rapprochement with India. He also

highlighted the fact that during his tenure in office, President Musharraf had taken the initiative in 'thinking outside the box' in order to resolve the issue but that there had been 'no reciprocity.' Dr Udit Raj, National President of the Indian Justice Party, suggested that the issue would have been solved long ago if the Prime Minister Jawaharlal Nehru had followed the advice of Dr B.R. Ambedkar, father of the Indian constitution, and 'evicted the aggressors by force' in 1947-48 instead of taking the Kashmir issue to the United Nations. He admitted that these were 'startling views' which had not previously been 'ventilated'. However he suggested that it would now be appropriate to adopt a 'Japanese attitude' towards the issue; in other words, as the Japanese had put the dropping of atomic bombs on Hiroshima and Nagasaki behind them, so should the Indians and Pakistanis forget the past and look forward.

Mr Farooq Siddiqi, Chairman of the Jammu and Kashmir Liberation Front, referred to the fact that there was a debate on what the aspirations of the people were and who defines what they are. Kashmir, he said, was not a territorial issue but one affecting people and the peace process could not move forward unless the people of Jammu and Kashmir are comprehensively involved [a position which all delegates also recognised]. Mr Aga Syed Hassan Budgami [al-Mosvi], executive member of the APHC, spoke in Urdu with a translation given by Mr Mushahid Hussain. He said that the UN resolutions were testimony that the Kashmiris had the right to determine their own destiny. He also disagreed with Mr Vijay Bakaya, who had suggested that the Kashmiris were happy with the situation in the Indian-administered region of Jammu and Kashmir, stating that the Kashmiri youth had been forced to take up the gun 'because no one was listening to them.' The Kashmiri issue, he said, 'is a sensitive humanitarian issue and must be solved in accordance with the wishes of the people of the state; the people of the state want the solution under the resolution passed by U.N. Security Council but they are not against solving the same through tripartite dialogue, in which representatives of the people of the state are given a say.' He appealed to all Human Rights Organizations under the U.N. or NGOs throughout the world 'that they should use their power, authority and goodwill to compel India to restore basic human rights to Kashmiris.'

During the discussion Major General Ashok Mehta, writer and peace activist based in New Delhi, pointed to the progress which had been made in Track-2 discussions in which people on both sides of the political divide had expressed genuine interest in a solution of the Kashmir issue. He also suggested that it was important not to spend too much time going back on past grievances. Mr Riaz Khokar, former foreign secretary of Pakistan, gave his opinion that the Kashmir issue was both a territorial dispute and one involving the rights of people. There was also some discussion on whether the Kashmiri Pandits were forced to flee from the valley in 1990 or whether they went because they were afraid and no one stopped them. 'Myth and reality has got mixed up,' noted Vijay Bakaya. 'Only a historian can sift fact and fiction.' There appeared however to be a general consensus that the Kashmiri Pandits were also a casualty of the continuing conflict and that their future was also part of the issue in need of resolution. In conclusion, Mr Per Gahrton stressed that whereas boundaries could possibly be withdrawn, as with Kosovo, this was an exception and in general there was a reluctance to change borders in the post -World War 2 environment because of the fear of the chaos which might ensue. Repeating his opening remarks, he said that there was therefore the need to find a compromise between the two trends of self-determination and global co-operation.

Theme 2, chaired by Ms Neena Gill (MEP) focused on Confidence Building Measures (paragraph 45 linked with paragraphs 46-49, European Union's Report on Kashmir). The introductory speech was given by Professor Marco Lombardi, Associate Professor of Sociology, Catholic University of Sacro Cuore. Lombardi highlighted the importance of pursuing confidence building measures. 'CBMs' he said 'pave the way for more peaceful relations. They avoid misunderstandings which may otherwise provoke conflict.' In his opinion, relations between India and Pakistan had moved forward and he pointed to the establishment of hotlines which, although intermittently used, had helped to reduce tensions, for example, during the Kargil offensive in 1999. He also stressed the importance of the involvement of confidence building between people. 'Politics must put people in the centre because power comes from the people.' In relation to Kashmir, he advocated more crossing points, reduced travel restrictions, more exchanges between students and the creation of a free trade zone. Comments were given by Mr Iqbal Zafar Jhagra, Brigadier Gurmeet Kanwal, Dr G.N. Fai, Mr Ashok Bhan, Dr Mahmood Riaz. In his comments, Mr Iqbal Zafar Jhagra, Secretary-General of the Pakistan Muslim League (N) reaffirmed that in his opinion the main issue dividing India and Pakistan was Kashmir. The uprising [in 1989], he said, was inevitable 'for no other reason than because of the honest demand of the Kashmiri people to determine their own fate.'

