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S/1196

10 January 1949

ORIGINAL: ENGLISH

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LETTER DATED 10 JANUARY 1949 FROM THE CHAIRMAN AND RAPPORTEUR OF THE  
UNITED NATIONS COMMISSION FOR INDIA AND PAKISTAN ADDRESSED TO THE  
PRESIDENT OF THE SECURITY COUNCIL TRANSMITTING THE SECOND  
INTERIM REPORT OF THE COMMISSION

Sir,

We have the honour to present herewith the Second Interim Report of the United Nations Commission for India and Pakistan, covering the period of the Commission's activities from the date of its return to Geneva from the Indian Sub-continent on 25 September 1948 to the date of its adoption on 5 January 1949 of a resolution embodying the basic principles for a plebiscite in the State of Jammu and Kashmir.

The Second Interim Report was adopted unanimously by the Commission at its one hundred and thirteenth meeting, held at Lake Success on 8 January 1949, and is signed by the representatives.

Please accept the assurance of our highest consideration.

Josef Korbel, Chairman

Alfredo Lozano, Rapporteur

To

The President of the Security Council

/UNITED NATIONS

UNITED NATIONS COMMISSION FOR INDIA AND PAKISTAN

SECOND INTERIM REPORT

(RAPPORTEUR: MR. ALFREDO LOZANO, COLOMBIA)

1. The Commission's first Interim Report, dated 9 November 1948, accounts for its activities to 22 September 1948 when the Commission left the Sub-continent for Geneva. It was then felt that the possibilities for further fruitful negotiations on the Sub-continent were temporarily exhausted, and that personal contact was desirable with representatives on the Security Council as well as with representatives of the Governments of India and Pakistan who had left for Paris to attend the session of the United Nations General Assembly.
2. The Commission arrived in Geneva on 25 September 1948, held eighteen meetings, and, after having prepared its first Interim Report, proceeded to Paris to submit it to the Security Council.
3. The Commission held twenty-eight meetings in Paris, its first meeting taking place in the UNESCO building on 8 November 1948.
4. While in Paris, the Chairman and other members of the Commission had numerous individual conversations with the representatives of both Governments, who also, separately, conferred from time to time with the Commission as a whole. In order to open new approaches toward a solution, a basis was sought for an agreement on principles for a plebiscite in the State of Jammu and Kashmir, in furtherance of the objectives of the Commission's resolution of 13 August 1948.
5. On 19 November 1948, the Chairman of the Commission received an urgent communication from the Foreign Minister of Pakistan concerning the military situation in the State of Jammu and Kashmir, which was transmitted to the President of the Security Council in a letter dated 22 November 1948 (Annex 1) and a copy of which was furnished to the representative of India. The Security Council discussed the matter at its 382nd meeting on 25 November 1948, at which representatives of India and Pakistan explained their positions. On 28 November, the representative of India submitted a letter to the Chairman of the Commission dealing with the matters which had been raised in the communication from the Foreign Minister of Pakistan and discussed at the Security Council meeting of 25 November 1948. This letter was immediately transmitted to the President of the Security Council (Annex 2).
6. In view of the immediate need for an independent source of information upon the military situation in the State of Jammu and Kashmir, the Commission recommended urgently that a military adviser should be appointed, and proceed

/forthwith

forthwith to the Sub-continent, together with a suitable staff.

7. The Secretary-General was fortunate in obtaining the services of a Belgian Officer, Lieut.-General Maurice Delvoie, as Military Adviser. He arrived with a small staff on the Sub-continent on 2 January 1949.

8. The Interim Report of the Commission was duly presented to the Security Council on 25 November 1948, and the Rapporteur announced that conversations were being pursued between the Commission and the representatives of the two Governments.

9. The President, in summing up the views of the Members of the Security Council, assured the Commission (1) that it could count on its full support in the task of bringing about a peaceful settlement and (2) the Council wished to endorse the appeal made by the Commission to the Governments of India and Pakistan to refrain from any action which might aggravate the military and political situation and thus endanger the current negotiations.

10. The Commission is glad to report that the conversations with the representatives of India and Pakistan continued to proceed favourably. On 11 December 1948, the Commission was able to submit to the representatives of India and Pakistan proposals (Annex 3) which it hoped might be found "acceptable in their entirety" to both Governments.

11. Also, on 11 December, the Commission decided that Minister Lozano (Colombia) and his alternate, Mr. Samper, should travel to the Sub-continent to provide the two Governments with any necessary explanations of the Commission's proposals. Mr. Colban, the personal representative of the Secretary-General, and a small staff were to accompany the Colombian representative.

12. On the basis of understandings reached in conversations held at New Delhi and Karachi between the representatives of the two Governments and Minister Lozano, the Governments of India and Pakistan signified their acceptance of the Commission's proposals of 11 December 1948, in communications dated 23 December and 25 December respectively (Annexes 4 & 5).

13. While Mr. Colban remained on the Sub-continent to await the return of the Commission, Minister Lozano left for Lake Success, where on 5 and 6 January 1949, he reported the results of his mission.

14. On 1 January 1949 the Governments of India and Pakistan declared that in view of the fact that the proposals of the United Nations Commission for India and Pakistan had been accepted, there remained no reason for continuation of hostilities. Both Governments announced their agreement to order a cease-fire effective one minute before midnight, 1 January 1949

/publicly

publicly expressing the hope that this decision may bring to the people of Jammu and Kashmir lasting peace and to the peoples of Pakistan and India a sense of closer friendship.

15. The Commission reconvened at Lake Success at 3.00 p.m. on 5 January 1949 with the principal objectives of formulating a resolution embodying the Commission's proposals, discussing its future work and movements, and submitting a further report to the Security Council. At its meeting on 5 January, the Commission adopted a resolution, the text of which is as follows:

The United Nations Commission for India and Pakistan,  
Having received from the Governments of India and Pakistan, in communications dated 23 December and 25 December 1948, respectively, their acceptance of the following principles which are supplementary to the Commission's Resolution of 13 August 1948:

1. The question of the accession of the State of Jammu and Kashmir to India or Pakistan will be decided through the democratic method of a free and impartial plebiscite;
2. A plebiscite will be held when it shall be found by the Commission that the cease-fire and truce arrangements set forth in Parts I and II of the Commission's resolution of 13 August 1948 have been carried out and arrangements for the plebiscite have been completed;
3. (a) The Secretary-General of the United Nations will, in agreement with the Commission, nominate a Plebiscite Administrator who shall be a personality of high international standing and commanding general confidence. He will be formally appointed to office by the Government of Jammu and Kashmir.  
(b) The Plebiscite Administrator shall derive from the State of Jammu and Kashmir the powers he considers necessary for organizing and conducting the plebiscite and for ensuring the freedom and impartiality of the plebiscite.  
(c) The Plebiscite Administrator shall have authority to appoint such staff of assistants and observers as he may require.
4. After implementation of Parts I and II of the Commission's resolution of 13 August 1948, and when the Commission is satisfied that peaceful conditions have been restored in the State, the Commission and the Plebiscite Administrator will determine, in consultation with the Government of India, the final disposal of

Indian and State armed forces, such disposal to be with due regard to the security of the State and the freedom of the plebiscite.

