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INTERIM REPORT OF THE UNITED NATIONS COMMISSION
FOR INDIA AND PAKISTAN

Sir,

We have the honour to present herewith the Interim Report of the United Nations Commission for India and Pakistan covering the period of the Commission's activities from the date of its first meeting in Geneva on 15 June 1948 to the date of its departure from the Indian Sub-continent on 22 September 1948.

The Interim Report was adopted by the Commission unanimously at its eighty-second meeting held in Paris on 9 November 1948, and is signed by the representatives.

Please accept the assurance of our highest consideration.

/s/ Egbert Graeffe, Chairman

/s/ Alfredo Lozano

The President of the Security Council

Owing to the small number of copies of the enclosed Report, only a limited distribution is being made.

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S/1100
9 November 1948

ORIGINAL: ENGLISH

UNITED NATIONS COMMISSION FOR INDIA AND PAKISTAN

INTERIM REPORT

(RAPPORTEUR: MR. ALFREDO LOZANO, COLOMBIA)

A. PURPOSE OF THE REPORT

- (1) The Commission submits this INTERIM REPORT in pursuance of the Security Council's resolutions of 20 January, 21 April and 3 June 1948, instructing it to keep the Security Council informed on matters concerning the situation in the State of Jammu and Kashmir and on actions taken under the resolutions.
- (2) In accordance with the instructions contained in the resolution of 21 April, the Commission proceeded to the Indian Sub-continent and placed its good offices and mediation at the disposal of the Governments of India and Pakistan. However, the situation that confronted the Commission upon its arrival was different from that which had been envisaged by the Security Council during the deliberations which preceded the formulation of its resolutions, (inasmuch as regular Pakistan troops were within the frontiers of the State of Jammu and Kashmir participating in the fighting)
- (3) This new element necessarily influenced the approach of the Commission with regard to the implementation of the Security Council's resolution of 21 April. Agreement between the Governments of India and Pakistan on the terms

for cessation of hostilities became the first prerequisite for the ultimate settlement.

- (4) After thorough consultations with the Governments concerned, and consideration of the military aspects of the problem as explained by the High Commands of the Indian and Pakistan Armies, the Commission submitted its Resolution of 13 August 1948, for a cease-fire and truce agreement, through which it sought to achieve this immediate objective, linking it at the same time with the study of conditions for a peaceful and final settlement of the dispute between the two Dominions.

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- (5) The Commission furnished both Governments with detailed written and oral elucidations regarding all points of its proposals upon which clarification was requested. The Government of India signified their acceptance of the Resolution as a whole. (The Government of Pakistan attached to their acceptance certain conditions which went beyond the compass of the Resolution, thereby making impossible an immediate cease-fire and the beginning of fruitful negotiations to bring about a peaceful and final settlement in the State of Jammu and Kashmir.)

The text of the Resolution and the related correspondence with India and Pakistan were released to the press in order that the public might have a complete picture of the aims and purposes of the Resolution as interpreted by the Commission to both Governments.

- (7) The Commission, having no enforcement measures at its disposal and being an organ of good offices and mediation, felt that it had temporarily exhausted the

possibilities of further negotiations in the Sub-continent. Consequently, the Commission decided that it should prepare an INTERIM REPORT informing the Security Council of its endeavours to the date of departure from the Sub-continent and the circumstances which determined its actions.

B. STRUCTURE, SCOPE AND COMPETENCE OF THE COMMISSION

(8) The genesis of the Commission is composed of two main stages: the resolution of 20 January which created a Commission of mediation and led to the resolution of 21 April, which, in turn, explicitly formed the Commission and gave it terms of reference. Its structure, scope and competence are derived as follows:

1. Resolution of 20 January 1948:

(9) By the resolution of 20 January 1948 (doc.S/654, Annex 1), the Security Council established a Commission composed of three members, one to be selected by India, the second by Pakistan, and the third to be designated by the two members so selected. The resolution instructed the Commission to proceed to the Sub-continent as quickly as possible, to act under the authority of the Security Council, and, in accordance with its directions, to keep the Security Council currently informed of its activities and of developments of the situation; and, to report to the Security Council regularly, submitting its conclusions and proposals.