In further comments, although there was general consensus on the need for confidence-building measures, there was a variation of opinion on how much had been achieved and whether focusing on confidence-building measures had detracted attention from the 'core' issue of Kashmir, as suggested by Mr Jhagra. Again opinions differed on the extent to which the insurgency in the valley of Kashmir had been assisted by Pakistan. Brigadier Gurmeet Kanwal, Director of the Centre for Land Warfare Studies in New Delhi listed huge quantities of weapons which had been seized and which he said must have come from Pakistan because there were no ammunition factories in Jammu and Kashmir. He affirmed, however, that there would be no harm in having joint sessions of the respective Assemblies in both areas of Jammu and Kashmir and that 'the best CBM' to date was the ceasefire which came into effect on 25 November 2003. 'We need to begin with small steps to build up trust,' he said. Echoing a recommendation of the European Union's Report on Kashmir, paragraph 4, he also said that 'there is no reason why the people of Jammu and Kashmir cannot have the right to self-governance on both sides of the Line of Control.'

Mr Ashok Bhan, a lawyer from the Pandit community and Member of the Kashmir committee, again emphasized that there could be no military solution and that the current Global Discourse should adopt a resolution urging the Kashmiris to desist from violence. 'We, the Kashmiris do not want India and Pakistan to remain in perpetual conflict and shed the blood of innocent people. Enough is enough. Both countries have to look forward.' He also stressed that although 'we may not be able to do much re-drawing of lines, trade, greater transport links, exchanges, cultural and religious links could improve the situation. We have to shed the dark legacy of the past. It is heartening that India and Pakistan have accepted that the peace process had to be followed.' He also believed that the 'trust deficit' would be dispelled by promoting economic links. 'The centre of gravity is moving towards Asia; if South Asia wants to be part of this, then integration and peace are a necessary pre-condition.' Mr Bhan also wanted adoption of a unanimous resolution

appealing to the civil society of Jammu and Kashmir, particularly the valley of Kashmir 'to create conditions for the dignified and honourable return of the Kashmiri Pandits back to their homes and hearths. This community has 5,000 years of evidenced history of roots and linkages with the vale of Kashmir and is yearning to return back.'

Dr G.N. Fai, Executive Director, Kashmir Centre, Washington, DC. welcomed CBMs saying that it was 'very healthy' that India and Pakistan were talking. However he warned that CBMs could also cause problems because they gave the appearance of normalcy to the situation in Kashmir [which he believed was not the case]. He affirmed his belief that peace and justice in Jammu and Kashmir were possible, provided all parties were involved and for a realistic solution all parties had to show flexibility. Mr Ashok Ban, a lawyer and member of the Kashmir Committee in India, maintained that it was a 'historical necessity for the people of South Asia to live in peace and harmony and that any CBM was better than none. 'We owe nothing less than this to our people.' In order to give greater time for discussion, Dr Mahmood Riaz, overseas member of the AJK legislative assembly, did not speak but during the discussions recorded how much the overseas Kashmiris had contributed to efforts to resolve the Kashmir issue. A debate arose between the existence of training camps in Azad Jammu and Kashmir as well as the elected status of members of AJK's legislative assembly. Whereas Brigadier Kanwal had suggested that the Indian authorities had information that there were still 59 training camps in AJK, Mr Shah Gulam Qadir, Speaker of the AJK Assembly denied that there were any camps. Countering a remark by Mr Ashok Bhan, that there was no democracy in either the Federally Administered Northern Areas or in AJK, Mr Qadir also pointed to his own elected status as Speaker of the AJK legislative Assembly. Concluding the session, Professor Lombardi again highlighted the fact that CBMs were the only way to change the situation; otherwise people with a grievance would continue to fight.

