

# BELGIAN ASSOCIATION FOR SOLIDARITY WITH JAMMU AND KASHMIR

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## JAMMU AND KASHMIR: ZERO VIOLENCE

HUMAN RIGHTS COUNCIL

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REPORT ON THE STUDY TOUR OF BEERSMANS PAUL, PRESIDENT OF THE BELGIAN ASSOCIATION  
FOR SOLIDARITY WITH J&K TO INDIA AND THE INDIAN J&K STATE FROM 17 JUNE TO 14 JULY 2007

Note: The Belgian Association for Solidarity with Jammu and Kashmir has issued reports on previous visits to India and the Indian J&K State and to Pakistan and Azad Kashmir. These reports are available on our website <http://www.basjak.org> or on simple request [info@basjak.org](mailto:info@basjak.org) .

## 1. INTRODUCTION

- a. This is an eyewitness report trying to reflect the realistic situation, in the Kashmir Valley and in Ladakh, based:
- (1) on interaction with 'the common man in the street', the 'normal Kashmiri'. I spoke to shopkeepers, taxi drivers, people shopping in the bazaar, waiters, etc. All of them were eager to tell me their story, they were happy that someone takes interest in their fate. They know that through this report their voice will reach so many important people. In Par. 2 you will find the feelings of the Kashmiris in the Kashmir Valley and Ladakh (districts Kargil and Leh).
  - (2) on meetings with representatives of the J&K State Government and administration, of political parties, of separatist leaders, of different organisations, of social, religious and educational institutions, of the press, of NGO's, etc. in the Valley, in Kargil and in Leh. For Jammu, Kathua, Samba, Katra, Reasi and Udhampur: see the report and the photo-gallery of the study tour January/February 2007: <http://www.basjak.org>. You find the "highlights" of each meeting with personalities in Par. 3. Meetings with representatives of NGO's bringing relief or taking developmental, religious or cultural initiatives are dealt with in Par. 4.
  - (3) on visits of interesting places all over the Valley, Kargil and Leh.
- b. In Par. 5 you will find the conclusions of our Association.
- c. There were no limitations or restrictions on movement, on the possibility to visit tourist and interesting places or on the possibility to meet whom so ever, including separatist and opposition leaders. Security forces are there but they are not hampering freedom of movement.
- d. Do visit the photo-gallery of this study tour: <http://www.basjak.org>
- e. Finally, I want to thank all those who helped me to make this study tour possible, especially all my friends of the Belgian Association for Solidarity with Jammu and Kashmir for their moral support and the practical and material help they were and are giving me.
- f. Used abbreviations:
- APHC-M or APHC-G: All Parties Hurriyat Conference split in two groups: a moderate group under Mirwaiz Umar Farooq and a hard-line group under Syed Ali Shah Geelani.
  - BJP: Bhartiya Janata Party, the largest opposition party in India.
  - CBM: Confidence Building Measures.
  - ISI: Inter Services Intelligence. Most powerful and omnipresent military intelligence agency in Pakistan.
  - LAHDC-K or LAHDC-L: Ladakh Autonomous Hill Development Council-Kargil or Leh.
  - LoC: Line of Control. The line dividing J&K between India and Pakistan.
  - LUTF: Ladakh Union Territory Front. A party striving for Union Territory status for Ladakh.
  - MLA: Member Legislative Assembly in J&K State.
  - NC: National Conference. The largest opposition party in J&K State headed by Omar Abdullah.
  - NGO: Non Governmental organisation.
  - PDP: People's Democratic Party. A coalition partner in J&K State headed by Mehbooba Mufti.
  - POK: Pakistan Occupied Kashmir also called Pakistan Administrated Kashmir and Azad Kashmir.
  - RTC: Round Table Conference.
  - WG: Working Group.

## 2. MEETING WITH THE COMMON MAN IN THE STREET, IN THE KASHMIR VALLEY, KARGIL AND LEH

Preliminary remark: I realise that several aspects have already been raised in previous reports. This only confirms that they are deep-rooted among the Kashmiris.

- a. Many Yatra pilgrims pass through the Valley on their way to the Amarnath Cave, and to other religious places in J&K State. Normally they spend a few days of relaxing and sightseeing in the Valley. Everyone hopes militants will not attack him or her as they did in 2006.
- b. Violence and terrorism suppress the truth. Nobody can speak openly and freely except the leaders with vested interests. Only they can say and do whatever they want. Since 1989, the truth is suppressed gradually.
- c. Before 1989, there was zero violence, no militancy and consequently there were no human rights violations committed by the security forces. At that time, zero tolerance was a non-issue. Because of introduction of violence and anti-Indian propaganda from across the border all this changed.
- d. Dissident leaders are blaming the security forces of genocide of the Kashmiris but we see prosperity everywhere: the old cars are replaced by the latest models, posh villas, like mansions, and shopping

centres are mushrooming, the bank deposits of the Kashmiris are sky-high, etc. Not all this goes with genocide. Something is wrong somewhere. How do we correlate all this?

- e. Kashmir is important for the principle. It is an experiment with secularism, democracy, rule of law, equality. This may not fail because of the introduction of terrorism, fanaticism, fundamentalism, intolerance. This is very important, not only for the Kashmiris, but for the whole world.
- f. The Kashmiri Pandits were hounded out of the Valley by mercenaries in 1990. After more than seventeen years, their return is getting more and more blurred. They are interested to return but on the other hand, they have taken roots in their new area. Nevertheless, they have their emotional attachment and they only can return when peace is there and when the rule of law, not the rule of majority is re-installed.
- g. Only a small portion of the Kashmiris wants to be with Pakistan. The majority wants to return to 'pre-militant' situation; many of them want to stay with India, especially in Jammu and Ladakh. This was again and again repeated while having contacts with the Kashmiris. An important portion of the Kashmiris in the Valley is favouring independence.
- h. People have suffered, people are suffering. The Kashmiris are fed up with the gun; they are against militancy and the interference of foreign terrorists; they are against interference of Pakistan; they want a negotiated solution between India and Pakistan; they don't want fundamentalism or communalism; they want the Pandits to return to their homes; they condemn strongly the killings of innocent people, Muslims, Sikhs and Hindus as well; they are against cross-border terrorism and cross-border infiltration. The militants (or separatists, or dissidents, or extremists, or terrorists, or mujahideen, or fedayeen, or freedom fighters, or ultras, or nationalists, or whatever name is given to those who are using the gun) should stop using violence to reach their aim. The gun is no solution. The ongoing peace process between India and Pakistan must be given a chance and should be speeded up, although the internal situation in Pakistan is not conducive to make much progress.
- i. Cease-fire since November 2003, reduction of tensions between India and Pakistan and the ongoing peace process are strengthening hope among the Kashmiris. The Kashmiris regret the talks between APHC-M and the Centre came to a standstill and really hope the process of negotiations will continue until a peaceful solution is found. What the solution will be does not seem to be that important: let peace prevail and a solution will emerge automatically. They want dignity, honour, peace.
- j. The Kashmiris realise Pakistan does not have a solution either. The leaders of the 'movement' went to the other side of the LoC and to Pakistan. Although they returned without concrete results Kashmiris hope, without being that enthusiastic, that it will help speeding up the peace process. Sometimes, it seems like the separatist leaders have all interests to keep the pot boiling: they have all facilities, their children are safe, they enjoy life whereas the poor Kashmiris are suffering. Kashmir is used by Pakistan as a mean to wound India, Pakistan only wants to bleed India.
- k. In general, Kashmiris seem to be happy with Chief Minister Ghulam Nabi Azad. He is hard working, honest, listening to the demands of the people and paying attention to their basic needs. He is trying to eradicate corruption and to improve the functioning of the administration, the education system, the medical care, etc. Still, so much has to be done.
- l. Private industries should come to J&K, as they can create many jobs. As the peace process continues and as CBM are implemented, they should start or resume investing in the State.

### 3. HIGHLIGHTS OF EACH MEETING

- a. MEETING WITH MINISTER TAJ MOHI-UD-DIN, MINISTER FOR CONSUMER AFFAIRS, PUBLIC DISTRIBUTION AND ANIMAL HUSBANDRY J&K STATE (CONGRESS PARTY), IN SRINAGAR

Because Musharraf is not that strong anymore, the continuation of the peace process has been made uncertain. For Musharraf, it is not a priority anymore as he has so many internal problems to tackle. People in Pakistan are scared and the situation along the Afghan-Pakistani border is even more weakening Musharraf's position, he completely depends on the USA. All this is certainly affecting the peace process.

APHC is divided house. Every member has his own ideas, his own ambitions, his own views. That makes it difficult for the Centre to negotiate with them: who is the leader? What exactly do they want? The Centre organised already three RTC, but APHC was not prepared to sit at the same table with the democratically elected representatives of the Kashmiris and the representatives of the different regions. APHC has no right to exclude them because they have also the right to express their aspirations. The Centre is not at all disinterested in a dialogue with the Kashmiris but APHC has its own agenda and that makes it difficult to come to results.

Infiltration and violence are going down but it is still there and it is difficult to predict what will happen. All depends on Pakistan. As long as Pakistan allows terrorist camps on its territory and continues to give training and logistic support, anything can happen. Musharraf proposes demilitarisation and we are eager to demilitarise: we have not at all interests in exposing our security forces to militants. However, demilitarisation can only happen if Pakistan is honest in stopping support to militancy.