The objections regarding the implementation of the resolution which had been raised by India and Pakistan before the adoption were maintained and expressed thereafter. (docs.S.734/Corr.1./735, Annexes 3,4).

(14) In this resolution, the Security Council enlarged the membership of the Commission to five. It recommended to the Governments of India and Pakistan measures which it considered appropriate to bring about a cessation of the fighting and to create proper conditions for a free and impartial plebiscite in order to decide whether the State of Jammu and Kashmir was to accede to India or Pakistan.

(15) To assist the two Governments in carrying out the measures recommended, it instructed the Commission "to proceed at once to the Indian Sub-continent and there place its good offices and mediation at the disposal of the Governments of India and Pakistan with a view to facilitating the taking of the necessary measures, both with respect to the restoration of peace and order, and to the holding of a plebiscite by the two governments, acting in cooperation with one another and with the Commission, and it further instructs the Commission to keep the Council informed of the action taken under the Resolution..."

(16) The Security Council instructed the Commission to certify to the Council whether the plebiscite had or had not been free and impartial.

3. Resolution of 3 June 1948

- (17) By the resolution of 3 June the Security Council reaffirmed its resolutions of 17 and 20 January and 21 April. It directed the Commission to proceed without delay to the area under dispute with a view to accomplishing in priority the duties assigned to it by the resolution of 21 April 1948. (doc. S/819, Annex 5).
- (18) On 15 January 1948 the Minister of Foreign Affairs of the Government of Pakistan addressed a letter to the Secretary-General, attaching to it three documents, the first of which was the reply of the Government of Pakistan to the complaint raised by the Indian Government against Pakistan under Article 35 of the Charter of the United Nations. The second document stated other complaints of Pakistan against India (Junagadh and Manavadar, fulfilment of financial and military agreements, and genocide). It also requested the Security Council to adopt appropriate measures for the settlement of these disputes and for the restoration of friendly relations between the two countries. The third document gave particulars of the Pakistan case, referring to matters dealt with in the previous two documents. (doc. S/646, Annex 6).
- (19) The resolution of 3 June 1948 directed the Commission further to study and report to the Security Council when it considered appropriate on the matters raised in the aforesaid letter in the order outlined in paragraph D of the Security Council resolution dated 20 January 1948.

Composition of the Commission and Nomination of its members

- (20) In pursuance of the resolution of 20 January 1948, the Government of India selected Czechoslovakia to serve on the Commission. This was announced to the Security Council on 10 February by the President. On 21 April 1948, the Security Council enlarged the membership of the Commission from three to five. On 23 April two additional countries, Belgium and Colombia, were nominated as members of the Commission by the Security Council. On 7 May 1948 the President of the Security Council indicated that the Government of Pakistan had requested that Argentina designate a representative to serve on the Commission. On the same date, the President of the Security Council nominated the United States of America as the fifth member of the Commission.

Composition of Delegations

- (21) The delegations of the five countries which constitute the Commission are as follows:

1. Representatives:

Argentina	Minister Ricardo J. Siri
Belgium	Minister Egbert Graeffe
Colombia	Minister Alfredo Lozano
Czechoslovakia	Ambassador Josef Korbel
United States	Ambassador J. Klahr Huddle

2. Alternate Representatives:

Argentina	Minister Carlos A. Leguizamon
Belgium	Mr. Harry Graeffe
Colombia	Mr. Hernando Samper
United States	Mr. C. Hawley Oakes

3. Advisers:

Mr. J. Wesley Adams, Jr.
Adviser to the Representative of the United States
Major Francis M. Smith (U.S.A.)
Adviser to the Representative of the United States

4. Secretarial Staff

Mr. William Goode
Secretary-Stenographer for the United States Delegation
Mr. Harrison Troop
Secretary-Stenographer for the United States Delegation

Secretariat

(22) The Secretary-General of the United Nations, in compliance with the resolution of 20 January 1948 of the Security Council, designated the following personnel to assist the Commission in its task:

Personal Representative of the Secretary-General:

Mr. Erik Colban, Norway

Principal Secretary:

Dr. Arnold V. Kunst, (Department of Trusteeship and Information from Non-Self-Governing Territories), Poland

Deputy Principal Secretary:

Dr. Henry S. Bloch (Department of Security Council Affairs), U.S.A.

