Petition 2008/115 of Ghulam Haider Lone and 924 others

Report of the Foreign Affairs, Defence and Trade Committee

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Petition 2008/ 115 of Ghulum Haider Lone and 924 others

Recommendation

The Foreign Affairs, Defence and Trade Committee has considered Petition 2008/115 of Ghulum Haider Lone and 924 others and recommends the House takes note of its report.

We have received and considered Petition 2008/115 of Ghulum Haider Lone and 924 others requesting

That the House of Representatives urge the Government to call on the Indian Government to withdraw its occupation of Kashmir, and stop the ongoing violence against Kashmiri civilians.

We received a written submission from both the petitioner and the Ministry of Foreign Affairs and Trade, and we heard from the petitioner on 10 March 2011.

Introduction

This petition relates to the actions and conduct of the Indian Army and other State agencies in the Kashmir province. The State of Jammu and Kashmir is located in the north-west of India and is unique in being the only State in India with a Muslim majority. Kashmir has been disputed territory since the Indian partition in 1947, with the Governments of both Pakistan and India laying claim to the region. This dispute has at various times led to violence, with India and Pakistan waging three wars over the territory, in 1947, 1965, and 1971. Teams of United Nations military observers have been stationed in Kashmir since 1949, to monitor the succession of ceasefire agreements since the end of the first such war.

In 1972 India and Pakistan signed the Simla Accord, agreeing to respect the “line of control” between the Pakistani part of Kashmir and the Indian section. As part of the accord both Governments agreed to enter into bilateral negotiations to resolve the dispute over Kashmir’s status. The continued presence of UN personnel in the region has been an area of dispute, with India maintaining that the Simla Accord ended the UN mandate in Kashmir, and therefore restricting the activities of UN observers on the Indian side of the line of control. In 1999 fighting broke out again in the border region, with both sides suffering significant casualties before a United States brokered peace deal occurred. There have been numerous instances of civil unrest, the latest in 2010, where more than 100 protesters were killed in pro-independence riots.

Submission from petitioner

In his submission, the petitioner asked the New Zealand Government to help the people of Kashmir by encouraging the Indian Government to allow a free and fair UN-monitored referendum on which country should rule the province. The petitioner noted that New Zealand has an extensive track record of resolving disputes in the Pacific and is respected
internationally as an advocate for human rights, and he believes that the New Zealand
Government could therefore make a positive contribution to resolving the conflict. Since
Kashmir also includes parts of Pakistan and China, we sought clarification as to whether
the petitioner was seeking a Kashmir-wide plebiscite, or simply a referendum on continued
Indian governance of its current territory in Kashmir. We heard that the petition was
focused solely on Indian Kashmir, and that the petitioner and his supporters believed that
any referendum would be likely to produce a result in favour of either joining Pakistan or
seeking full independence.

The petitioner described the current situation in Kashmir as “worse than martial law”, and
requested that the New Zealand Government put pressure on India to withdraw the large
number of troops stationed in the region, and to ensure that these Indian soldiers be made
more accountable for their conduct towards civilians in Kashmir. We heard that Indian
Kashmir is administered under a number of Acts which give the military substantial law
enforcement powers. International human rights groups have voiced concern about the
treatment of civilians in Kashmir at the hands of Indian military personnel and police.

Response to the petition
We heard from the Ministry of Foreign Affairs and Trade that talks between the Indian and
Pakistani governments over the future of Kashmir had stalled in 2008 following the
terrorist attacks in Mumbai, which the Indian Government blamed on Pakistan-based
militant groups. We were pleased to hear from the ministry that India and Pakistan had
agreed to resume dialogue about the future of Kashmir following talks in Thimphu, the
capital of Bhutan, in February 2011.

We were advised by the ministry that while the New Zealand Government believes it is
regrettable that the situation in Kashmir is still unresolved, it considers a negotiated
settlement acceptable to both parties to be the best way to resolve the conflict in Kashmir.
The ministry believes the resumption of talks is a step towards a solution that would bring
peace and security to the region.

Conclusion
We share the concern of many people and organisations about the situation in Kashmir.
We note that this has been a protracted dispute, and we are mindful of the potential for
further unrest in this region. We are heartened by the agreement of the Governments of
both India and Pakistan to resume peace talks, and we support this dialogue in the hope
that this will help build a governance structure that brings security and prosperity to
Kashmir.

The Green Party member favours the New Zealand Government to make known to India
its concern about reports of violence by security forces against civilians in Kashmir. He
encourages the Governments of India and Pakistan to consider supporting a referendum
process to ascertain the views of the Kashmiri people regarding their constitutional future.
Appendix

Committee procedure
The committee heard evidence from the petitioner on 10 March 2011. The committee met to consider the petition between 10 February and 12 May 2011.

Committee members
John Hayes (Chairperson)
Jacqui Dean
Hone Harawira (non-voting member)
Hon Pete Hodgson
Dr Paul Hutchison
Iain Lees-Galloway (from 6 April 2011)
Keith Locke
Todd McClay
David Shearer (until 6 April 2011)
Hon Maryan Street