From the first day's discussions it emerged that while there was a genuine awareness that the only way to resolve the issue was through dialogue, there was still some distance to go in detaching speakers from past rhetoric and a tendency to dwell on past grievances. As pointed out by Barrister Majid Trambo, an example of this was that throughout the discussions, Indian speakers referred to the area of the state administered by Pakistan as 'POK' or Pakistan occupied-Kashmir, whereas Pakistanis call it 'Azad [free] Jammu and Kashmir' (AJK). Similarly, whereas Indians refer to the state which they administer as Jammu and Kashmir, Pakistanis call it Indian-Held Kashmir (IHK) and it was clear that neither side appreciated the terminology used by the other side. While the UN resolutions relating to Kashmir and passed in 1948 and 1949 were mentioned, there appeared to be a tacit recognition that continuing to depend on resolution of the issue through the plebiscite, as recommended sixty years ago, was less likely to pay dividends than continuing with the composite dialogue, in view of the fact that the government of India no longer considered the UN resolutions were relevant. As was pointed out by the keynote speaker, Professor Hans Koechler, President, International Progress Organisation (IPO), during the lunch in the President's Salon, the UN resolutions had no mandatory authority. Finally, it was also clear that with a wide range of viewpoints being expressed not only by the Indians and Pakistanis but also by the Kashmiris present, the 'strong united voice' of the Kashmiris, advocated by Elizabeth Lynne, MEP, in her opening remarks, had not yet been found.

4th Global Discourse on Kashmir.

Day 2: 2nd April 2008

The second day of the 4th Global Discourse on Kashmir at the European Parliament had the unique feature of a video link-up with Muzaffarabad in AJK for the first two panels; unfortunately the planned twin link with Srinagar was only established at the end of the second panel discussion. Three panel discussions took place, during which the speakers of each panel were requested to address three questions framed by the independent rapporteur.

The first Panel Discussion, chaired by Mr Jo Leinen (MEP) addressed the issue: The Next Steps: Exploration of Helpful Ideas for Better Understanding, with specific reference to the following questions, (relating to paragraphs 4 and 16 of the European Parliament's Report on Kashmir):

1. How practical is it to promote the idea of self-governance in Jammu and Kashmir at this stage in the peace process between India and Pakistan?
2. What steps will help to make boundaries irrelevant?
3. What institutional arrangements can realistically be put in place for joint/cooperative management and in relation to what aspects of daily life in Jammu and Kashmir?

The following speakers gave comments: Mr Sheikh Tajammul Islam, journalist and Director General of the Kashmir Media Service; Major General Ashok Kumar Mehta, writer and peace activist in New Delhi, Mr Riaz Khokhar, former foreign secretary of Pakistan,; Mr Shah Ghulam Qadir, Speaker of the AJK Legislative Assembly and the Chairman of the Kashmir Institute of International Relations (KIIR), Mr Mushahid Hussain and Professor Emilio Asti, a research scholar at the University of Milan. There were also a number of interventions from the floor as well as from students at the University of Azad Jammu and Kashmir in Muzaffarabad. In response to the first question, the overall conclusion was that discussing self-governance was premature and that Kashmiris should continue to fight for their self-determination. 'Self governance itself is a good idea but the idea itself is very complex,' stated Sheikh Tajammul Islam, 'If you tell the people of Kashmir to accept self-governance within the ambit of the Indian constitution then they will not accept it. You have to formulate an idea of self-governance which will go beyond and above the Indian constitution.' Furthermore, it should be an interim arrangement and not the final resolution of the dispute. He also pointed out that self governance would only have its impact if the process of demilitarization was started. 'people cannot enjoy self governance with hundreds of thousands of soldiers on their land.' Riaz Khokhar also suggested that discussion of self-governance was premature. Shah Ghulam Qadir did not feel it was possible to move forward on the issue of self-governance because it had not been elaborated on. 'What is the constitutional mechanism available to us to guarantee if we agree to it?' he asked. 'Self-governance in IHK [would be] part of the Indian constitution and AJK is not part of Pakistan constitutionally.' However, Major General Ashok Mehta suggested that the Indian-administered Jammu and Kashmir 'enjoys far greater self-governance than any other state in the Union of India. So self-governance is already in vogue there.'