Pakistan is not the sympathiser of the Kashmiris, we have nothing in common: not our religion, not our culture, not our language, not our social structure. Pakistan only wants to grab our land. We want Pakistan to restore peace and to allow us to return to normalcy: open the borders, allow people and trade to move freely. There is no visible solution except this one.

b. MEETING WITH MINISTER NAWANG RIGZIN JORA, MINISTER FOR POWER DEVELOPMENT J&K STATE (CONGRESS PARTY), IN SRINAGAR

The composite dialogue between India and Pakistan goes on, not only on Kashmir but also on other bilateral issues like Siachen Glacier, Sir Creek, trade, etc. Pakistan is making every other issue, including trade and commerce, hostage of the Kashmir-issue. In addition, the internal situation in Pakistan and the problems in the border areas with Afghanistan are not conducive for making much progress.

As stated before, Pakistan is making every issue hostage of the Kashmir-issue. Nevertheless, certain steps have been taken regarding CBM. In the field of trade, lists of items to be imported/exported between India and Pakistan have been exchanged. This is in the pipeline and also here, hopefully, this will result in easing the relations between India and Pakistan.

As far as the relations between the Government of India and the Kashmiris are concerned, the WG setup during the second RTC finalised their reports and these were submitted to the Prime Minister. This will be followed by a next RTC where the recommendations of the working groups will be tabled for discussion and hopefully a consensus can be reached. If the dissident leaders do not want to sit on the same table with the mainstream parties, a separate dialogue/talk/backchannel contact could be organised with them. If here a consensus could be reached a meeting with all sides should be the logical subsequent step

Regarding the human rights violations, all the J&K Government could do has been done. Everywhere there are black sheep committing human rights violations but the Chief Minister has done what he could do, the rest is in the hands of the judiciary and the investigation is going on.

A Pakistani Minister threatened a few weeks back that, if there would be no moving forward on the Kashmir-issue, militancy would again increase. Some sources are indicating that infiltration is picking up and there is reliable information that among them there are a few Afghans. It is not clear if this can be brought in connection with the threat of this Minister.

As Minister for Power Development, I want to highlight the effort made by the Indian Government to improve the situation of power supply. There is a yearly Rs 1.300,- crore (1 crore = 10 million) subsidy on power. The Government of India pays this amount for three years not as a dole but as a reform package. The Government of India has given the Power Department six-monthly benchmarks/milestones which the State Government has to achieve and got them physically verified by independent auditors of the Planning Commission. Only on the condition of achieving these milestones, money will flow to J&K instalments. In three years we have to plug T&D losses (losses on account of theft, etc.). We have to meter all the consumers in two years. We have to set up an energy auditing system, to make the Power Department a commercial entity, to unbundle transmission, distribution and generation and make them profit centre entities/utilities. We achieved the benchmark for the first six months!

c. MEETING WITH MR. OMAR ABDULLAH, PRESIDENT NATIONAL CONFERENCE, IN SRINAGAR

The peace process has two dimensions: internal and external. Regarding the external dimension India and Pakistan have to find a solution. At this point, I am concerned with the situation in Pakistan: there are law and order problems and also the situation in Balochistan and along the border with Afghanistan is fragile. The political situation in Pakistan got so embroiled in internal problems that there is almost no space for progress.

On the other hand, previously I was against the attitude of India as it was my conviction that India was not coming forward, but the last 1 ½ year I am satisfied as the Indian Prime Minister outlined the way to go and here we made progress.

In addition, other aspects are influencing the peace process: in 2007, there are the presidential elections in Pakistan, in 2008, there are the Legislative Assembly elections here in J&K State and in 2009 there are the parliament elections in India. The clock is ticking and all this makes it more difficult to move forward.

The external dimension also has an impact on the internal dimension. Progress must be made simultaneously. Therefore, if the external process slows down, automatically the internal process will feel the repercussions. All is unclear and regarding a solution I am not nearly as optimistic as I was last year.

The human rights situation and especially the fake encounters weaken the credibility of the traditional political parties. There is a complete lack of transparency and this dilutes our own commitment of zero tolerance. Human rights violations happen and those who commit them must be punished. If this does not happen, people lose faith. An element of transparency has to be introduced as, now, people are so uncertain about ability of the institutions to deliver justice.

The actual government of J&K State does not come up to expectations. So many promises were made but not fulfilled: no healing touch, no releasing of prisoners, no end to human rights violations, no government job per household, no reduction of corruption, no easy people-to-people contact, no trade across the LoC. This government did not deliver and we will see how will be the reaction of the Kashmiris in the Legislative Assembly elections in 2008.

d. MEETING WITH MR. M.Y. TARIGAMI, MEMBER LEGISLATIVE ASSEMBLY J&K STATE, SECRETARY J&K STATE COMMITTEE, COMMUNIST PARTY OF INDIA-MARXIST (CPI-M), IN SRINAGAR

The people of J&K who have suffered a lot are pinning their hopes on the ongoing peace process between India and Pakistan. Whenever they feel that the peace process is moving slowly they get disappointed. Our party's opinion is that today we have a historic opportunity that must be availed by the political leadership in the region. Missing it under any pretext is bound to be dangerous. We have to seize this opportunity for a new era of peace and reconciliation in the region as a whole.

The leadership in J&K has to come up to face this challenge by identifying areas of agreement between the mainstream parties and the non-electoral political forces in the State so that a viable and workable autonomous voice emerges which can contribute in pushing this peace process forward.

The mainstream politicians, the non-electoral politicians, and we have to be responsible and must come out from narrow sectarian, partisan interests. Fragmentation has only, as experience sufficiently demonstrates, served the vested interests and not the interests of the common Kashmiri.

In this world of globalisation no country, state or region can remain unaffected. We need to join a parallel and ongoing movement of increasing co-existence and cooperation, based on humane considerations and the principle of 'live and let others live'. In such a world, the diversities do not work as disabilities but bring credit and strength to the social fabric. The alarming situation in the entire South Asian Region, today, poses an immense challenge to its democratic masses. In such circumstances, Kashmir has to become a bridge of understanding and friendship between India and Pakistan instead of a source of confrontation as at present. This can prove to be a significant factor in assuring an era of peace and harmony in the region. For that, the unity of the State is the condition precedent.

e. MEETING WITH MRS. KEM LATA WAKHLU, MEMBER LEGISLATIVE ASSEMBLY J&K STATE (CONGRESS PARTY), IN SRINAGAR

In the past, so many times a peace process started but failed to come to a solution. The ongoing peace process started because of economical and political pressures on Pakistan. The Western world understood the fundamentalist game play and wants this to end. India and Pakistan are now very keen that peace should prevail. India and Pakistan have shown flexibility and now it is up to the Kashmiris to decide. Whatever happens with Musharraf, Pakistan will not back out.

The Kashmiris understood now that they will not be safe in Pakistan. They want progress and this cannot be achieved in a bankrupted Pakistan. This language they understood. A portion of the Muslim Kashmiris in the Valley prefers now to be independent, rather than to go to Pakistan whereas another portion wants to stay within India. Only a small portion, the fundamentalist factions, still thinks that their future is better off in Pakistan.

The dissident Kashmiri leaders, in spite of persuasion of the Indian Prime Minister, preferred not to attend the RTC in presence of the mainstream political groups or to participate in the working groups. However, under the hand, the Centre met the most important dissident leaders separately. Apparently, nothing came out of these meetings and for the time being the dissident leaders are not prepared to continue these contacts in spite of the insistence of the Government of India to do so.

Human rights violations committed by the security forces are certainly taking place, but nobody talks about the human rights violations committed by the militants. Nobody talks about the almost half million Kashmiris who were frightened away from their homes and herds or the atrocities committed by the same militants. In addition, these are human rights violations. If today peace is declared, human rights violations will cease instantly and the way will be open to continue in a peaceful atmosphere the peace

process and to lead to a democratic process towards development, progress and prosperity. In order to come to a solution the mindset of the secessionist groups and the fundamentalists must change. They must show flexibility to live and allow also others to live in peace.

f. MEETING WITH MR. ZAFAR IQBAL KHAN, ALIAS 'MANHAZ', CHAIRMAN J&K PAHARI WELFARE SOCIETY, JOURNALIST, COLUMNIST AND POLITICAL ANALYST, MEMBER OF THE WORKING GROUP ON STATE-CENTRE RELATIONS, DEMOCRACY AND RULE OF LAW, IN SRINAGAR

Regarding the peace process between India and Pakistan there is still activity behind the curtain going on but it has lost its pace due to prevailing circumstances in Pakistan. It appears that the whole of attention of Islamabad is focused on the issue of the suspension of the chief justice of the Supreme Court. Other focal points are the coming presidential elections in Pakistan and the question of Musharraf laying down his uniform. This has definitely affected the ongoing peace process between India and Pakistan. As a result, to some extent the Kashmir-issue, for the time being, has gone to backburner. Even in this part of J&K, both New Delhi and Srinagar are much more concentrated on the 2008 Legislative Assembly elections rather than on the resolution of the Kashmir-issue. In this background, the whole war of words between National Conference and People's Democratic Party and the allied rhetoric on the Kashmir-issue is just for securing brownie points for benefiting in the next elections.

The situation on the Afghan-Pakistani border is also alarming and general Musharraf, it seems, is not the same general as he was a year before. He resembles today to general Ayub Khan of 1968 and general Ayay of 1971 who, both of them were just counting their days as rulers. All this results that he is not talking anymore as forcefully as he would one year back.

In the third RTC, 4 out of 5 WG have submitted their reports to the Government of India. Now their recommendations are being considered. However, their implementation is yet awaited and in my opinion, if the recommendations are implemented in letter and spirit, the same would have a positive impact on the mindset of the Kashmiris.