(b) As regards the territory referred to in A.2 of Part II of the resolution of 13 August, final disposal of the armed forces in that territory will be determined by the Commission and the Plebiscite Administrator in consultation with the local authorities.

5. All civil and military authorities within the State and the principal political elements of the State will be required to co-operate with the Plebiscite Administrator in the preparation for and the holding of the plebiscite.

6. (a) All citizens of the State who have left it on account of the disturbances will be invited and be free to return and to exercise all their rights as such citizens. For the purpose of facilitating repatriation there shall be appointed two Commissions, one composed of nominees of India and the other of nominees of Pakistan. The Commission shall operate under the direction of the Plebiscite Administrator. The Governments of India and Pakistan and all authorities within the State of Jammu and Kashmir will collaborate with the Plebiscite Administrator in putting this provision into effect.

(b) All persons (other than citizens of the State) who on or since 15 August 1947 have entered it for other than lawful purpose, shall be required to leave the State.

7. All authorities within the State of Jammu and Kashmir will undertake to ensure, in collaboration with the Plebiscite Administrator, that:

(a) There is no threat, coercion or intimidation, bribery or other undue influence on the voters in the plebiscite;

(b) No restrictions are placed on legitimate political activity throughout the State. All subjects of the State, regardless of creed, caste or party, shall be safe and free in expressing their views and in voting on the question of the accession of the State to India or Pakistan. There shall be freedom of the press, speech and assembly and freedom of travel in the State, including freedom of lawful entry and exit;

(c) All political prisoners are released;

(d) Minorities in all parts of the State are accorded adequate protection; and

(e) There is no victimization.

8. The Plebiscite Administrator may refer to the United Nations Commission for India and Pakistan problems on which he may require assistance, and the Commission may in its discretion call upon the Plebiscite Administrator to carry out on its behalf any of the responsibilities with which it has been entrusted;

9. At the conclusion of the plebiscite, the Plebiscite Administrator shall report the result thereof to the Commission and to the Government of Jammu and Kashmir. The Commission shall then certify to the Security Council whether the plebiscite has or has not been free and impartial;

10. Upon the signature of the truce agreement the details of the foregoing proposals will be elaborated in the consultations envisaged in Part III of the Commission's resolution of 13 August 1948. The Plebiscite Administrator will be fully associated in these consultations;

Commends the Governments of India and Pakistan for their prompt action in ordering a cease-fire to take effect from one minute before midnight of 1 January 1949, pursuant to the agreement arrived at as provided for by the Commission's resolution of 13 August 1948; and

Resolves to return in the immediate future to the Sub-continent to discharge the responsibilities imposed upon it by the resolution of 13 August 1948 and by the foregoing principles.

16. The Commission also drafted a communique for the Press to be released for publication in the morning papers on Friday, 7 January 1949 (Annex 6). The texts of the resolution and the communique were transmitted to the Governments of India and Pakistan, so that release in those countries and at Lake Success might be simultaneous.

17. In order to enable the Military Adviser to report to the Commission on the observance of the cease-fire and the truce agreement, the Commission requested the Secretary-General of the United Nations to provide for the designation of an adequate number of military observers. It is hoped that some or all of these observers will have arrived on the scene by the end of January.

18. Under the Commission's proposals a Plebiscite Administrator will be nominated by the Secretary-General of the United Nations in agreement with the Commission, and he will be formally appointed to office by the Government of the State of Jammu and Kashmir. It is important that a personality of high international standing, commanding general confidence, be nominated in the near future, so that work essential to actual preparation for the plebiscite may be commenced when required. The Plebiscite

/Administrator

Administrator will undertake his duties within the State when it is found by the Commission that the cease-fire and truce arrangements set forth in Parts I and II of the resolution of 13 August 1948 have been carried out. 19. The Commission plans to return to the Sub-continent as soon as practicable, and in any event before the end of January, there to carry out its responsibilities with reference to the cease-fire and truce agreement and the elaboration of the plebiscite proposals. The Commission will continue to report regularly to the Security Council, submitting its further proposals and conclusions.

CARLOS A. LEGUIZAMON (Argentina)

HARRY GRAEFFE (Belgium)

ALFREDO LOZANO (Colombia)

JOSEF KORBEL (Czechoslovakia)

J. STAIR HIDDLE (United States)

UNITED NATIONS COMMISSION FOR INDIA AND PAKISTAN

Rotation of Chairman

1 October to 21 October 1948	-	H. E. Minister Ricardo J. Sini (Argentina)
22 October to 11 November 1948	-	H. E. Ambassador Egbert Graeffe (Belgium)
12 November to 2 December 1948	-	H. E. Minister Alfredo Lozano (Colombia)
3 December to 13 December 1948 and 5 January to 15 January 1949	-	H. E. Ambassador Josef Korbel (Czechoslovakia)



## UNITED NATIONS COMMISSION FOR INDIA AND PAKISTAN

Calendar of Events

Saturday	25 September		Commission arrives in Geneva
Thursday	30 September	Geneva	63rd meeting of Commission
Monday	4 October	Geneva	64th meeting of Commission
Tuesday	5 October	Geneva	65th meeting of Commission
Wednesday	6 October	Geneva	66th meeting of Commission
Thursday	7 October	Geneva	67th meeting of Commission
Friday	8 October	Geneva	68th meeting of Commission
Saturday	9 October	Geneva	69th meeting of Commission
Monday	11 October	Geneva	70th meeting of Commission
Tuesday	12 October	Geneva	71st meeting of Commission
Wednesday	13 October	Geneva	72nd meeting of Commission
Thursday	14 October	Geneva	73rd meeting of Commission
Friday	15 October	Geneva	74th meeting of Commission
Saturday	16 October	Geneva	75th meeting of Commission
Monday	18 October	Geneva	76th meeting of Commission
Tuesday	19 October	Geneva	77th meeting of Commission
Wednesday	20 October	Geneva	78th meeting of Commission
Thursday	21 October	Geneva	79th meeting of Commission
Thursday	28 October	Geneva	80th meeting of Commission
Monday	8 November	Paris	81st meeting of Commission Informal conversation of Chairman with representative of India
Tuesday	9 November	Paris	82nd meeting of Commission
Friday	12 November	Paris	83rd meeting of Commission
Monday	15 November	Paris	84th meeting of Commission
Tuesday	16 November	Paris	85th meeting of Commission Informal meeting with Pakistan Foreign Minister
Wednesday	17 November	Paris	86th meeting of Commission
Thursday	18 November	Paris	87th meeting of Commission 88th meeting of Commission
Friday	19 November	Paris	89th meeting of Commission (Pakistan Foreign Minister present) 90th meeting of Commission

/Saturday

Calendar of Events (continued)

