



BARONESS NICHOLSON OF WINTERBOURNE

MEMBER, COMMITTEE ON FOREIGN AFFAIRS
MEMBER, SUBCOMMITTEE ON HUMAN RIGHTS

EN/PE/070521Khalid

HE Mr Saeed Khalid
Ambassador
Embassy of the Islamic Republic of Pakistan to the EU
Av. Delleur 57
1170 Brussels
Belgium

22 May 2007

Your Excellency,

Thank you for your letter of 8 May 2007 on the historic and geographical borders of the former Princely State of Jammu and Kashmir. You comment particularly on the Northern Areas of Pakistan, declaring that these are not, and never part of Kashmir. Accordingly, any reference to these areas in the Foreign Affairs Committee Report "Kashmir: present situation and future prospects" should be deleted, by the amendments you have provided to me, at the European Parliament plenary session in Strasbourg this Thursday 24 May.

You give as evidence the absence of Northern Areas in the 1846 Treaties of Lahore and Amritsar, which you identify as the basic documents regarding the establishment of the State of Jammu and Kashmir. You further state that these territories were "not a part of Jammu and Kashmir in August 1947."

Let me say immediately that I fully respect your point of view on this and on all other related matters. You speak on behalf of your Government. As an elected politician I pay full regard to this new and important position that your letter presents. Your letter challenges a key basic assumption which underpinned my Draft Report, and has been carried forward by the Foreign Affairs Committee to be presented to plenary: namely that Gilgit and Baltistan (the more historic name for the Northern Areas, and the one by which the region is more widely known) were indeed part of Jammu and Kashmir at the time of accession to the Republic

of India, thus giving the peoples' right of ethnic identity as Kashmiris in perpetuity. Your Government now claims that this is a wrong assumption.

On receiving your letter I immediately and rigorously revisited my earlier research on the geography and history of the region. I have checked maps, treaties, historic documents and speeches, putting together with extreme care a full and comprehensive picture from 1846 until today.

Unfortunately, I find that I am unable to commend your Government's new position to the European Parliament. All of the evidence points to the fact that Gilgit and Baltistan region were constituent parts of Jammu and Kashmir by 1877, under the sovereignty of Maharajah Singh, and remained in the domain of this independent princely state up to and including the formation of India and Pakistan on 15 August 1947 and the accession of the State of Jammu and Kashmir in its entirety to the new Dominion of India on 26 October 1947.

Your Government's assertion that "Northern Areas" were independent of Jammu and Kashmir in August 1947 is also incorrect. The British leased a small part of the territory from the Maharajah on 29 March 1935, to provide a strong defence and security provision against persistent Russian invasion of the State. The lease in no way took sovereignty from the State of Jammu and Kashmir; the terms are clear, and ownership remained fairly and squarely with the Ruler, Maharajah Singh. The lease came to an end on 1 August 1947, in preparation for partition on 15 August 1947, thus giving back to the Ruler full powers prior to the decision by himself, his Prime Minister and Cabinet as to which of the two emerging nations his state would join.

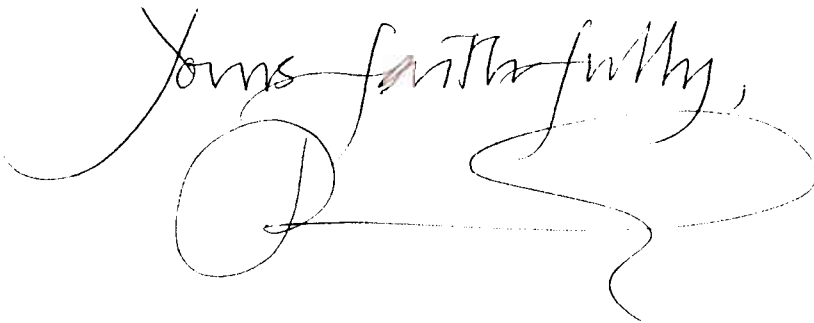
I attach by way of supporting evidence:

1. An official map of the region of 1909, showing Gilgit and Baltistan clearly marked within the State borders of Kashmir;
2. Extract from the leasehold agreement of 1935;
3. Extract from the instrument of accession of 26 October 1947 of Jammu and Kashmir;
4. Letter from Hari Singh, the Maharajah of Jammu and Kashmir, giving reasons for his State's accession to the Dominion of India;

Let me turn now to Siachen Glacier, on which you have given me eleven paragraphs of information with a request that the points also be incorporated into the final report. I have not put these forward to Parliament since Siachen Glacier issues gain only a small mention in the report and a new section would have to be created were we to adopt your points. Reworking of any report of such magnitude

at such a late stage in the process is highly unlikely and indeed would, I believe, be politically unacceptable. The same reasoning applies to your points on Gilgit and Baltistan, where it is clear there is no historic or geographical justification at all for such a step. A report which has received such an overwhelming majority from the senior committee in this House as this report has gained, will normally be passed with few, if any, modifications or additions. Indeed I believe that this will be the outcome of our debates and votes on Thursday.