Apparently, there is no forward movement on the front of negotiations between separatist groups and New Delhi as of now. There could be more than one reason for that. Some circles in New Delhi might be thinking that, since APHC-M has become a mouthpiece of Musharraf and is not coming forward with something new, it is useless to talk to them while Musharraf's agenda is being discussed directly with Islamabad. As a result, nothing remains to be discussed with APHC-M. The other reason could be APHC-M's non-participation in all three RTC chaired by the Prime Minister of India.

There seems to have been a spurt in militant activities and infiltration according to reports. Nevertheless, from India's point of view the situation on this count is far better than what it was last year in these days. To conclude, the situation is confusing and unfortunately, Kashmiris seem destined to bleed for some more years.

g. MEETING WITH MR. BASHIR MANZAR, EDITOR 'KASHMIR IMAGES', IN SRINAGAR

I am not that optimistic anymore regarding the peace process between India and Pakistan. It cannot be done in a short time but only through small steps. In addition, the situation in Pakistan is so fragile and Musharraf is in such a trouble that it is unlikely that India is in the mood to take initiatives now. How could progress be made in the complex Kashmir-issue if even in peripheral issues like Sir Creek and Siachen glacier cannot be solved? The long awaited visit of the Indian Prime Minister is also postponed, as he does not want to complicate the problems Musharraf is facing. It is clear the future hangs in balance.

Internally, contacts are broken now with the dissident leaders. APHC-M member parties separately stated that the dialogue is not moving forward. There are too long gaps and the dialogue is not institutionalised. None of them participated in the RTC. None of them was invited to be a part of a WG and even here, mainstream political parties boycotted some meetings. APHC-M realises dialogue is the only way out. They want to meet the Indian Prime Minister but what will they tell him? If their roadmap is the same as Musharraf's, why should India talk to APHC-M and not straight to him? It is clear that, at the moment, there are no contacts between the Centre and the dissident leaders. To a certain extent, the latter are scared. They feel left out and think that something is cooking between India and Pakistan but they do not know what. They want to be taken into confidence. In the eyes of New Delhi the situation is coming to normal, the pressure is diminishing and so there is no urgent need anymore to engage the dissidents but on the other hand Delhi realises that the negotiations have to be inclusive.

Many people pretend that the opening of the LoC for people-to-people contact is not important. In my eyes, this is a big CBM. Right from the beginning of the fifties of previous century a popular slogan was: open the Rawalpindi road (read the road between Muzaffarabad and Srinagar). Opening this road means a lot but the procedure is so time consuming: the system should be changed and the procedure reduced to the strict minimum.

h. MEETING WITH MR. AHMED ALI FAYYAZ, SPECIAL CORRESPONDENT AND 'DAILY EXCELSIOR' CHIEF OF BUREAU, IN SRINAGAR

The peace process is underway but the pace is not very encouraging. The impact of the CBM is minimal and there is no following up action regarding the CBM that were introduced. India has been doing a complementary exercise by installing five WG. Four of them have completed their work, the fifth is completing soon. In the eyes of the separatist leaders the WG have nothing to do with the peace process: it is an internal question, addressing only administrative problems of J&K State, not the core issue. All separatist leaders were left out of this process and Pakistan was not involved.

The Government of India does not appear to be disinterested to have contacts with different Kashmiri leaders but seems to have no big inclination to involve Kashmiri separatists after the terrorist attacks in Mumbai in 2006. The actual Government in New Delhi does not want to run the risk of being blamed of a soft policy towards terrorism. An equally important reason is that both factions of APHC and other separatist organisations do not appear to be inclined to take even a minor step on absence of clear-cut support of the Government of Pakistan and President Musharraf.

As compared with his predecessors, Mufti Sayeed and Farooq Abdullah, Ghulam Nabi Azad appears to be the best Chief Minister: no nonsense, installing work culture, fighting corruption, rebuilding infrastructure, attracting cultural activities/festivals to Kashmir, etc. His intentions are absolutely clean. Not ambiguous with regard to militancy and committed to fight it. Security forces and police are made accountable for their activities resulting in an improving human rights record.

The presence of security forces and the relocation of bunkers are proportional to the situation. Since 1995, there were 80 fedayeen (suicidal) attacks. The last twelve months there was only one. The present reduction of security forces in the streets and relocation of bunkers is a result of this decline and has nothing to do with demilitarisation. There could have been even more reduction but in that case the People's Democratic Party (PDP), insisting on demilitarisation, could cash politically and Congress does not want this to happen. Therefore, PDP's claim works contra productive.

i. MEETING WITH MR. HASHIM QURESHI, CHAIRMAN J&K DEMOCRATIC LIBERATION PARTY AND CHAIRMAN J&K MAQBOOL NATIONAL WELFARE ASSOCIATION, IN SRINAGAR

The Indian Government is only having a peace process with Pakistan, not with the Kashmiris: the CBM did not reach the Kashmiris, no prisoners were released, no jobs were created, killing of innocent people continues, fake encounters are going on.

During the second RTC, five WG were installed. The third RTC accepted the reports handed over by the working groups. Now, after more than two months there is not a single implementation of the recommendations formulated in the reports. Indian politicians, especially from the Congress party never have been interested in solving the issue. They have their own interests, they are the partners of the power and they want to keep their position in J&K State. The mainstream political parties have failed to address the problems of the people as they are concerned about votes only.

The Centre has good relations with the traditional, mainstream parties. With the separatist leaders, the situation is different: those who came forward and accepted to meet the Centre are disappointed with the outcome. Not even ten prisoners were released. This is a clear sign that the Centre is not serious about talks with the separatist leaders and they are sending wrong signals that nothing has to be expected in favour of the Kashmiris. On the other hand, the separatist leaders are too divided. They should come on a single platform and I am ready for it, even if I have to put my chairmanship at stake. They should also realise that participating in elections is no disease, it is rather a gateway for mitigating the problems of the Kashmiris.

j. MEETING WITH MAULANA ABBAS ANSARI, MEMBER OF ALL PARTIES HURRIYAT CONFERENCE-MIRWAIZ EXECUTIVE COUNCIL AND CHAIRMAN ITTIHAD-UL-MUSLIMEEN, IN SRINAGAR

Peace process and dialogue are the beginning of a new era for the Kashmiris but unluckily India and Pakistan don't take the basic party, the Kashmiris on both sides of the LoC, into confidence and as long as this doesn't happen no progress can be made. In addition, India is not sincere in its approach. India is talking with the pro-Indian parties and lobbying for them. The basic sufferers are the people of Kashmir: they are suffering, they are in misery and India does not take their representatives into confidence.

Bilateral talks between India and Pakistan cannot lead to a solution. The pace is slowing because of this. Only when the true representatives of the Kashmiris are taken aboard, there will be progress. We will agree in participating in a RTC if India, Pakistan and the true representatives of the Kashmiris, so APHC-M, of both sides would sit at the same table. Only then, we can discuss all aspects of the Kashmir-issue and reach a durable, acceptable and peaceful solution for all parties involved. Musharraf's four point

agenda is a good initiative, this is the better way. We can sit and discuss these points so that in the near future peace will be restored.

The Indian Prime Minister first talked with APHC-M and promised CBM related to Kashmir but the main hurdle was the state government, as they wanted the credit going to them. No CBM directly related to a peaceful solution were taken. CBM were introduced only to fulfil their own needs and aspirations.

Regarding human rights violations, zero tolerance is only a slogan. Many cases were fake encounters done by the so-called security forces for their own policies. Today abuses and human rights violations are still going on: people are being frisked, tortured, taken illegally into custody, killed.

k. MEETING WITH MR. AZAM INQILABI, PATRON OF MAHAZ-I-AZADI (= FRONT FOR FREEDOM), IN SRINAGAR

Azam Inqilabi once was founder-chief of the United Jihad Council of which Salahuddin is now the president. So, he understands the dynamics of the movement.

Regarding the peace process, we as pacifists and humanists, in principle wish the Asian nations should become friends like in European nations. In Europe, hatred was buried and it became an alliance, a force to be reckoned with.

Asia also can create an alliance as it is a big continent with a lot of potential. Only through settling bilateral issues this can be achieved. If they remain unsettled there is no chance for alliances although they are needed for any constructive objective program. In the backdrop of these ideas it is imperative for India and Pakistan to consign the legacy of confrontation and belligerency to archives. Needed is an atmosphere of friendship, reconciliation, mutual trust and understanding. In addition to détente there should be entente, brotherhood. If that is created sincerely by India and Pakistan, the resolution of the Kashmir-issue will be very easy.

We, senior stalwarts and soldiers of the resistant movement on purpose, deliberately, ensured that this armed insurgency remains confined to the areas where it will muster from the masses. When we refer to the areas Kashmir Valley, Kargil, Kishtwar, Baderwah, Rajouri, Mendhar, Poonch, Rawalakot, Muzaffarabad and Athmuqam, it becomes a circle, a ring. These areas within the ring-border are giving support to the mujahideen, hence we call these areas war-affected, disturbed areas.

In case of any delay in early peaceful settlement of the Kashmir-issue there is apprehension that the culture of violence will ultimately reach the cities in Jammu and Leh and even in Gilgit-Baltistan. This will be by way of pure frustration and desperation. The military strategists in New Delhi and Islamabad should not underestimate this assessment of ours. People are becoming restive and losing patience: they want to see the light at the end of the tunnel.

Last but not the least, twenty years back a youth of Kashmir would even not slaughter a cock for dinner. But now, as a result of this insurgency, Kashmir youth has become so violent and volatile that killing a man has become a part of his compulsive culture. That is a very dangerous trend which we pacifists want to arrest and checkmate. This can only be obtained by solving, at the earliest, the Kashmir-issue in accordance with the people's aspirations.

l. MEETING WITH MR. SHAKEEL AHMAD BAKSHI, FOUNDER/PATRON J&K ISLAMIC STUDENTS LEAGUE, IN SRINAGAR

The peace process is an over dated question. Peace does not exist anywhere. India is at war with us, so does war means peace? Pakistan is patronising all state sponsored terrorism. The CBM are not Kashmir centric, they are Indo-Pakistan centric. Kashmir centric CBM that would ease the tension or amount to de-escalation for the Kashmiris are not there.