Saturday	20 November	Paris	91st meeting of Commission
Monday	22 November	Paris	92nd meeting of Commission
Wednesday	24 November	Paris	93rd meeting of Commission
Thursday	25 November	Paris	Chairman attends 382nd meeting of Security Council for discussion of India-Pakistan Question
Saturday	27 November	Paris	94th meeting of Commission Informal meeting with Pakista Foreign Minister
Monday	29 November	Paris	95th meeting of Commission Informal meeting with representative of India
			96th meeting with Commission Informal meeting with Pakista Foreign Minister
Tuesday	30 November	Paris	97th meeting of Commission
Wednesday	1 December	Paris	98th meeting of Commission
			99th meeting of Commission
Thursday	2 December	Paris	100th meeting of Commission
			101st meeting of Commission
Saturday	4 December	Paris	Military Adviser appointed
Monday	6 December	Paris	102nd meeting of Commission
Wednesday	8 December	Paris	103rd meeting of Commission
Friday	10 December	Paris	104th meeting of Commission (Pakistan Foreign Minister present)
			105th meeting of Commission (Representative of India present)
Saturday	11 December	Paris	106th meeting of Commission
			107th meeting of Commission Proposals re plebiscite communicated to representativ of India and Pakistan
Monday	13 December	Paris	108th meeting of Commission

/Thursday

Calendar of Events (continued)

Thursday	16 December	Paris	Representative of Colombia and party proceed to Sub-continent Chairman proceeds to Lake Success
Monday	20 December	Delhi	Discussion of representative of Colombia and Prime Minister, India
Wednesday	22 December	Delhi	Discussion of representative of Colombia and Prime Minister, India
Friday	24 December	Karachi	Discussion of representative of Colombia and Foreign Minister, Pakistan
Saturday	25 December	Karachi	Discussion of representative of Colombia and Foreign Minister, Pakistan
Thursday	30 December	Paris	Military Adviser proceeds to Sub-continent
Saturday	1 January 1949	Delhi-Karachi	Cease-fire orders issued by India and Pakistan
Wednesday	5 January	Lake Success	109th meeting of Commission
Thursday	6 January	Lake Success	110th meeting of Commission
			111th meeting of Commission
Saturday	8 January	Lake Success	112th meeting of Commission
			113th meeting of Commission

ANNEX 1 (paragraph 5)

LETTER DATED 22 NOVEMBER 1948 FROM THE CHAIRMAN OF THE UNITED NATIONS  
COMMISSION FOR INDIA AND PAKISTAN ADDRESSED TO THE PRESIDENT OF THE  
SECURITY COUNCIL CONCERNING THE SITUATION IN KASHMIR.

Sir,

I have the honour to transmit the following communication from the  
Foreign Minister of Pakistan:

"Excellency,

I have the honour to inform Your Excellency that I have been  
instructed by the Pakistan Government to transmit at once the  
following communication to the Security Council:

"The Pakistan Government wish to draw the attention of the  
Security Council to the developments in Kashmir which constitute  
definite violations by India of the undertaking given by both  
Governments in response to UNCIP's Resolution of 19 September 1948.  
This Resolution appealed to both Governments to use their best  
endeavours during the absence of the Commission to lessen the  
existing tension in this dispute so as further to prepare the  
ground for its peaceful final settlement. The Government of  
Pakistan have scrupulously observed the undertaking given by them.  
On the other hand, India now appears determined to force a  
military decision in Kashmir. Indian Army has recently been  
reinforced in Jammu area by three Infantry Brigades, four  
Militia Battalions, one Field Artillery Regiment, one Medium  
Artillery Regiment. A Corps H.Q. has been established in NAUSHERA  
controlling three divisions of army, one Airborne Division  
operating in Riasi and Poonch Districts. In Srinagar area  
reinforcement of two additional Infantry Brigades plus three  
Battalions and one Regiment of Field Artillery have arrived.  
Indian Air Force operating in Kashmir has also been considerably  
reinforced. Last September Indian Army made an attack in  
Brigade strength on Zojilla Pass which was repulsed. In October  
an attack in Brigade strength north from Jammu towards Uri was also  
held, while an attack by one Brigade from JHANGAR towards KOTLI  
was held 15 miles north-west of Jhangar. Indian Army has now  
started major offensive by at least one division supported by  
armoured cars from Rajauri towards Kotli and Mendher and is  
continually moving up reinforcements to Naushera. Object  
undoubtedly is all-out offensive to obtain possession of

/Western Kashmir

Western Kashmir including Mirpur, Mangla Head Works and whole of Poonch. Heavy fighting is now in progress on this front and renewed flow of refugees into West Pakistan has already begun as a result of this Indian Army offensive. Indian Army has also renewed attack by at least one Brigade over Zojilla pass and has penetrated defences of Dras. These attacks on both fronts are being supported by maximum air action. It is quite clear that India's object is to secure a decision by military means immediately and so face United Nations with a fait accompli. Hitherto Azad forces with minimum support by Pakistan Army acting in a purely defensive role have managed to hold Indian aggression. Pakistan Air Force has so far not been employed in a combat role. Pakistan Government cannot emphasize too strongly to the Security Council that unless immediate steps are taken by them to halt Indian Army offensive the Pakistan Government will have no option but to change their policy of using minimum regular forces in Kashmir and will have to undertake counter offensive with all available resources in an endeavour to prevent the over-running by Indian Army of Poonch and Mirpur Districts. This must inevitably lead to most bloody fighting between regular Pakistan and regular Indian forces which up till now Pakistan Government have sincerely endeavoured to avoid. The situation is therefore fraught with possibilities of wide extension of armed conflict.'

"2. In the course of my informal meeting with the Commission on 16 November, I understood that the Commission was formulating the basic conditions for a plebiscite under Part III of its resolution of 13 August 1948, and that it intended to present its proposals very shortly to the representatives of India and Pakistan. Realising the delicacy of the task upon which the Commission is engaged, and being extremely apprehensive that the efforts of the Commission to bring about a peaceful settlement of the disputes between India and Pakistan might be completely frustrated by India's attempt to achieve a military decision in Jammu and Kashmir, I have the honour to transmit my Government's communication to the Security Council through the Commission instead of sending it direct.

"3. In view of the grave situation created by the aggressive action of India, which threatens to flare up into an armed conflict of the most serious magnitude between two States, members of the United Nations, I would request that the Commission may be pleased

/to transmit

to transmit the Pakistan Government's communication to the Security Council, and to take such urgent action as the Commission may deem appropriate and effective to cope with the emergency. The Commission will readily appreciate that a military decision achieved by one party to the Kashmir dispute, while the Commission is within sight of the formulation of its proposals for a peaceful settlement of the dispute, would from every point of view be a disaster, and that urgent and effective action is needed to avert it.

"Accept, Excellency, the renewed assurances of my highest consideration,

/s/ ZAFRULLA KHAN

Minister of Foreign Affairs  
& Commonwealth Relations,  
Government of Pakistan"

The United Nations Commission for India and Pakistan, as is noted in the above letter, is at present engaged in the preparation of bases for further negotiations with the Governments of India and Pakistan, and is awaiting the replies of the representatives of the two Governments to its initial suggestions. The Commission envisages its return to the sub-Continent as soon as the development of the present consultations with representatives of the two Governments here in Paris renders this desirable.