Personal Adviser and Assistant to Mr. Colban:

Mr. Richard Symonds, (Office of the Secretary-General - Temporary Assignment) United Kingdom

Legal Adviser:

Mr. Hsuan-Tsui Liu (Department of Legal Affairs), China

Assistant Secretary:

Mr. Mohammad Ali Aghassi, (Department of Security Council Affairs), Iran.

Press Officer

Mr. William F. Clark, (Department of Public Information), U.S.A.

Interpreter and Documents Officer:

Mr. Sylvain Lourie, (Department of Conference and General Services), France

Administrative and Financial Officer:

Dr. Slavomir F. Brzak, (Department of Administrative and Financial Services), Czechoslovakia

Assistant Secretary:

Mr. Arthur Campbell, (Department of Security Council Affairs), Canada

Photographer:

Mr. Alfred Fox, (Department of Public Information), U.S.A.

Secretary-Stenographers:

Miss Louise Crawford, (Department of Administrative & Financial Services), U.S.A.

Miss Marie Ellington, (Department of Security Council Affairs), U.S.A.

Miss Cecil J. Lefort, (Department of Security Council Affairs), Canada

Mrs. Murial Hanna Lewis (Department of Security Council Affairs), U.S.A.

Miss Pauline Perron, (Department of Security Council Affairs), Canada

C. ACTIVITIES OF THE COMMISSIONGroups and Subsidiary Bodies

- (23) In pursuance of its task the Commission established the following groups and subsidiary bodies:
- (24) (1) On 16 July 1948, a group composed of Dr. Lozano (Colombia), Vice-Chairman and Mr. J. Wesley Adams (United States), was sent to Karachi to engage in preliminary discussions with the Pakistan Government on the possibilities of a cease-fire agreement. The group returned to New Delhi and reported to the Commission on 19 July (docs. S/AC.12/21, 22, Annexes 7, 8).
- (25) (2) On 14 August 1948, the Commission sitting in Karachi, divided in two groups in order to submit simultaneously the Commission's proposal of 13 August 1948 to the two Dominions. Dr. Lozano, Chairman, remained in Karachi with Mr. Siri (Argentina) and Mr. Oakes (United States) (docs. S/AC.12/40, 41, Annexes 9, 10); Mr. Korbel, Vice-Chairman (Czechoslovakia), proceeded to New Delhi accom

Mr. Huddle (United States), Mr. Graeffe (Belgium), Mr. Leguizamon (Argentine) and Mr. Samper (Colombia). (Docs S/AC.12/45, 46, Annexes 11, 12). On 20 August, the group which had remained in Karachi rejoined the rest of the Commission in New Delhi.

(26) (3) On 2 September 1948, the Commission sitting in Karachi, received a letter from the Prime Minister of India asking when the Resolution of 13 August and related documents could be made public. The reply to the Indian Government on 4 September, explained the situation and it was decided that Mr. E. Graeffe (Belgium) should go to Delhi and offer the required elucidations to the Government of India.

(27) (4) On 10 September, the Commission decided to divide into two groups: one under the Chairmanship of Mr. Huddle (United States), accompanied by Major Smith, with Mr. Graeffe (Belgium) and his alternate, Mr. H. Graeffe, went to Rawalpindi to study the situation on the Western side of the front in Kashmir; the other group under the direction of the Vice-Chairman, Mr. Siri (Argentina) with Mr. Lozano (Colombia) and Mr. Korbel (Czechoslovakia) proceeded to Srinagar. On 18 September the groups reunited in Srinagar.

(28) (5) Under the Chairmanship of Dr. Lozano (Colombia) a Military Affairs Sub-Commission was created on 14 July. It drafted a military questionnaire to be presented to the Indian Government. In this connection a Mission consisting of Mr. Harry Graeffe (Belgium), Chairman and Major Smith (United States) was sent to report on the situation on the Eastern side of the front in Kashmir. Subsequently this Mission prepared a questionnaire which was presented to the Pakistan Military authorities. The Mission then visited and reported on the situation on the Western side of the front in Kashmir.