The problem is not the Centre-State relations of course because three countries are involved in it. Any attempt to end occupation and restore sovereignty can be fruitful to bring about the mechanism between the Kashmiris and not only New Delhi but also the two other countries, China and Pakistan, involved.

There are no certain specific laws that are violating the Kashmiri human rights. The whole constitution of India is violating the Kashmiri rights. India is not only violating human rights but also our economic rights, political rights, etc. It is naked aggression. India has divided the two parts of Kashmir by barbed wire, electronic gadgets, banned mines and human and electronic intelligence in the name of infiltration. Our right of migration is out of bound. Still they are chanting infiltration is on. How? There is even joint mechanism on terror between India and Pakistan, intelligence sharing is there, joint operations are there. Whom they are befooling in telling infiltration is on?

Reduction of Indian troops, withdrawal, re-induction are all secondary questions. The first and primary question is to end occupation. When occupation by India in all its aspects (bureaucracy, army, administration, etc.) is ended, it becomes immaterial about the presence of army and its alien bureaucracy.

The new districts have been created just to create room for partition on communal lines and create wedges among societies of different areas. The consequences will be to deviate attention from the central demand and to have class infighting among the nations. The opt-out option of Sajad Lone is actually the old age Dixon plan and now the latest track two Indo-Pakistan conclusions, denying the rights of the migrated people from 1947, to come to their native land and more so ignore about the reality of Kashmir.

m. MEETING WITH MR. PARVEZ IMROZ, PRESIDENT J&K COALITION FOR CIVIL SOCIETY, IN SRINAGAR

India has always shown willingness to talk but it is unwilling to negotiate. India has the history of not resolving the disputes. Naga's are on ceasefire from last 10 years and their leaders have met the Indian leadership 50 times but until now, there does not seem to be any breakthrough. We are not optimistic about the current dialogue between India and Pakistan.

Why should we as Kashmiris be bothered about India's and Pakistan's internal political situation? No country in the world is without problems but that does not provide them the pretext for not resolving the conflicts. Internal political situation and the focus on the Afghan-Pakistani border are a false pretext used by the Government of India for delaying the negotiations.

The only CBM vis-à-vis Kashmir taken was of the trans LoC bus service, which has totally failed to achieve the desired results. CBM have been used by the Government of India to disengage the international community and on the other hand to consolidate its occupation in Kashmir. For Kashmiris the best CBM would be ending the human rights violations that continue unabated. More and more militarization and recruitment in the police force continues. Even the retired police personnel are being engaged for permanent militarization in Kashmir.

The army has the legal impunity under section 6 of the Armed Forces Special Powers Act. Charge sheet without obtaining sanction from the Union of India filed against the culpable army officials in fake encounter cases have been questioned by army authorities. Even the army is questioning the mandate of the enquiries and commissions ordered by the State Government to probe the omissions and commissions of the army.

Human rights violations continue unabated as there is still no accountability. Besides legal impunity there is moral, political and judicial impunity for perpetrators. Indian media is glamorising the lives of those who are perpetrating crimes in Kashmir. Since 1990, the cases filed against the army and police personnel in criminal courts or in court martial the accused have escaped punishments and even there are less than two percent convictions.

The ongoing conflict has resulted in the major mental disorders of the soldiers resulting into suicides and fratricides by them. If taken into consideration the mental health of the soldiers the rampage by them on the streets is quite expected.

n. MEETING WITH MR. BILAL LONE, CHAIRMAN J&K PEOPLE'S CONFERENCE-BILAL FACTION AND MEMBER EXECUTIVE COUNCIL APHC-M, IN SRINAGAR

The peace process is not going through: not death but not moving forward either but one should not put the blame on Musharraf. India is killing time and we should not undermine Musharraf but move forward. The Government of India is not sincere or serious and I have the impression the political leaders in the Centre are happy with the status quo. The Government of India is looking at Kashmir sitting in New Delhi and misinterpreting the ground situation in Kashmir.

The few CBM that were introduced did not bring anything for the Kashmiris. The busses between the two sides of Kashmir are a total failure although the media are blowing it up as being a big success. The procedure to get permission is too heavy, so there is no free movement at all.

The dialogue between the Centre and the separatist leadership is broken. Nothing happens, as the Centre wants us to be more loyal than the politicians of the traditional parties. It is as if they are doing us a big favour by offering to talk with us but in reality, nothing happens. We are in favour of a dialogue but we are not desperate for it.

Human rights violations take place but we do not know if ever justice will be done, as we do not trust the system. Nothing is changing or improving. It seems as if everything has come to a standstill in Kashmir.

As long as the Congress party is in power in New Delhi, nothing will move forward. Their attitude has always been to sit on the problems rather than to solve them. India is the arrogance of power.

o. MEETING WITH PROF. ABDUL GANI BHAT, CHAIRMAN MUSLIM CONFERENCE AND MEMBER EXECUTIVE COUNCIL APHC-M, IN SRINAGAR

The peace process promises a survival for India and Pakistan and as a matter of fact for the entire South Asian region. This process is thus irreversible.

Introducing CBM is a manifestation of the resolve on the part of India and Pakistan to settle problems and ensure stability and security in the region. Considering the sub continental irony as well as the civilisational history of India the process has to be slow and it is understandably slow. However, the slow pace of CBM should never be misconstrued as a deadlock. As time passes the pace will pick up and hopefully some effectively purposeful CBM may happen like, for example, trade between the two sides of Kashmir, demilitarisation, end to human rights violations, repealing draconian laws, releasing prisoners, etc., etc.

There is no escape route available either for India or for Pakistan. They have to involve the relevant Kashmir leadership in the process. If the leadership in Delhi and Islamabad do not want to lend credibility to the process, they will not involve any of us. However, the situation being what it is, the process has to be credible and the credibility can be possible only when the Kashmir leadership is involved. I therefore think that they will be doing it the days to come.

The human rights situation is as bad as it was for the last almost two decades. No improvement is expected in the future either. The Indian security forces have stepped up crackdowns of areas that are commercially very busy. This amounts to collectively human rights violations of the people of J&K in their own state by the security forces that never belonged to this state. While carrying out search operations they strike terror deep into the souls of Kashmiris.

In the case of fake encounters, one should not single out one or the other part of the security forces. They do it in collaboration with one another. They share secrets, they fake data, etc. In this respect, they share also responsibility. They cannot shirk it. More killings in fake encounters are extremely likely to happen, not so much for elections as for the implementation of the advice given by the military experts from Israel recently on a visit to Kashmir. They want to break the nerve of the Kashmiris, but let them remember that the people who fight with the brains never lose their nerve. That is why we emphasise that the dispute on Kashmir be settled peacefully through negotiations involving India, Pakistan and the Kashmiris.

p. MEETING WITH MR. SYED ALI SHAH GEELANI, CHAIRMAN APHC-G AND CHAIRMAN TEHREEK-E-HURRIYAT J&K (PARTY FOR FREEDOM OF J&K), IN SRINAGAR

India's attitude does not give any hope that there will be a solution in the near future. The attitude of India, of the 'world community' and of the superpowers is undemocratic, inhuman and imperialistic. They will not solve conflicts on global level, like Palestine, Chechnya and Kashmir. India and Pakistan started the so-called composite dialogue 3 ½ years back: nothing came out as far as Kashmir is concerned. India is not budging an inch from its rigid stand bend upon might. India has no respect for the wishes of the Kashmiris or for the commitment made to the UN-resolutions. There is no sincerity. How can a solution through dialogue be achieved under these circumstances?

The basic stand of the Kashmiris is the right of self-determination. Until and unless the people will have had this right, no other solution is possible. In addition, the sacrifices of the Kashmiris must be taken into consideration. We have time and again declared to accept the wishes of the majority of the Kashmiris to join India or Pakistan. When all three parties, by consensus agree on independence status we also accept this third option.

Human rights violations are still going on, there is no change: people are arrested without legal sanctity, there are custodial killings, there is harassment, people are behind the bars for years without trial, the draconian laws are still there. The barbaric attitude of the security forces has no limits and the Kashmiris are treated like cattle.

The RTC are a futile exercise. Nothing is coming out. If India withdraws the draconian laws and the security forces, recognises Kashmir as a disputed area, releases prisoners and shows willingness to resolve the Kashmir-issue, a conducive atmosphere for dialogue will emerge. When India accepts this, then we will agree to join the process but till then there is no use.

q. MEETING WITH MR. SHABIR AHMED SHAH, CHAIRMAN J&K DEMOCRATIC FREEDOM PARTY, IN SRINAGAR

I repeat again and again: the Government of India is not sincere, not serious, only delaying tactics, no change in the ground realities. The peace process started 3 ½ years back and although we have given our support, we do not feel any positive result in the Valley.

The CBM that were introduced by India and Pakistan have no relevance, no impact for the common Kashmiris. Our situation is worsening day by day: increasing crackdowns in rural areas, no release of prisoners, no abolition of the draconian laws, etc.

The dialogue between the Centre and the Kashmir leadership is an exercise in futility, not fruitful. India never showed any response. Whenever we met the Government of India, the decisions were not carried on, even not the autonomy proposals under Chief Minister Farooq Abdullah. However, we do not want autonomy. Our sacrifices are for complete freedom. Our stand is very clear: we want complete freedom that means independence. There must be found a solution among India, Pakistan and the Kashmir leadership. We are not rigid. We will listen to all arguments and present our view. We have faith in discussions, as we are democrats.

