

**Kashmir: present situation and future prospects**

**European Parliament resolution of 24 May 2007 on Kashmir: present situation and future prospects (2005/2242(INI))**

*The European Parliament,*

- having regard to its recent resolutions referring to Jammu and Kashmir, in particular its resolutions of 29 September 2005 on EU-India relations: A Strategic Partnership<sup>1</sup>, of 17 November 2005 on Kashmir<sup>2</sup>, of 18 May 2006 on the Annual Report on Human Rights in the World 2005 and the EU's policy on the matter<sup>3</sup>, of 28 September 2006 on the EU's economic and trade relations with India<sup>4</sup> and of 22 April 2004 on the situation in Pakistan<sup>5</sup>,
- having regard to the Cooperation Agreement between the European Community and the Islamic Republic of Pakistan on Partnership and Development<sup>6</sup>, the conclusion of which was approved by Parliament on 22 April 2004<sup>7</sup>,
- having regard to all the resolutions of the United Nations Security Council on this issue between 1948 and 1971<sup>8</sup>,
- having regard to the concerns expressed by various working groups and rapporteurs of the United Nations Human Rights Council and its predecessor, the United Nations Commission on Human Rights, and by international human rights organisations regarding breaches of human rights in Kashmir,
- having regard to the Indus Waters Treaty of 1960,
- having regard to the report on the visits of Parliament's ad hoc delegation to Jammu and Kashmir adopted by the Committee on Foreign Affairs in November 2004,
- having regard to the devastating earthquake which struck Jammu and Kashmir on 8 October 2005,
- having regard to United Nations General Assembly Resolution No A/RES/60/13 of 14 November 2005 praising the governments and peoples involved in the earthquake relief and reconstruction efforts,
- having regard to the visit of President Pervez Musharraf of the Islamic Republic of

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<sup>1</sup> OJ C 227 E, 21.9.2006, p. 589.

<sup>2</sup> OJ C 280 E, 18.11.2006, p. 469.

<sup>3</sup> OJ C 297 E, 7.12.2006, p. 341.

<sup>4</sup> *Texts Adopted*, P6\_TA(2006)0388.

<sup>5</sup> OJ C 104 E, 30.4.2004, p. 1040.

<sup>6</sup> OJ L 378, 23.12.2004, p. 22.

<sup>7</sup> OJ C 104 E, 30.4.2004, p. 988.

<sup>8</sup> For a list of all resolutions, please consult the Annex to report A6-0158/2007 of the Committee on Foreign Affairs.

Pakistan to the Committee on Foreign Affairs on 12 September 2006,

- having regard to the 7th EU-India Summit held in Helsinki on 13 October 2006,
  - having regard to the renewed peace efforts in Kashmir since the truce agreement came into force in 2003, followed by President Musharraf's pledge in January 2004 that Pakistani territory would not be used for cross-border terrorism, Indian Prime Minister Manmohan Singh's forward-looking vision that 'borders cannot be redrawn but we can work towards making them irrelevant' and a further round of peace talks which started on 17 January 2007,
  - having regard to President Musharraf's recent four-point plan to resolve the Kashmir conflict (no change in the boundaries of Jammu and Kashmir, free movement of people across the Line of Control (LoC), staggered demilitarisation, and self-governance with a joint supervision mechanism representing India, Pakistan, and the Kashmiris), and also to Prime Minister Singh's suggestion that there be a comprehensive treaty of peace, security and friendship,
  - having regard to the visit of Indian Foreign Minister Pranab Mukherjee to Pakistan on 13-14 January 2007, during which four agreements aimed at confidence-building were signed,
  - having regard to the International Crisis Group's Asia Report No 125, of 11 December 2006, and the reports by Amnesty International, Freedom House, Human Rights Watch and the US State Department on human rights,
  - having regard to the visits made by Parliament's rapporteur to both sides of the LoC in June 2006,
  - having regard to Rule 45 of its Rules of Procedure,
  - having regard to the report of the Committee on Foreign Affairs (A6-0158/2007),
- A. whereas the disputed territory which constituted the former Princely State of Jammu and Kashmir is currently administered in separate parts by the Republic of India, the Islamic Republic of Pakistan and the People's Republic of China, and has a total population of 13.4 million,
- B. whereas much of Jammu and Kashmir, in particular Gilgit and Baltistan, suffers from extreme poverty and neglect, with enormous deficiencies in basic literacy and numeracy and in access to healthcare, a lack of democratic structures and major deficiencies in the rule of law and justice; and whereas the whole of Jammu and Kashmir suffers from exceptional economic decline,
- C. whereas the question of water resources is also a factor exacerbating the dispute between Pakistan and India over Jammu and Kashmir and is an important element of any definitive resolution,
- D. whereas Jammu and Kashmir has been a source of conflict for nearly 60 years, a period punctuated by armed conflicts between India, Pakistan and China; whereas this dispute has allegedly claimed more than 80,000 lives; whereas the conflicts between India and