In response to the second question, making boundaries irrelevant, considerable discussion revolved around the benefits of opening of the line of control as being at least a start in diffusing tensions. Dr Z.U. Khan even suggested that if Kashmir's borders were opened for free trade and movement, for a limited period of say 'one year on an experimental basis, the results would be quite obvious.' However, there was general consensus that more remained to be done in easing restrictions. Commenting on the peoples' perception regarding the fine difference between self-governance and self-determination, Dr Z.U. Khan asked the members to be careful in over-emphasising self-governance, since the target without doubt was self-determination. No time remained in this session to discuss the third question, what institutional arrangements could realistically be put in place for joint/cooperative management. Mr Leinen concluded the session by saying that there were more questions than answers which demonstrated that the dialogue had to be continued which was all part of democracy.

The second Panel Discussion, chaired by Mr Robert Evans (MEP) focused on the European Union's possible role; the three questions, framed by the rapporteur, relating to paragraph 1 of the European Union's Report on Kashmir, were as follows:

1. What possible role can the EU play when the Government of India in particular regards the Kashmir issue as a bilateral issue?
2. Other than informed pressure, what further role could there be for the EU?
3. What can be learnt from the EU's past experience in conflict resolution?

The following speakers gave comments: Mr P.J. Mir, general manager of ARY digital TV channel in Pakistan; Mr Mir Tahir Masood, representative of the APHC, AJK and Pakistan Chapter; Mr Neelabh Mishra, associate editor, weekly 'Outlook Saptahik', New Delhi; Dr Z.U. Khan, advisor to the President of AJK, ex-Vice-Chancellor, University of Azad Jammu and Kashmir; Mr Shujaat Bukhari, bureau chief, The Hindu, Srinagar; and Barrister Majid Trambo. Mr P.J. Mir opened the discussion by suggesting that the EU had a very significant part to play. Pakistan and India, he said, has never been able to resolve their disputes by sitting together, whether it is the Rann of Kutch or Indus Waters Treaty. His views were endorsed by Mr Mir Tahir Masood. 'I think the European Union can do a lot as it is already doing; it can facilitate all parties of the dispute...first of all the EU can immediately stop atrocities in Indian-occupied Kashmir, release all political and social prisoners in different Indian jails and allow people of Kashmir to lead their lives freely without oppression.' Barrister Majid Trambo also asserted that the EU has a very crucial and important role to play. 'Two delegations were sent to Kashmir and India could not deny them.' He further said that the European Union's report on Kashmir identified several areas where the EU can play a role such as improvement of civil society, technology, education 'these are all roles where the EU can help through its commission, that will ease up tensions.; the EU should remain engaged and continue its work.'

In his remarks Mr Mishra emphasised that the Government of India would never permit third party mediation ; 'you must understand India's wariness because of recent experience of colonialism; as a matter of principle, people in India believe the problems of the region are to be solved by India itself.' However he acknowledged that in terms of civil society, the EU could have a role to play. This view was endorsed by all the speakers. Interventions were also received from Muzaffarabad and Srinagar, the link

being established towards the end of the session. In his presentation referring to paragraph 1 of the EU resolution offering assistance based on EU past experience of successful conflict resolutions in a multi-ethnic, multi-national and multi-faith experience, Dr Z.U. Khan stressed the importance of focused interfaith dialogue. ‘to win over support from the right quarters we need to show the world a positive provision of human rights, and the true face of Islam, a religion of peace and tolerance,’ he suggested. Attention was once more focused on the UN resolutions with the view expressed that they might in some way still provide a resolution of the issue. Dr Khan said that the UN resolutions stood as they were and ‘nobody can change them. It is a common ground that preconditions for invoking the plebiscite have not been met. But this should not be taken as an excuse for doing nothing. We need to look into this in order to progress, and with the help of the EU, conditions could either be met or modified.’