You will, I know, wish to convey this letter and its attachments to your Government immediately, so that there is no misunderstanding between us at the position I will adopt in plenary.

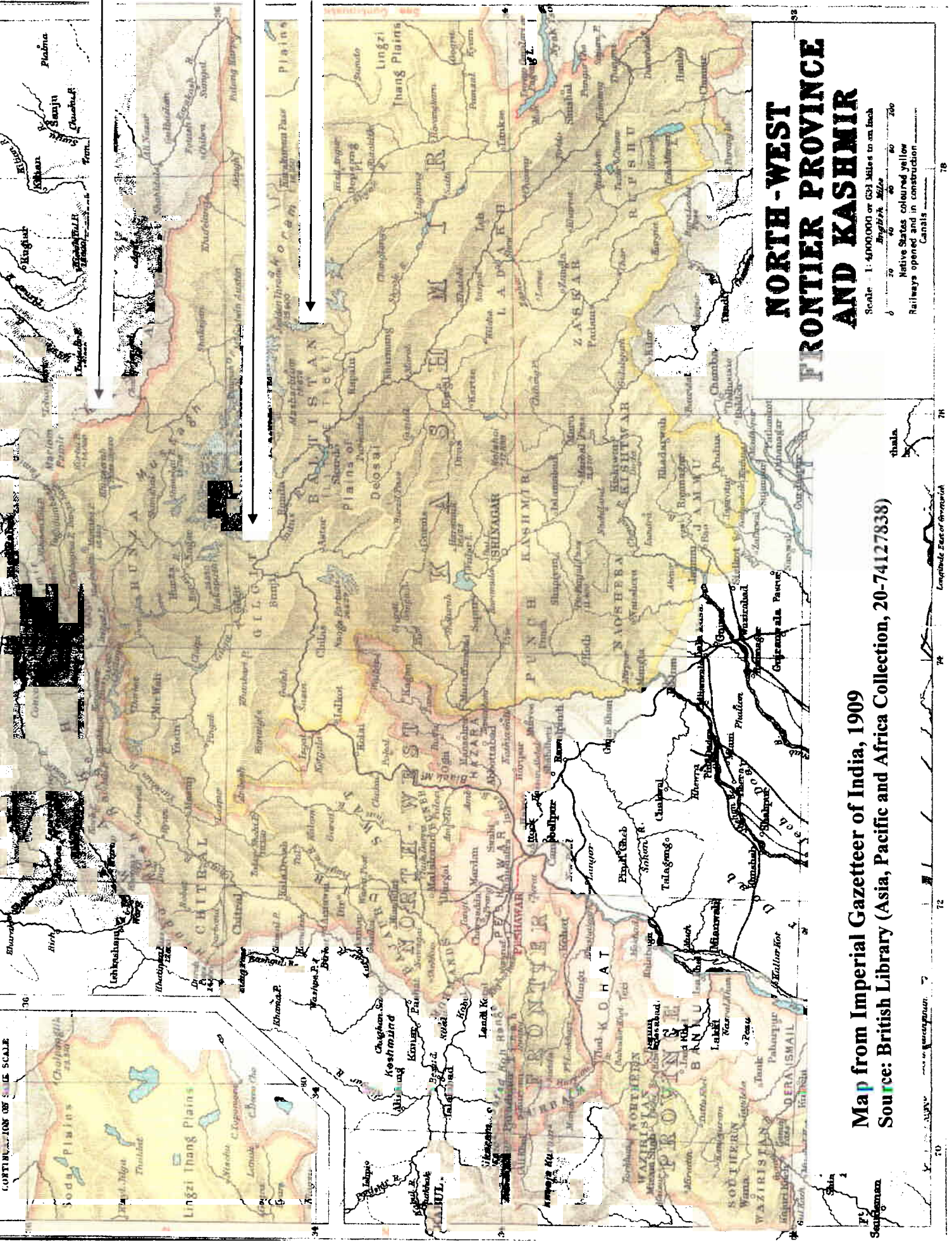
Yours faithfully,


Baroness Nicholson of Winterbourne MEP

Border of
Jammu and
Kashmir

Gilgit

Baltistan



NORTH-WEST FRONTIER PROVINCE AND KASHMIR

Scale 1:4,000,000 or 631 Miles to an Inch
 0 20 40 60 80 100
 English Miles
 Native States coloured yellow
 Railways opened and in construction
 Canals

Map from Imperial Gazetteer of India, 1909
 Source: British Library (Asia, Pacific and Africa Collection, 20-74127838)

CONTINUATION OF SCALE

Attachments:

1) An official map of the region of 1909, showing Baltistan, Gilgit and Hunza clearly marked within the State borders of Kashmir;

(scanned)

2) Extract from the leasehold agreement of 29 March 1935;

"Article 1: The Viceroy and Governor General of India may at any time after ratification of this agreement assume the civil and military administration of so much of the Wazarat of Gilgit, Gilgit Province (hereinafter referred to as the 'Said territory') of the Jammu and Kashmir as lies beyond the right bank of the river Indus, but notwithstanding anything in this agreement the said territory shall continue to be included within the domain of His Highness the Maharaja of Jammu and Kashmir'."