(29) (6) An investigating sub-committee composed of Mr. C. Leguizamon, Chairman (Argentina), Mr. Harry Graeffe (Belgium), Mr. H. Samper (Colombia) and Mr. J. Wesley Adams (United States) was sent to Srinagar on 31 August in order to study and report on the general background of the economic and political situation prevailing in the State of Jammu and Kashmir.

(30) All these groups and subsidiary bodies were accompanied by members of the Secretariat.

D. PROCEEDINGS OF THE COMMISSION

(31) The first formal meeting of the Commission was held in Geneva on 16 June. The representative of the United States was elected temporary Chairman pending the adoption of the Rules of Procedure. The Commission considered the letters of 9 June 1948 from the President of the Security Council to the Commission (doc. S/ C.12/1/Corr.1, Annex 13) and to the Prime Minister of India (doc. S/AC.12/2 Annex 14) on the subject raised in a letter from the representative of India to the President of the Security Council dated 5 June 1948 (doc. S/825, Annex 15). The next three meetings were devoted to the discussion of Rules of Procedure which were approved at the fourth meeting on 18 June.

(32) Rules of Procedure

The Commission agreed on the principle of rotation of Chairmanship. The Chairman would hold

office for a period of three weeks and would be succeeded by the Vice-Chairman. The Chairmanship to be assumed by the delegation first in the English alphabetic order. The election of the Rapporteur was postponed until a later date.

(33) It was agreed that decisions in the Commission should be taken by a majority of not less than three concurring votes of members present and voting.

(34) It was also agreed that the official press communiques should be previously approved by the Chairman and that press releases and verbal briefings might be issued by the Secretariat unless decided otherwise by the Chairman. (docs. S/AC.12/4/Rev.1, Annex 16).

Proceedings in Geneva.

(35) Altogether eleven formal meetings were held in Geneva, five of which were mainly devoted to correspondence with the Governments of India and Pakistan regarding the purposes and plans of the Commission.

(36) The Commission sent on 22 June to the Prime Minister of India an answer (doc. S/AC.12/10, Annex 17) to his questions regarding the point or points on which it wished to confer (See Annex 15). This elicited further questions from the Government of India (document S/AC.12/13, Annex 18), to which reply was made on 1 July. The Commission felt that it should phrase its reply to the Prime Minister in terms as general as possible in order to avoid any controversy which might jeopardize its departure for the sub-continent. After considering the different aspects involved in the communication

of the Prime Minister, the Commission decided that it would be unwise to commit itself in advance on the scope of its investigations but that, on the other hand, there should be no doubt as to its objectives and competence. In the reply it was clearly stated that, while having as its principal task the situation in the State of Jammu and Kashmir, the Commission had reserved its decision with regard to further dispositions (doc. S/AC.12/16, Annex I9).

(37) Both Governments were informed of the procedure the Commission intended to follow in initiating its work and were invited to appoint liaison officers.

(38) A decision was taken regarding the name to be adopted by the Commission. Various terms had been used both in official correspondence and in resolutions of the Security Council as well as in the letters of credence of the delegations. The use of "Commission of Mediation...", "Commission of Good Offices...", "Kashmir Commission..." and "Commission on the India and Pakistan Question..." was considered. In the light of the terms of reference and particularly of the resolution of 3 June which instructed the Commission "to proceed without delay to the areas of dispute with a view to accomplish in priority the duties assigned to it by the resolution of 21 April", i.e., the dispute over the State of Jammu and Kashmir; and, second, "to study and report when it considers

appropriate on the matters raised in the letter of the Pakistan Foreign Minister", it was thought preferable to adopt a name which, although less precise, would cover the entire field of its work. A motion therefore was approved in favour of the name of "UNITED NATIONS COMMISSION FOR INDIA AND PAKISTAN".

- (39) The remainder of the time in Geneva was occupied with administrative arrangements for travelling to the India Sub-continent. It was decided that the Commission, while on the Sub-continent, should take up its duties both in Delhi and Karachi with the first formal sessions in Delhi. It was also agreed that a brief stop should be made in Karachi to enable the Commission to pay its respects to the Government of Pakistan. An advance party, consisting of two members of the Secretariat, was despatched on 25 June to arrange accommodations and office facilities in Karachi and Delhi.