Pakistan now include international terrorism; and whereas China, India and Pakistan are nuclear powers, although India and Pakistan have not signed the Nuclear Non-Proliferation Treaty,

- E. whereas there is considerable evidence that over many years Pakistan has provided Kashmiri militants with training, weapons, funding and sanctuary and has failed to hold militants accountable for atrocities they have committed on the Indian-administered side; whereas, however, according to Indian government reports, since 11 September 2001 militant infiltration into Indian-administered Jammu and Kashmir has decreased noticeably, and whereas the Government of Pakistan should put a definitive end to any infiltration policy,
- F. whereas a ceasefire has been in place on the LoC since November 2003 and, despite a few breaches, has continued to hold,
- G. whereas the ceasefire has enabled India and Pakistan to engage in an ongoing dialogue on Jammu and Kashmir which is now starting to be modestly successful; whereas a number of Confidence-Building Measures (CBMs) are being implemented as part of the peace process; and whereas the Kashmiri population is striving to reap the benefits of those CBMs and is actually implementing them at a local level; whereas Kashmiris on the Chinese side remain outside that process,
- H. whereas the India-Pakistan joint statement on Kashmir of 18 April 2005, issued at the conclusion of President Musharraf's visit to India, has helped to strengthen the process of rapprochement between the two countries, in particular by reaffirming the irreversibility of the peace process and focussing on a non-military solution to the Kashmir conflict,
- I. whereas economic development is vital for building up the physical and social infrastructure and improving the productive potential of Jammu and Kashmir; whereas the EU-Pakistan Joint Declaration of 8 February 2007 is a positive new step in strengthening their relations, and whereas both sides are looking forward to moving ahead with the implementation of the 3rd Generation Cooperation Agreement, in the belief that it may help to promote socio-economic development and prosperity in Pakistan; whereas the EU and Pakistan have reaffirmed their commitment to the settlement of disputes by peaceful means, in accordance with international law, bilateral agreements and the principles of the UN Charter,
- J. whereas the current wide-ranging EC-India 3rd Generation Cooperation Agreement, in existence since 1994, has as its institutional basis a joint political statement which fixed annual ministerial meetings, and opened the door to a broad political dialogue,
- K. whereas on the morning of 8 October 2005 an earthquake of magnitude 7.6 on the Richter scale, the most devastating international earthquake in living memory, struck a broad swathe of territory from Afghanistan through Pakistan and India, but with by far the greatest impact felt in Jammu and Kashmir, with exceptional losses in Azad Jammu and Kashmir (AJK) and Pakistan's North-West Frontier Province (NWFP),
- L. whereas in minutes the earthquake claimed over 75,000 lives in AJK, later rising to 88,000, and claimed 6,000 in Indian-administered Jammu and Kashmir, and left tens of thousands of people injured and millions entirely displaced, with minimal basic needs provision and without permanent shelter, employment, health care and education, on the

Pakistani side; whereas dozens of towns and villages have been partially or totally destroyed, agriculture decimated and the environment contaminated, and whereas levels of development have been severely set back,

- M. whereas both state-armed forces and opposition armed groups in the Kashmir dispute should abide by the 1949 Geneva Conventions and customary international humanitarian law, which prohibit attacks against civilians, and serious violations of which constitute war crimes which states have a duty to prosecute,
- N. whereas more than 2,000 soldiers have died on the Siachen Glacier in the last ten years, and whereas the ceasefire in the Siachen region since November 2005 is welcome,

### ***Introduction***

1. Stresses that India, Pakistan and China (to which Pakistan ceded the Trans-Karakoram Tract in 1963) are important EU partners, the first enjoying strategic partnership status; believes that 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; therefore offers the present resolution and any meetings that may come out of it as part of a shared experience from which the EU can also learn; reiterates the importance of continued EU support to both India and Pakistan as they implement the 2004 peace process;
2. Draws 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; notes that both countries are nuclear powers outside the Nuclear Non-Proliferation Treaty; emphasises that, while India's nuclear doctrine rests on the principle of "no first use", Pakistan has yet to make such an undertaking; notes, too, 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";
3. Very much regrets the negative chain of events set in motion by the suspension of Chief Justice Iftikhar Muhammed Chaudhry and, while recognising that the suspension has in fact opened a new debate on democracy, constitutionalism and the role of the military in Pakistan, deplores the recent outbreaks of violence; stresses the overwhelming need for a secure and independent justice system to address the situation of the people of Pakistan and particularly those of AJK and Gilgit and Baltistan;
4. Calls on representatives of the governments of both India and Pakistan to take the opportunity, afforded by the statements of Prime Minister Singh and President Musharraf, to inject a new impetus for exploring options for increased self-governance, freedom of movement, demilitarisation and intergovernmental cooperation on issues such as water, tourism, trade and the environment and to promote a genuine breakthrough in seeking a resolution of the Kashmir dispute;
5. Notes that the impact of the earthquake on the people of AJK has gravely exacerbated the already sparse needs provision and has dramatically impaired institution and capacity-

building potential; urges the European Union to help and support the Kashmiris in this regard;