However Brigadier Kanwal said that the UN resolutions could not be implemented, an opinion also endorsed by former UN Secretary-General, Kofi Annan, and instead of ‘harping on the past’, it was important to look to the future. In relation to what the EU’s past experience could teach, discussion focused on Northern Ireland where the British Government had finally recognized that talks had to be held with people who had not yet given up the gun. Mr Bukhari, journalist for the Hindu in Srinagar, suggested that New Delhi did not seem to further the internal dialogue with the separatists as it is stalled and a parallel exercise of roundtable conferences was started ostensibly to derail the dialogue with the moderate faction of the Hurriyat Conference. ‘Although there is a peace process, a lot more needs to be done to move towards a common ground. We have covered a lot of distance, but still the destination is far away, the goal is of peace and reconciliation which can only be possible when the Kashmir issue is settled in accordance with the wishes of the people.’

The third Panel Discussion, chaired by Mr Cem Ozdemir (MEP) member of the committee on Foreign Affairs, focused on the recognition of human rights; the three questions framed by the rapporteur, relating to paragraphs 31 and 33 of the European Parliament’s Report on Kashmir, were as follows:

1. In view of Prime Minister Manmohan Singh’s declaration of zero tolerance in relation to human rights abuses, is there a distinction to be made between institutionalized human rights abuses and those occurring on account of indiscipline by security forces in Jammu and Kashmir?
2. Once recognised/reported what is the best way of addressing/alleviating those violations?
3. Should there be a truth and reconciliation committee to lay to rest the pain of past violations and, if so, at what point?

The speakers were Farooq Siddiqi, Major General Ashok Mehta, Dr Iqbal A. Ansari, and Professor Peter van Rieken. All speakers condemned the violation of human rights. Professor Ansari made it clear that throughout South Asia there were abuses of human rights ‘the ideal of equality before the law has been missing’. He also pointed to what had been achieved. However he asserted that the armed forces were still able to act with impunity, as enshrined in legislation [Armed Forces Special Powers Act] still in force in Jammu and Kashmir. ‘Even on the grounds of suspicion, a soldier has the right to kill [in self defence].’ He also pointed out that there should be ongoing reporting on human rights violations both by the military and the militants. ‘The partition of India in 1947,’

he said, 'was accompanied by the killing of one million people. Again in 1971 the secession of Bangladesh caused a half a million killings. The lack of any accountability and/or a process of Truth and Reconciliation for such genocidal killings has encouraged a climate of impunity in the entire region, which explains the callous disregard of reliable reports of the persistent gross violation of rights in Kashmir, including the killing of innocent people and gang rape by Indian security forces.' Mr Riaz Kokhar complemented Dr Ansari for his briefing. Human rights violations must be condemned, he said, and there must be accountability. But he remained disappointed that the peace process had not eased the abuse of human rights in Kashmir. 'I am not saying that this is part of any design by the Indian government but the objective is to bludgeon the Kashmiris into submission and to break their will.'

In defence of the Indian position, Major General Mehta suggested that Dr Ansari lived in another India. 'I would urge this learned very well informed group to take some of what has been alleged with a pinch of salt; obviously everything is not white and everything is not black.' He also pointed to the fact that the origin of human rights abuses was violence, which brought in soldiers. And he suggested that the ethos has now changed since the early human rights abuses: 'if an officer has made a mistake, he does not get promoted.' In relation to the Prime Minister Manmohan Singh's statement on zero tolerance of human rights abuses, he suggested that 'violence emanating from the Pakistan portion of Jammu and Kashmir is the root of the cause of human rights abuses.' The final comment was made from the panel by Professor Peter Van Krieken who stressed that human rights 'are truly universal despite having been adopted in 1948.' There is no country in this world which has nothing to improve. In relation to Kashmir, quoting article 33, he said that there are eight ways to solve a dispute, which starts with negotiation, negotiation, then mediation, arbitration or judicial settlement. He indicated that arbitration and/or judicial settlement should be seriously considered. He also pointed out that both India and Pakistan have made the declaration under article 36.2 of the International Court of Justice Statute, making an ICJ case quite feasible. 'Such a case could and should include the self-determination aspects.' Further discussion continued with viewpoints dividing between Indian representatives [with exception of Dr Ansari] who wanted to uphold India's record of human rights and Pakistani/Kashmir delegates who insisted that the situation was far graver than they maintained.