Some dissident leaders are floating the idea of trifurcation on J&K. We reject this proposal categorically. We do not want to divide on religion, on language, on region, on ethnicity, on culture. We are one nation and unfortunately, in 1947 we were divided. We do not want a repetition of what happened in 1947. We realise that Jammu and Leh have their compulsions but these must be solved and addressed in a united J&K, not through division. In a changing world, we must unite.

Our experience tells us that bilateralism has failed, whether between India and Pakistan or between the Centre and the Kashmiris. We want negotiations between the three parties, India, Pakistan and the pro-movement leadership, so that any acceptable resolution is sorted out in the historical perspective of Kashmir.

r. MEETING WITH MR. SAJAD LONE, CHAIRMAN J&K PEOPLE'S CONFERENCE-SAJAD FACTION, IN SRINAGAR

The current composition of J&K, keeping in view its geography and ethnicity, is neither an ethnic reality or a linguistic reality or a religious reality, but a colonial reality. A purely geographical and a colonial concept brought about by a sale in shame in which the British put the entire Kashmir region, including the inhabitants, on sale (note: in 1846, the British sold the Kashmir Valley to the Dogra ruler of JAMMU, by the Treaty of Amritsar). The sale and the shame brought together different ethnic groups with different aspirations marked by sheer lack of commonality and disdainful display of coercion.

The Kashmiri ethnic stock constitutes a vast majority in J&K State. This majority treats J&K as disputed territory and has waged a political and armed struggle in pursuit of its objectives, rendering exemplary sacrifices in the process. For the people of Jammu and Ladakh the armed struggle is terrorism carried out by Kashmiri terrorists at the behest of Pakistan. This difference of perception between what we call sacrifices and what they call terrorism is perhaps an indicator of gross mismatch in aspirations, perceptions and concepts. Whether it is secession or a negotiated settlement or the power sharing structure between J&K and India or resolution process, Jammu and Ladakh have always provided the much needed leverage to the Indian state and proved to be the proverbial stick to beat the Kashmiri with.

The objective of the 'opt-out' option is not to belittle Jammu and Ladakh or to rake up feelings of rancour between the people of J&K but to facilitate a process wherein different ethnicities with different aspirations are allowed to chart their own destinies, where we do not become tools to belittle each other. We have lived together for decades and decades, and maybe we are destined to part. Let us part in a state of civility. 'Opt-out' option is not a communal concept but a liberal concept. In offering the 'opt-out' option, the liberal Kashmiri nation is trying to reach out to the voices that are emanating from Jammu and Ladakh. The general mood across the polity and the society in Jammu and Ladakh is that of Kashmiri domination and a desire to separate.

'Opt-out' option is a concept to offer different ethnic groups an option to 'opt-out' if they feel that their interests are better protected by not being a part of the J&K Union. Since regions are not ethnically homogenous, the opt-out option would have to be offered to smaller administrative units like a district. In the event of an 'opt-out' option being offered, it is likely that Kashmir Valley, Doda, Kishtwar, Bhandarwah, Poonch, Rajouri, Bani, Gool, Arnas and Kargil would form an ethnically cohesive Kashmir region.

s. MEETING WITH MR. ASGAR ALI KARBALAIE, CHAIRMAN AND CHIEF EXECUTIVE COUNCILLOR LAHDC-K AND CABINET MINISTER J&K STATE, IN KARGIL

We appreciate the peace process going on in between India and Pakistan and hope it will continue in the future. Definitely, positive results will come out from this initiative carried by both India and Pakistan. The political leadership at the Centre is quite sincere about the Kashmiri society by virtue of which the Prime Minister of India conducted three RTC to talk with the leadership of Kashmir. It is very unfortunate that APHC did not participate in these RTC.

Definitely, the proposed CBM are working very well at the ground level. It is a good effort being done by both Governments. The agenda like people-to-people contact, softening of borders and opening of more routes, trade between the two Kashmirs is getting popular and everybody hopes that one day all the conflicts and issues among the two countries will be resolved.

Human rights violation is still prevalent in the Kashmir Valley and it will remain there until the special armed forces act is abolished. The armed forces and police personals involved in fake encounters should be severely punished and enquiries should be conducted through special tribunals.

There is a significant control on the rate of infiltration especially after the Kargil war (in 1999), and hopefully the situation will be quite normal in the coming future as the security forces deployed on the borders are quite vigilant. Troops should be shifted to borders entrusting the local security arrangements to para military forces and State police. The residential houses, agricultural lands and other public places occupied by troops should be immediately evacuated.

t. MEETING WITH MR. CHERING DORJAY, CHAIRMAN AND CHIEF EXECUTIVE COUNCILLOR LAHDC-L AND CABINET MINISTER (LUTF), IN LEH

The peace process slowed down but still is on the right track. Ultimately, India and Pakistan have to talk with each other and to resolve the Kashmir-issue peacefully, without violence. Of course, they will have to involve all people of J&K, including Ladakh. We are not Kashmiris: we do not speak Kashmiri, our culture, race and religion are different. This is even so for the Ladakhi Muslims.

Of course, it would be nice to open the Kargil-Skardu road across the LoC, this is important for Kargil district. In Ladakh district people of Turtuk Valley demand free passage to the other side in order to meet with their family there. It would also be nice if the road to Demjok, between China and India could be opened. This is a very important road for trade and pilgrimage: it would give a big boost to the economy of Ladakh as we could export barley and fruit to Tibet.

The dialogue between the Centre and the dissidents came to a standstill because of their intransigent attitude. India is quite willing to discuss with them but the dissident leaders even refused to attend the RTC. During the third RTC, the mainstream political parties, especially NC, were underlining the fact that too much importance was given to the dissident leaders. They should first participate in elections. Then it will become clear that not many people are behind them.

The Kashmiris are very emotional, they are swinging from one side to the other. They do not know exactly what they want. They change too much their attitude. LUTF participates in most of the initiatives taken in the field of backdoor diplomacy. We expressed our clear views: we do not agree with self-rule, we want complete separation from J&K as we do not have any link with them. We are not a part of the problem. The Valley has problems with India, not we. Unless the opt-out option is granted to us there cannot be a solution. We only want to become a Union Territory within India. All the others, especially from the Valley have no clear stand or view. The main problem is not India or Pakistan but the Valley: due to them the problem is lingering on. They do not have a clear vision, they are a drifting lot.

u. MEETING WITH DR. SONAM DAWA LONPO, PRESIDENT LADAKH BUDDHIST ASSOCIATION, IN LEH

The Kashmir-issue is not going to be solved in a short term. Talks between India and Pakistan will go on. The Ladakh Buddhist Association and the Ladakhi should be involved in the process. Now, all attention is going to the Valley. We were left out from the beginning and if a special set up is given to the Valley we will support the Ladakh Union Territory Front.

In the Valley militancy is going on, nobody is safe there. Here in Leh district there is no militancy at all. As on day, the relations between Buddhists and Muslims are very cordial and we wish it would continue like this. In Kargil district, the majority of the population is Muslim, in Leh district the majority is Buddhist. Overall of Ladakh, Buddhists are a little bit more than Muslims, almost equal.

It must be noted that during the RTC our demand for Union Territory status never has been given importance. Only issues relating to the Valley were discussed and our demand was not considered properly. We will strongly protest if our demands are not being taken care of.

In March this year, we had for the first time a custodial death in Leh: the local police took a soldier belonging to Leh district into custody. Next morning he was death: he committed suicide was the explanation of the police. We do not believe this and although Ladakh Buddhist Association made strong protests, the authorities took no action and no post mortem report was released. This is a clear human rights violation. We feel slightly insecure as the police officers belonging to Leh district are serving in the Valley and police officers of the Valley are on duty in our district. They are alien to us and they do not understand us.

v. MEETING WITH MR. TSERING SAMPHEL, MEMBER NATIONAL COMMISSION FOR SCHEDULED TRIBES, FORMER PRESIDENT DISTRICT CONGRESS COMMITTEE-LEH, FORMER CONGRESS PARTY MEMBER LEGISLATIVE ASSEMBLY J&K STATE, FORMER PRESIDENT LADAKH BUDDHIST ASSOCIATION, IN NEW DELHI

Actually, there seems to be no progress regarding the peace process but the ground situation is improving. People feel the situation is less tight and time is giving its own healing touch. There is international compulsion to go the way of peace: both sides are aware of the importance of the peace process and are giving priority to continue but of course, it takes time. In addition, Musharraf has many domestic problems and I am sure he will resolve them.

Internally, India is on the job. The five WG were working hard and made their position very clear. This indicates that they take their job serious. They want to solve the domestic problems and that is a good policy as this involves the aspirations of the Kashmiris.

The CBM are going in the right direction. They allow people-to-people contact across the LoC and this results in a better understanding of each other's ground reality on both sides. I am sure more CBM will be implemented and the Kargil-Skardu road, between the two sides will open even this year. This will be another important step towards making the LoC a soft border.

Human rights violations are there because of the use of violence. Both sides are committing human rights violations, this is but natural and they only can be stopped if violence stops. If militants stop violence, there will be no reciprocal violence from the security forces. The latter are duty bound to protect life and property of the population.