6. Urges the Governments of Pakistan and India to resolve the crucial riparian issues affecting the headwaters and the use of the rivers flowing through Jammu and Kashmir (the Indus, Jhelum, Chenab, Ravi, Beas and Sutlej rivers) as swiftly as possible, with reference to the existing mechanism provided for in the Indus Waters Treaty of 1960; nevertheless, as, for example, in the case of the upgrading of the Mangla Dam or the construction of the Baglihar Dam, underlines that addressing the agricultural, fishing, livestock and human water requirements of the people affected must remain a key priority and appeals to both governments to commission comprehensive environmental and social impact assessments before taking future decisions on any further dam project;
7. Expresses its great concern over the negative consequences which the long-standing conflict has had on the environment in Jammu and Kashmir, to the extent that the economic future of Jammu and Kashmir is at stake due to serious soil degradation, air pollution, pollution of the rivers and, most dramatically, of the ancient tourist magnet Dal Lake, deforestation and extinction of wildlife;
8. Notes the importance of water, security and sustainable and secure energy supplies to the stability and growth of the region and notes in this regard the importance of developing irrigation and hydroelectric projects; considers it imperative that the Governments of Pakistan and India continue their constructive dialogue and consult representatives of the Kashmiris over riparian issues, and urges them to adopt a holistic approach to water resources, recognising the key links between water, land, local users, the environment and infrastructure;
9. Underlines the common heritage shared by India and Pakistan, exemplified in the ancient culture of Jammu and Kashmir; recognises and values the pluralism, multiculturalism and multi-faith nature and secular traditions of the peoples of Jammu and Kashmir, which have been kept alive in the Indian part of Jammu and Kashmir;
10. Believes that the EU's respect for regional identities and efforts to ensure that its own decisions are taken at the most appropriate administrative level (i.e. closest to those affected) are relevant to the aspirations of the Kashmiri people for devolved decision, making structures and recognition of their unique cultural identity;

***Political situation: the aspirations of the people***

11. Commends and supports India and Pakistan on the peace moves currently under way, and welcomes the fact that bilateral talks, put on hold for three months after the July 2006 bombings in Mumbai, have re-started; 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;
12. Calls on the European Union to support the involvement of local civil society in the peace process and, above all, to sustain people-to-people projects in order to promote dialogue and collaboration among Pakistani, Indian and Kashmiri NGOs;

13. Has warmly welcomed the CBMs initiated by India and Pakistan, which are achieving a certain degree of success in reducing tension and suspicion on both sides and have allowed families on both sides to unite after years of separation; emphasises that greater efforts should be made by the governments of India and Pakistan to involve Kashmiris in the resolution of the core issues;
14. Draws attention to the fact that ordinary Kashmiris, by virtue of the humanitarian situation after the earthquake, are now benefiting progressively from the peace process, through the exchanges taking place and the political commitment by both the Indian and Pakistani Governments to the free movement of people, goods and services (albeit still limited) across the LoC; calls for renewed efforts to enable all Kashmiris, irrespective of political affiliation, to become intimately involved in the modalities of the peace process and CBMs;
15. Emphasises that the crises and conflicts of recent years have enhanced, not diminished, the relevance of the United Nations, and that the UN remains an important forum for dialogue and diplomacy; recalls the large number of UN Security Council (UNSC) resolutions on Kashmir, from 1948 to 1971, which have sought to encourage both the Government of India and the Government of Pakistan to take all measures within their power calculated to improve the situation, and 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; draws the conclusion, in the light of all the above and of subsequent violations of points set out in the various UNSC resolutions, that the preconditions for invoking the plebiscite have not been met at present;
16. Reaffirms that, under Article 1.1 of the UN International Covenant on Civil and Political Rights, all peoples have the right of self-determination, by virtue of which they may freely determine their political status and freely pursue their economic, social and cultural development; reaffirms that, under Article 1.3, all parties to the covenant must promote the realisation of the right of self-determination, and must respect that right, in conformity with the provisions of the Charter of the United Nations; notes, however, that all UN resolutions on the Kashmir dispute explicitly and only acknowledge the right for the former princely state of Jammu and Kashmir to become part of India or Pakistan; welcomes, within the context of bringing the Kashmir conflict to a permanent solution, which would bring enormous benefits to the entire region, the new ideas that are currently under consideration within the Composite Dialogue and India's Round Table discussions (in which context the reopening of dialogue by the Indian Government with the All Parties Hurriyat Conference (APHC) is especially welcome), and in particular ideas related to making boundaries permanently irrelevant, a system of self-governance, and institutional arrangements for joint or cooperative management; strongly encourages both India and Pakistan to further explore these concepts in joint discussions and with Kashmiris on both sides of the LoC and in Gilgit and Baltistan;
17. Deplores the continuing political and humanitarian situation in all four parts of Jammu and Kashmir; welcomes, however, the role of the composite peace process in moving towards a durable settlement for the Kashmiris based on democracy, the rule of law and respect for fundamental rights; supports 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, who are putting forward practical suggestions for closer cooperation; congratulates India and Pakistan for bringing together these