Rapporteur's note: Whilst a concerted effort had been made to include representatives from India and Pakistan and from a cross section of Kashmiris, the Rapporteur noted the absence of political representation from the ruling party in the state of Jammu and Kashmir, the PDP/Congress coalition or from the opposition National Conference. As a result the only political spokesmen of the Kashmiris in the valley were the members of the APHC. There was also no political representation from Jammu, Ladakh or the Northern Areas. To further the dialogue it is essential for there to be a balanced representation from all affected parties.

DECLARATION

The fourth Global Discourse on KASHMIR, held at the European Parliament on 1st and 2nd April 2008 urged recognition of the progress made in confidence building measures

between India and Pakistan, especially since the stand-off in 2002, in helping to create a better environment to resolve the Kashmir issue, so that Kashmiris in all areas of the state can lead their lives in dignity and peace; it further recognised that continuing violence would not resolve the issue and that dialogue formed an essential part of the solution;

Further issues to discuss for the future were as follows:

1. ensuring that the Prime Minister of India's pledge of zero tolerance of human rights abuses in Jammu and Kashmir is observed, regardless of the reason for the abuses [including expressing shock for the recently found mass graves and calling for an independent investigation];
2. making sure that the peace process and confidence building measures between India and Pakistan do not sideline moving towards resolution of the Kashmir issue, involving all parties in a composite dialogue;
3. giving substance to the role which the European Union can play.

The Declaration also indicates the way forward for the Global Discourse. A commitment of significance was made to set-up a rolling programme of events to follow up the Discourse, to be monitored by a newly-formed advisory steering committee composed of the major component delegations present (see attached Annex on Advisory Steering Committee).

This advisory committee should help set-up meetings to be held in Islamabad, New Delhi, Muzaffarabad and Srinagar in the months ahead.

Annex A

Dates of previous Global Discourses held in the European Parliament:

- 14-15 April 2004
- 3-4 October 2005
- 12-13 September 2006

GLOBAL DISCOURSE ON KASHMIR 2008
European Parliament

“INDO - PAK CHANGING PERCEPTIONS ON KASHMIR”

BRUSSELS - 1 AND 2 APRIL 2008

EUROPEAN PARLIAMENT - ROOM P7C050

1 April

10.00-10.30

Welcome & Introduction

- **James Elles (MEP)**, *Chairman, All Party Group for Kashmir (APGK)*
- **Barrister Majid Trambo**, *Chair & Executive Director, Kashmir Centre.EU (KC.EU)*

10.30 - 12.30

Theme I - Political situation: the Aspirations of the People (*See Annex 1*)

Chairman:

- **Liz Lynne (MEP)**, *Vice-Chairman, Committee on Employment and Social Affairs*

Introductory Speech:

- **Mr. Per Gahrton**, *Former MEP & Executive Director, COGITO, Swedish Think Tank*

Comments:

- **Mr. Mushahid Hussain**, *Senator, Chairman Senate Foreign Relations Committee of Pakistan*
- **Mr. M.J. Akhbar**, *Editor in Chief, The Asian Age, New Delhi/ Neeblah Mishra*, *Associate Editor, Outlook India, New Delhi*
- **Mr. Farooq Siddiqi**, *Chairman, Jammu Kashmir Liberation Front (JKLF)*

- **Mr. Vijay Bakaya**, *Ex. Chief Secretary J&K, President Welfare Association, Jammu* / **Mr. Prabodh Jamwal**, *Editor, Kashmir Times, Jammu & Kashmir*
- **Mr. Barrister Sultan Mehmood**, *Former Prime Minister of AJK & Member, AJK Legislative Assembly* / **Sardar Qamar Zaman**, *Leader of the Opposition, AJK Legislative Assembly*

Discussion

12.30 - 14.30

Lunch - (President's Dining Room)

Keynote Speaker

- **Prof. Hans Koechler**, *President, International Progress Organization (IPO)*

14.30 - 16.30

Theme II - Confidence Building Measures (See Annex 2)

Chairman:

- **Neena Gill (MEP)**, *Chairman, Delegation for Relations with India*

Introductory Speech:

