

Kashmir EU Week 2014 – Brussels

Kashmir and EU



Prolonging Friendship & Solidarity

Sajjad Karim MEP, Kashmir Council EU & International Council for Human Development (ICHD)
and World Kashmir Diaspora Alliance
invite you for the

Kashmir-EU Week in the European Parliament, week of 8 – 12 September 2014
Painting & Picture Exhibition Handicrafts and Books Exhibition/Film screening/Seminar

Opening Ceremony of Exhibition
Tuesday 9th Sept. 14:30h
Third floor Balcony Area – opposite to Silver Bar

Seminar 1: 'The future of the Kashmir conflict': Tuesday 9th Sept. 11:30 – 13:30h in **PHS 7 C050**
Seminar 2: 'A legal perspective on the Kashmir conflict': Wednesday 10th Sept. 10:30h-12:30h
and from 14:30h -15:30h - both in **A1H1**

NB Important note for visitors: to attend the Opening Ceremony and/or Seminars, register before Sept. 2nd 2014 with full name, date of birth and ID number via : info@ichd.eu cc secretariat@kashmircouncil.eu





KASHMIR COUNCIL EU

KASHMIR COUNCIL

Brussels, date: Aug 30, 2014.

News Release:

Kashmir Council EU to hold 'Kashmir-EU Week' at EU parliament

A week long programme on Kashmir would be organised by Kashmir Council EU at European Parliament building in Brussels from Monday, September 08, 2014 till September 12, 2014.

MEP Sajjad Karim would be host of the programme 'Kashmir EU Week' which is being organised by Kashmir Council EU, International Council for Human Development (ICHHD) and World Kashmir Diaspora Alliance (WKDA) with the collaboration of some other organisations.

The event titled; 'Kashmir and Europe: prolonging Friendship and Solidarity' includes a three day Exhibition of Kashmiri art, handicraft, photos and literature, an International Conference, video casting of a documentary as well as various seminars and round table sessions.

The event's aim to raise awareness in Europe of the evolving situation in Kashmir, especially now that a new European Parliament is elected with new MEPs (Members of EU parliament) to be informed, and sitting MEPs to be updated, on the ongoing conflict in the region.

The event would also be an opportunity to examine the implications of the dispute for global peace and security and to define a role for Europe in promoting a peaceful resolution of the conflict.

Chairman of the Council Ali Raza Syed who is coordinator of the programme in a statement said, creating awareness about the large scale human rights violations in Indian Held Kashmir (IHK) is main objective of the programme. Kashmiris are peaceful people and we want to promote culture of peace in order to bring peace in the whole region. A number of intellectuals, experts and parliamentarians would attend the opening ceremony of the programme and international conference as well.

He said, the event is further important this year because many of the new faces have been elected as member of the parliament in result of recent EU parliamentary elections.

Chairman Kashmir Council EU Chairman said that the people of Kashmir have offered matchless sacrifices for the resolution of Kashmir dispute and the use of brute force and arrests cannot stop them from continuing the struggle to achieve the inalienable right to self-determination.

Ali Raza Syed said that it has been determined to continue the peaceful liberation of Kashmir struggle till its logical end.

He said that Jammu and Kashmir is an internationally acknowledged disputed territory and it is duty of the international community to help for a peaceful resolution of the Kashmir problem.

About the dialogue Chairman Kashmir Council EU said, Kashmiris are the main party of the issue and the dialogue can not be productive and successful without their participation.

[End]

Av. Des Vaillants 36, 1200 Brussels, Belgium - e-mail: info@kashmircouncil.eu

'Kashmir & Europe: prolonging Friendship and Solidarity'

Kashmir EU Week , 8-12 September 2014

In the venues of European Parliament in Brussels, Belgium



The 'Kashmir EU Week 2014 in the European Parliament' is planned for 8th to 12th of September 2014 in European Parliament in Brussels, Belgium. The event includes a three day Exhibition of Kashmiri art and literature, as well as an interactive Seminar and a Round Table session. Keynote speakers, interventionists and audience are MEP's (Members of European Parliament), representatives from the South-Asian region of concern and from Diaspora, as well as European experts and scholars on (past, present and possible future of) the Kashmir Dispute.

Aims

The Kashmir EU Week is a high-level event that aims to bring together European policymakers and representatives of various interest groups in Kashmir in a dialogue forum under the aegis of the European Parliament.

For over six decades, the Kashmir Dispute seems to be deadlocked, with India and Pakistan as the most relevant nation states vis-a-vis (non-)resolution of the Dispute, and the people of Kashmir as the primary, but often ignored stakeholders in designing roadmaps for sustainable justice and peace in their home¹. To try to develop roadmaps to a future in freedom, peace and democracy, human rights defenders and political leaders appeal for international support for non-violent conflict resolution and want to be heard by international for a as e.g. EU.

The aims of the Kashmir EU Week are three-fold:

1. the event aims to raise awareness in Europe of the evolving situation in Kashmir, especially now that a new European Parliament is elected with new MEPs to be informed, and sitting MEPs to be updated, on the ongoing conflict in the region
2. to examine the implications of the dispute for global peace and security, and
3. to define a role for Europe in promoting a peaceful resolution of the conflict.

¹ ICG - International Crisis Group published several reports on Kashmir in last many years, e.g.: Asia Briefing '[Steps Towards Peace: Putting Kashmiris First](#)' (2010), and '[India, Pakistan and Kashmir: Stabilizing a Cold Peace](#)' (2006). For more Asia Briefings see <http://www.crisisgroup.org/en/regions/asia/south-asia/kashmir.aspx>. And the monthly updates: <http://www.crisisgroup.org/en/publication-type/crisiswatch/crisiswatch-database.aspx?CountryIDs=%7b11ED1F71-E1A7-4D80-B3E7-3071D06D7FCA%7d#results>.

Program

As explained above, the aims of the event are three-fold. Likewise, the program of the event is three-fold as well:

- An Exhibition (Tuesday 9th Sept.) of Kashmiri art, literature and poetry, next to documentation on and a photographic exposure of the plight and courage of the Kashmiri people in their struggle for justice, dignity and freedom: the exhibition aims to enlarge(ongoing) awareness raising on the (past, present and possible future of) the Kashmir Dispute and the question if, and if yes, what role EU can play in resolving the conflict and realizing sustainable peace in the area of concern.
- An Inter-Kashmir Dialogue and debate (Tuesday 9th Sept.) amongst South Asian guest and invitees who come over to Brussels to attend the Exhibition Ceremony and this very Dialogue Session (ca. 45): this session is as well strengthening self organization amongst the Kashmiri who are all from various sections of Kashmiri socio-political civil society. The session has to result in the adoption of list of recommendations which will, in the Kashmir EU Week Closing Session, be presented to the MEPs for further policy making.
- Two Interactive Seminars (Wednesday 10th Sept.) between MEPs (ca. 25) and high-profile Kashmiri representatives (ca. 10) from the region of concern and the Diaspora: this interaction / dialogue enlarges inside knowledge on the Kashmir Dispute for MEPs and inside knowledge of (limits of) power of EU in changing status quo in the region of concern

Organisers

The event is hosted by MEP Sajjad Karim (European Conservatives and Reformists Group).

Organizers of the event are **International Council for Human Development** (ICHD) in cooperation with Kashmir Council EU (KC-EU). ICHD is based in Brussels and lobbies in EU for nonviolent conflict resolution and peace building in conflict torn Jammu Kashmir:

<https://www.facebook.com/pages/ICHD/136155289784409>. Kashmir Council EU is, in collaboration with the ICHD, striving to promote the human rights of the Kashmir people as provided by the United Nations and in the framework of international humanitarian law. Special focus of Kashmir Council EU's lobby is the support for the Kashmiri people for gaining their right to self-determination:

<https://www.facebook.com/kashmircouncil.eu> Important partner in the event is **World Kashmir Diaspora Alliance**: <http://worldkashmir.org/>

ICHD & Kashmir Council EU will present their Four Year Report, titled 'A Cry for Justice, a Call for Peace. Activity Report 2010-2013' (50 pages) on the occasion. The report reiterates and shows that a lot has been done and already achieved, but it appeals nonetheless as well for persistence because ongoing lobby, advocacy and solidarity.

Contact details:

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Program of the Week

Tuesday 9th of September

11h00 Registration of participants (badges) at entrance of Building

11h30 to 13h30 Plenary session PHS 7 C050 in PHS Building

Subject: 'The future of the Kashmir conflict and how best to maximize the role of the European Parliament in generating change and in stimulating progress towards self-determination.' Input-papers as keynotes for discussion will be presented.

- Opening by MEP Sajjad Karim
 - Speech Ali Raza Syed, Chairman of Kashmir Council EU & ICHD
 - Speech by MEP Afzal Khan
 - Contribution by Mrs. Danielle Caron, Belgian Politician
 - Contribution by Mrs. Nayyar Malik, President of AJK Women & Peace Organisation
 - Contribution by Ms. Laura Schuurmans, Writer & Research Analyst
 - Contribution by Ms. Sadia Mir, Lecturer at London City University
 - Contribution by Dr. Muhammad Khan, National Defence University Islamabad
 - Contribution by Dr. Nitasha Kaul, Writer, Poet and Academic
 - Speech Mr. Farooq Siddiqi, WKDA Chairman
 - (Second hour) Debate with the audience
- Moderator : Ms. Marjan Lucas

14h30 to 15h30 Exhibition Ceremony on 3rd Floor Balcony Area in ASP Building

Formal Opening of the Exhibition, speeches by MEPs and Kashmiri invitees, presentation of documentation, arts, literature, photo's, reports et alia, on Kashmir, followed by informal cocktail

- * Opening by MEP Sajjad Karim, host of the event
- * Welcome speech by Mr. Ali Raza Syed, organizer of the event
- * Invitation to MEPs and others (e.g. Ambassadors) to speak by Ms. Laura Schuurmans
- * Dr. Nitasha Kaul for short book presentation

Wednesday 10th of September

10h00 Registration of participants (badges) at entrance of Building

10h30 to 12h30 Round Table Session - First hour A1H1 in ASP Building

Subject: 'The future of the Kashmir conflict and its implications for global peace and security'.

- Opening by MEP Sajjad Karim
 - Keynote by Ms. Laura Schuurmans, Writer & Research Analyst
 - MEPs (on availability)
 - Intervention by Mr. Siddiq Kiani, President of Free Kashmir Organization Berlin
 - Invitation by moderator for other interventions (NGO's a.o.) and for dialogue
- Moderator: Ambassador Anthony Crasner

13h00-14h00 Lunch in Parliament's restaurant

14h30 to 15h30 Round Table Session – Second hour in A1H1 in ASP Building

Subject: 'A Legal Perspective on the Kashmir Conflict'

- Documentary edited from Srinagar by Waseem Yousuf Shah c.s.: 'HIDDEN TRUTH' (ca 20')
 - Keynote by Dr. Muhammad Khan, National Defence University Islamabad
 - MEPs (on availability)
 - Invitation by moderator for other interventions (NGO's a.o.) and for dialogue
- Moderator : Ms. Marjan Lucas

16h00 to 17h00 Closing statements

Thursday 11th of September

Free time & Departures

Closing of Kashmir EU Week 2014 Exhibition



PRESS RELEASE



Sajjad Karim MEP **Conservative MEP for the North West** **RELEASE TIME: 11th September 2014**

Kashmir is at the top of Sajjad Karim MEP's agenda

Senior British MEP, Dr Sajjad Karim, started the new European Parliamentary term by hosting the annual EU-Kashmir exhibition this week. Dr Sajjad Karim MEP, Chairman of the European Parliament Friends of Pakistan group, hosted the high level exhibition in the European Parliament to raise awareness of human rights abuses in Kashmir and the struggle for independence.