groups, and suggests that the EU offer practical support wherever invited to do so by both sides and within the composite peace process;

18. Regrets, however, that Pakistan has consistently failed to fulfil its obligations to introduce meaningful and representative democratic structures in AJK; notes in particular 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; disapproves of the provision in the 1974 Interim Constitution which forbids any political activity that is not in accordance with the doctrine of Jammu and Kashmir as part of Pakistan and obliges any candidate for a parliamentary seat in AJK to sign a declaration of loyalty to that effect; is concerned that the Gilgit-Baltistan region enjoys no form of democratic representation whatsoever; furthermore, draws attention to the fact that the Government of Pakistan's 1961 Jammu and Kashmir (Administration of Property) Ordinance transferred the land controlled by Pakistan and which belonged to the State of Jammu and Kashmir on 15 August 1947 to the Federal Government;
19. Very much regrets the continuing ambivalence of the current Government of Pakistan with regard to the ethnic identity of Gilgit and Baltistan, whereby statements made by the President are contradicted by official government communications; strongly recommends that the Government of Pakistan endorse and implement the judgment of the Supreme Court of Pakistan of 28 May 1999 which validates the Kashmiri heritage of the people of Gilgit and Baltistan and states that the Government should implement their fundamental human rights, democratic freedoms and access to justice;
20. Recognises that Pakistan finds itself in a particularly complex situation with pressure from many sources; nevertheless:
  - deeply regrets that the lack of a sufficient political will to address basic needs provision, political participation and the rule of law in AJK has left women there in a desperate situation following the earthquake;
  - recalls the signature of the EC-Pakistan 3rd Generation Cooperation Agreement in 2001, Article 1 of which includes respect for human rights and democratic principles as an essential element, and urges the EU to play its part in upholding those principles when implementing the Agreement; is particularly concerned, therefore, that the people of Gilgit and Baltistan are under the direct rule of the military and enjoy no democracy;
  - notes the approval of the Protection of Women Bill to reform the Sharia-based Hudood decrees on adultery and rape as a positive step in ensuring better protection of women's rights in Pakistan, and appreciates the commitment shown by President Musharraf and reformist parliamentarians in pursuing these amendments despite attempts to derail them; stresses, however, that it is pre-eminently clear that Pakistan needs to do more to live up to its commitments in the human rights field;
  - remains concerned about the difficult situation faced by all minorities throughout the region;
21. Urges Pakistan to revisit its concept of democratic accountability and minority and

women's rights in AJK, which, as elsewhere, are key to improving conditions for the people and tackling the menace of terrorism;

22. Expresses 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 and of corruption amongst government officials, and calls on the Pakistani Government to ensure that the people of AJK can exercise their fundamental civil and political rights in an environment free from coercion and fear;
23. Further calls on Pakistan to ensure free and fair elections in AJK, considering that the general elections of 11 July 2006 were characterised by fraud and vote rigging on a massive scale, and that any candidate who refused to uphold the position of the accession of Kashmir to Pakistan was barred from running; also calls on Pakistan to hold elections for the first time in Gilgit and Baltistan;
24. Urges the Governments of Pakistan and India also to transform the ceasefire in place in Siachen since 2003 into a lasting peace agreement, given that, on this, the highest battlefield in the world, more soldiers die every year for reasons of climate than of armed conflict;
25. Calls on the European Union to support India and Pakistan in negotiating a zone of complete disengagement in the Siachen region without prejudice to the position of either side, in particular by offering assistance in providing monitoring technologies and verification procedures;
26. Calls on militant armed groups to declare a ceasefire to be followed by a disarmament, demobilisation and reintegration process; calls on the Governments of Pakistan and India to facilitate such a ceasefire;
27. Encourages the Pakistani Government to close down militant websites and magazines; suggests that the Pakistani and Indian Governments consider introducing a law against hate speech;
28. Notes that Indian-administered Jammu and Kashmir enjoys a unique status under Article 370 of the Indian Constitution, granting it greater autonomy than other states in the Union; is pleased to see recent moves in Jammu and Kashmir to strengthen democracy (as evidenced by the 75% turnout in recent local elections), and the moves by Prime Minister Singh to reopen dialogue with the APHC; however, notes that there remain deficiencies in practice with regard to human rights and direct democracy, as evidenced by, for example, the fact that all candidates standing for office in Jammu and Kashmir (as in other states) have to sign an oath of loyalty to the Constitution of the State of Jammu and Kashmir which upholds the integrity of India; urges India's National Human Rights Commission (NHRC) to exercise its full mandate with regard to any suspected or documented violations and, to lend it even greater credibility, urges the NHRC to make good the absence of any human rights professionals on its governing board; looks forward to enhanced progress in this area, and to positive outcomes from the new laws on child labour and on women and violence; notes with concern reports that large numbers of Kashmiris are detained without due process;
29. Deplores documented human rights violations by the armed forces of India, especially if the incidents of killing and rape continue in an atmosphere of impunity; notes with