The Commission has addressed a communication to the Secretary-General of the Indian Ministry of External Affairs, who is at present in Paris, asking him to secure, as a matter of urgency, his Government's observations on the situation referred to in the communication from the Foreign Minister of Pakistan. The Commission at the same time has appealed to the Governments of India and Pakistan to refrain from any action which might aggravate the military and political situation and thus endanger the negotiations which are at present being directed towards the preparation of a peaceful final settlement.

In an effort to obtain specific information on the present military situation, the Commission is in communication with the Secretary-General regarding the appointment of a military adviser who would be dispatched to the Indian sub-continent as soon as practicable and keep the Commission currently informed. The Secretary-General is being addressed separately on this subject.

The Commission will keep you informed of further developments in the situation.

(Signed) Alfredo Lozano  
Chairman

/ANNEX 2

ANNEX 2 (paragraph 5)

LETTER DATED 30 NOVEMBER 1948 FROM THE CHAIRMAN OF THE UNITED NATIONS COMMISSION FOR INDIA AND PAKISTAN TO THE PRESIDENT OF THE SECURITY COUNCIL ENCLOSING A LETTER DATED 28 NOVEMBER 1948 FROM THE REPRESENTATIVE OF INDIA TO THE CHAIRMAN OF THE COMMISSION

Paris, 30 November 1948.

I have the honour to refer to my letter of 22 November 1948 relating to a communication from the Foreign Minister of Pakistan in connection with the pending dispute between that country and India.

In my letter to you I mentioned that the Commission for India and Pakistan had addressed a communication to the Secretary-General of the Indian Ministry of External Affairs who is at present in Paris asking him to secure, as a matter of urgency, his Government's observations on the situation referred to in the communication from the Foreign Minister of Pakistan. The Commission, at the same time, appealed to the Governments of India and Pakistan to refrain from any action which might aggravate the military and political situation and thus endanger the negotiations which are at present being directed towards the preparation of a peaceful, final settlement.

I have now received a reply dated 28 November 1948 from the Indian representative and I beg leave to enclose copy of that document for the information of the Security Council.

/signed/ Alfredo Lozano  
Chairman of the United Nations  
Commission for India and Pakistan  
Paris, 28 November 1948

Enclosure:

Sir:

I have the honour to refer to your letter of 22 November 1948, which reproduces the text of a letter dated the 19th instant, addressed to you by the Foreign Minister of Pakistan. Sir Zafrullah's letter raises three main points:

- (1) that India had violated the undertaking given by both the Governments of India and Pakistan in response to the Commission's resolution of 19 September 1948;
- (2) that the Indian Army and Air Force in Jammu and Kashmir had recently been heavily reinforced;
- (3) that India had now started a major offensive with the object of securing a decision by military means immediately and so facing the United Nations with a fait accompli.

/On the basis

On the basis of instructions and information received by my Government, I submit the following answers to the three points set out in the preceding paragraph:

- (1) My Government completely deny the allegation of the Government of Pakistan that they have violated any undertaking. In this connexion, I would invite your attention to the reply of my Government to the Commission's resolution of 19 September, despatched from New Delhi on 29 September, of which, for convenient reference, I attach a copy. In that reply, the Prime Minister of India and Minister of External Affairs and Commonwealth Relations, Shri Jawaharlal Nehru, drew the attention of the Commission to the continued presence of Pakistan troops on the territory of Jammu and Kashmir, which is now Indian territory, and of the continued offensive against Indian troops in this State by Pakistan troops as well as by other hostiles who are under the operational command of the Pakistan Army. The Prime Minister added: "The extent to which the Government of India can observe the Commission's resolution will naturally depend upon this situation". My Government maintain, in view of this reply, that there has been no breach of any undertaking by them.
- (2) As I pointed out in the course of the debate in the Security Council last Thursday, the statements in Sir Zafrullah Khan's letter to Your Excellency dated 19 November regarding the reinforcements sent by India to Jammu and Kashmir are incorrect. The Air Force has not been strengthened at all. As regards the Army, all that has happened is that, in recent months, about five thousand men have been sent to Jammu and Kashmir, partly to relieve old troops and partly to meet fresh attacks by the Pakistan Army supported by big guns. There has been a fresh disposition of old troops, in the course of which certain brigade headquarters have been established. The reference to new brigades in the Pakistan Foreign Minister's letter of the 19 November is not understood.
- (3) While the Government of India feel that they are perfectly justified, in the face of Pakistan's invasion of Jammu and Kashmir and continuous attacks, to use military means to clear Kashmir, they have been acting on the defensive during the past months and there has been no major offensive nor is any such offensive contemplated. The Commission is familiar with  
/the terrain



the terrain in Kashmir and aware of the climatic conditions which prevail there during the winter. These factors alone make the undertaking a major offensive during the winter impossible. The operations over the Zojilla Pass were intended to relieve the Kashmir valley of a threat from the north-east and the pressure by hostiles on Leh. The operation in the Poonch area which resulted in the capture of Mendbar was also undertaken to clear the road to Poonch where, as the Commission is aware, a garrison of Indian troops has been besieged for some months and is still under seige. Unless the road was kept clear, neither the garrison nor the refugees now in Poonch, numbering thousands, could be kept supplied.

In your letter under reply, Your Excellency addressed an appeal to the Government of India to refrain from any action which might aggravate the military and political situation and thus endanger the negotiations which are at present being directed towards the preparation of a peaceful final settlement. This appeal has been endorsed by the Security Council and was communicated officially to Her Excellency Mrs. Pandit in a letter from the President of the Security Council dated 27 November 1948. I have telegraphed to my Government for a formal reply to this appeal. Meanwhile, I can assure the Commission that, as already stated, the Government of India have not launched, and have no intention of launching, a military offensive. The Commission will, I submit, recognise that the Government of India's further course of action would depend on what Pakistan does.

(Signed) G. S. BAJPAI  
Secretary-General to the Government  
of India,  
Ministry of External Affairs and  
Commonwealth Relations.

Attachment:

29 September 1948

Please convey following from the Prime Minister to the Chairman of the United Nations Commission for India and Pakistan, now in Geneva:

I have carefully considered the resolution of the Commission which, in substance, corresponds to the resolution adopted by your Commission at its 15th meeting held on 14 July 1948, at Faridkot House, New Delhi. In reply to this resolution, I stated: "The Commission may rest assured that, consistently with their rights under international law and the Charter of the United Nations,  
/the Government

the Government of India will continue to endeavour to give effect to the Commission's request." My Government have faithfully kept this promise. The Commission is aware of the continued presence of Pakistan troops on the territory of Jammu and Kashmir, which is now Indian territory, and of the continued offensive against Indian troops in the State by Pakistan troops as well as by other hostiles, who are under the operational command of the Pakistan Army. The extent to which the Government of India can observe the Commission's resolution will naturally depend upon this situation.