Dr Sajjad Karim MEP, the Conservative Legal Affairs Spokesman said: "The on-going plight of Kashmiris, who have been ravaged by strife between India and Pakistan, face further adversity with the recent flooding. "The unresolved dispute over Kashmir has resulted in immense human rights abuses, with the discovery of hundreds of unmarked graves in 2012 being a particularly low point.

Dr Karim was keen to promote the situation in Kashmir and is keen to focus EU policy on the conflict. He said: "Both the Indians and Pakistanis need to open dialogue and show the world that they can resolve the political struggle in Kashmir peacefully." The MEP also called on the Arab states to step up and offer support to the region. The Kashmir Council EU organised the exhibition in the European Parliament to raise awareness of the political situation and are calling on EU lawmakers to assist in the peace process.

One of the key organisers behind the event, Ali Raza Syed, is Chairman of the Kashmir Council EU. He said: "The people in Kashmir are suffering for the last 70 years. And we in the diaspora have an obligation to help end the suffering."

The annual exhibition has been growing from strength to strength. This is the sixth year that Mr Syed has organised the exhibition in the European Parliament. And with new MEPs and a new European Commission cabinet being formed, there is a lot of momentum behind this campaign. The seminar was moderated by Marjan Lucas, a Human Rights Activist and the reception was chaired by Laura Schuurmans, a research scholar on the Kashmir conflict.

Other high level guests were in attendance including the Pakistan and Somalian Ambassadors' to the EU. The Indian Ambassador was invited to the event. A cross range of MEPs spoke on the issue and added their support. Anthea McIntyre, Afzal Khan and Marc Tarabella all gave speeches.

Speakers included:

- Farooq A. Siddiqi, World Kashmir Diaspora Alliance
- Danielle Caron Member of Brussels Parliament
- Sadiya Mir Policy Advisor UK (HR, Climate action and climate change)

END

Note to editors:

The exhibition is entitled "Kashmir and Europe; prolonging friendship and solidarity".
The exhibition takes place in the European Parliament from Monday 8th Sept to Friday 12th Sept.



KASHMIR COUNCIL EU

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*Keynote speech by Mr. Ali Raza Syed
Plenary Session - Tuesday 9th of September
Kashmir EU Week 2014*

Ladies and gentlemen

It is hard for me to express how grateful I am to all of you for your good will and your support. This annual event has become a kind of a yardstick to measure the outcome of our efforts during the year. I am happy to see that we have strong reasons to be proud of our team work and the relationships both old and new that we have nourished. This year, my gratitude list is even longer than usual. We have made many new friends who are as selfless and committed to the cause of Kashmir as any of Kashmiri activist. I am extremely thankful to Allah that He has blessed us with such rich relationships.

This deep feeling of gratitude is reflected in the title of this conference. The title, “Kashmir and EU; Prolonging Friendship and Solidarity” speaks a lot about the moral support Kashmiris have been receiving from the European Union. Any voice raised by EU is heard in all the concerned corners. It is not the proverbial voice crying in the wilderness. That is why so many communities, social groups and nations look toward the EU for the recognition of their cause. It is a great blessing that the EU keeps at its heart values that relate to the core of humanism.

When I mention humanism, I talk about the true dignity of human existence as an individual and as a nation. Humanism is inconceivable without certain rights and freedoms that are essential to differentiate a man from an animal. It is part of being human to recognize the rights of others and to expect that your rights will be acknowledged in their turn. It follows that, in a context where rights are mutually acknowledged, the absence of such rights becomes a source of extreme social frustration. Human beings are willing not only to acknowledge their rights and the rights of others but they feel deeply the absence of such rights and may resist strongly the efforts of others to restrict or to dilute justifiable rights.

This is the essential characteristic of the human race. So, human history is filled with movements, revolutions, campaigns and freedom fights. It is not difficult to claim that history is nothing but mans endeavor to reach higher levels of dignity and security. The EU is the epitome of such values. It is a living proof that nations can overcome the pride and arrogance which comes so often wrapped in the colorful slogans of nationalism and religion.

In fact, we Kashmiris are acutely aware of this particular arrogance having lived with an impossible situation for almost seven decades. Most of the time, it is shown to us in the name of nationalism. The arrogance of power means that, it is easy to invent excuses to keep the weaker side under subjugation. This way, the powerful do not hesitate to insult the very values upon which they founded their own existence. The idea of federation is based upon willingness not slavery. Democracy is synonymous with rights and freedoms not with murders, rapes, illegal detentions or torture.

I am not inclined to narrate here the story of the misery that Kashmiri people have faced and continue to face for the last seven decades under the brutal occupational forces of India. It is a very well documented story. This story is told by all the independent international organizations of the world. This story includes resolutions of the UN. And this story is documented by EU as well. I cannot resist mentioning the EU Resolution to investigate about the issue of mass graves. And I can mention many other unambiguous gestures by the EU.

This is true friendship. It is said that a friend in need is a friend indeed. It is not a cliché. It is true where any individual or a nation is under duress. The victims need friends to help raising the voice of justice, truth, rights and freedoms. This is precisely what we have obtained from the EU.

This is fifth Kashmir-EU week being organized in this Parliament. Besides that, we have organized numerous other events to promote our cause. I must say that we have received only support and appreciation. We have never been discouraged by the EU. This is the sense of solidarity that we consider a blessing.

A note of condolence;

At this moment, our hearts are filled with grief over the terrible flood and resultant demise of around 400 precious lives and livelihood infrastructure in Kashmir across the borders. The flood has damaged the infrastructure to such an extent that the normal life seems suspended in Kashmir. Normal life, anyway, is suspended for last seven decades but these floods and earthquakes test the levels of endurance in Kashmiri nation. Please allow me to convey our heartiest condolence on the part of all of us sitting here in this hall.

My gratitude is due to a long list of friends. In fact the list is too long to name them all. However, I cannot resist thanking Mr. Sajjad Karim while congratulating him on his re-election. In fact, he is a tireless comrade and a tireless fighter for justice. I must say that UK, Pakistan and Kashmir are proud of him. I am also extremely grateful to my friends Marjan Lucas, Sadia Mir, Farooq Siddique, Mr. Antony Cresnar and Laura Schuurmans. And I am thankful and proud of the colleagues of Mr. Sajjad Karim office and Kashmir Council office such as Ershad Sakib, Abousmir Kaoutar, Mr. Andre Barcs and Ramona Benzar for their hardwork and commitment that made this event possible. I request all of you to thank and encourage them by giving them a big hand.

In conclusion, we are starting once again the process of frank discussion and open dialogue for which this event has earned an enviable reputation. I hope, indeed I trust, that this process will help us to become clearer and more consistent in our thinking and, at the same time, richer and more committed to the fundamental cause of freedom and justice.

I thank you all.

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Kashmir and the EU : Prolonging Friendship & Solidarity

Kashmir EU Week 8th -10th September 2014, European Parliament, Brussels

Background

The rights of all human beings are a basic human right, guaranteed by international law instruments. States reaffirm the obligations they have assumed in the International Humanitarian Law, as parties to the **1949 Geneva Conventions and Additional Protocols**, with respect to the humanitarian needs of the civilian populations, including in situations of **armed conflict**.

The situation in Kashmir should not be any different, and the people of Kashmir should find some refuge in the fact that their basic human rights are protected, like many of the other examples in our world today. However this is not the case, year in year out, as we have heard the people of Kashmir face the worst kind of brutality that is carried out by the Indian military and paramilitary forces. Historically the territory is disputed, spanning well over 60 years as the plebiscite that was promised by the United Nations to the people of Kashmir in 1946 acknowledges, and in today's social media driven society, it is not because there is a lack of awareness about this issue, so why is it that still the violations in Kashmir go unnoticed and largely unheard.

We know that every day, the people of Kashmir are deprived any kind of human rights; subjected to, fake encounters killings, women and girls are regularly harassed, molested and raped, torture and trauma takes place, along with disappearances and displacement, and Kashmiris have no freedom of movement to even meet one's own kith and kin- What to talk of access to security and protection! Nonetheless we bring the plight of the Kashmiris here to the European Union -And have been doing since 2004

Why the EU

The EU from the beginning of its inception has taken a firm stance on Human rights.

The EU, a freshly formed union adapted from the European Community through the Maastricht Treaty in 1992. Though the EU is formally neither a state nor an international law administering organisation like the UN (Vogler, 2006). As a Supra national body the EU maintains many forms of involvement that go well beyond the parameters of its member states.

A brief history of the Kashmir case at the EU

Awareness about Kashmir was stirred within the EU bodies in 2004, it was the 'Cushnahan report' which identified Kashmir as a troubled region, ringing concern in the European Parliament and Union.

Former MEP John Cushnahan said that he viewed Kashmir a '**regional issue with far reaching implication,**' He, along with members of the subcommittee on HR and committee on foreign affairs allied and formed the 'AD HOC' delegation, which was the first global governing body of

representatives to visit the conflict zone in 2004. The delegation visited both parts of Kashmir that lie in the territories of the sovereign states of India and Pakistan.

'A regional issue with far reaching implications.' Cushman like many others realised that the ramifications of the dispute is the main deep rooted cause for instability in South Asia-such as the nuclear flashpoint spewed between India and Pakistan in 2002; likewise a peaceful settlement of the dispute will see routes of trade, industry and partnerships thrive, that will have far reaching benefits in the entire region.

Both **Council** and **Commission** were then eager at that point to engage in peaceful negotiations, since we had many meetings that confirmed this. And **Parliament** in its part, was eager to highlight the human rights abuses in Kashmir for the first time, and give it status by mentioning the Human Rights situation in Indian held Kashmir in its Human Rights report.

Not forgetting, that this development came at a time when the United Nations was gridlocked with the situation in Kashmir -it could not get a Rapporteur to visit Kashmir for over 12years, 3 Rapporteurs requests were consecutively denied entry, despite the insistence of Amnesty International.

How was the EU able to send an Adhoc Delegation; the EU by taking a stand showed that it was a viable contender in the premise of HR for many reasons. And this was perhaps possible because of the ***strong political will*** of the players at the time and amongst other things trading power, the EU has a sizable trade agreement with India and it could use this as leverage.

Therefore, it is felt that the EU is in many ways is the most important political dimension in the premise of global governance and a multi-national leader in human rights and social justice policies. What we can learn from this piece of history is that EU is a very important contender in global governance and regions such as Kashmir; like the Ukraine want it to assist an act as an 'honest broker.'