concern that the NHRC has no power under its statutes to investigate human rights abuses perpetrated by the Indian security forces; is nevertheless 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; notes the commitment given by the government of India in September 2005 that human rights violations will not be tolerated; and urges the Lok Sabha to consider amending the Human Rights Protection Act in order to allow the NHRC to investigate independently allegations of abuse by members of the armed forces;

30. Stresses the risk of maintaining the death penalty in a complex political situation, such as the Kashmir dispute, where the right to a fair trial does not appear to be guaranteed; notes with concern that South Asia continues to have a poor record with regard to the death penalty and deeply regrets that both the Indian and the Pakistani Governments are in favour of its retention; welcomes the fact that key abolitionist voices in the region include President Kalam and the newly appointed Chief Justice to the Supreme Court in India; welcomes UN Human Rights Resolution 2005/59 on the question of the death penalty and reaffirms the EU's human rights guidelines on the death penalty; urges India and Pakistan to consider acceding to the Second Optional Protocol to the ICCPR, and similar regional instruments with a view to introducing a moratorium on the death penalty, and to move towards complete abolition;
31. Welcomes in this context declarations by Prime Minister Singh calling for "zero tolerance for human rights violations" in Kashmir, and calls on the Indian Government to put an end to all practices of extrajudicial killings, "disappearances", torture and arbitrary detentions in Jammu and Kashmir;
32. Notes that widespread impunity both encourages and facilitates further human rights abuses across the State; calls on India and the State Government of Jammu and Kashmir to repeal all legal provisions providing effective immunity to members of the armed forces and to establish an independent and impartial commission of inquiry into serious violations of international human rights and humanitarian law by Indian security forces since the beginning of the conflict;
33. 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;
34. Urges the EU to take a firm stance in upholding the democracy and human rights clause in its agreements with both India and Pakistan, seeking an intense political dialogue with both countries on human rights including within Kashmir, and examining 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;
35. Recognises the difficult living conditions of a number of groups, such as the forcibly displaced Pandits of the Kashmir Valley; urges that discrimination against them and other groups, particularly in employment, be addressed head-on; suggests that such groups seek to empower themselves by establishing committees of their own elected representatives,

ensuring that women and under-25s are properly represented;

36. Suggests that India review the degree of success enjoyed by the setting-up of the Autonomous Hill Council in Ladakh in 1993; hopes that the Kargil-Skardu trade route can be re-established as part of the CBM process and that the Ladakh/Northern Areas division can be bridged by crossing-points similar to those already established elsewhere along the LoC;
37. In particular, welcomes the general increase in the issue of visas for travel between India and Pakistan, and the reopening of the Srinagar-Muzaffarabad bus route; notes that, according to the latest statistics, its use has been limited to fewer than 400 persons on each side of the LoC; and calls on the Indian and Pakistani authorities to ease restrictions in relation to the issue of travel permits;
38. Compliments 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, and proposes 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; encourages the European Union to support the initiatives of local NGOs to set up projects for capacity-building for women, both for production and for marketing; believes that the European Union could address equal opportunity concerns by increasing trade in products which traditionally provide livelihoods for women, such as textiles and handicrafts, and facilitating trade in services in sectors which employ women; recommends that economic relations between the European Union and Pakistan be strengthened in a similar manner;
39. Calls on both India and Pakistan to examine the potential role of increased security and respect for human rights in attaining the goals of job creation and increased tourism across the whole of Jammu and Kashmir;