Proceedings on the Sub-continent

- (40) The Commission stopped in Karachi from 7 to 9 July. The Principal Representatives were received informally by the Minister for Foreign Affairs and Commonwealth Relations, Sir Mohammad Zafrullah Khan. He reviewed at length and along the lines of the expositions made before the Security Council, the general background of the problem and

the broader issues involved in the dispute between India and Pakistan. In the course of this interview the Foreign Minister informed the members of the Commission that the Pakistan Army had at the time three brigades of regular troops in Kashmir, and that troops had been sent into the State during the first half of May. Sir Mohammad Zafrullah stated that this action had been taken as a result of the spring offensive by the Indian Army.

(41) Also while in Karachi a letter was received from the "Azad Kashmir Government" setting forth their views in regard to the conditions with which they would be willing to comply in the implementation of a plebiscite, inviting the Commission to visit Azad Kashmir, and requesting that they be given an opportunity to present their case as a party to any settlement in the situation. (doc. S/AC.12/Info.3, Annex 20).

(42) At the twelfth meeting held in Delhi on Tuesday, 13 July, it was agreed that the Commission's work would be facilitated if its formal proceedings were not public and were supplemented by individual conversations in private with representatives of the parties concerned.

(43) The same day, in the afternoon, the Indian representatives, Sir Girja Shanker Bajpai, Secretary-General of the External Affairs Ministry, and Mr. M. K. Vellodi, Liaison Officer to the Commission, attended the thirteenth meeting. Sir Girja Shanker Bajpai briefly set forth the views of the Government of

India and stated that irrespective of the differences between India and the Security Council, the presence of the Commission was highly regarded by his Government. He also clarified the reasons, given in the Security Council, for the despatch of Indian troops to Kashmir (doc. S/AC.12/Info.2, Annex 21).

(44) From the time of their arrival in Delhi, and throughout their stay there, all the representatives on the Commission had frequent personal discussions with members of the Indian Cabinet and responsible officials concerning the possibilities which might be examined.

(45) At the fourteenth meeting, it was agreed that the question of an immediate cease-fire should be explored and that the Government of India should be asked for their observations regarding the ways and means by which such a cease-fire might be brought about.

(46) A resolution (doc. S/AC.12/17, Annex 22) in the spirit of the Security Council's resolution of 17 January, and designed to enlist the cooperation of the two Governments in promoting a suitable atmosphere for cessation of hostilities, was passed at the fifteenth meeting. It was conveyed to the representatives of India, who were present during the latter part of the meeting, and despatched to the Government of Pakistan through the High Commissioner in Delhi. Reassuring replies were received from both Governments (docs. S/AC.12/18 and 19, Annexes 23 and 24).

- (47) During the course of the fifteenth meeting the question of a possible cease-fire was raised formally with Sir Girja Shanker Bajpai, who undertook to consult his Government on their views and conditions. It was stated by Mr. E. Graeffe (Belgium), Chairman, that the broad policy of the Commission was one of mediation, and its immediate objective was to bring about a cessation of hostilities rather than deal with specific provisions contained in resolutions of the Security Council. A Sub-commission to study matters related to the cease-fire was established.
- (48) Having thus initiated inquiries concerning the views of the Government of India, the Commission decided to send a party to Karachi forthwith to discuss the question of a cease-fire with the Government of Pakistan. At the seventeenth meeting, extensive military information was presented by the Commander-in-Chief, Indian Army, members of his staff, and various general officers who had commanded in Kashmir. The Sub-commission established at the fifteenth meeting was named the Military Affairs Sub-commission and was requested to prepare further questions of a military character which might be presented to the Indian Government in writing.
- (49) On 17 July, a mission comprising Dr. Lozano (Colombia), Vice-Chairman, and Mr. Adams (United States) together with three members of the Secretariat proceeded to Karachi furnished with instructions .