However the EU's interest has somewhat wavered and there has been no real cohesive plan for action in Kashmir. Although many MEPs have year by year come to 'Kashmir EU week' and openly voiced their concerns, we are witnessing very little improvement or developments. There is a resolution text that recognises and confirms the mass graves that were unearthed in Indian held Kashmir, still nothing has been done to investigate this further or demand accountability from India.

Recommendations

This year we are here again, we have gathered to ask the EU to use its influence and advocate the foundation of its fundamental basis on upholding Human Rights of member and non-member states alike, such as that of Kashmir.

We stress that the EU acknowledge and support human rights defenders as it proclaims in its charter which states that ***'the Union shall respect fundamental rights, as guaranteed by the European Convention for the Protection of Human Rights and Fundamental Freedoms' signed in Rome on 4 November 1950 as general principles of Community law article 38.***

Indicating that Council confirms that human rights are to be included at all levels of policymaking in bilateral consultations and dialogues with non-member third countries.

Currently with the floods, that are a reflection of exasperated climate change, Kashmir faces a new catastrophe. This is doubled given that the Indian authorities and troops have not assisted in any kind of relief programme. Most of the relief operations are carried out by Kashmiris themselves and those from the wider Diaspora abroad, either by collecting donations and/or personally going to the region to assist in any way possible. Worst still India has refused to let humanitarian organisations have access to the region.

Now a few weeks into the floods the people are facing disease and further discomfort that comes from prolonged instances of these disasters. We urge the humanitarian aid sections of the Commission such as Echo to intervene and ask for access to the region, in order to assist in its rehabilitation.

We request the European Parliament to send a fact-finding mission to Indian held Kashmir, many years have passed since the last one and much has transpired since. One of the developments has been the discovery of the mass graves. The EU has passed a resolution acknowledging the existence and findings of the graves but now needs to assist in creating a basis for the much needed request of DNA testing, in order to verify the bodies of those in the graves.



The Future of the Kashmir Conflict and the Role of the European Parliament in Generating Progress towards Self-determination

Introduction

The Kashmir conflict is the major source of tension between India and Pakistan. An enduring state of peace cannot be achieved between both countries until a satisfactory solution to the conflict is attained. It is also unprecedented in the history of the United Nations, barring the Palestine issue, to be amongst the oldest unresolved issues on the UN charter. India and Pakistan have gone to three wars over the dispute and neared many others when war seemed almost imminent. The fact that both states are declared nuclear powers with a mutual acrimony at the heart of which is the Kashmir dispute makes it one of the most precarious nuclear flash points of the World. In the midst of all the allegations and counter allegations, one fact has continued to dominate; at the core of the agitated relations between India and Pakistan lay the issue of Jammu and Kashmir. By the same logic, it implies that if their mutual relations were to improve, the Kashmir dispute must be resolved in an adequate manner and to the satisfaction of all stakeholders.

India's Stance

The Kashmir issue was taken to the UN by India on 1st January, 1948 to score its high moral ground. Jawahar Lal Nehru had expressed his faith in resolving the issue through the forum of the UN and in accordance with International Law. In this context, Nehru said on 2nd November 1948: "We have declared that the fate of Kashmir is ultimately to be decided by the people. That pledge we have given, and the Maharajah has supported it, is not only to the people of Jammu and Kashmir, but also to the world. We will not and cannot back out of it."² However, since the Indian interests were not considered to be taken care of, India sought to distance itself from the resolution passed thereof. By the time of the Simla Agreement, 1972 which is generally considered to be the defining moment in context of the Kashmir dispute, plebiscite, multilateralism or third party mediation had almost been excluded as even a distant possibility.

The argument followed is that since a lot of time has elapsed since the passing of UN resolutions and the international context has also undergone several important changes, therefore such resolutions which called for an impartial plebiscite in Kashmir are now outdated. If the same logic is applied to the Simla Agreement which India claims is Pakistan's concurrence to discuss the issue bilaterally then, much water has also passed under the bridge since the agreement and hence, it too is redundant. In addition, India's ambition to become a permanent member of the UNSC is overshadowed by its policies on Kashmir. It appears rather ironic that a state that seeks a permanent position on the UNSC has little regard for the UN resolutions. The fact remains that UN resolutions neither fade away with passing time nor changing international contexts. The logic is thus an illogical one.

² P. L. Lakhanpal, *Essential Documents and Notes on the Kashmir Dispute* (New Delhi: Council on World Affairs, 1965, p57, adopted from Amir A. Majid, "Can Self-Determination Solve the Kashmir Dispute", *Romanian Journal of European Affairs*, Vol. 7, No. 3, October 2007, accessed file:///C:/Users/SHAHZAD/Downloads/SSRN-id1027605.pdf

Pakistan's Stance

Pakistan has consistently held the position that it supports a plebiscite in Jammu and Kashmir in accordance with the UN resolutions to determine the will of the Kashmiri people. The most important resolution in this respect is the one passed on the 21st April 1948. On 24th January 1957, the UN Security Council passed another resolution which reaffirmed the principles embodied in the 1948 resolution. The Security Council, reaffirming its previous resolutions to this effect, said that "The final disposition of the state of Jammu and Kashmir will be made in accordance with the will of the people expressed through the democratic method of a free and impartial plebiscite conducted under the auspices of the United Nations."³ It further declared that "any action taken by the Constituent Assembly formed in Kashmir would not constitute disposition of the state in accordance with the above principles."⁴ Despite such clear declarations, India has repeatedly tried to evade the question of plebiscite in Kashmir and tried to replace it by elections held under Indian administration which are by no standard, the substitute for a UN administered plebiscite.

Nature of the Kashmir Dispute

Before proceeding to discuss the prospects of multilateral efforts or third party mediation on the Kashmir dispute, it is pertinent to establish whether it is an internal, bilateral or multilateral issue in the first place. The term 'bilateralism' has permeated the Indo-Pak relations to the extent that it has almost completely overshadowed the multilateral aspects of the relationship in context of the Kashmir dispute. To a great degree this transformation of linguistic usage is indebted to the ingenuity of the Indian policymakers who have succeeded in crafting policies by subtly substituting unbecoming provisions and usages with expressions which are in line with their own preferences. One of the greatest advantages that have been derived from such an approach is to isolate the Kashmir dispute as a bilateral issue and to distance the international community from recognizing it as a multilateral one.

Another effective strategy has been to project the Kashmir issue as a decided matter, upon which further deliberation is neither required, nor will be tolerated. India's web of intricate relations with the major powers and its own stature as a rising Asian power provide it with the propellant needed to project such an approach. Its mammoth media industry which has already succeeded in making inroads into international media has been instrumental in disseminating information and views to regional and foreign audiences and thereby influencing public opinion to its own advantage and contrary to the ground realities.

Three major points must be considered while analyzing the nature of the Kashmir dispute which could ultimately lead to prospects for its resolution. First of all, the dispute involves three main parties; Kashmiris, Pakistan and India. Secondly, the issue rests with the United Nations and its resolutions are still valid in accordance with International Law and thirdly, the importance of Pakistan and India going nuclear implies that it may have consequences for the entire world community in case of any catastrophe. Therefore, contrary to the commonly held belief, Kashmir is not a bilateral issue between India and Pakistan; instead it is a multilateral one which continues to hangover the future of the beleaguered Kashmiris who have been enduring the worst form of abuse for the past 68 years. An estimated 100,000 have died over the past thirty years, mostly young men, at least 10,000 disappeared which leaves an equivalent number of 'half widows', thousands of

³ Resolution 91 (1951) Concerning the India-Pakistan question submitted by the Representatives of United Kingdom and United States and adopted by the Security Council on March 30, 1951. (Document No. S/2017/Rev. 1, dated the 30th March, 1951), accessed <https://www.mtholyoke.edu/acad/intrel/kashun91.htm>

⁴ *ibid*

orphans, thousands women have been tortured and raped.⁵ Hence it is established that Kashmir issue is neither a decided matter, nor is it an internal or bilateral one.

Role of International Community

The United Nations has passed several resolutions on the Kashmir issue and recognized that it is a disputed territory contrary to the Indian claim that Kashmir is an integral part of the Indian dominion. In particular, the UNSC resolutions of 1948 and 1949 provide for the holding of a free and impartial plebiscite for the determination of the future of the state by the people of Jammu and Kashmir.⁶ It is on account of these resolutions that Pakistan has sought a plebiscite under the auspices of the UN to determine the ultimate fate of Kashmir. After having referred the case to the UN, several attempts were made at mediation especially during the early phase. Not only was the issue a new and urgent one, both India and Pakistan also actively took part in advocating their positions on the Kashmir issue. In spite of its initial vigor to resolve the issue aptly, the UN was itself confronted with several challenges.

The divide in the UN based upon the preferences and interests of the five permanent members of the United Nations Security Council was further aggravated by the Cold war era. The US at the time was interested in developing closer ties with Pakistan while India was supported by the Soviet Union. The two major powers over the years continued to veto subsequent resolutions that prevented the dispute from reaching a satisfactory solution. Today the situation has been changed considerably. The balance that had existed in the past decades, though leading to a stalemate has now tilted in favor of India's position. Not only does the Soviet Union support its traditional partner, the US and China have also discouraged Pakistan from raising the issue at the UN forum. The US seeks to harness the consumer market of more than a billion people for its exports as well as to prop up India as a counterbalance to China's growing influence in the Asia Pacific region. China for its part, is concentrating on its own economic ties with India based upon a relationship of Complex Interdependence. Moreover, China does not want to encourage separatists in Xinjinag, hence the course taken by both powers has been to encourage India and Pakistan to settle their mutual issues of discontent peacefully and bilaterally, primarily to avoid Indian annoyance.

Almost 54 years ago, former President Ayub Khan had said that Pakistan had been hoping that wisdom would prevail over India. On its part, Pakistan had tried hard to solve the issue through negotiations with India, but its efforts had failed. He said "We are prepared to negotiate. But how can you negotiate with people who are not prepared to negotiate?"⁷ Leaders since then have tried to resolve the long standing dispute but have been so utterly and frequently disappointed by India's response of either not negotiating under one pretext or the other and if at all conceding to come to the negotiating table with Pakistan, to let the discussions procrastinate without any meaningful progress on the matter whatsoever.

Prospects for EU Mediation

Notwithstanding the positions of the World's leading powers which have exhibited indifference to the plight of the Kashmiri people in face of massive human rights violations by Indian security forces, the EU offers a ray of hope to the besieged Kashmiris. It places greater responsibility on the EU due to its unwavering support for democracy, human rights and peace-making across the globe. The European Union has the ability as well as the moral power to persuade both Pakistan and India to resolve the issue in a peaceful manner. Britain mediated between India and Pakistan and successfully resolved the Rann of Kutch dispute. It can therefore play a lead role in efforts to resolve the Kashmir

⁵ Kashmir Media service, accessed <http://www.kmsnews.org/news/>

⁶ "Kashmir- The History", *Pakistan Mission to the United Nations*, accessed <http://www.pakun.org/kashmir/history.php>

⁷ "Bilateralism has failed on Kashmir Issue: Ayub", *Dawn*, October 4, 2011, accessed <http://www.dawn.com/news/663743/bilateralism-has-failed-on-kashmir-issue-ayub>

conflict also.⁸ Moreover, due to the EU's past record of supporting initiatives for freedom, equality and human rights, it would be acceptable to all parties concerned including the Kashmiris if India demonstrated the political will to finally put the issue to rest.