### ***Combating terrorism***

40. Recognises that, without an end to terrorism, there can be no real progress towards a political solution or in improving the economic situation of the population throughout Jammu and Kashmir; notes that, while there has been a steady decline in the number of victims of terrorist attacks over the past five years, the activities of constantly mutating AJK-based terrorist groups such as Lashkar-e-Taiba and Harakat ul-Mujahedeen have caused hundreds of deaths in Indian-administered Jammu and Kashmir and beyond;
41. Deplores documented human rights violations by Pakistan including in Gilgit and Baltistan, where allegedly violent riots took place in 2004, and the all too frequent incidents of terror and violence perpetrated by armed militant groups; urges Pakistan to revisit its concepts of the fundamental rights of freedom of expression, freedom of association and freedom of religious practice in AJK and Gilgit and Baltistan, and notes with concern allegations by human rights associations such as Amnesty International of torture and detention without due process; strongly urges all parties involved to do all they can to address these violations; welcomes Pakistan's public commitments to curb infiltration across the LoC by militants operating out of territory under its control, but believes it must take much stronger and more effective measures; 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 and in making determined efforts to improve the lives of the people of AJK and Gilgit and Baltistan; furthermore, calls on the Government of Pakistan and EU Member States to intensify their efforts to identify and apprehend potential terrorist recruits coming to Pakistan from EU Member States; welcomes the recent establishment by the two governments of a joint panel, the India-Pakistan Joint Mechanism on Terrorism, to combat terrorism and share intelligence, and notes that the first meeting of the panel took place in Islamabad on 6 March 2007;

42. Strongly supports the International Crisis Group's recommendations of 11 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;
43. Recognises and supports the aspiration of the Kashmiri people for a significantly reduced military presence on both sides of the LoC; points out, however, that meaningful demilitarisation can only take place in parallel with genuine action to neutralise the threat of infiltration of Jammu and Kashmir by militant outfits operating out of Pakistan, and alongside CBMs such as putting an end to mutual recriminations, full implementation of the Srinagar-Muzaffarabad bus line, communication and trade links, and other measures defined in close consultation with Kashmiri people on both sides, and notes the beneficial impact that this will have on their mental health and sense of security, particularly for children and young people; stresses that only fresh initiatives which look to the future can bring about a virtuous circle;
44. Emphasises that, in order to create an atmosphere of confidence and goodwill in the region, it is vital to remove all obstructions and hindrances so that all Kashmiris may travel freely to the entire state of Jammu and Kashmir;

### ***Confidence-building measures***

45. 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;
46. Particularly welcomes the steps taken to reunite families divided by the LoC through the opening of five crossing-points; is aware that the opening-up of meeting points on the LoC has been described as being demonstrably slow and not responding to the urgency of the situation on the ground; none the less, encourages and looks forward to increasingly frequent crossings; would like to see these extended to all citizens on both sides and recommends that India and Pakistan instigate measures to facilitate all travel, be it within the former princely state or internationally, by means of fast-track administrative and consular services;
47. Believes it is vital to increase the frequency of cross-LoC exchanges at all levels of civil society and across all walks of life; suggests that exchange programmes be created between law associations, schools and universities, including a common University with a campus on either side of the divide; to help reduce levels of mutual suspicion between the armies on either side, suggests that military-to-military dialogue be initiated;

48. Calls on the Governments of India and Pakistan to make the restoration and conservation of the environment in Jammu and Kashmir one of the focal points for common activities and joint plans of action across the LoC, and urges the EU and the Member States to lend strong support to any such projects;
49. Recommends that consideration be given to the establishment of a joint India-Pakistan monitoring cell for the sharing of data on weather patterns and seismic activity in order to provide early warning of natural disasters originating on either side of the LoC;
50. At the political level, recommends that a Joint India-Pakistan Parliamentary Committee be established to foster greater parliamentary exchanges and dialogue; similarly, that joint local government working parties be established to explore trade and tourism issues;
51. Encourages EU businesses to recognise the investment and tourism potential of all of Kashmir, and in particular the existence of a highly motivated workforce; suggests that European businesses might enter into joint ventures with local companies and that investment insurance schemes be created to boost investor confidence; calls on all parties to support and facilitate the representation of the respective chambers of commerce at international trade fairs in the European Union in order to allow them to promote their products for export;
52. Further supports the call for Pakistan to develop human resources by investing in tertiary education, including vocational training schools and technical colleges in the federally administered areas, including in the Gilgit-Baltistan areas of Kashmir;
53. Notes that India is the single largest beneficiary of the Generalised System of Preferences scheme (GSP); urges the Commission automatically to revisit the GSP+ scheme, and other appropriate trade measures, in the immediate aftermath of large-scale natural disasters, such as earthquakes; welcomes the commitment given by all South Asian states within the South Asian Association for Regional Cooperation (SAARC) to work effectively towards making the South Asia Free Trade Agreement a political and economic reality which will maximise the benefits for four parts of Jammu and Kashmir, and calls on the Government of Pakistan to end the "positive list" system; notes positively that, although trade between the two countries has fluctuated over the past decade, the overall level of official trade between India and Pakistan has increased from USD 180 million in 1996 to USD 602 million in 2005 and, given that the high level of informal trade indicates the latent trading potential between them, that this trend has the potential to continue and should be encouraged;
54. Stresses that tourism has considerable potential to bolster the local economy; therefore encourages the governments of the EU Member States to keep a close eye on the security situation, with a view to ensuring the provision of up-to-date, coordinated travel advice to those wishing to travel to Jammu and Kashmir;