The mission had two conversations with Sir Mohammad Zafrullah Khan and Mr. Mohammad Ali, the Secretary-General of the Government of Pakistan. In the first meeting, held on 17 July, the Foreign Minister expressed regret that the Commission had not formulated concrete proposals and hoped that it would not merely make recommendations, but would phrase its decisions in terms of directives. He offered to ascertain his Government's views upon a cease-fire.

(50)

At the second meeting held on 18 July, Sir Zafrullah set forth three minimum considerations to be taken into account if cessation of hostilities was to be brought about: (1) that the Indian troops should be withdrawn from the State, (2) that provisions should be made for the maintenance of law and order and the protection of the Muslim population following the withdrawal of Indian troops, and (3) that the views of the "Azad Kashmir Government" should be taken into due consideration. The issue as mentioned in point 2 and evolving from the withdrawal of Indian troops, could in Sir Zafrullah's opinion, be settled by the introduction of international forces; a strong action to this effect on the part of the Commission could solve the difficulty. The importance of such forces would be enhanced by the simultaneous withdrawal of the Pakistan forces and volunteers, the necessity of which Sir Zafrullah also admitted. As for the views of the Azad Kashmir people,

the Foreign Minister's intention was not to induce the Commission into recognition of the "Azad Kashmir Government", but he felt that their approval, whether expressed directly to the Commission by their representatives or through the medium of the Pakistan Government, might be of decisive importance.

(51) (Sir Mohammed Zafrullah Khan stated that three main reasons had motivated the entry of Pakistan troops into Kashmir: 1) protection of the territory of Pakistan from possible aggression by Indian forces; 2) prevention of a fait accompli in Kashmir by the Indian Government; and 3) prevention of the influx of refugees into Pakistan.)

(52) Reports on these two discussions (see Annexes 7 and 8) were presented on the return of the Mission to Delhi at the eighteenth meeting on 19 July.

(53) At the nineteenth meeting on 20 July a confidential cable was drafted and despatched informing the Security Council of the presence of Pakistan troops in Kashmir. The Commission adopted a resolution requesting the Secretary-General of the United Nations to appoint a Military Adviser (doc. S/AC.12/23, Annex 25). Consideration was given to a draft questionnaire presented by the Military Affairs Sub-Commission, which was approved at the following meeting. It was agreed that the Government of Pakistan should be requested to send a special representative to Delhi to place before the Commission their official

views on matters relating to a cease-fire.

(54)

At the twenty-first meeting on 22 July the Commission decided to proceed to Karachi to consult with the Pakistan Government. It was also decided to send a military mission to make a survey of the situation in Jammu and Kashmir.

(55)

At the twenty-second meeting Mr. Mohammad Ali, Secretary-General of the Government of Pakistan, who had come to Delhi at the request of the Commission accompanied by Mr. Mohammad Ayub, Liaison Officer, recapitulated the views which had been given earlier by Sir Mohammad Zafrullah Khan in informal discussions with Mr. Lozano, and confirmed the minimum conditions of his Government with respect to an immediate cease-fire.

(56)

Mr. Mohammad Ali again stressed that his Government had hoped that the Commission would make concrete proposals in regard to a cease-fire. He expressed the view that a cessation of fighting would be possible if the conditions for a plebiscite were guaranteed. The extreme solution, he said, would be an unconditional cease-fire under the terms of which both sides would stop fighting and stay where they were pending further arrangements. However, Mr. Mohammad Ali added that the Government of Pakistan considered that even for an interim cease-fire agreement (before the establishment of the conditions for a plebiscite) the Indian Army would have to be withdrawn from Muslim majority areas.

(57) The Commission used the last few days in July, before its departure for Karachi, primarily for informal meetings with the Prime Minister, Pandit Nehru, and other Indian representatives, in order to ascertain the views of their government on the question of cease-fire. During these conversations held mainly with the then Chairman, Mr. E. Graeffe (Belgium), the following principal points were submitted by the representatives of the Indian Government:

1. The Pakistan regular forces should be withdrawn from the State of Jammu and Kashmir.
2. Indian forces should remain along fixed lines and occupy certain advanced strategic positions.
3. The evacuated territories situated outside of the fixed line should be provisionally administered by existing local authorities, or, if necessary, by local authorities to be designated by the Commission; they should be supervised by observers of the Commission, but remain under the sovereignty of the State of Jammu and Kashmir until the final settlement of the dispute between India and Pakistan.