Jawaharlal NEHRU

## ANNEX 3 (paragraph 10)

BASIC PRINCIPLES FOR A PLEBISCITE PROPOSED BY THE COMMISSION  
TO THE GOVERNMENTS OF INDIA AND PAKISTAN ON 11 DECEMBER 1948

- A. The Commission reaffirms its resolution of 13 August 1948.
- B. The Governments of India and Pakistan simultaneously accept supplementary to this resolution the following principles:
1. The question of the accession of the State of Jammu and Kashmir to India or Pakistan will be decided through the democratic method of a free and impartial plebiscite.
  2. A plebiscite will be held when it shall be found by the Commission that the cease-fire and truce arrangements set forth in Parts I and II of the Commission's resolution of 13 August 1948 have been carried out and arrangements for the plebiscite have been completed.
  3.
    - a. The Secretary-General of the United Nations will, in agreement with the Commission, nominate a Plebiscite Administrator who shall be a personality of high international standing and commanding general confidence. He will be formally appointed to office by the Government of Jammu and Kashmir.
    - b. The Plebiscite Administrator shall derive from the State of Jammu and Kashmir the powers he considers necessary for organizing and conducting the plebiscite and for ensuring the freedom and impartiality of the plebiscite.
    - c. The Plebiscite Administrator shall have authority to appoint such staff of assistants and observers as he may require.
  4.
    - a. After implementation of Parts I and II of the Commission's resolution of 13 August 1948, and when the Commission is satisfied that peaceful conditions have been restored in the State, the Commission and the Plebiscite Administrator will determine, in consultation with the Government of India, the final disposal of Indian and State armed forces, such disposal to be with due regard to the security of the State and the freedom of the plebiscite.
    - b. As regards the territory referred to in A.2 of Part II of the resolution of 13 August, final disposal of the armed forces in that territory will be determined by the Commission and the Plebiscite Administrator in consultation with the local authorities.

5. All civil and military authorities within the State and the principal political elements of the State will be required to co-operate with the Plebiscite Administrator in the preparation for and the holding of the plebiscite.
6.
  - a. All citizens of the State who have left it on account of the disturbance will be invited and be free to return and to exercise all their rights as such citizens. For the purpose of facilitating repatriation there shall be appointed two Commissions, one composed of nominees of India and the other of nominees of Pakistan. The Commission shall operate under the direction of the Plebiscite Administrator. The Governments of India and Pakistan and all authorities within the State of Jammu and Kashmir will collaborate with the Plebiscite Administrator in putting this provision into effect.
  - b. All persons (other than citizens of the State) who on or since 15 August 1947 have entered it for other than lawful purpose, shall be required to leave the State.
7. All authorities within the State of Jammu and Kashmir will undertake to ensure, in collaboration with the Plebiscite Administrator, that:
  - a. There is no threat, coercion or intimidation, bribery or other undue influence on the voters in the plebiscite;
  - b. No restrictions are placed on legitimate political activity throughout the State. All subjects of the State, regardless of creed, caste or party, shall be safe and free in expressing their views and in voting on the question of the accession of the State to India or Pakistan. There shall be freedom of the Press, speech and assembly and freedom of travel in the State, including freedom of lawful entry and exit;
  - c. All political prisoners are released;
  - d. Minorities in all parts of the State are accorded adequate protection; and
  - e. There is no victimization.
8. The Plebiscite Administrator may refer to the United Nations Commission for India and Pakistan problems on which he may require assistance, and the Commission may in its discretion call upon the Plebiscite Administrator to carry out on its behalf any of the responsibilities with which it has been entrusted.

/9. At the conclusion

9. At the conclusion of the plebiscite, the Plebiscite Administrator shall report the result thereof to the Commission and to the Government of Jammu and Kashmir. The Commission shall then certify to the Security Council whether the plebiscite has or has not been free and impartial.
  10. Upon the signature of the truce agreement the details of the foregoing proposals will be elaborated in the consultations envisaged in Part III of the Commission's resolution of 13 August 1948. The Plebiscite Administrator will be fully associated in these consultations.
- C. Part I and Part II of the Commission's resolution of 13 August 1948 will be put into effect without delay.

ANNEX 4 (paragraph 12)

LETTER DATED 23rd DECEMBER 1948 FROM THE SECRETARY-GENERAL OF THE  
MINISTRY OF EXTERNAL AFFAIRS AND COMMONWEALTH RELATIONS OF THE  
GOVERNMENT OF INDIA TO MR. ALFREDO LOZANO, REPRESENTATIVE,  
UNITED NATIONS COMMISSION FOR INDIA AND PAKISTAN

Your Excellency,

I have already forwarded to you, authentic copies of two Aides Memoire\* embodying the substance of your discussions with the Prime Minister of India. On the basis of the explanation given by you of the Commission's Plebiscite proposals and the understanding arrived at in the course of the conversations between you and the Prime Minister, the Government of India, animated by a sincere desire for a peaceful settlement of the Kashmir dispute and by their willingness to assist the United Nations Commission in achieving this objective, have decided to accept the proposals.

2. As you yourself said, the appointment of a Plebiscite Administrator will take some time. The Government of India have no objection to the preliminaries of choosing a person of high international standing and commanding general confidence being started, but they would prefer the proceedings to be kept confidential for the time being. No public announcement of the name of the person selected should be made without prior consultation with them.

3. My Government would be glad to be informed, if necessary confidentially, through their High Commissioner in Karachi, of the reply of the Government of Pakistan to the Commission's proposals. That Government should not be informed of the Government of India's acceptance until after it has communicated its reply to Your Excellency.

Please accept the assurances of my highest consideration.

Yours sincerely,  
/s/ G. S. BAJPAL,  
SECRETARY-GENERAL

His Excellency Alfredo Lozano  
United Nations Commission for India and Pakistan  
NEW DELHI

\* Aides Memoire attached.

## Attachment 1

## AIDE MEMOIRE NO. 1

His Excellency Dr. Lozano, accompanied by his Alternate, Mr. Samper, and His Excellency Mr. Colban, Personal Representative of the Secretary-General of the United Nations, met the Prime Minister yesterday. The Honourable Shri Gopalaswami Ayyangar and Sir G. S. Bajpai were also present. The discussions of the Commission's Plebiscite proposals fell into two parts (1) General, (2) Particular in reference to individual clauses.