### ***Impact of the earthquake of 8 October 2005***

55. Strongly emphasises that the earthquake has had an immense impact on the lives of the Kashmiris on both sides of the LoC, and that the overwhelming humanitarian situation has degraded the fragile institutional capacity on the ground in AJK and NWFP; underlines that day-to-day survival is now the overwhelming priority for the people;

56. Regrets that, in addition to the massive loss of life, AJK suffered incalculable material damage to its infrastructure (hospitals, schools, government buildings, communication channels) and to what were in many cases already fragile basic institutions and services;
57. Is deeply saddened that the earthquake had a disproportionate impact on children, with 17,000 children killed according to UNICEF figures; is highly concerned about reports of child trafficking in the aftermath of the disaster and calls on the Government of Pakistan to specifically address the issue of children's rights and protection in AJK and Gilgit and Baltistan and to target child trafficking more effectively;
58. Draws attention to the plight of the internally displaced persons (IDPs) and people in severe and continuing need created by the earthquake; in the absence of a convention on the rights of IDPs, welcomes the UN's 'Guiding Principles', which offer the basis for a humane response to the insidious assault of forced displacement on human rights, and demands that all relevant authorities with an interest in Kashmir respect those principles; calls on the Government of Pakistan to do everything in its power to assign land to the inhabitants of those villages that disappeared in landslides as soon as possible, in order for them to be able to reconstitute themselves as villages and to rebuild permanent housing facilities; strongly recommends that the EU focus consistently on the above principles, as well as on broader issues of democracy, justice and human rights in all four parts of Kashmir; notes also that on both sides of the LoC long-standing 'refugee' camps should be dismantled, and proper attention paid to their occupants' protection, needs and social integration, and the occupants either allowed to return home speedily or be permanently resettled; notes that the international community should offer continuing assistance in this regard;
59. Stresses that the disaster struck a region already weakened by conflict and terrorism, and where fundamental institutions and regional stability have been constantly undermined by organised crime and infiltration across the LoC by radical Islamist networks exploiting the rugged terrain;
60. Is appalled that the already minimal basic living conditions experienced in AJK before the earthquake (in terms of food, water, shelter, sanitation, schools and barely adequate health-centres) have been seriously affected as a consequence of the earthquake; urges the authorities concerned, when millions are in basic need, to concentrate their energies on fighting the corruption that has wrongly diverted the flow of funding away from the intended recipients, including disturbing allegations that UN-banned terrorist organisations have been operating in the earthquake zone in AJK; calls on the Commission, Member State governments, the governments of India and Pakistan and aid agencies to continue to concentrate on the basic needs of earthquake victims;
61. Notes that the size and impact of the earthquake had a much greater effect on the Pakistani side of the LoC, devastating whole swathes of local government infrastructure and unavoidably delaying services needed to respond to the emergency; congratulates the governments, armies and local populations on both sides of the LoC for their dedication, determination and commitment to respond to the manifold challenges which the earthquake caused;

#### ***Response to the earthquake of 8 October 2005***

62. Acknowledges that the response to the earthquake from the international community,

India and Pakistan was swift and positive in the circumstances prevailing: there were immediate contacts at the highest level between India and Pakistan; domestic and local NGOs responded well, working with the local and central administrations; fully recognises that unprecedented solidarity was shown by the international community and international NGOs in relation to the earthquake survivors and victims, and welcomes the forging of new partnerships; recommends that the European Union look favourably on further requests for additional assistance for reconstruction in the areas affected by the earthquake, and asks the Commission to provide up-to-date information about requests already made in this regard;