India-EU relations date to the early 1960s, with India being amongst the first countries to establish diplomatic relations with the European Economic Community. A cooperation agreement signed in 1994 took the bilateral relationship beyond trade and economic cooperation. At the 5th India-EU Summit at The Hague in 2004, the relationship was upgraded to a 'Strategic Partnership'.⁹ India is therefore among the few countries with whom the EU has a regular dialogue on strategic issues. The EU considers human rights issues as highly important in its foreign policy. However it significantly differs on these issues with an important country that the EU not only has designated as a strategic partner, but that it also perceives as a full-fledged democracy i.e. India.¹⁰

Despite such differences, the EU remains an important partner for India and its concerns regarding India's human rights record in Kashmir could potentially relieve the excruciating treatment of the Kashmiris at the hands of the Indian security forces in the short term and ultimately lead to a mutually acceptable solution in the long term. The EU's robust relations with India should not act as an impediment to contributing positively towards the resolution of the conflict; rather the EU should use its influence with India to encourage it to seriously consider the resolution of the conflict in its own best interests as well as for enduring peace and stability in the entire South Asian region.

The EU's achievements in this regard are commendable although there is much room for further efforts to be made. The Committee on Foreign Affairs, Human Rights Common Security and Defence Policy of the European Parliament issued the Report of its Adhoc Delegation on 27th July, 2004. The Delegation visited both parts of the State of Jammu and Kashmir to see the ground reality. In this eye-opening report the delegation condemned the atrocities perpetrated by the Indian security forces, terming Indian Held Kashmir (IHK) as "the most beautiful prison in the world". Similarly, the European Parliament in its Annual Report 2004, again condemned the human rights violations in IHK. The resolutions adopted by EU in 2005 and 2007 about EU-India relations emphasized international concern over the situation in Jammu & Kashmir. In 2008, the EU put forward a resolution regarding the discovery of mass graves and strongly condemned 'the unlawful killings, enforced disappearances, torture, rape and other human rights abuses which have occurred in Jammu & Kashmir'. The resolution stated that "hundreds of unidentified graves have been discovered since 2006 in Jammu and Kashmir".¹¹ The resolution calls on the Indian government to urgently ensure independent and impartial investigations into all suspected sites of mass graves in Jammu and Kashmir and as an immediate first step to secure the grave sites in order to preserve the evidence.

Furthermore, in response to a letter by Mr Mushtaq A. Jeelani, Executive Director of Peace and Justice Forum (PJF), to the European Commission President Mr José Manuel Barroso, 20th December 2013 regarding the unresolved Kashmir issue, Ms. Maria Castillo Fernandez, Head of the India Division at the European External Action Service (EEAS), replied by stating that "In its talks with India, the EU has consistently urged placing human rights protection mechanisms at the centre of any

⁸ Mahdi Masud, "The Kashmir Issue: EU's Stand", Journal of European Studies, 18 & 19, nos. 2 & 1 (July 2002 & January 2003): 29, adopted from Fatima Agha Shah, "The European Union and the Kashmir Dispute", Journal of European Studies, accessed

⁹ "India-EU Relations, August 2014", Ministry of External Affairs, Government of India, accessed http://www.mea.gov.in/Portal/ForeignRelation/India_EU_Relations_August_2014.pdf

¹⁰ Stephan Keukeleire and Bas Hooijmaaijers, "EU-India relations and multilateral governance: where is the strategic partnership?", FPRC journal, (2003): 121, accessed <https://lirias.kuleuven.be/bitstream/123456789/389027/1/EU-India.pdf>

¹¹ European Parliament Resolution On Allegations Of Mass Graves In Indian-Administered Kashmir, accessed <http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-//EP//TEXT+MOTION+B6-2008-0367+0+DOC+XML+V0//EN&language=en>

attempt to ensure responsibility for abuses against civilians. The question of accountability of armed forces is also raised in the EU's annual Human Rights Dialogue with the Government of India".

In 2013, the European Parliament unanimously passed the Resolution on the Execution of Afzal Guru and its Implications in Indian Held Kashmir at the Plenary session in Strasbourg. The European Parliament articulated in the resolution in the following terms - "Condemns the Government of India's execution in secret of Afzal Guru at New Delhi's Tihar Jail on 9th February 2013, in opposition to the worldwide trend towards the abolition of capital punishment, and expresses its regret that Afzal Guru's wife and other family members were not informed of his imminent execution and burial."¹²

The EU Parliament's resolutions on the EU-India Free Trade Agreement also highlight the political conditionality on its trade relations with India with respect to human rights as a major concern. The EU remains India's largest trading partner, accounting for roughly 15 percent of total trade in goods and services. It is an important market for India's export of textiles, apparel, pharmaceuticals, gems, jewelry and IT. The EU is also the largest source of FDI inflows to India, accounting for over one-fourth of the total.¹³ Talks for an EU-India FTA have not yet materialized and could possibly hold the key to resolving the Kashmir dispute by linking tangible progress on the Kashmir dispute to finalization of the FTA.

All the aforementioned efforts of the EU are a great service towards the people of Kashmir, but, its main concern has been limited to protecting the Kashmiri people from the human rights violations committed by the Indian security forces and less towards the ultimate resolution of the conflict. Furthermore, the EU's consideration regarding the lack of optimum conditions for resolution of the conflict needs to be reassessed. Conditions have never been ideal between India and Pakistan and while one may hope for such an eventuality, it is not reasonable to let the tormented voices of the Kashmiris be suppressed till such time. Pakistan has exhibited considerable flexibility in its position vis-à-vis the Kashmir dispute by stating that any solution that is acceptable to the Kashmiri people would also be acceptable to Pakistan. India, however has insisted on keeping the occupied territory under its control through sheer force of its strength. According to Arundhati Roy and Pankaj Mishra, in "Kashmir: The Case for Freedom", the number of Indian troops stationed in Indian Held Kashmir are estimated to be 700,000 although these figures have been disputed by the Hindu-American Foundation. To put these figures into perspective, when the US invaded Iraq, it deployed 165,000 troops though at its peak time, there were about 157,800 in 2008, whereas even the downsized figures projected by Hindu Foundation range between 300, 000 to 500,000 Indian troops in the Indian Held Kashmir.¹⁴ One need not rely on exceptional acuity to calculate why India needs to deploy such large number of troops for a total population of 10.1 Million Kashmiris.¹⁵

In lieu of the aforesaid, The EU through its good offices may help to facilitate or mediate towards the resolution of the conflict by continuously engaging all major parties to the dispute while upholding the tenets of International Law. The preconditions which justify the use of mediation include the following; that the conflict has existed for an extended period of time; that it is sufficiently complex; the parties to the dispute have not been able to find a suitable dispute resolution mechanism; a state of stalemate exists; and most importantly that the parties to the dispute are willing to break the stalemate by cooperating. Applying this criterion of international mediation to the Kashmir dispute,

¹² International Commission for Human Rights, European Parliament passed an urgency resolution on India - the Execution of Afzal Guru and its Implications, May, 23, 2013, accessed <http://ichr.eu/publications/item/304-20130523>

¹³ Ritesh Kumar Singh & Prachi Priya, "What's Holding Back the India-EU FTA? India must conclude its FTA with the EU to stay competitive amid larger regional and bilateral FTAs", Diplomat, June 17, 2014, accessed <http://thediplomat.com/2014/06/whats-holding-back-the-india-eu-fta/>

¹⁴ "Kashmir: Fiction and the Facts", *Hindu American Foundation*, accessed <http://hafsite.org/media/pr/kashmir-fiction-and-the-facts>

¹⁵ "Kashmir Profile", *BBC*, January 31, 2014, accessed <http://www.bbc.com/news/world-south-asia-11693674>

most conditions are found applicable. However as far as the last criteria is concerned, Pakistan has been willing to settle the matter through mediation efforts while India has been against all such propositions and continues to emphasize the bilateral tract to resolve the issue. India's strategy it appears has been to keep buying time so as to gradually put an end to the Kashmiri struggle for determination by a myriad of different strategies including offering economic and trade initiatives in the valley; use of brute force to quell uprisings; international isolation of the issue and more recently, the debate has been promulgated in India regarding the erosion of Article 370 of the Indian Constitution which has until now guaranteed a special status for Kashmir.

It needs to be remembered that each passing day brings along more sufferings and atrocious deaths. The EU should not remain silent at these horrific specters and must realize that the status quo is no solution. Attempts at pacifying the nuclear armed states, once events have already escalated, is not a step in the right direction. Engagement rather than estrangement is the key to resolving the Kashmir issue. The EU in its capacity can perform this role by establishing a permanent body, comprising of the members of the EU Parliament who could visit both Indian Held Kashmir and Azad Kashmir at least twice a year. The committee should allow for all members of the European Parliament to visit the disputed areas on a rotational basis, so that they may see for themselves the ground realities. The EU should also link the progress of the EU-India FTA with human rights conditions in Kashmir. It also needs to further press with India, the need to hold a UN administered plebiscite in Kashmir. If India has nothing to hide in Kashmir, it would surely have no objection to holding a referendum there under UN administration. In case it does, the EU Parliament in particular and the World community in general would see through the Indian designs. In addition, the spirit and resolve expressed by the EU in dealing with the latest crisis in Gaza, needs to be shown in respect to the Kashmir issue also. In many respects, both are struggles for self-determination but with different dynamics. A clear line needs to be taken which should call for a fair and impartial investigation into the human rights situation in Kashmir. The EU should rise to the occasion of acting as a facilitator in the sustained negotiations between India and Pakistan to not only guide the negotiations process but also to monitor and report back to the EU Parliament on the talks with an aim to reach a mutually acceptable solution to the Kashmir dispute.

Conclusion

The resolution of the Kashmir dispute would be beneficial for the peace and security of the entire South Asian region. It could pave the way for the development and prosperity of the peoples of India and Pakistan as well as Kashmir. Pakistan's tensions emanating from its eastern neighbor could be significantly reduced allowing it to focus on more pressing domestic concerns, India could center on its larger aspirations of great power status and most importantly, the Kashmiri's struggle could culminate in a dignified manner and its people could at last throw off the cloak of subjugation which the people of India and Pakistan had done so more than six decades ago.

A Legal Perspective on the Kashmir Conflict

Introduction

Human security constitutes security of individual(s), communities and societies. The right to live for every human being is explicitly guaranteed in international law. This is regardless of cast, creed, faith and geographic identity. The provision of human rights' and security are categorically stated both in international law and in International Covenant on Civil and Political Rights (ICCPR). Despite having, a global prohibition on torture even during the times of national emergency, deaths through torture of Kashmiri youth has been a common phenomenon in Indian held Kashmir (IHK) by Indian security forces. The factual position is that, killing innocent people, torture, hostage taking, and rape has been prominent human abuses in IHK ever since 1990.