Infiltration is still going on although I do not have exact numbers. I am worried about the threat that militants will try to infiltrate Zaskar. They can come from Kishtwar as there are so many tracks through the mountains. They can create a lot of problems for the Buddhists living there. The security forces should give attention to these entry points.

w. MEETING WITH MR. RIGZIN SPALBAR, COUNCILLOR LAHDC-L (CONGRESS PARTY) AND FORMER CHAIRMAN AND CHIEF EXECUTIVE COUNCILLOR OF THE SAME, IN NEW DELHI

The last years we see positive signs in the relations between India and Pakistan: they are talking with each other, they do not blame each other anymore. We welcome this positive evolution. On the other hand, we are concerned regarding the internal situation in Pakistan: anything can happen. If Musharraf remains in power, there will be continuity. The recent action of fundamentalists in the Lal Mosque in Islamabad is again a sign that things must be taken serious. It is also a test for Pakistan and if Musharraf succeeds, it will be an improvement.

CBM must be there but they cannot be imposed from above. They must come from the grass root level and improve the livelihood of the people. People to people contact must be encouraged so that people can see the real situation. Ultimately, this will lead to better understanding of each other.

The position of the dissident leaders is very precarious. They depend on the support and influence of Pakistan. They are not clear among themselves. They had many opportunities to move forward but they did not accept to seize them. This shows their weakness, not their strength. They are confused, do not know what to do, where to go. First of all, they have to show their strength through democratic means. As long as confusion is there, they continue to exist, but as soon as the situation becomes clear the truth will be visible. They should behave in a responsible way. By refusing to talk with the Centre they are heading for self-destruction. They do not see this reality: the common Kashmiri is the sufferer of this irresponsible attitude. Due to this and to militancy, J&K State is left out of the benefits of the economic development of India.

There can be no doubt: human rights violations happen. In this uncertain situation human rights violations are bound to happen. On the other hand, the J&K Government is very sincere in tackling this problem. One of the WG groups is especially framed to look into these matters.

#### x. EXTENSIVE TOUR THROUGH KARGIL DISTRICT

Ladakh is composed of two districts: Kargil and Leh. As, these two districts were too often left out from the developmental process in J&K State, a Ladakh Autonomous Hill Development Council was installed in each district: for Leh in 1996, for Kargil in 2003. The Council is deemed to be the District Planning and Development Board.

The total number of seats in the Council to be filled by persons chosen by direct elections (every five years) on the basis of adult franchise from territorial constituencies is twenty-six. In addition, the Governor may nominate maximum four persons from amongst the principal religious minorities and women in the district aggregating the total of thirty seats to be members of the Council. The democratic constitution of the Council has heralded democratic decentralisation of planning process with the involvement of people at the grass root level. Owing to the difficult geographical problems, the need for greater public participation in the planning and development process was all the more necessary.

Both the Union Government of India and Government of J&K State are funding the Council. The Council has its district plan. The majority of the local works has been incorporated in this plan. Besides this, the Union Government of India is providing grant in aid in the form of centrally sponsored schemes which consists of road projects, loan assistance from the National Bank on Agriculture & Rural development, Accelerated Rural Water Supply Program, Border Areas Development Programme, Watershed Development Programme, Tribal Sub Plan, Prime Minister's Reconstruction Programme, Asian Development Bank's Loan Assistance, etc., etc.

The members of the Council elect at its first meeting after a general election from amongst the members one member to be the Chairman. The Chairman nominates four Executive Councillors to assist him in the periodical reviews, policies and developmental activities of different departments in the district. The Chairman is the Chief Executive Councillor. Among the Executive Councillors, at least one member is nominated from amongst the principle religious minorities in the district. The Executive Council meets at least once in every month for the transaction of business. The names and responsibilities of the Executive Councillors are:

- Mr. Asgar Ali Karbalaie, Chairman and Chief Executive Councillor;
- Mr. Nasir Hussain Munchi, Executive Councillor Public Works & Power;
- Mr. Haji Mohammad Ishaq, Executive Councillor Rural Development;
- Mr. Kacho Gulzar Khan, Executive Councillor Agriculture;
- Mr. Sonam Namgiyal, Executive Councillor Health & Tourism.

The LAHDC-Kargil, chaired by Chief Executive Councillor, Mr. Asgar Ali Karbalaie, challenged us to make an extensive tour through Kargil district and to interact with the population of the remotest areas in order to learn more about their aspirations, their feelings, their compulsions. As also they are living in J&K they should not be left out in the internal process that is going on in the State. Their voice should be heard, was their argumentation.

As a result, I started this extensive tour on 3 July 2007, early in the morning, direction Padum, the capital of Zaskar. In Sankoo, I had the opportunity to interact with political and religious leaders. In Rangdom, where I stayed overnight, I met the Head Lama of the Gompa (Buddhist monastery). Next day, 4 July 2007, I reached Padum and met many representatives of the Zaskari. First, I will give some statistic information on Kargil district then the main topics that were brought forward during the meetings:

Kargil district was carved out of the erstwhile district of Ladakh in July 1979. The district is spread on a geographical area of 14.036 sq km. It is the second largest district of the State in terms of area. It lies in the north east of the Valley with altitude ranging from 2.650 m to 4.000 m above sea level. The district is having 129 villages (2 inhabited), 3 tehsils, 9 blocks and 2 sub divisions. The population of the district, as per 2001 census, is 119.307 with 64.955 males and 54.352 females. The population density is very low: only eight per sq km. Notwithstanding this, there are different ethnic groups: Purig, Balti, Shina, Dardi, Zankari and even Kashmiris. Different languages are spoken. Different religions are professed: 80 % Islam (Shia), 15 % Buddhist, 5 % others. Climatologic aspects have an impact on the living conditions of the population. The average rainfall in Kargil is 26 cm only. In summer the average temperature is 23 ° C, in winter -10 ° C. Dras, a small township in Kargil district, is, after Siberia, the second coldest inhabited location in the world. In winter it can be as cold as -30 ° C. Literacy rate is relatively high: male 75,80%, female 42,40%.

The number of schools is as follows: one degree college, 14 higher secondary schools, 35 high schools, 8 lower high schools, 116 middle schools and 288 primary schools totalling 462 educational institutions. Beside one district hospital, there are 2 sub district hospitals, 5 primary health centres, 14 allopathic dispensaries, 15 sub medical centres, 105 medical aid centres and 18 family welfare centres. Doctors are available in the district hospital but at block level these posts are vacant. Only block medical officers in all blocks are in position.

The district is having a total length of 524,26 km of surfaced roads and 369,75 km of un-surfaced roads as the district internal routes. Kargil is also having a small airport designed for small aircrafts.

Four villages have hydro power, 21 villages with photovoltaic devices, 92 villages with diesel generator sets. 33 Villages are un-electrified.

All villages of the district stand covered under water supply scheme tapping through the local streams and other sources. In wintertime the majority of the villages get drinking water through water tankers provided by public health engineering division Kargil.

Political parties are there: NC, Kargil Alliance (local party formed by independent candidates), PDP, Indian National Congress and BJP. Besides this, some religious organisations such as Imam Khomeini Memorial Trust, Islamia School, Ahl-e-Sunnal wal Jamat and Kargil Buddhist Association also exist in the district.

In Sankoo (Sanku) I met:

- Mr. Sayed Mahammad Jaffar, Public Works Department;
- Mr. Nisar Ahmed, Engineer Public Works Department;
- Mr. Akhon Mohammed Hassan, Block President Congress party;
- Mr. Sayed Ahmed Rizvi, religious head Kossar mosque and
- Mr. Sayed Saddiq, religious head Dumbur mosque.

These are the main topics brought forward by them:

- In Kargil district we are safe, we have nothing to do with the so-called Kashmir-issue. It is in the hands of the Government to end militancy: a solution not with the gun but through mutual interaction. Here it is a non-issue. We are good in India. We are totally free to confess our religion: India is a secular democracy where everybody is free.
- We are of the opinion that we need a status of greater Ladakh, we strongly oppose Union Territory status for Ladakh, and we do not want bifurcation. First unity should be restored, then the majority of the people must decide. Everybody should be given the possibility to choose freely between remaining with India, joining Pakistan or becoming independent.
- Since the installation of the Hill Council general governance improved. Many developmental projects were started especially in this belt. The educational standard has been raised, new medical aid centres have been created. It is a pity that the councillors are playing small politics, just defending their own constituency: they do not see the larger context, they are shortsighted.
- We have enough schools and educational infrastructure but there is a lack of trained teachers and of lecturers in science, economy and mathematics.
- First, we insist on improving the condition of the roads. Most of the people live along the road from Kargil to Padum. This is our only lifeline connecting our area with the rest of the country. The road is in a very bad condition and priority should be given to metal the road from Kargil up to Padum: now it takes 11 to 12 hours to cover the distance of 234 km.
- Second priority should be given to development of power supply. Now, a diesel generator only gives us three hours power a day whereas so many hydro projects could improve this situation drastically.
- Third priority should be given to improvement of the means of communication (telephone, mobile phone, internet). This should be tackled seriously as this is our only possibility to communicate with the outside world. Nowadays, these systems do not function properly at all. So often communication is impossible. This is mainly due to the lack of motivation and professionalism of the responsible people of the telephone company. They do not care, they are not serious.
- Fourth, we demand a civilian airport for Kargil. Now, the Indian air force is helping us in case of emergency. We are thankful for that but this assistance is not enough. We need a regular civil air service. In the Centre, the State and the Hill Council the same Congress party is in a position to take decisions, so, if we cannot get our civil airport under these circumstances we will never get it. We are of the opinion that the facilities given to Leh should also be given to Kargil. There should not be any discrepancy between the two districts.
- Finally, we ask improvement of the medical facilities. The Sub-Divisional Hospital here in Sankoo should have 18 Doctors, but now there is only just one! This is inadmissible. This is not due to mismanagement of the Hill Council but due to the State Government: they just are not posting Doctors here. In addition, the medical staff should be improved in all fields: quantity and quality.