2. The Prime Minister drew attention to Pakistan's repeated acts of aggression against India. In spite of the presence of Pakistan troops in Jammu and Kashmir, which is Indian territory now, and the offensive action of Pakistan troops, the Government of India had accepted the Commission's Resolution of 13 August. Pakistan had not accepted that Resolution. In paragraph 143 of its report, the Commission has referred to its conference with the Prime Minister on the conditions attached by the Government of Pakistan to its acceptance of the Resolution of 13 August. As stated in paragraph 144 of the report, the Prime Minister had informed the Commission that he stood on his original premises that the Pakistan forces must be withdrawn from the State before the Government of India could consider any further steps. This had specific reference to an amplification of Part III of the Resolution of 13 August. Nevertheless, the Government of India had agreed to informal conversations in Paris which had resulted in the formulation of the proposals now put forward by the Commission. The Government of India naturally wondered how far this process of rejection of proposals put forward by the Commission by Pakistan and the adoption of a responsive attitude on the part of the Government of India towards the Commission's proposals could continue. The Commission must realize that there were limits to the forbearance and spirit of conciliation of the Government of India. The Prime Minister emphasized (1) that, if the Government of India were to accept the Commission's plebiscite proposals, no action could be taken in regard to them until Parts I and II of the Commission's Resolution of 13 August had been fully implemented; (2) that in the event of Pakistan not accepting these proposals, or having accepted them, not implementing Parts I and II of the Resolution of 13 August, the Government of India's acceptance of them should not be regarded as in any way binding upon them; (3) Part III of the Commission Resolution of 13 August provided "that the future status of the State of Jammu and Kashmir shall be determined in accordance with the will of the people and to that end, upon acceptance of the truce agreement, both Governments agree to enter into consultation with the

/Commission

Commission to determine fair and equitable conditions whereby such free expression will be assured". The present proposals appeared to limit the method of ascertaining the will of the people regarding the future status of the State of Jammu and Kashmir to a plebiscite. While the Government of India adhered to their position in regard to a plebiscite, they had pointed out that, in view of the difficulties of holding a plebiscite in present conditions in Kashmir, other methods of ascertaining the wish of the people should also be explored. The Commission had itself recognized the difficulties of carrying out a plebiscite in Kashmir. The Government of India feel that the exploration of other methods should not be ruled out.

3. As regards (1) Dr. Lozano enquired whether there would be objection to the appointment of a Plebiscite Administrator until Parts I and II of the Resolution of 13 August had been implemented. Both he and Mr. Colban thought that the Plebiscite Administrator could do useful exploratory work even before arrangements for holding a plebiscite could be taken in hand. The Prime Minister pointed out that it was always open to the Commission to employ advisers or experts for work within its terms of reference. The Government of India, however, would regard the appointment of a Plebiscite Administrator, as such, premature until Parts I and II of the Resolution of 13 August had been implemented. Dr. Lozano accepted (2). As regards (3), he said that the Commission wished the possibility of a plebiscite to be explored first. Should the Plebiscite Administrator, however, find a plebiscite to be impracticable, the way would be open to consider other methods for ensuring a free expression by the people of Jammu and Kashmir of their wish regarding the future status of the State.

4. B.1. Preamble. The phrase "The Governments of India and Pakistan simultaneously accept" is incorrect in that either Government may not accept the principles supplementary to the Resolution of 13 August. Even if both Governments accept them, the acceptance cannot be simultaneous. The wording should be changed accordingly.

B.3. (b). The question was raised whether the form of words employed was intended to give to the Plebiscite Administrator powers of interference in the administration of the State, e.g., by "direction and supervision of the State Forces and Police", mentioned in paragraph B.3 of the Security Council's Resolution of 21 April 1948. Dr. Lozano said that this was not the intention of the Commission and that the words quoted above had been deliberately omitted. The Prime Minister pointed out that all the Plebiscite Administrator could in reason expect was that, for the purpose of organizing and conducting the plebiscite and ensuring its freedom and impartiality, the Government of Jammu and Kashmir should give him such assistance as he might  
/require.



require. Dr. Lozano said that a Plebiscite Administrator of international standing and commanding general confidence who would be appointed after consultation with the Government of India could be expected to act reasonably and that the Commission did not intend that he should usurp the functions of the State Government in the field of normal administration and law and order. His functions and powers would be limited to ensuring that the plebiscite was free and impartial.

B.4. (b). The Prime Minister drew attention to the fact that the Azad Kashmir forces which had been armed and equipped by Pakistan and were under the operational command of the Pakistan army ran into tens of thousands. Their presence in the territories referred to in A.3 of Part II of the Resolution of 13 August even after demobilization, would be a constant threat to the territory under the control of Indian and State forces, a deterrent to the return of many refugees, and an obstacle to the free expression of opinion regarding the future status of the State by those who might be opposed to the accession of the State to Pakistan. Dr. Lozano pointed out that it was the Commission's intention that there should be large scale disarming of these forces, though it would not be possible to require withdrawal, from these territories, of genuine inhabitants of these areas.

B.6. (a). Dr. Lozano agreed that it was not the Commission's intention that the Pakistan Commission should operate outside Pakistan. Thus, the Pakistan Commission would not operate in the territory referred to in A.3 of Part II of the Resolution of 13 August. The Prime Minister then raised the question of the "free return" to the State of all citizens who had left it on account of the disturbances. He said that the tendency of Pakistan would be to push as many people as possible into Jammu and Kashmir. If the plebiscite was to be limited, as it should be, to genuine citizens of the State, the entry of persons claiming to be citizens into the State will have to be most carefully checked. How was this to be achieved. Dr. Lozano said that the Commission fully realized the necessity of an accurate and effective check but had not gone into details. Possibly those returning to the State could be stopped and examined at the frontier. The Prime Minister pointed out that, considering the length of the frontier and the ease with which people could slip across the border over the mountain tracks, a check on the frontier would neither be easy nor effective, except by the deployment of large forces.

Apart from the problem of entry, there is the even more important problem of the rehabilitation and protection of those who have left the State on account of recent disturbances. Homes have been destroyed; property has been lost; there has been wholesale dispossession of persons from the land  
/that they

that they used to cultivate. It is not enough to "invite" these persons to return to the State. They have to be given full security and to be housed, fed, and put in a position to maintain themselves. It may be necessary to lodge these returning citizens of the State, temporarily in camps for distribution to their homes. They could not, however, be expected to remain in relief camps for long or to take part in a plebiscite from such camps. The administrative and economic implications of this task were at once significant and onerous. They must receive full attention.

B.6. (b). It is assumed that the Government of Jammu and Kashmir will decide whether or not a person entered the State for a lawful purpose.

B.7. (b). India is a secular State; the United Nations also are a secular organization. Pakistan aims at being a theocratic State. An appeal to religious fanaticism could not be regarded as legitimate political activity. Dr. Lozano agreed that any political activity which might tend to disturb law and order could not be regarded as legitimate. The same test would apply to freedom of press and of speech.

As regards the freedom of lawful entry and exit, this must obviously be governed by E.6 of the proposals. It is assumed that in the territory under their control entry and exit will be regulated by rules frames for the purpose by the Government of Jammu and Kashmir with due regard to the security of the State and the maintenance of law and order. Dr. Lozano said that a system of permits would probably be necessary.

B.7. (c). Persons guilty of ordinary offences against the law will not be regarded as political prisoners.