- **Prof. Marco Lombardi**, *Associate Professor of Sociology, Catholic University of Milan*

Comments:

- **Major General Sardar Anwar Khan**, *Former President, Government of AJK, Lahore/ Raja*
- **Pervez Ashraf**, *Secretary General, PPP, Islamabad*
- **Brigadier Gurmeet Kanwal**, *Director Centre for Land Ware Studies (CLAWS)*
- **Dr. G.N. Fai**, *Executive Director, Kashmir American Council (KAC)-Kashmir Centre Washington*
- **Mr. Ashok Bhan**, *Member, Kashmir Committee, New Delhi*
- **Dr. Riaz Mehmood**, *Overseas Member, AJK Legislative Assembly, UK*

Discussion

19.30 - 21.30

Dinner - (ICHR Kashmir Centre, EU - Avenue des Arts 57, 1000, Brussels)

2 April

09.00 - 10.45

Panel Discussion I - The next steps: Exploration of Helpful Ideas for Better Understanding (*See Annex 3*)

Chairman:

- **Jo Leinen (MEP)**, *Chairman, Committee on Constitutional Affairs*

Comments:

- **Sheikh Tajammul Islam**, *Director General, Kashmir Media Service (KMS)*
- **Major General Ashok Kumar Mehta**, *Writer & Peace Activist*
- **Riaz Khokhar**, *Former Foreign Secretary of Pakistan*
- **Ismail Khan**, *Elected Representative, Board of Director of the Mountain Forum*
- **Tahir Masood**, *Representative of the Jammu & Kashmir Ittihadul Muslimeen in APHC*
- **Rodrigo Tavares**, *Research Fellow, University of Goteborg*

Discussion

Conclusions

- **Victoria Schofield**, *Writer*

10.45 - 12.30

Panel Discussion II - The EU's Possible Role (*See Annex 4*)

Chairman:

- **Robert Evans (MEP)**, *Chairman, Delegation for Relations with the countries of South Asia*

Comments:

- **APHC representative**
- **P.J. Mir**, *Head, ARY One World TV, Karachi*
- **Neeblah Misra**, *Associate Editor, "The Outlook India", New Delhi*
- **Z. U. Khan**, *Vice-Chancellor, University of Azad Jammu & Kashmir*
- **Shuja'at Bukhari**, *Bureau Chief, The Hindu*
- **Martijn Van Beek**, *Associate Professor, University of Aarhus*

Discussion

Conclusions

- **Victoria Schofield**, *Writer*

12.30 - 14.30

Lunch - (Club des Guides, rue d'Arlon 32, Brussels 1000)

Keynote Speaker

- **Elmar Brok (MEP)**, *Member, Committee on Foreign Affairs*

14.30 - 16.00

Panel Discussion III - Recognition of Human Rights
(See Annex 5)

Chairman:

- **Cem Ozdemir, (MEP)**, *Committee on Foreign Affairs*

Comments:

- **Prof. N.A. Shawl**, *Executive Director, Justice Foundation Kashmir Centre, London*
- **Zafar Iqbal Jhagra**, *Senator & Secretary General of Pakistan Muslim League Nawaz (PML-N)*
- **Dr. Iqbal Ansari**, *Professor, Aligarh Muslim University (AMU)*
- **Barrister Sultan Mehmood**, *Member, AJK Legislative Assembly* / **Sardar Qamar Zaman**, *Leader, AJK Legislative Assembly*
- **Iftikhar Gilani**, *Bureau Chief, Kashmir Times, New Delhi*

- **Prof. Peter van Krieken**, *Professor, Webster University, Netherlands*

Discussion

Conclusions

- **Victoria Schofield**, *Writer*

16.00 - 17.15

Closing Plenary

Chairman:

- **Gary Titley (MEP)**, *Leader, European Parliamentary Labour Party, European Parliament*

Speaker:

- **Sardar Attique Khan**, *Prime Minister, Azad Jammu & Kashmir*

Closing Remarks:

- **Philip Bushill-Matthews (MEP)**, *Treasurer, All Party Group for Kashmir (APGK)*
- **Barrister Majid Trambo**, *Chair & Executive Director, Kashmir Centre.EU (KC.EU)*

Annexes

Annex 1: Political situation: the Aspirations of the People (10:30 – 12:30)

"...stresses the need for the region, the EU and the international community to support the current bilateral talks and for a further strengthening of exchanges about conflict resolution, thereby ensuring a prosperous future for the people of Jammu and Kashmir and its neighbours, and for finding a solution to the Kashmir dispute which is acceptable to all the parties."