In Rangdom I met Tsering Dungdup, Head Lama of Rangdom gompa. Here is his opinion on the situation:

- Here in Rangdom we do not have any problems with the population or with the authorities. We are well here and there is a good cooperation.
- Not only as Buddhist lamas but also as human beings we are peace loving, peace promoting people. We are of course not supporting the activities of the militants. A solution should be sought through bilateral talks between India and the militants and between India and Pakistan. That is the only way towards a solution.
- If ever we would be given the chance to express our preferences, our priority would be Union Territory status within India or remain within India as a part of an undivided J&K State. We certainly will not opt for accession to Pakistan: as a minority we will be prosecuted there as this already happens since decades with the minority communities living in Pakistan. We are not in favour for the third option 'independence' as then we would be too vulnerable.

- In 2000, we had an incident: two militants attacked our gompa and killed three lamas. We do not know why this happened. Probably they thought they were discovered and feared to be caught. Therefore, they overreacted and started immediately firing at our lama's. Since, we did not have any problem anymore. It was an isolated action.

In Padum I met:

- Mr. Tsiring Namgyal, Assistant Tourist Officer;
- Mr. Tondup Namgyal Lonpo, Tourist Officer;
- Mr. Ghulam Rasul Wani, Sub-Divisional Magistrate;
- Mr. Tsiring Chhosphil, headman Pipsha village;
- Mr. Lobsang Chhitan, headman Salapi village;
- Mr. Thupstan Stobdan, headman Tantatsha village;
- Mr. Tashi Wanchuk, Councillor LAHDC-K;
- Mr. Raja Phomchok Dawa, senior citizen Padum;
- Mr. Gay Tsewant Yangjor, Gompa Association Zanskar;
- Mr. Lobzang Tashi, headman Lungnak village;
- Mr. Haji Abdul Hamid, headman Padum and
- Mr. Haji Khadim Hussain, senior citizen Padum.

These are the main topics brought forward by them:

- In Zanskar the condition of the road from Kargil to Padum is the main problem and at the same time the key to development: it is imperative to improve the road. There is no equality in distribution of funds for road construction: the surface of the area should also be taken into consideration for allotment of funds.
- In wintertime we are completely cut off from the rest of the world. The only possibility is then transportation by air. This is provided by the Indian air force in case of emergency only. However, we have to go through a very complex and time-consuming procedure. Often, it happens that the emergency is not there anymore when the approval is given because in between the patient died. Therefore, we must have an airport in Padum with regular civil air transport facilities. This will also boost up tourism and create jobs. As long as this is not realised, there should be, certainly in wintertime, a helicopter permanently in standby for emergency cases for evacuation from the villages, keeping in mind that the population of Zanskar is over 12,000.
- Zanskari are far away from Kargil, the district capital. For a small official document, for a minor sanction they have to go to Kargil. Many responsibilities could be given to the Sub-Divisional Magistrate so that the problem can be solved here in Zanskar.
- The State Government has given the power of 'Area Development Authority' to the Sub-Divisional Magistrate but the district administration turned down this decision. Now, the power resides with the Deputy Commissioner in Kargil. This power should be returned to the Sub-Divisional Magistrate according to the decision of the State Government. He should also be given the power to check the proper use of funds.
- We do not have a newspaper here, only radio and television.
- Militancy and terrorism should stop. The Pandits must be allowed to return to their homes. A solution must be found through peaceful negotiations. Peace in the Valley will benefit also to the other regions of J&K, including Zanskar. In India there is freedom and democracy. If J&K is to be kept as one body, we want to remain united within the Indian Union: we are a part of J&K. If there is a separate solution for the Valley or Jammu then our demand is Union Territory status. In no way we want to be with Pakistan.
- There is a trend going on to placate the feelings/aspirations of the people of the Valley by opening roads across the LoC. This is a positive attempt to normalise the situation and to find peaceful resolutions. In the same way we want the Kargil-Skardu road to be opened for all aspects: people-to-people contacts, trade, cultural exchange, etc.
- The Hill Council is good functioning: the improvement is visible but we have the feeling that Zanskar is neglected. We are far away from Kargil, so we do not know who the best politicians are. There are different political parties and it is difficult to find out who is the best looking after us: it is all politics.
- We are a remote, far-flung, underdeveloped and backwardness area. For the last few years development is in full swing. This is partly due to the initiatives taken by the Hill Council, partly to the support from the State Government and the Centre. The long-term benefit should be that Zanskar becomes a separate district.
- Education is improving. The number of teachers went up from 76 to 200. This is due to initiatives taken by the State Government. Nevertheless, higher education remains a problem: there is a shortfall of lecturers for the grades 9 to 12.
- In the medical field there are a lot of deficiencies: medical centres in the rural areas have a short of staff, it is difficult to obtain medicines as the stock is very limited, the Sub-District Hospital should have 12 doctors: there are only three of them! In wintertime people are dying in the villages due to cold weather and to the lack of good medical support.
- The communication system by telephone is so often out of order (mobile phone and internet are non-existent). Sometimes it is even not possible to make local calls. All this is in the hands of the

Ministry of Telecommunications of the Government of India. Besides some technical problems, there is a total lack of professionalism, dedication and efficiency.

- Power supply is also a huge problem although there are enough possibilities for hydro projects. In addition, mismanagement is adding to the problems. For example: the infrastructure of the hydro power project Sani Haftal is since long time ready and can be made operational immediately. This has not been done so far because of administrative problems between the Centre and the State. Due to this bureaucracy problem the people of Zanskar are the victim and remain in darkness.

This ends the findings during the extensive tour through Kargil district. It was a very interesting experience and it gave the possibility to the people of that district to express their feelings, their impressions, their expectations. We hope that the authorities will read them attentively and take action where possible to meet them in order to improve the living conditions of the population.

#### 4. MEETINGS WITH CULTURAL AND EDUCATIONAL REPRESENTATIVES

##### a. MEETING WITH MR. BHAWANI BASHIR YASIR, FOUNDER/DIRECTOR ENSEMBLE KASHMIR THEATRE AKADEMI (EKTA), SCHOOL OF DRAMA-CUM-REPERTORY, IN SRINAGAR

Preliminary remark: in earlier days Mr. Bhawani Bashir Yasir was one of the leaders of JKLF-Amanullah Khan faction.

I am not active in politics anymore because I have committed my whole time, energy and resources to rejuvenate and regenerate the rich cultural and theatre tradition of Kashmir. This is time-consuming, demands concentration, commitment and above all financial means. All these aspects are to be managed by me on my own. Luckily, people who believe in my professional capability, worth and passion for my cultural ethos are helping and assisting me.

During the last year we have trained 85 students in different workshops from the age group of 12 to 40. This included 'theatre-in-education: children theatre workshop', 'folk theatre development: children theatre workshop', 'theatre-in-education: Sunday theatre club', 'three months theatre workshop' and 'short term integrated theatre workshop'. There was also a theatre workshop for border area theatre activists, being the first in this kind.

All this aims at institutionalising of Kashmiri theatre because that can help to survive and bring worth. I believe that a nation without theatre is a nation without soul, a death nation. This is the spirit of a new beginning and we have to rebuild this nation right from grass root level or otherwise we are lost as a Kashmir nation.

Unfortunately, the policies of India are not generous enough for reconciliation in the State. For example: I did apply for a passport three years ago but, still being a man of art, literature and culture, having upper hand on all other individuals working in this field, have not been given a passport for the reasons best known to them, while as the persons who are instruments in the hands of Indian and Pakistani agencies are freely availing all concessions from both sides. Therefore, I have reason to question the generosity and sincerity of the Government of the State and the Centre. I hope they should soon exhibit bright mentality so that I will be able to travel abroad and share my literary, cultural and theatrical experiences with the world.

##### b. MEETING WITH PROF. DR. SIDDIQ WAHID, VICE CHANCELOR OF THE ISLAMIC UNIVERSITY OF SCIENCE AND TECHNOLOGY, IN AWANTIPURA

This university is a university that nurtures dialogue and in turn thrives on it. The theme of a 'dialogic' university is not accidental. In fact, it is at the very core of our culture. It is also perhaps the reason for our growing popularity. As we complete our first year of existence, we have grown from less than two hundred students to seven hundred students and more than doubled our complement of faculty members.

We are a campus where we interact with each other constantly and try to reach a consensus on aspects of the university ranging from its curricula to how we should evaluate our faculty's performances; from the university's architectural design to the diet in our hostels. Our present-day world is fraught with alienation and anger, crises of identity and prideful preaching, economic inequity and social argument. The only way out of this miasma is to create spaces in which we can talk to each other, hear the perspectives of others and learn to coexist in plural societies rather than conflicting opposition.

Next, we are a young university. An overwhelming number of our faculty and staff are between the ages of 25 and 35. This too is by design. A university, by definition, is a space of and for the future generation. Therefore, we have made it an objective to try to gather as many of the bright youth of our State as we can to see how we can incorporate their aspirations into the fabric of the Islamic University. To be sure, this sometimes tends to lead to dispute and delay. But a university is not born overnight and young minds

explore by argument. To patiently incorporate their concerns, we believe, can only contribute to the formation of a lasting and relevant institution.

The third characteristic of Islamic University is the importance we have given to offering courses that result in jobs. In any university, the vast majority of the students expect to find jobs at the end of their course tenure. In this context, we realise that 'scholarship' for the sake of scholarship is a luxury that few, if any, can afford. So our courses are selected for their job value, while at the same time introducing students to an appreciation and practice of civic and social principles that contribute towards making them leaders in their chosen field of activity.

So, as you can see, it is an ambitious and adventurous agenda that we are starting to set for Islamic University of Science and Technology. If you are thinking of making our university your home, I urge you to make these ambitions yours. If you have made the decision to join us...a warm welcome to this adventure.