5. In all their negotiations the Government of India have emphasized the paramount need of ensuring the security of the State. The Commission recognized this in their Resolution of 13 August, they have also provided in 4 (a) of the Plebiscite proposals that measures with regard to the final disposal of Indian and State forces will be taken with due regard to the security of the State. The Government of India wish to emphasize the supreme importance which they attach to adequate provision for the security of the State in all contingencies.

21.12.48

Attachment 2

AIDE MEMOIRE NO. 2

His Excellency Dr. Lozano and His Excellency Mr. Colban met the Prime Minister at 11.00 a.m. The Honourable Shri N. Gopalaswami Ayyangar, Sir Girja Shanker Bajpai and Mr. Pai were also present.

2. Dr. Lozano said that the aide memoire of the conference which took place on Monday, 20 December, was a correct account of the proceedings. He suggested, however, that the phrase "large scale disarming" of the Azad Kashmir forces used in the portion of the aide memoire dealing with B.4(b) of the Commission's plebiscite proposals did not, perhaps, represent the Commission's intention. What the Commission had in mind was the disbanding of these forces; disarming, it was assumed, would follow. The Prime Minister pointed out that disbandment was not the same thing as disarming. Pakistan had raised something like thirty-five battalions of 28,000 to 30,000 men who now formed part of the Azad Kashmir forces. The presence of such a large number of armed people, even if the regular formations were disbanded, would not be conducive, either to ensure the security of that part of Jammu and Kashmir which is under the control of Indian and State forces, or the security of those inhabitants of the territories referred to in A.3 of Part II of the Resolution of 13 August who did not fully subscribe to or share the political views of pro-Pakistan elements. Moreover, the question of the re-entry into these territories of State Citizens who had left it on account of the present conflict had to be kept in mind. With such a large number of members of the Azad Kashmir forces under arms, former inhabitants of these territories who held different political views would not dare to re-enter and, therefore, would be debarred from participation in a "free and impartial" plebiscite. In view of this explanation, Dr. Lozano agreed that the phrase "large scale disarming" should be regarded as correctly interpreting the Commission's intention.

3. Discussion then turned on B.10 of the proposals. Dr. Lozano, answering an enquiry of the Prime Minister, said that the Commission did not contemplate that the Plebiscite Administrator should undertake any administrative functions in regard to the plebiscite until Parts I and II of the Commission's Resolution of 13 August 1948 had been implemented. Until such implementation, the conditions for the discharge of such functions would not exist. What the Commission had in mind was that discussions on details connected with the plebiscite might begin as soon as possible as this would create a good impression all around. Monsieur Colban supported this view on the ground that the announcement of a Plebiscite Administrator  
/of high standing

of high standing would have an excellent psychological effect. Monsieur Colban added that, of course, if difficulties arose in the implementation of Part II of the Resolution of 13 August, the preliminary consultations regarding the functions of the Plebiscite Administrator and other detailed arrangements for the plebiscite would have to be deferred. The Prime Minister replied that, under the Commission's proposals, the Governments of India and Jammu and Kashmir assumed a great many responsibilities while Pakistan had to do practically nothing. The Governments of India and Jammu and Kashmir could not, in fairness, be expected to discharge any of their responsibilities regarding the plebiscite until there was satisfactory evidence that Pakistan was carrying out its obligations under Part II of the Resolution of 13 August. Moreover, once the present proposals had been accepted, the things left over for discussion with the Plebiscite Administrator would be (1) his functions and (2) detailed arrangements for carrying out a plebiscite. A consideration of (2) would clearly be impracticable until Parts I and II of the Resolution of 13 August had been implemented. Unless cease-fire was carried out and Pakistan forces, hostile tribesmen and Pakistan nationals who had entered the State for purposes of fighting had withdrawn, there could not be, in the territories referred to in A.3 of Part II of the Resolution of 13 August, any local authorities with whom plebiscite arrangements could be discussed. B.9, as at present worded, could be interpreted to mean that consultations with the Plebiscite Administrator should start immediately on the signature of the truce. This clearly was not feasible. Dr. Lozano and Monsieur Colban pointed out that, when the paragraph in question was drafted, all these considerations were not present to the mind of the Commission. The Commission, according to Dr. Lozano, had assumed that, since the Prime Minister of India had informed the Commission, two days after it had placed before him the conditions attached by the Government of Pakistan to their acceptance of the Resolution of 13 August, that he stood on his original premises that the Pakistan forces must be withdrawn from the State before the Government of India could consider any further steps, action in relation to B.9 would be feasible only after satisfactory progress had been made with the implementation of Part II of the Resolution of 13 August. He and Monsieur Colban agreed that the consultations envisaged in B.9 could take place only after the Commission was satisfied that satisfactory progress had been made with the implementation of Part II of the Resolution, that is after hostile tribesmen, Pakistan forces and Pakistan nationals who had entered Jammu and Kashmir for the purpose of fighting had withdrawn from State territory. Dr. Lozano said that this was the interpretation of B.9 which they would

/present

present to the Pakistan Government in Karachi.

4. Dr. Lozano stressed the importance of appointing the Plebiscite Administrator as soon as possible. In view of the preliminaries that had to be gone through, he thought that it might take some time before the Plebiscite Administrator was finally appointed. The Prime Minister pointed out that, if Pakistan accepted the present proposals and carried out its obligations under Part II of the Resolution of 13 August promptly, he saw no reason why the appointment should take much time. What he wished to emphasize was that there would be nothing which the Plebiscite Administrator could usefully do in India until progress had been made with the implementation of Part II of the Resolution as now explained by Dr. Lozano and Mr. Colban.

5. As regards alternative methods of ascertaining the wish of the people regarding the future status of Jammu and Kashmir, Dr. Lozano said that the statement in paragraph 3 of the aide memoire dated 21 December 1948 was substantially similar to his own record which reads "Dr. Lozano said that it would be up to the Plebiscite Administrator to report to the Security Council (through the Commission) if he found the plebiscite procedure to be impossible for technical or practical reasons. The Plebiscite Administrator and/or the Commission could then recommend alternative solutions.

6. Concluding the discussion, the Prime Minister once again emphasized the need for security for displaced State nationals returning to the territory referred to in Part II A.3 of the Commission's Resolution of 13 August. Equally important would be the task of rehabilitation of refugees returning to this area as well as to the part of the State under the control of the Government of Jammu and Kashmir. Hundreds of thousands of persons were involved. Not only organization and machinery but time and money would be needed to accomplish the formidable task of restoring these unhappy persons to what once was their home. Until this task was completed, the conditions for a free and impartial plebiscite would not exist. Dr. Lozano recognized the importance of this matter and pointed out that it will have to be carefully gone into when the consultations on the details of the present proposals take place.

22/12/48

ANNEX 5 (paragraph 12)

LETTERS DATED 25 DECEMBER 1948, FROM THE MINISTER OF FOREIGN AFFAIRS  
AND COMMONWEALTH RELATIONS, PAKISTAN, TO MR. ALFREDO LOZANO,  
REPRESENTATIVE, UNITED NATIONS COMMISSION FOR INDIA  
AND PAKISTAN

(1)

Excellency,

I have the honour to refer to Dr. Korbel's letter of 11th, December, enclosing the Commission's proposals in amplification of its Resolution of 13th, August. These proposals, together with the memorandum\* embodying the clarifications furnished by you, the text of which was confirmed in your letter of this afternoon, have been carefully considered by the Pakistan Government.