3) Extract from the instrument of accession of 26 October 1947 of Jammu and Kashmir;

"Now, therefore, I Shriman Inder Mahander Rajrajeshwar Maharajadhiraj Shri Hari Singhji Jammu and Kashmir Naresh Tatha Tibbet adi Deshadhipathi, Ruler of Jammu and Kashmir State, in the exercise of my Sovereignty in and over my said State do hereby execute this my Instrument of Accession; and

1. I hereby declare that I accede to the Dominion of India with the intent that the Governor-General of India, the Dominion Legislature, the Federal Court and any other Dominion authority established for the purposes of the Dominion shall, by virtue of this my Instrument of Accession but subject always to the terms thereof, and for the purposes only of the Dominion, exercise in relation to the State of Jammu and Kashmir (hereinafter referred to as "this State") such functions as may be vested in them by or under the Government of India Act, 1935, as in force in the Dominion of India, on the 15th Day of August 1947, (which Act as so in force is hereafter referred to as "the Act")."

4) Letter from Hari Singh, the Maharajah of Jammu and Kashmir, giving reasons for the accession to the Dominion of India (26 October 1947);

(scanned)

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Accession of Jammu and Kashmir State to India

Text Of Letter Dated October 26, 1947 from Hari Singh, The Maharaja Of Jammu & Kashmir to Lord Mountbatten, Governor General of India

My dear Lord Mountbatten,

I have to inform your Excellency that a grave emergency has arisen in my State and request immediate assistance of your Government.

As your Excellency is aware the State of Jammu and Kashmir has not acceded to the Dominion of India or to Pakistan. Geographically my State is contiguous to both the Dominions. It has vital economical and cultural links with both of them. Besides my State has a common boundary with the Soviet Republic and China. In their external relations the Dominions of India and Pakistan cannot ignore this fact.

I wanted to take time to decide to which Dominion I should accede, or whether it is not in the best interests of both the Dominions and my State to stand independent, of course with friendly and cordial relations with both.

I accordingly approached the Dominions of India and Pakistan to enter into Standstill Agreement with my State. The Pakistan Government accepted this Agreement. The Dominion of India desired further discussions with the representatives of my Government. I could not arrange this in view of the developments indicated below. In fact the Pakistan Government are operating Post and Telegraph system inside the State.

Though we have got a Standstill Agreement with the Pakistan Government that Government permitted steady and increasing strangulation of supplies like food, salt and petrol to my State.

Afridis, solidiers in plain clothes, and desperadoes with modern weapons have been allowed to infiltrate into the State at first in Poonch and then in Sialkot and finally in mass area adjoining Hazara District on the Ramkot side. The result has been that the limited number of troops at the disposal of the State had to be dispersed and thus had to face the enemy at the several points simultaneously, that it has become difficult to stop the wanton destruction of life and property and looting. The Mahora powerhouse which supplies the electric current to the whole of Srinagar has been burnt. The number of women who have been kidnapped and raped makes my heart bleed. The wild forces thus let loose on the State are marching on with the aim of capturing Srinagar, the summer Capital of my Government, as first step to over-running the whole State.

The mass infiltration of tribesmen drawn from distant areas of the North-West Frontier coming regularly in motor trucks using Mansehra-Muzaffarabad Road and fully armed with up-to-date weapons cannot possibly be done without the knowledge of the Provisional Government of the North-West Frontier Province and the Government of Pakistan. In spite of repeated requests made by my Government no attempt has been made to check these raiders or stop them from coming into my State. The Pakistan Radio even put out a story that a Provisional Government had been set up in Kashmir. The people of my State both the Muslims and non-Muslims generally have taken no part at all.

With the conditions obtaining at present in my State and the great emergency of the situation as it exists, I have no option but to ask for help from the Indian Dominion. Naturally they cannot

send the help asked for by me without my State acceding to the Dominion of India. I have accordingly decided to do so and I attach the Instrument of Accession for acceptance by your Government. The other alternative is to leave my State and my people to free-booters. On this basis no civilized Government can exist or be maintained. This alternative I will never allow to happen as long as I am Ruler of the State and I have life to defend my country. I am also to inform your Excellency's Government that it is my intention at once to set up an interim Government and ask Sheikh Abdullah to carry the responsibilities in this emergency with my Prime Minister.

If my State has to be saved immediate assistance must be available at Srinagar. Mr. Menon is fully aware of the situation and he will explain to you, if further explanation is needed.

In haste and with kind regards,
The Palace, Jammu
26th October, 1947

Your sincerely,

Hari Singh