63. Notes, with concern, that the preliminary damage and needs assessment prepared by the Asian Development Bank and the World Bank, to which the Commission contributed, estimates the total loss of employment or livelihood as a consequence of the earthquake at 29%, impacting on approximately 1.64 million people, over half of whom were estimated to be under the age of 15; welcomes the Commission's EUR 50 million project, Earthquake Early Recovery and Reconstruction Support to Pakistan; emphasises that this project should focus on protecting the most vulnerable in the short term, restoring economic activity in the affected areas, including reviving small businesses and replacing lost assets in agriculture, and creating employment opportunities through training and skills enhancement programmes; recommends that, in the medium and long term, measures to rebuild and secure livelihoods should include microfinance and skills enhancement, and urges the Commission to support such strategies in the long term;
64. Notes with satisfaction the funds released by the Commission for urgent relief operations for the earthquake victims in AJK and Pakistan; however, urges the Humanitarian Commissioner for Development and Humanitarian Aid to accede to the request of the Prime Minister of AJK to release further funds for rehabilitation and reconstruction purposes that will go a long way towards removing the after-effects of this human disaster;
65. Congratulates all those involved in identifying and addressing the public health needs of earthquake survivors in camps, which, despite the challenges associated with the provision of clean potable water and appropriate sanitation facilities in post-disaster situations, have not seen major outbreaks of water-borne diseases; congratulates the Pakistani Government on having provided shelter and supplies to more than two million displaced persons to sustain them through the winter, and congratulates India on having now re-housed the 30,000 people who were made homeless on its side of the LoC; is concerned that there are reports of thousands of people still living in tents, as witnessed during Parliament's SAARC delegation visit from 15 to 22 December 2006 to AJK;
66. Notes that Pakistan established a Federal Relief Commission within days of the disaster to coordinate search and rescue and relief operations; regrets, however, 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; regrets, therefore, that the earthquake has not been an opportunity to show the political will to prioritise the humanitarian needs of the Kashmiri population and to overcome political differences;
67. Welcomes the funds so speedily pledged by Pakistan's neighbouring states (India, China,

Iran, Afghanistan) and, on a wider regional basis, by Turkey and the Organization of the Islamic Conference (OIC), and by the international community as a whole; congratulates the European Commission, and, in particular DG ECHO, already present in Pakistan, for its immediate and effective response; encourages donors to deliver as swiftly as possible on their original pledges;

68. Congratulates the Commission in particular on its programme of rolling funding in response to the earthquake, which has now provided EUR 48.6 million, and which is delivered in partnership with NGOs, the Red Cross and UN agencies; calls for a continuing EU commitment towards reconstruction in Kashmir;
69. Stresses that reconstruction funds should be significantly focused on initiatives to conserve the remaining forests, notably through the availability of alternative fuel sources, reforestation, environmental education programmes and, possibly, compensation schemes allowing the AJK government to provide compensation for loss of income resulting from curbs on timber sales;
70. Regrets that the Pakistani Government insisted that all Indian labels be removed from the humanitarian aid delivered by India before it was distributed;
71. Highlights 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 (declared a terrorist organisation and, as such, banned by the Musharraf government in 2002), who swiftly became de facto providers of food, lodging, schooling for children and welfare for widows; is 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;
72. Urges the governments of India and Pakistan together with the international community to do all they can to implement safeguards and to monitor closely the use of funds delivered;
73. Warmly welcomes the landmark agreement of 2 May 2006 to revive trade and commerce across the LoC between the divided regions of Jammu and Kashmir by launching a truck service on the Srinagar-Muzaffarabad route, as well as a second cross-Kashmir bus service, linking Poonch in Jammu and Kashmir with Rawalakot in AJK; suggests the establishment of a road network between Jammu and Sialkot and Gilgit-Baltistan; also suggests the introduction of a rail link between Jammu and Srinagar and improvement of the road connecting the two cities; welcomes Prime Minister Singh's pledge on 23 May 2006 to create an environment of freer trade and freer movement with "soft borders" to create a climate for a Kashmir settlement; strongly encourages both sides to move rapidly to significant volumes of official trade; urges swift agreement on the modalities of road freight, with an emphasis on simplifying them as far as possible; suggests the establishment of an integrated market development plan, with several agri-processing units, cold chains, small-size container services and bonded trucking services;

## ***Conclusions***

74. Urges the EU and its institutions 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;

75. Underlines that, as the EU's own experience demonstrates, one of the keys to improving relations between countries is through increasing bilateral trade flows; believes that, 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; recommends that transportation and infrastructure projects be made a priority;
76. Strongly supports continuing initiatives by the political establishments on both sides and at all levels, and urges them to give priority to the needs of the people of Kashmir, both materially and institutionally, so that their political, economic, social and cultural disadvantages can be redressed; recommends that the EU be available to respond to requests from either government;
77. Recognises the outstanding work being undertaken by the Commission's delegations in Islamabad and New Delhi;
78. Notes that natural disasters sometimes create the political conditions for peacemaking; that nature knows no borders and that it is only by Pakistan and India taking sustainable action together that they can offer the people of Kashmir any hope of rebuilding a future;

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79. Instructs its President to forward this resolution to the Council, the Commission and the governments and parliaments of the Member States, to the Governments of the Republic of India and of the Islamic Republic of Pakistan, the competent authorities or governments of Indian and Pakistani-administered Jammu and Kashmir, and the People's Republic of China, and to the United Nations.