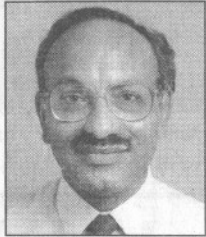


# Kashmir — the world's most beautiful prison

VIEW



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Representative Javier Solana and External Relations Commissioner Chris Patten against the report. Additionally, the EU ambassador to India Francisco da Gamara Gomes was summoned to the External Affairs Ministry and conveyed India's displeasure. The Indian government also alleged that the report was creating obstacles in the way of the ongoing peace process between India and Pakistan. What can we make of India's outburst?

To understand the Indian outrage we need to look at the recommendations of the delegation, which visited Pakistani- as well as Indian-administered Kashmir. The report begins by pointing out that there are three parties to the Kashmir dispute, namely, Kashmiris, India, and Pakistan. It emphasises the need for the participation of all three in any effort at conflict resolution. India may grudgingly accept Kashmiris as a party but has no mind to concede the same status to Pakistan.

That the Indian view is untenable is evidenced by the fact that during the early years the Kashmir dispute was discussed in the UN Security Council under the agenda item "India-Pakistan question". Similarly, the Kashmir resolutions were entitled "The dispute between India and Pakistan" and "The situation between India and Pakistan". When during the 1962 Security Council debate on Kashmir India denied Pakistan's *locus standi* in the matter, Sir Zafrulla Khan could not resist remarking: "And now it is beginning to be said ... that Pakistan is not really a party to this [dispute]. It is only, I suppose, out of charity that we are even permitted to speak on this question." The observation is as relevant today as it was in 1962.

Next noteworthy point in the report is the indictment by the delegation of the Indian military presence in Kashmir, which, with roughly one soldier to every ten civilians, it describes as huge. Referring to the psychological pressure of day-to-day "stop and search" operations the report emphasises the sense of being in a war zone. It observes that human rights abuse by the Indian security forces feeds the cycle of violence. Up to 17

Kashmiris have been killed in a day in state custody. It points out that the International Committee of the Red Cross cannot visit *all* detention centres and the UN special rapporteur on torture has not been granted permission to visit Kashmir since 1989.

The report refers to the existence of the draconian Prevention of Terrorism Act (POTA) which, in the delegates' view, virtually guarantees impunity for India's security forces in Kashmir. It also brings out that the National Human Rights Commission does not enjoy the right of scrutiny over the army or the police and the judiciary is impotent in human rights matters.

The observations give lie to the Indian claim that except for isolated violations, for which redress is available, everything is hunky-dory in the Valley on the human rights front. Mr David Bowe, a member of the delegation, has expressed his amazement at the concentration of Indian troops in the Valley that, in his opinion, is unprecedented in the world. According to him: "Kashmir has been turned into the most beautiful prison in the world".

Another point in the report is the recommendation to the Government of India to let the United Nations Military Observer Group in India and Pakistan (UNMOGIP) properly carry out its mandate by allowing and facilitating it access to its side of Kashmir. The report bases the recommendation on the premise that India is a keen supporter of the UN in general and participant in UN missions all over the world in particular.

This recommendation is bugbear to the Indian Government which has done everything to make the Observer Group ineffective short of scrapping the agreement by virtue of which it was established. This is a part of the broader Indian strategy to exclude the UN.

Another recommendation, which deserves our attention, is the delegation's proposal to the European Parliament to appoint a standing rapporteur on Kashmir. The purpose is to make the rapporteur the focal point of contacts to allow the European Parliament to stay engaged with Kashmir.

From the Indian point of view, the idea is no less mischievous than associating the UN.

Contrary to the Indian allegation that the report criticises India alone and lets Pakistan off the hook, the fact is that it adopts an even-handed approach. It takes Islamabad to task for barring pro-independence candidates from elections in Pakistani-administered Kashmir. It also deplores in unequivocal terms the violence perpetrated by militant groups. While acknowledging that there is less infiltration across the LoC, it urges Pakistan to do more to curb the activities of militant groups.

One would like to compliment the European Parliament for not letting India get away with murder in Kashmir and for debunking Indian propaganda that most of the militants are infiltrators from across the LOC. It says: "in the Valley itself it would appear that the majority are indigenous". Mr Gahrton, a member of the delegation needs to be particularly commended for daring to plead for a plebiscite in Kashmir on the ground that a commitment was made by the UN as well as the then Indian prime minister, Jawaharlal Nehru. Incidentally, the European Parliament's stand is in sharp contrast to the one taken by another Brussels-based body called the International Crisis Group (ICG), which has tried all along to twist facts on Kashmir to please India.

The Pakistan government should seize the opportunity offered by the report and persuade EU to pressure India. This is going to be an uphill task because India is much more important to the EU than Pakistan. Besides, there are already indications that India has taken up the report with the EU to bring the latter around to its point of view. Pakistan should also take advantage of the report through a publicity blitz. One hopes that the incubus of India accusing Pakistan of torpedoing the peace process would not inhibit it from doing so.

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THE REPORT OF THE EUROPEAN Parliament's Committee on Foreign Affairs released recently in Brussels has led to a hullabaloo in India. Describing it as "biased, interventionist, out of balance and inaccurate", the Indian External Affairs Minister Natwar Singh has protested to the EU High