The basic provision of the international law is that; "individuals should not be arbitrarily deprived of their lives, and homicide should be deterred, prevented and punished". These rights are further secured and protected by 'the Universal Declaration of human Rights-1948'. The declaration emphasizes on 'innate freedom and equality, puts ban on discrimination and states that, "Everyone has the right to life, liberty and security of person." Unfortunately, with all these safeguards and guarantees for the human beings, through various agreements, declarations and covenants, the people of IHK are being humiliated, discriminated, torture and killed as if there is no law meant for their protection and safeguard.

This paper put into debate legal perspective of Kashmir conflict in the light of guarantees, provided by international law and related agreements and conventions.

Authenticity of Instrument of Accession-1947

While tracing the history of the state, one would find many discriminations and ruthless handling of Kashmiri masses by occupation forces. The current phase of sufferings of the Kashmir people started with decolonization of Subcontinent in 1947. Sequel to the announcement of Indian partition plan by British Indian Government on June 3, 1947, the British Parliament formally passed, the "Indian Independence Act", on July 17, 1947. According to Article 1 of this act, India was decolonized with two states; India and Pakistan becoming a reality from August 15, 1947. Article 7 of the Act, very clearly states that from 15th day of August 1947, "the suzerainty of His Majesty over the Indian states lapse and with it lapses all treaties and agreements enforce at the date of the passing of this Act between His Majesty and the rulers of Indian states".

There were over five hundred sixty Princely states in British India at the time of its partition. As per Indian Independence Act, all agreements of British governments with either rulers or states also lapsed on 15th of August 1947. Since the state of Jammu and Kashmir was class A, Princely State with a special autonomous status, therefore, it can be very conveniently said, that on 15th day of August 1947, the Maharaja Sir Harisingh was not the legal ruler of the state of Jammu and Kashmir as all his treaties with British India lapsed on that day. Once he was not a legal ruler of the state, he had no right to sign the instrument of accession (if at all he signed that) with the new Indian dominion. This title to the state was granted to him by the British Government (East India Company) under the Treaty of Amritsar popularly known as 'Kashmir Sale Deed' signed on 16 March 1846 and lapsed on the appointed day of 15th August 1947.

Besides, on July 25, 1947 in his address to special full meetings of the Chamber of Princes held in New Delhi, Lord Mountbatten categorically told all princes of Princely States that they were practically free to join any one of dominions; India or Pakistan. He however clarified that, while acceding to any dominion they could take into account geographical contiguity and wishes of the people. In case of the State of Jammu and Kashmir, either of the above factors was favouring state's accession to Pakistan, which was not implemented, the first and most significant violation of Indian Independence Act. Indeed, Kashmir is not a piece of property, that its fate not to be sealed or signed away through any Instrument of Accession that it is rather the free will of the inhabitant which has to be determined and decided.

Many scholars of international relations questions, whether the Instrument of Accession was really signed by the Maharaja. In fact, according to international law every treaty entered into force by a member of the United Nations must be registered with the Secretariat of the United Nations. In context of international law, the treaty of accession was presented neither to the United Nations nor shown to Pakistan. In addition, in 1995, Indian authorities claimed that the original copy of the treaty was either stolen or lost.

The Indian Invasion

Once the popular Kashmiri demand; accession with Pakistan was not met, by Maharaja Harisingh, Kashmiri revolted against his rule and established their own Government; Azad Jammu and Kashmir Government on October 24, 1947. This propelled Maharaja to ask Indian military assistance, by making a formal request through his deputy Prime Minister Mr. R.L. Batra. The Indian Government however, conditioned the military assistance with state's accession to India, which Maharaja Harisingh was never interested.

Nevertheless, Indian forces landed Srinagar Airport on October 27, 1947, which it claimed was done only after signatures on Instrument of Accession between Maharaja and the Indian Government. Prominent British writers like Alastair Lamb and Victoria Schofield contested in their writings about the signing of any Instrument of Accession between Maharaja Harisingh and India before October 27, 1947. V.P. Menon, Indian civil servant (states secretary), however, claimed that all these formalities of signatures were completed on 26 October 1947, which is even contradicted by then Kashmiri Prime Minister Mahajan, who accompanied him. Both however are unanimous on one point that Indian state forces landed at Srinagar airfield on the morning of 27 October 1947.

Even if there is an instrument of accession between Maharaja Hari Singh and Indian government, it provides a number of safeguards to the state's sovereignty, e.g. Clause 7 of the instrument says, "Nothing in this instrument shall be deemed to commit me in any way to acceptance of any future constitution of India ...". Whereas, Clause 8 of the Instruments says, "Nothing in this Instrument affects the continuance of my sovereignty in and over this state.....".

If it is accepted that, there was an instrument of accession, signed by the Maharaja and Indian government, even then, it clearly states, that, "after the restoration of law and order in the State of Jammu and Kashmir and the expulsion of the raiders, its future will be decided in accordance with the wishes of the people of the State." The same stance was taken by UNO in its over twenty-three resolutions, passed from time to time. Besides, over the years, Indian leadership had been reiterating their commitments with Kashmiris, Government of Pakistan and to the world community that after the restoration of peace in the state, its future would be decided as per the wishes of the people of Jammu and Kashmir through UN mandated plebiscite.

A top-secret letter addressed to British Government by Mr Alexander Symon, British High Commission to India, also revealed that, despite having no formal accession treaty till-date (27 October, 1947), ten Indian aircrafts loaded with arms and troops were dispatched to Kashmir from New Delhi on the morning of 27 October 1947. Another significant fact is that, had there been any

accession treaty between the state of Jammu and Kashmir and the Indian government, why it could not be published in the Indian White Paper of 1948? There is yet another and a very serious legal query, had Kashmir been part of the Indian Union, why it was given a special status through Article 370 of the Indian Constitution, which has not been given to any of its integral state(s).

The rightfulness of the agreement of accession can also be challenged on the grounds that it was obtained under intimidation. The International Court of Justice has highlighted that there “can be little doubt, as is understood in the Charter of United Nations and recognized in Article 52 of the Vienna Convention on the Law of Treaties, that, “under international law an agreement concluded under the threat or use of power is void.”

Debate on Kashmir being Integral Part of India; the UN Version

Once differences arose between Indian Premier Nehru and Sheikh Abdullah over the future status of state, in 1951, India imprisoned Sheikh Abdullah and through bogus Legislative elections, got the accession resolution approved in favour of Indian union in 1952. This was done despite UN resolution; 2017 of 30 March 1951, which clearly affirmed that the convening of a Constituent Assembly as recommended by the General Council of the "All Jammu and Kashmir National Conference" and any action that Assembly might attempt to take to determine the future shape and affiliation of the entire State or any part thereof would not constitute a disposition of the State in accordance with the above principle. After this, India refused the conduct of plebiscite and later started calling the state as its integral part.

Later through another resolution (3779, January 24, 1957) United Nations reminded both Governments and authorities on both parts of Jammu and Kashmir, the principle embodied in its previous resolutions that, the final disposition of the State of Jammu and Kashmir will be made in accordance with the will of the people expressed through the democratic method of a free and impartial plebiscite conducted under the auspices of the United Nations. Both resolutions clearly says, “any action which Kashmir Constituent Assembly may have taken or might attempt to take to determine the future shape of state or any of its part would not constitute the disposition of the state and that election of State’s Constituent Assembly cannot be a substitute for plebiscite.” From legal perspective as per UN resolutions, IHK Legislative Assembly had no authority to declare Kashmir as integral part of India.

The UN has passed a number of resolutions regarding the Kashmir dispute, but the fact that these resolutions were passed under Chapter VI of the UN Charter which has no legal enforcement and remain non-binding. This indeed is one of the biggest obstacles to the resolution of the Kashmir dispute. Had these resolutions been passed under Chapter VII, which deals with binding UN resolutions, the fate of the disputed territory could have been decided much earlier. In addition, the resolutions passed by the UNCIP were also non-binding as the UNCIP was an agency of good offices and had no power to impose the decisions. It would be erroneous to establish that since these resolutions were not legally binding on India and Pakistan, that they had no value in the real sense. In fact, they imposed a moral responsibility on India and Pakistan to ascertain the will of the Kashmiri people by holding a plebiscite in Jammu and Kashmir.

Constraints with Bilateralism

Following the Simla Agreement-1972, India prefers resolution of issues through bilateral approach. Whereas in the agreement both countries agreed to “settle their differences by peaceful means through bilateral negotiations”, there was no mention of by passing or leaving aside the UN resolutions on Kashmir issue. Rather, clause I of Article 1 of the agreement, clearly states that, “the principles and purposes of the Charter of the United Nations shall govern the relations between the two countries.” In a way, UN role was reiterated in the Simla Agreement. Then, Kashmir is not

bilateral issue rather, it has four parties; Kashmiri being the first party to the dispute, besides, India, Pakistan and United Nations.

Then, over the years, the bilateral approach has not worked, primarily, owing to pigheaded and non-cooperative Indian attitude. The agreement though appreciates bilateralism, yet does not thwart third party mediation and facilitation. It says, "That the two countries are resolved to settle their differences by peaceful means through bilateral negotiations or by any other peaceful means mutually agreed upon between them." The hardened Indian stance, sticking to bilateralism speaks of its delaying tactics and lack of determination for the resolution of core and long standing disputes like Kashmir.

In the recent history, there have been pressures from United States and some of European countries over India and Pakistan for the resolution of Kashmir dispute, particularly during the period of tension. Since UN resolutions on Kashmir are under Chapter VI of its Charter, thus cannot be enforced. This fact was even highlighted by former UN Secretary General, Kofi Annan in March 2001, during his visit to Pakistan. Replaying a question, he said that, UN resolutions on Kashmir did not come under Chapter 7 of the UN charter and were, therefore, not self-enforcing. Unlike the resolutions on East Timor and Iraq, which come under that particular chapter, the Kashmir resolutions require the cooperation of both parties for implementation..." For the US, EU and other major powers, consent of both India and Pakistan is needed to play the role of mediator or facilitator. Nonetheless, owing to its strategic interests with India, U.S seems less interested to play a dominant role for the resolution of Kashmir issue except rhetoric at time. Therefore, US stance with respect to Kashmir "is essentially one of neutrality based on maintaining cordial relations with India without foregoing a relationship with Pakistan."

A New Debate; Abrogation of Article 370 and Complete Accession

A debate is underway in India, whether to abrogate Article 370 of Indian Constitution, which gives IJK, a special status. For the Indian leaders, especially BJP, as an election promise, Article 370 is an irritant and they are making grounds for doing away with it. Nevertheless, for the people of IJK Kashmir, Indian occupation, its brutalities and daily crackdowns and human rights violations really matter. For them Article 370 is a symbol of foreign occupation, thus a curse and its abrogation or otherwise would not matter, until they get their right of self-determination. In the first instance, they just want that, India must stop repression and human rights violations, which it perpetrates through its security forces. Subsequently, they would like implementation of UN resolutions (right of self-determination), through UN sponsored plebiscite. Whether Indian occupation or imposition of Article 370, it is Indian rule over occupied Jammu and Kashmir, which Kashmiris are fighting against ever since 1947. Either Article 370 or Indian occupation, there is no legitimacy in Indian claim over the state of Jammu and Kashmir.