(paragraph 11, European Parliament's Report on Kashmir)

Annex 2: Confidence Building Measures (14:30 – 16:30)

"Warmly welcomes the most recent signs of renewed efforts, including, even, considerable policy shifts to resolve the Kashmir dispute on the part of the Pakistani and Indian governments... Believes it is vital to increase the frequency of cross-LoC exchanges at all levels of civil society and across all walks of life"

(paragraph 45 link with paragraph 46, 47, 48, 49 - European Parliament's Report on Kashmir)

Annex 3: The next steps: Exploration of Helpful Ideas for Better Understanding (9:00 – 10:45)

"...inject a new impetus for exploring options for increased self-governance, freedom of movement, demilitarisation and intergovernmental cooperation... and in particular ideas related to making boundaries permanently irrelevant, a system of self-governance, and institutional arrangements for joint or cooperative management" (the moderator to formulate three questions on this topic to the panel)

(paragraph 4 and 16, European Parliament's Report on Kashmir)

Annex 4: The EU's Possible Role (10:45 – 12:30)

"...a resolution of the continuing conflict along the LoC can best be achieved jointly by a constant engagement between the governments of India and Pakistan, involving the peoples of all parts of the former princely state; nevertheless thinks that the EU may have something to offer based on past experience of successful conflict resolution in a multi-ethnic, multinational, multi-faith context" (the moderator to formulate three questions on this topic to the panel)

(paragraph 1, European Parliament's Report on Kashmir)

Annex 5: Recognition of Human Rights (14:30 – 16:00)

"Welcomes in this context declarations by Prime Minister Singh calling for "zero tolerance for human rights violations" in Kashmir...Urges the governments of India and Pakistan to allow international human rights organisations (such as Freedom House, Amnesty International and Human Rights Watch) immediate and unrestricted access to all parts of the former princely state in order to investigate the human rights situation there and to compile regular independent reports on this; urges both governments to commit themselves publicly to full cooperation with such international human rights organisations; " (the moderator to formulate three questions on this topic to the panel)

(paragraph 31 and 33, European Parliament's Report on Kashmir)

Composition of the Advisory Steering Committee:

Chairman :

Mr. James Elles (MEP), Chairman of the All Party Group for Kashmir in the EP

Coordinator General:

Barrister Majid Trambo, Chair & Executive Director, Kashmir Centre.EU

Reps from Pakistan:

Senator Mushahid Hussain Sayed, Chairman Senate Foreign Relations Committee

Senator Iqbal Zafar Jhagra, Secretary General of the PML-N

Mr. Jehangir Bader, Secretary General of the PPP (tbc) or Mr. Farzana Raja,

Spokesperson of the PPP

Reps from AJK:

Dr. Z.U. Khan, Special Advisor to the President of AJK (other nomination left to PM AJK)

Regional coordinator from Pakistan and AJK: Mr. Sheikh Tajammul Islam, Director General, KMS

Reps from India:

Dr. Udit Raj, Chairman, Indian Justice Party

Mr. Ashok Bhan, Convenor of the Kashmir Committee

Reps from IOK:

Mr. Nazir A. Ronga, President of the Bar Association

Dr. Sheikh Showkat Hussain, Lecturer, University of Kashmir

Regional coordinator from India and IOK:

Mr. Iftikhar Gilani, Bureau Chief, Kashmir Times

Diaspora:

Mr. Farooq Siddiqi, Chairman, Jammu Kashmir Liberation Front

Consultants to the SC:

Ms. Victoria Schofield, Rapporteur

Prof. Marco Lombardi, Milan University attached to the Italian FM on Kashmir Matters

Prof. Peter Van Krieken, Webster University of Netherlands

Mr. Kash Gabriele Torsello, Leading journalist from Italy