This concludes the long list of meetings, visits and interviews.

## 5. CONCLUSIONS

Following conclusions can be drawn, based on the experiences of this visit to India and the Indian J&K State:

a. J&K, as it was before partition, is at present under the rule of three countries:

- (1) China: Aksai Chin and a territory of 5.180 km<sup>2</sup> ceded by Pakistan to China;
- (2) India: J&K State comprising Jammu-region, the Kashmir-Valley and Ladakh;
- (3) Pakistan: Azad Kashmir and Gilgit-Baltistan (Northern Areas).

The population of these specific regions is totally different from each other: culture, history, traditions, language, religion, etc. In J&K State this is also the case for the three regions: Jammu-region, the Kashmir-Valley and Ladakh region. The link between these three regions can be called "Kashmiriyat" epitomised by tolerance, mutual respect, peace. In this respect it should be noted that the Kashmiris want the Kashmiri Pandits to return to the Valley, but this is only possible if their safety can be guaranteed.

b. Shops open early in the morning and close late in the evening, busy traffic, children going to school, etc. The general situation gave me the impression to function normally with the Kashmiris, men and women, young and old, doing their business, their shopping, their social meetings and having a chat, conducting their day-to-day activities.

c. Construction and reconstruction is in progress (see our photo gallery on <http://www.basjak.org>):

- In the Valley the railway link between Qazigund (in the east) and Baramulla (in the west) is progressing at an impressive pace and should be operational in 2008;
- new roads are constructed, existing roads are being repaired, improved and enlarged;
- new official buildings, hospitals, medical dispensations, schools, etc., etc. are being built;
- historical monuments are being restored or under renovation;
- fountains brighten up parks and busy crossings;
- shopping centres, hotels, residential areas, houses, posh villas, etc. are being built, renovated;
- mobile phone became common good and is operative in the remotest areas, and
- the car park is completely modernised: the latest and most expensive models can be seen in the Valley.

d. Priority must be given to end the sufferings of the Kashmiris. This can only be realised by stopping violence: zero violence. They want to have a future and jobs for themselves and their children. After 17 years of militancy it is high time to give the growing up generation a chance to have a normal youth and education.

e. Criminals are taking advantage of the troubled situation. They are abducting people for money, raping, murdering, extorting money from businesspersons, using mafia practices under the cover of 'the movement': militancy is a lucrative industry.

f. Violence has been rejected as an instrument for seeking a solution for a political problem. Pakistan should stop cross-border terrorism and cross-border infiltration, stop sending money, ammunition and weapons and stop giving training. Pakistan decides over peace or violence: as long as Pakistan supports terrorism, openly or covertly, there cannot be peace in J&K. Without peace there cannot be a solution.

g. The pace of the peace process is not encouraging, not optimistic. There is almost no space for progress due to the internal situation in Pakistan. Internal and external aspects are linked to each other: if the internal situation is not good then the external relations will be affected negatively. The peace process slows down and that is not because of India, but the domestic situation in Pakistan. Big issues such as Kashmir and Siachen will not inch forward. While the routine talks will go on, substantive outcomes will be hard to come by. The composite dialogue between India and Pakistan must go on. The process is slow and one should not expect a short-term solution. This can only be reached through small steps.

- h. The dissident leaders insist that the Kashmiris must be taken into confidence. Now the peace process is only between India and Pakistan: it should be tripartite. On the other hand, most of them do not have a solution: they are floating the ideas and the four points proposal of Musharraf as a basis for negotiations. 'Let a tripartite dialogue start and a solution will emerge automatically', is their view.
- i. The 'opt-out' option proposed by People's Conference Chairman Sajad Lone does not find support in the Valley. There is some support in Jammu-region whereas in Leh district Ladakh Union Territory Front is fully supporting this option.
- j. Everyone disavowed the statement of the Pakistani Ambassador in Brussels as if Gilgit-Baltistan (Northern Areas as this area was renamed by Pakistan) is a part of Pakistan and not of J&K. All of the people I met ascertained that Gilgit-Baltistan is a part of J&K within the 1947 borders. Pakistan treats this area and its population step motherly: they enjoy no status or even the semblance of democratic representation. They are kept in poverty, illiteracy and backwardness. The deprivation and lack of even very basic needs provision can be easily seen. A few locals are able to secure government jobs but even then they are paid up to 35% less than non-native employees; there is no local broadcast media. This must change and also their views and aspirations must be taken into consideration.
- k. In the eyes of the mainstream parties the introduced CBM are important steps in the good direction and they insist on implementing much more CBM, especially improving trade relations and opening more roads across the LoC.
- l. The dissident leaders are of the opinion that the impact of the CBM for the Kashmiris is almost none. They emphasise their aim and demand is not for a soft border or for CBM but for a final solution of the issue.
- m. The Centre is still interested in having talks/contacts with the Kashmiri society, including the dissident leaders. Again and again the Centre invites them but they refuse to accept the invitation: they refuse to sit on the same table as the mainstream politicians as they are, in their eyes, a part of the Indian establishment. However, they must understand and accept that the Centre must also talk to the mainstream parties as they are the democratically elected representatives of the Kashmiris and also they are a part of the Kashmiri society.
- n. A dialogue is necessary on three levels:  
 (1) bilateral level: between India and Pakistan;  
 (2) national level: between the Government of India, the J&K State Government and the representatives of the Kashmiri society;  
 (3) internal level: between the different regions of J&K.
- o. Four out of five WG submitted their conclusions and recommendations to the Indian Prime Minister. Concrete results are expected soon and after their implementation the situation will normalise although the dissidents are of the opinion that the WG do not take the wishes and aspirations of the Kashmiris into consideration: the conclusions and recommendations have nothing to do with the peace process as they are only dealing with internal questions in order to address administrative problems.
- p. There is no doubt that human rights violations are committed by the security forces and by the militants. There is also no doubt that not all cases of human rights violations committed by the security forces are disclosed or prosecuted. It is also a fact that the security forces always are blamed if something happens. Dissident leaders do not mention and are not critical on human rights violations committed by militants or ordinary crimes committed by bandits.
- q. A fundamental change of mindset among the security forces is needed regarding their attitude towards civilians. Organising crackdowns on a Sunday in an overcrowded 'Sunday mark' or on the so busy Boulevard along Dal Lake are not increasing the feeling of security among the civilian population, local and tourists as well. At the contrary, it creates fear, frustration and bad feelings towards them.
- r. It is not clear if infiltration is going up or down but in fact it is not that important to know this: there are enough militants, having enough equipment to keep the pot boiling. They can come and go as they like. They can come across the LoC, via Nepal, via Bangladesh as it is impossible to seal off completely the long Indian border.
- s. The Kashmiris are in general happy with the democratic elected Government. Chief Minister Ghulam Nabi Azad and his Ministers are trying to meet their aspirations and expectations and to fulfil the commitments they made. It cannot be overlooked that criticism is there: positive changes are not visible enough and not reaching the Kashmiris. The Government should intensify its efforts to meet the expectations and the wishes of the Kashmiris.
- t. Corruption is adding to the misery and sufferings of the common Kashmiri. It has also a destabilising effect on the normal functioning of the civil society. The Kashmiris who have responsible jobs in the police, in

the judicial system, in the administration, etc. are supposed to look after the well functioning of the society. By indulging into corruption they are betraying their own compatriots. It is high time that at all levels in J&K State a serious effort is made to tackle corruption. It is too easy to point to the Centre as being the origin of all evils. One should have the courage and the honesty to recognise the shortcomings in the own system and take the necessary steps to redress the situation.

- u. The cry for the right of self-determination by some parties in the Valley is supported by Pakistan. However, accession to Pakistan is the only accepted option. Indeed, according to the Azad J&K, Interim Constitution Act, 1974, Par 7. (2): "No person or political party in Azad J&K shall be permitted to propagate against, or take part in activities prejudicial or detrimental to, the ideology of the State's accession to Pakistan". This same cry for the right of self-determination is heard in the other regions of J&K, also in the areas under Pakistani administration, but without limitations: all options should be left open, such as accession to India, accession to Pakistan, Azadi (= freedom), total independence, partition.
- v. Pakistan has no stand in J&K. Pakistan invaded J&K and is at the origin of the de facto partitioning of the State. As early as 13 August 1948 the UN Commission for India and Pakistan requested Pakistan to withdraw its troops from the State as a pre-condition for organising the plebiscite. The same Commission in its resolution of 5 January 1949 repeated this request. Until this date, Pakistan has not withdrawn its armed forces and consequently the plebiscite has not been held.

This conclusion is confirmed by the 'Report on Kashmir: present situation and future prospects' of Rapporteur Baroness Nicholson of Winterbourne, Vice Chairperson of the Committee on Foreign Affairs of the European Union, and almost unanimously adopted by the Committee on Foreign Affairs (March 2007) and by the European Parliament. This report reads as follows: 'Pakistan continues to point to early UN Security Council Resolutions on Kashmir to support its contention that there should be a plebiscite to determine whether a reunited Jammu and Kashmir should 'join' India or Pakistan. The report notes, however, that the UN-laid down conditions for such a plebiscite have not been, and can no longer be, met by Pakistan. The situation has moved on'.

The report is in favour of negotiations with the following wording: 'In conclusion, the report recognises the ancient and unique heritage of the Kashmiri people, and the rapporteur has nothing but praise for their tenacity. After so many decades of conflict and tragedy in this particularly beautiful and historic part of the sub-continent', it is heartening to see the two great powers, India and Pakistan, coming together with the people of Kashmir and that peaceful solutions are both on the horizon and being implemented, a familiar process which the European Parliament fully supports'.