Drafted in part XXI of the Indian Constitution, this article relates to, "Temporary, Transitional and Special Provisions. Except for Defence, Foreign Affairs, Communications and ancillary matters (matters specified in the instrument of accession) the Indian Parliament needs the State Government's concurrence for applying all other laws." Indeed, Kashmiris in IJK live under different laws, including those related to citizenship, ownership of property, and fundamental rights, as compared to Indians. Except for four areas mentioned above, Indian parliament has no legal authority to make laws for the state. Article 5 of IJK constitution provides full protection to the state's legislation. At the time of its drafting and inclusion in Indian constitution, then (1949) Indian Law Minister, Dr B.R. Ambedkar, ridiculed Sheik Abdullah by saying, "You wish India should protect your borders, she should build roads in your area, she should supply you food grains, and Kashmir should get equal status as India. But Government of India should have only limited powers and Indian people should have no rights in Kashmir. To give consent to this proposal, would be a treacherous thing against the interests of India and I, as the Law Minister of India, will never do it."

For the people of IHK, Article 370 is nothing except continuation of Indian rule. Now, through the abrogation of this Article, BJP led Indian Government intends complete accession of the state of Jammu and Kashmir with Indian Union. In order to do that, BJP has worked out a strategy to manipulate the forthcoming State's election in IHK, the way Nehru did in 1952, after imprisoning Sheikh Abdullah. Through a well-orchestrated strategy, Modi Government is all set to get maximum Legislative Assembly seats from Jammu and Ladakh provinces. Thereafter, Modi Government will have sufficient maneuvering space to bring demographic changes in the state. Once there would be majority seats of BJP and its alliance in assembly, India can get the results of its own choice, against the wishes of masses and through such a manipulated Assembly will get a vote of state's permanent accession with Indian Union by doing away Article 370.

In fact, India changed the demography of Jammu province, following the mass Muslim migration from 1947 to 1971. In 2008, while in the midst of completing its long term surreptitious agenda in Occupied Kashmir, India was confronted with yet another Kashmiri upsurge, once it allotted 800 kanals of forest land to Shri Amarnath Shrine Board in complete violation of State's Subject Laws of Jammu and Kashmir. Indeed this was an attempt to inhabit the Hindu population in the Vale to effect long-term demographic changes in this part of Kashmir, where Muslims constitute over 95% of the population. Kashmiri's resistance to the effort was responded by killing dozens of the innocent protestors and economic strangulation by blocking Jammu-Srinagar Highway. The economic blockade of Valley, caused wastage of hundreds of tons of fresh fruit, costing millions of US dollars, which could not be taken to the Indian markets.

From the Perspective of International Law

Whereas International human rights law prohibits the arbitrary deprivation of life under any circumstances, Article 6 of International Covenant on Civil and Political Rights (ICCPR), prohibits derogation from the right to life, even during occasions of emergency. Articles 4 and 7 of the ICCPR explicitly ban torture, even in times of national emergency or when the security of the state is threatened. Indian security forces operating in IHK, have systematically violated these fundamental norms of international human rights law, to which Indian Government is responsible, being signatory of these laws.

The international humanitarian law applicable to the conflict in Kashmir is found in Article 3 common to the four Geneva Conventions of August 12, 1949-known as 'Common Article 3' provides international law and standards governing the conduct of parties in an internal armed conflict, including government forces and insurgents. It states that: "*Persons taking no active part in hostilities, including members of armed forces who have laid down their arms and those placed hors de combat by sickness, wounds, detention, or any other cause, shall in all circumstances be treated humanely, without any adverse distinction founded on race, color, religion or faith, sex, birth or wealth, or any other similar criteria.*" Torture, hostage taking, and rape have all been prominent abuses in the Kashmir conflict, and it is evident that Common Article 3 forbids each of them. India however, did quite opposite to this international humanitarian law.

The right to self-determination is also part of two more international human rights treaties: the International Covenant on Civil and Political Rights (xi), and the International Covenant on Social, Economic and Cultural Rights (xii). Common article 1, paragraph 1 of these Covenants provides that: 'All people have the rights of self-determination, by virtue of that right they freely determine their political states and freely determine their economic, social and cultural development.'

Discriminatory Indian Laws

Indian Government is continuing its repression on Kashmiri masses through a number of discriminatory laws, imposed in the state, since 1990. Among these laws, Armed Forces Special

Power Act (AFSPA), empowers the security forces “to shoot at sight or arrest people without a warrant.” Few years back, Omar Abdullah, the incumbent Chief Minister tried his best to revoke this law from IJK. Unfortunately, he could do very little, despite his meeting with then Indian Army Chief, General VK Singh, Defence and Home ministers. Indian Army and former Indian Defence Minister, AK Antony, seemed to be strongly resisting the move and were able to convince the Chief Minister of Occupied Kashmir for not pursuing the issue any further.

Challenging UN Role

After 1948 War, UN established, United Nations Military Observer Group in India and Pakistan (UNMOGIP), for monitoring the ceasefire between Pakistani and Indian forces deployed along LoC. Since Simla Agreement-1972, India is not allowing these UN military observers to visit forward areas. So much so in January 2013, once Pakistan demanded the investigation of LoC violations through this neutral group of military observers, India refused. Indian Permanent Representative to the UN, Mr Hardeep Singh Puri said that, “UNMOGIP's role had been ‘overtaken’ by the 1972 Simla Agreement.” Mr Martin Nesirky, the spokesperson of the UN Secretary General, later clarified that, “UNMOGIP can only be terminated by a decision of the Security Council” rather by the assertion of one party (India). In July 2014, Indian Government ordered the UNMOGIP to vacate a Government building, which was in their use since long.

Kashmiris are unlucky in the respect that, UN and international community have done very little about their right of self-determination. With the re-emergence of Kashmiri struggle in 1989 and its revival in 2008 and 2010 in consequences of indigenous uprisings, the world body could have acted decisively to break the impasse. In the absence of any timely action on the part of the UNSC, India unleashed a reign of terror on Kashmiris, killing those demanding their freedom and incarcerating the popular leaders in order to silence the opposition. In order to do so, India continued enhancing its forces in IOK. As occupying forces, they were given a freedom to detain and torture the civilians, gang rape the womenfolk, torch the villages and desecrate the places of worship and holy shrines. UN could neither monitor nor stop these Indian acts.

There is need that UNO should seriously revisit its role over the future status of Kashmir and give Kashmiris their right, as granted in its Charter and resolutions. The international community and major powers have to re-awaken their conscious. India should stop violations of human rights and respect UN Charter and its resolutions on the settlement of the dispute. Kashmir belongs to Kashmiris and India should stop harping on its misleading slogan of calling it as its integral part.

Among the contemporary global disputes, Kashmir is the longest unresolved dispute on the agenda of the United Nations Security Council. Indeed, international community has started realizing that in all the eventualities, the road to peace in South Asia lies in the final settlement of the Kashmir dispute, the longest unresolved issue on the agenda of the United Nations Security Council (UNSC). More recently, on the eve of his first official visit to Pakistan on February 4, 2009, the United Nations Secretary General, Mr. Ban Ki Moon has declared Kashmir as the main cause of instability in South Asia and accentuated the concerned parties to resolve it through negotiations. He had shown similar sentiments earlier in November 2008. Earlier, the former US President Mr. Bill Clinton once declared Kashmir dispute as, “the most dangerous place on earth”.

In the recent past the distinguished Indian writer and former ambassador and lawmaker, Mr Kuldip Nayar has reminded India that, despite heavy military deployment of Indian Army in the Occupied Kashmir, this South Asian giant could neither restore peace nor resolve the dispute to the satisfaction of the masses. According to this scholar, “Every now and then there is an incident in the Valley to register the people’s discontent.”

Under the umbrella of Indian democracy and a wily diplomacy, it has created an impression to international community that, it has successfully countered the people’s demand of their right of self-determination in its illegally occupied portion of the state of Jammu and Kashmir. Nevertheless, this impression is far from the factual position in the occupied Kashmir. Indeed, the situation in

Kashmir has not improved; rather, Indian occupation forces are committing massive human rights violation there with renewed vigour.

It is high time that Indian leadership should realize its global and regional obligations and adopt a realistic approach for the solution of this outstanding issue to give Kashmiris their right. The world community does have a role to persuade India for the implementation of UN resolutions on Kashmir. If at all India is serious for a peace in South Asia, it would have to come to the negotiating table to resolve the main dispute.

The sporadic incidents like Mumbai attack, Pani Pat train or the change of governments in either country should not become a hurdle in the finalization of the agreements between two countries. After all wars and conflicts have never solved the disputes, rather issues are always settled at the negotiated tables.

The UN efforts at resolving the status of East Timor needs to be considered in this regard. In East Timor, the Security Council under chapter VII of the UN charter authorized an International Force for East Timor to determine the freely expressed will of the people. All international human rights bodies unequivocally agree both that human rights are systematically denied in Kashmir and that Kashmiris should be given the opportunity to exercise their right of self-determination. The conflicts in East Timor and Kosovo are comparable to Kashmir in this respect, and the legal framework applied in each case may provide similarly applicable solutions for Kashmir.

Kashmir is a tragedy, no doubt about it, for Pakistan and India and more so for the people of Kashmir. Learning something from their costly experience, both countries are now trying to tread a different path, shifting from paranoia and reflexive hostility to a more rational way of looking at each other. To their mutual benefit, one might add, for never-ending hostility never served anyone's interests. Let us by all means, stir the still waters of Kashmir through diplomacy and negotiations and in accordance with the wishes of the Kashmiri people. For objective and resulted orientated progress, Kashmiri leadership from both sides of the Line of Control must be made a party to negotiations process between India and Pakistan.

The methods and techniques to address different conflicts depend on their nature and sources. In case of Kashmir conflict, if direct negotiations cannot be facilitated between the conflicting parties then third parties can be involved to promote communication, make proposals for solutions, or impose decisions.

Conclusion

In early 1950s, Sir Owen Dixon, the United Nations Representatives to UNCIP, reported to the Security Council that, 'In the end, I became persuaded that India's agreement would never be obtained to demilitarization in any such form, or to provisions governing the period of plebiscite, conducted in condition sufficiently guarding against intimidation, and other form of abuse by which the freedom and fairness of the plebiscite might be endangered.

The introduction to the Universal Declaration of Human Rights states that "Whereas it is essential if a man is not to be compelled to have recourse, as a last resort, to rebellion against tyranny and oppression, the human rights should be protected by the rule of law." Furthermore, article 1 of the Universal Declaration of Human Rights declares, "All human beings are born free and equal in dignity and rights. They are awarded reasons and conscience and should act towards one another in a spirit of brotherhood."