2. The views of the Pakistan Government with regard to the basic principles for a plebiscite, and the conditions which would ensure its freedom and impartiality, have been explained to the Commission, and have been summarised in my letters of 28th, November and 5th, December, 1948.

It will be appreciated that the Commission's present proposals, as clarified and elucidated by you, fall very short of what the Pakistan Government consider necessary for ensuring a free and impartial plebiscite. The Pakistan Government note, however, that the Commission seeks to achieve this result mainly through investing the Plebiscite Administrator with all the powers he considers necessary for organising and conducting the plebiscite and for ensuring its freedom and impartiality. In order to secure that the proposals under consideration should achieve the objective for which they are designed, it is imperative that the Plebiscite Administrator should be a person of the highest international standing and unquestionable integrity. The Pakistan Government trust that the Commission and the Secretary-General of the United Nations will nominate a person competent in every respect adequately to discharge the heavy responsibility that would be laid upon him under the Commission's proposals.

3. While these proposals contain features which the Pakistan Government cannot regard as satisfactory or adequate, yet in their keen desire in the present world situation to assist in the maintenance and promotion of international peace and security by bringing about a peaceful solution to

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\* Attached to Letter No. 2, which follows.

the Kashmir dispute, they have authorized me to inform you that they accept the Commission's proposals of 11th, December, as explained and elucidated by you.

Accept, Excellency, the assurance of my highest consideration.

Signed Zafrullah Khan  
MINISTER FOR FOREIGN AFFAIRS  
& COMMONWEALTH RELATIONS  
GOVERNMENT OF PAKISTAN.

(2)

Excellency,

As agreed at this afternoon's meeting, I enclose a memorandum embodying the clarifications given by you of the Commission's proposals of the 11th, December, 1948. I shall be grateful if you will kindly confirm the correctness of this record.

Accept, Excellency, the assurances of my highest consideration.

Signed Zafrullah Khan  
MINISTER OF FOREIGN AFFAIRS  
& COMMONWEALTH RELATIONS,  
Government of Pakistan.

Enclosure:

(Memorandum Embodying the Clarifications Given by  
H.E. Dr. A. Lozano of UNCIP's Proposals of  
11th December 1948)

General

These proposals represent the considered views of the Commission insofar as the organization and conduct of the plebiscite is concerned, and should be accepted in their entirety. While the Commission does not close the door to further changes, and is not unwilling to consider counterproposals, no modifications or additions to these proposals can be entertained unless they are acceptable to the Commission and to the Governments of India and Pakistan.

Clause A

The Commission's Resolution of 13th August 1948 will be interpreted in the light of the elucidations and clarifications given by the Commission.

Clause B.3.a

(i) The Plebiscite Administrator will be selected as soon as possible after the acceptance of these proposals.

(ii) The Plebiscite Administrator will be selected in consultation with the Governments of India and Pakistan, but the final decision will rest with the Secretary-General of the United Nations in agreement with the Commission.

(iii) The expression "the Plebiscite Administrator will be formally appointed to office by the Government of Jammu and Kashmir" does not mean that he will be an employee of the Government of Jammu and Kashmir, or subject to its control

Clause B.3.b

By the expression "the Plebiscite Administrator shall derive from the State of Jammu and Kashmir the powers he considers necessary", is meant that the Plebiscite Administrator will be competent to exercise such powers as he considers necessary for organising and conducting the plebiscite and for ensuring its freedom and impartiality, and he shall be deemed to have derived those powers from the authorities concerned. The organising and conducting of the plebiscite will be the responsibility exclusively of the Plebiscite Administrator.

Clause b.4

(i) For A.2 of Part II of the Resolution of 13th August in sub-clause B.4.b read A.3.

/(ii) The intention



(ii) The intention of the Commission is to ensure a large scale reduction and disarmament, the exact scope of which will be determined by the Commission and the Plebiscite Administrator in consultation with the authorities concerned,

Clause B.6.a

(i) The objective of the Commission is to enable all citizens of the State who have left it on account of the disturbances since 15th August 1947 to return to the State and to exercise all their rights as citizens of the States. The manner in which this operation will be carried out has not been examined by the Commission, and is a matter for determination by the Plebiscite Administrator in consultation with the Governments of India and Pakistan.

(ii) The proposals provide for two Commissions, one operating in India and the other in Pakistan. The Commission has not, however, entered into a detailed study of the manner in which these Commissions will operate and considers that it must be left to the discretion of the Plebiscite Administrator to adopt such other practical methods as may be necessary to give effect to the intentions of the Commission.

Clause B.6.b

The object of this provision is to ensure the withdrawal of elements which have endangered or might endanger the maintenance of peace and order, and of refugees and other nationals of India and Pakistan who have entered the State since 15th August 1947, otherwise than for a lawful purpose. The manner in which this objective will be achieved will be determined by the Plebiscite Administrator in consultation with the Governments of India and Pakistan.

Clause B.7

The review of cases of officials dismissed on account of their political sympathies is not excluded from the scope of clause 7. The Commission, however, feels that this is a matter of detail, and should be taken up in connection with the consultations envisaged under clause B.10 of these proposals.

Clause B.10

(i) The Plebiscite Administrator will begin his study of the problem and the recruitment of his staff as soon as possible after his nomination.

(ii) The discussion of details of these proposals will not, however, be started until the truce agreement has been signed, and the Commission is satisfied that implementation of Part II of its Resolution of 13th August is making satisfactory progress.

/(iii) The formal

(iii) The formal appointment of the Plebiscite Administrator will be made, and he shall assume formal charge of his duties within the State, when it is found by the Commission that the cease-fire and truce arrangements set forth in Parts I and II of its Resolution of 13th August have been carried out.

ANNEX 6 (paragraph 16)

PRESS COMMUNIQUE RELEASED BY THE COMMISSION ON FRIDAY, 7 JANUARY 1949

The Governments of India and of Pakistan have informed the United Nations Commission for India and Pakistan that they have accepted the principles proposed by the Commission for the holding of a plebiscite in the State of Jammu and Kashmir for the purpose of determining the State's future status. These principles are supplementary to the Commission's resolution of 13 August 1948 which provided for a cease-fire and truce. Following the agreement of the two Governments to the Commission's last proposals both Governments ordered the forces under their control in the State to cease fire effective at 11.59 p.m. 1 January 1949.

The Governments of India and Pakistan are commended for their endeavour to reach a friendly and peaceful solution of the Kashmir problem. Worthy of especial note is the prompt proclamation of the cease-fire by both Governments.

At its meeting of 5 January at Lake Success the Commission adopted unanimously the following resolution:

(See paragraph 15 of Second Interim Report)

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