Over and above that international law states that all people have right to self-determination and their human rights should be protected. This shows that international law is a guarantor of peace, human rights and democracy; Kashmiri do deserve.

Absence of Women in Peace Building

I am privileged to participate in such an august gathering and extend the gratitude of AJK Women for Peace Organization to Sajjad Karim MEP and Syed Ali Raza of Kashmir Council EU, the International Council for Human Development (ICHHD) and World Kashmir Diaspora Alliance (WKDA) for invitation and congratulate you all on organizing the Kashmir EU Week 2014 exhibition and seminar on *'Kashmir and the EU; Prolonging Friendship & Solidarity.*

We salute you for voicing the Kashmiri people's plight and their demand for the right of self-determination not only within the EU Parliament, but in the international community. It is encouraging to know that there exists such strong Kashmiri voices to remind the western community that Kashmir remains the oldest outstanding internationally recognized dispute.

AJ&K Women for Peace Organization, is a nonprofit, non-government organization and a mosaic of commitment and tremendous effort of many individuals. This platform is greatly inspired from the resilience and fortitude of the Kashmiri woman in IHK, who despite the suffering endured from living in live conflict, have contributed towards peace and security as a stabilizing force in the societies in which they lives. Our mission is to empower and enlighten the women of Kashmir (AJK/IHK/Expatriate & Pakistan based) with issues affecting their lives, alleviate the suffering of the women in IHK Valley and assist earthquake victims of AJK through rehabilitation. We aim to rectify the common image of the Kashmiri women from one of silent and passive victims to active participants; in terms of self-preservation and the stabilizing force in the societies in which they live.

We are privileged to have organized the first ever Cross LoC Women's Dialogue held on the soil of AJK, in November 2012. The event was historic as a group of 10 J&K women social activist walked across the LoC, for the first time, to attend the conference. The event brought together women from all administrative units of both sides of the divide and from within Pakistan, representing a cross section of society and religions. We currently are working on establishing of a counterpart group in IHK to work on a humanitarian platform, to continue the dialogue process and mitigate some of the suffering due to the protracted conflict and divide.

Women are the worst victims, when social order and rule of law breaks down. In times of conflict women are subjected to gender based violence, as an instrument of war and suffer deep psycho-social trauma. When the men folk go missing or are killed, women are left to head the households and earn for remaining family members. As States divert resource to defense, health structures breakdown and women suffer from rise in maternal and infant mortality. During such extreme scenario women are found in the forefront, having a strong commitment to the cessation of violence and maintenance of long term sustainable peace. And yet women are ignored or marginalized in the formal peace process. United Nations and European Commission resolutions forcefully criticize such marginalization and call for gender issues that advocate women involvement in all policies relating to conflict and peace.

For more than two decades normal life and prospects for economic developments has been seriously affected across the region due to increased militarization. Yet none have suffered more than the women in Indian occupied Jammu and Kashmir. Horrifying images are reported of immeasurable lives lost, erasing of homes and communities, children orphaned, women widowed or half-widowed and physically assault of women and young girls. People residing in AJK also suffered under the

effects of the wider Kashmir conflict. The physiological effect of a life time of divided existence from loved ones, listening to stories and agony of separated family members and victims in IJK, forced migration from along the LoC due to cease fire line violations and lack of development and economic instability due to security threats of a conflict zone. This protracted conflict between two nuclear states, is a point of grave concern not only for people living in Kashmir, Pakistan and Indian, but for the wider international community.

Four wars and several rounds of talks between India and Pakistan over Jammu & Kashmir, have not brought about any tangible solution. By limiting themselves to bilateral discourse, the only progress towards achieving a solution so far has been India's agreement to discuss Kashmir as part of the composite dialogue and Pakistan's willingness to explore other options. Despite a positive tone from both states, glaring differences in perceptions of the dispute still persist. For Pakistan, it is the 'problem of Kashmir', for India, it is the 'problem in Kashmir'. While India raises the issue of militancy, Pakistan calls for an end to human rights violations and troops reduction in the state. The failure to agree even on a common 'definition of the problem' shows the complexity of the issue and the challenges. One successful outcome of these dialogues has been some movement of Kashmiris via the bus service and some trade facilities across the LoC. Both countries have realized that people to people interaction is a core component for decreasing the trust deficit and securing peace, security and economic stability in this very volatile region of the world. And yet for the people of Kashmir there is little faith in the formal peace talks over Kashmir between India and Pakistan, which is frequently termed as a "hoax" or "eyewash" while main benefactors, the people of Kashmir, are omitted from equation, having no control over their fates or the future of the State.

The Kashmir conflict is a human tragedy in which families have lived a life time of separation from loved ones. It has affected the socio-dynamic culture and development of the whole region. Families have been forced to migrate from along the LOC or IOK, and have lived for over two decades in state operated refugee camps in Muzaffarabad. There is economic uncertainty in absence of tourism, employment and industry for being a conflict zone. The 2005 earthquake has left deep scars that are still not filled.

It comes as no surprise that Kashmir's women are denied a place at the peace table and in negotiation of a peace settlement. They have been structurally excluded from any meaningful political dialogue on Kashmir. Allocating special quotas for women representation in the political arena on both sides of the LoC means nothing in a male dominated: *androcratic* rather than *democratic* governments. A hegemonic form of masculinity is inscribed in state institutions and in the procedures of representative democracy. Male dominated state institutions are fundamentally unable and unwilling to improve the situation of women or representation/ women's interests.

For many years women's roles in violent conflict were quite invisible throughout the world. Accounts of war (through news reporting, government propaganda, novels, the cinema etc.) tended to cast men as the 'doers' and women as passive, innocent, victims. But through time reports of the experiences of different women, the ways in which women live through violence - community leaders, social organizers, workers, farmers, traders and welfare workers - has become clearer. Women have demonstrated their resilience in overcoming despair and building peace. It would be appropriate here to recollect the Naga Mother Women's Association; the first group of women in India and South Asia to actually sit with the government of India at the peace table and successfully negotiate a peace accord. There are women organizations that directly focus on the need to talk about, and take action on, strengthening peace in the name of women such as in Israel / the

Occupied Territories, the former Yugoslavia, the Federation of African Women's Peace Networks and Femmes-Africa-Solidarite in Africa. And then there are those women's organizations that challenge women's oppression and gender inequality in post-conflict situations. Many of these organizations also attempt to build bridges between groups of women with very different experiences of conflict, who might otherwise be separated by their ethnic, regional or political identities.

Such women organizations can be of fundamental importance in addressing common weaknesses in existing peace building strategies: the lack of attention to women's needs; the marginalization of gender analyses; and the absence of efforts to challenge particularly 'un-peaceful' forms of masculinity in institutions and in society more widely. Furthermore, women's organizations have the potential to achieve many of the goals of peace building.

The United Nations and European Commission resolutions, insists that gender perspectives are relevant to the negotiation of peace agreements, planning of refugee camps, peacekeeping operations and the reconstruction of war-torn societies. These resolutions further make the pursuit of gender equality part of every single state action, whether related to country or theme. While great gains have been made in implementation of these resolutions in many peacekeeping missions of the world, there still is long way to go before gender perspectives are made an integral part of the peace building processes in Kashmir. In support of the peace processes and conflict prevention, it is important for both states to identify with the concerns of the Kashmiri women, to fully involve them in conflict prevention activities, to identify and support the informal networks and groups that exist and to consult with local women more fully in the formal peace processes. It's also very important to look for ways to incorporate gender perspectives and the concerns of women into forging of any peace accord and peace agreement.

Realization of the inclusion of Kashmiri women in the peace building process will not be simple. Even at the international level and were women have allowed to sit at the negotiation table, we still hear the advancement of women's interests described as the 'soft side' or 'add on'. And yet we all know that there's nothing soft about going after traffickers and human suffering. There's nothing soft about preventing armed thugs from abusing women or holding the perpetrators accountable for their abuses against women or insisting that women have a seat at the table in peace process or post-conflict governments. Bringing gender to the negotiation table is not an 'add-on'; it should be part of the basic efforts of any kind of peace building program. The needs of both men and women must be addressed.

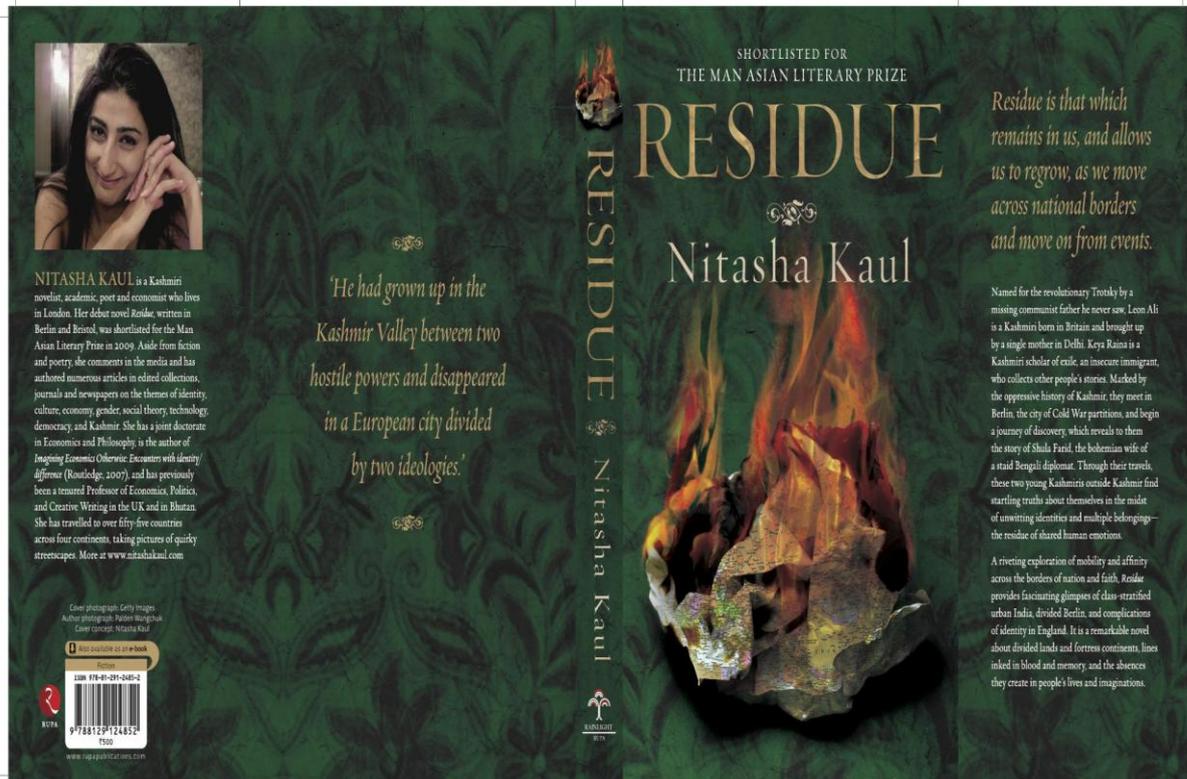
Words alone cannot ensure Kashmiri women a seat at the peace table. Practical steps need to be taken to translate words into actions enhancing the political and economic participation of women in Kashmir. Although Kashmiri women may have by necessity gain certain skills during the conflict, in reality, the situation is an overwhelming psychological and physical burden for the women and not necessarily empowering in it-self. It is nearly impossible to separate the issues of women's empowerment in peace processes from the fact that women and girls are systematically marginalized from educational opportunities and equal access to the rule of law, prohibiting their participation in formal peace processes. Therefore, addressing women's and girls' education is the single most productive investment in revitalizing agriculture, restoring health systems and improving other social indicators to prevent conflict or to restore societies after conflict. Institutions need to be established to address women's and girls' education, psychosocial trauma, mother-child healthcare and protection services for refugees and internally displaced persons. In addition, exchange programs sponsored by Departments for Educational and Cultural Exchange in both states can draw women from across the political, geographic and ethnic spectrum.

In discussions of women, peace and security there is need to make a qualification as both women and men are stakeholders in conflict. The argument is not that women's innocence is universal or that women are inherently more peaceful or men inherently worrier. Conflict often causes fluidity in gender roles with women obtaining mobility, time and access to resources that they do not ordinarily have. Women that utilize this window of opportunity need tremendous support to advance the skills they have developed during conflict. Unfortunately, illiteracy and poverty make it virtually impossible for the experiences of women to be heard by the international community. Other obstacles to women's organization and visibility include resistance from husbands, fathers and communities. At the same time in the quest to tell the good news about women's peace building activities we should never forget the fact that women are victims of all kinds of violence and discrimination that inhibits them from taking control of their own lives, let alone taking decisions about war and peace. Yet as women we continue to do incredible and amazing things. We are sharing information and analysis. We are collecting signatures for petitions. We are organizing demonstrations and campaigns. We are reaching out over borders and we are forming networks. Often we are able to anticipate the early signs of danger and we are lobbying for peace.

In conclusion I would like to reiterate all Kashmiri women are cognizant of the fact that without the inclusion of Kashmiri people, women in particular who have suffered the most, attempts for peace settlement over Kashmir cannot succeed. The vital role Kashmir women can and are playing for sustaining security in their communities and region as whole needs to be acknowledged and strengthened. The common image portrayed of our women as one of silent and passive victims needs to be rectified to one that shows our women active in terms of self-preservation and women that act as the stabilizing force in the societies in which they live. Mere advocacy message and rhetorical agenda from Pakistan and India, both being UN member states, does not necessarily translate into the implementation of any UN or European Commission resolution passed against gender discrimination or mean the inclusion of women in peace building. There is need for improved communication and mobility across the Line of Control, allowing greater people to people interaction in both parts of the State. There is need to acknowledge and strengthen the networking between the various women organizations and individuals working for peace building on either side of the LoC. And cultivate an environment in which they can work together to develop a framework of action that supports and protects women against gender based violence of all forms, ensures women and girls increased access to education and health, and leads to greater participation of women in government and state institutions. But above all Kashmiri women must be allowed to sit at the peace table and be included the peace negotiations for a peaceful resolution that is equitable to all and leads to an end of this deadly 65 year dispute over Kashmir.



Book presentation by Dr. Nitasha Kaul
 Dr. Nitasha Kaul, Writer, Poet and Academic
 Jammu/London



Book review in Greater Kashmir:

“With this meeting of the two characters, the aim of the novel is brought in focus. In stark political language, it would be imagining Kashmir as a space where the histories of the Muslim and Pandit communities meet in a final embrace; the harmonious embrace which was rent asunder by unfortunate events. Leon and Keya are characters, who through their troubled lives are trying to arrive at a phenomenon which Salim Sinai in Midnight’s Children aptly called ‘a new way of being’. How this is done and how far the novel captures the politics of this effort is the reason why people should read Residue. It’s a novel of possibilities. Leon Ali and Keya Raina are not people who simply exist; they are people who should exist in our society...Residue will be remembered for the political questions it engages with and seeks to find an answer to”. Greater Kashmir

Book review in Rising Kashmir:

“The book is the story of longing, of human expectations, of loss, of love, of relationships that transcend the common notions...I see the book as the author’s emotional connection with the land which has hauntingly remained in the memory and needed to be expressed in the form of human relationships, emotions, sufferings as has been expressed in this book. It is nothing but the memory of the good times that have been the inheritance of every Kashmiri living in these cursed lands much before the human greed caused the upheaval which disintegrated the human values for worse. As the blurb of the book declares “Residue is that which remains in us, and allows us to regrow, as we move across national borders and move on from events.” In nutshell the “residue” is about the idea of Kashmir and of being Kashmiri”. Rising Kashmir

BRUSSELS RESOLUTION

Resolution adopted by delegates at Kashmir EU Week

8th September-12th September 2014

The 5th Kashmir EU Week held in the European Parliament from 8-12 September 2014 concluded with a unanimous declaration after a debate and thoughtful discourse between the delegates.

The delegates resolved that there is a need to engage urgently for an outcome of constructive dialogue for the settlement of Kashmir dispute. The delegates realized the difficulties due to lack of appropriate strategy and focus between the major stakeholders. They unanimously agreed also to establish a climate of greater mutual confidence that will positively impact in pursuing a constructive dialogue.

The conference considered range of possible measures which can provide the mutual trust and confidence building between the key stakeholders in the Kashmir conflict. The conference as such concluded that without prejudice to the stated positions of every sovereign state party of the conflict. It is possible, to identify a number of areas where an appropriate intervention would have a positive effect on diplomatic environment surrounding this dispute.

The delegates observed that In view of the changing geopolitical scenario in the neighborhood of Kashmir, there are more probabilities that extremist forces from outside the region will seek to become involved in Kashmir dispute. Thereby involvement of such extreme elements inevitably will impose serious problems for all existing stakeholders. In such an emerging scenario it becomes more important for European Union to support the voices of moderation and peace.

The conference expressed appreciation for the practical support from the European Parliament and recommended the following initiatives that need to be taken by the European Parliament with regard to Kashmir:

1. The conference recommended that the impact of the previous European Parliament Resolutions on the ordinary Kashmiri lives should be reviewed. In order to achieve that end, the participants recommended that a delegation of European Parliament members must visit both sides of Kashmir across the Ceasefire Line.
2. The conference recommended that European Parliament must expose Kashmiri bureaucracy, academicians, journalists, and media people including women's organizations and other relevant groups of the functioning democracy, to the functioning of institutions of the EU. In this regard the participants recommended that European Parliament internship programs must earmark a minimum of 10 Kashmiris annually. Furthermore, a visitors program of three journalists of both male and female should be arranged annually to witness the functioning of the European Parliament.
3. The conference recommended that the office of the Chair of the Subcommittee on Human Rights of the European Parliament, and the United Nations High Commissioner on Human Rights must be approached for providing information as to whether the three draconian laws which are listed at the end of this paragraph are consistent with India's existing treaty obligations in the field of human rights, and are in conformity with the United Nations International Covenant on Civil and Political Rights (*copy attached as Appendix A* *)

The participants suggested that European Parliament must analyze the report from troika mission to Kashmir in respect of the draconian laws and initiate a diplomatic channel with Indian Parliament

- 1) Armed Forces Special Powers Act (AFSPA)
- 2) Public Safety Act (PSA)
- 3) Disturbed Areas Act (DAA)

4. The participants suggested that European Parliament should raise the awareness amongst the military, civil and bureaucratic officials about the obligations of human rights during the occupation and control of areas in Kashmir. In this regard, the participants recommended to EU to organize or fund workshops and seminars with the target groups.

5. In view of the catastrophic floods in the Kashmir Valley the participants felt that the reason for such unprecedented floods have occurred due to negligence on the part of government and professionals in the bureaucracy who have knowingly disregarded the warnings of the technocrats who had predicted such devastating floods in 2010, under "Uppal Report". (*Copy attached as Appendix B* *). Taking into consideration such negligence on part of professionals it is recommended that cooperation between professional organizations of Europe and Kashmir be developed and enhanced.

6. The participants recommended that a scholarship program and training awards be established for Kashmiri skilled professional people.

7. The participants of the conference urged European Parliament to take steps to facilitate for easy access for families who are divided between the Ceasefire Line in Kashmir. In this regard the participants suggested that the relevant authorities of both India and Pakistan be contacted through the relevant offices of European Parliament/Commission

8. The conference strongly recommended that World Kashmir Diaspora Alliance and Kashmir Council EU who, have decided to hold a conference of civil society, political leaders, academicians and imminent people from various sections of the Kashmiri society and ethnicity be facilitated by European Parliament. The conference would discuss the ways in which the urban demilitarization can be achieved through peaceful debate and dialogue.

9. The participants showed their solidarity and support for the victims of the recent September 2014 flooding and urged the Kashmiri Diaspora to unite in the rehabilitation of the victims who have lost their properties, infrastructure, businesses and livestock. A unified approach must be adopted in order that the set goals of rehabilitation are achieved.

10. The conference delegates, participants and Kashmir EU Week attendees gave unanimous support to designation of World Kashmir Diaspora Alliance and Kashmir Council EU as interlocutors and implementing agency during the implementation of this program for European Parliament.

**) Available on request from office of Kashmir Council EU and ICHD, Brussels*

Petitioning Elena Valenciano, Chair of the Subcommittee on Human Rights of the European Parliament

Stop the Human Rights Violations in Kashmir!

The Kashmir EU Week (8-12 September 2014) in the European Parliament in Brussels, organised by Ali Raza Syed, Chairman of Kashmir Council EU, aims to generate awareness of the Kashmir dispute and bring together various interest groups to promoting a peaceful resolution of the conflict.

For more than six decades human rights have been violated on large scale in Indian-administered Kashmir. Between 1989 and 2009 an estimated 70,000 have been killed in the conflict and 8,000 people have disappeared, their whereabouts being unknown.

Presently, an estimated 700,000 Indian security forces are present in the disputed Kashmir region to control 7 million Kashmiris.

In 2009 the International People's Tribunal on Human Rights and Justice in Indian-administered Kashmir released a document on more than 2,900 unmarked and mass graves. In recent years, another 3,000 graves have been found.

The Kashmir conflict has been referred to the United Nations Security Council which has passed a series of Resolutions specifying the need for a plebiscite similar to that held in East Timor. In 2008 the European Parliament passed a resolution about the mass graves in Indian-administered Kashmir.

More than six decades later, however, the situation in Kashmir is deadlocked with no resolution to the conflict in sight.

The European Parliament is the international body that could raise the issue of the human rights violations in Indian-administered Kashmir on the international stage.

Join us now and sign the petition!

Stop the Human Rights Violations in Kashmir!

www.change.org

https://www.change.org/p/elena-valenciano-chair-of-the-subcommittee-on-human-rights-of-the-european-parliament-stop-the-human-rights-violations-in-kashmir?recruiter=118100080&utm_campaign=mailto_link&utm_medium=email&utm_source=share_petition