(58) Newspaper and radio reports coming from Kashmir indicated a noteworthy increase in fighting. Confirmation of these reports was received from Sir Girja Shonker Bajpai and Mr. M.K. Vellodi who appeared at the meeting held on 29 July.

(59) The Commission proceeded to Karachi on 31 July to enter into discussions with the Government of Pakistan. At an informal meeting held on 1 August in the residence of the Foreign Minister, Sir A. Dundas, the Governor of the Northwest Frontier Province reviewed in broad outline the social and economic problem of the tribesmen over a period of more than one hundred and fifty years and the policy which the former Governments of British India pursued and the Government of Pakistan are pursuing in order to prevent the incursions of tribesmen into their territory.

(60) He claimed that incursions of the tribesmen during the past year had assumed the character of a religious crusade, animated by a desire for vengeance due to the communal disturbances that took place in the East Punjab, and the oppression of the Muslims by the Dogra dynasty in the State of Jammu and Kashmir. (The Governor added that the movement of tribesmen into Kashmir had in fact to be canalized through his Province in order to avoid the serious risk of outright war with the territory of Pakistan. Further, he said that tribesmen obtained petrol from local sources in Pakistan and made use of railways and local motor transport. Mr. Mohammad Ali added that denial of this petrol would have

amounted to an economic blockade and might have implied grave consequences for the Government of Pakistan.)

(61) During its first week in Karachi, the Commission held six formal meetings, all of which were designed to get an exact view of the situation and of the Pakistan Government's attitude toward the possibility of a cease-fire. First publicity concerning the presence of Pakistan troops in Kashmir appeared in Pakistan papers, having its source in the "Civil and Military Gazette", dated 31 July 1948, a paper published in Lahore.

(62) On 4 August, Sir Mohammad Zafrullah Khan made an extensive statement on the political, legal, economic, and strategic aspects of the dispute. In his analysis, the Foreign Minister made frequent references to the Junagadh case and the problem of genocide. He indicated, however, that it was not his intention to go into these matters at present, but he touched on them by way of illustration.

(63) The Commission asked the Foreign Minister a number of questions to which he gave answers, first orally and then in writing. The following is a resume of Sir Zafrullah's reply:

(64) 1. (Pakistan had not informed the Security Council of the presence of her troops in Kashmir because, by the time they had been sent into the State, the question had been entrusted to the Commission, whose early departure for the

Sub-continent was expected. The matter had been put before the Commission immediately after its arrival in Karachi. In the view of the Foreign Minister, the presence of Pakistan troops in Kashmir did not raise the question of international obligations since Pakistan had never accepted any with regard to non-interference in Kashmir.

(65) 2. Referring to the legal aspects of the case, Sir Zafrullah stated that it had been agreed between India and Pakistan that, in instances where the ruler of the State did not belong to the same community as the people of the State, and the ruler performed the act of accession, that act had to be finalized by a free and impartial plebiscite. He considered the accession of the State of Jammu and Kashmir as clearly invalid because the Maharajah had made a choice contrary to the known wishes of the people. The Foreign Minister observed that if the principle of plebiscite was applicable in Junagadh it also should apply to Kashmir.

(66) 3. Sir Zafrullah confirmed that petrol was obtained by the tribesmen from local sources, repeating the argument that any attempt to stop the petrol supply would have entailed grave consequences for Pakistan.

(67) 4. The Foreign Minister dwelt at length on economic and strategic considerations. He argued that India, if she had control over Jammu and Kashmir would be in a position to divert all five rivers of the Punjab, i.e., the Chenab, Jhelum, Beas, Sutlej and Ravi, the last three being already under

her control, and thus could reduce to a desert one-third of the irrigated areas of West Punjab; nevertheless, he stated that Pakistan would abide by the results of a plebiscite were it to favour accession to India.

(68) He pointed out that, if the Radcliffe Award had followed the terms of reference under which the Boundary Commission had operated and had included all Muslim majority areas in West Punjab, the Pakistan boundary would have been much further to the east. In this case, India would have had no direct access to Kashmir.

(69) During the twenty-ninth meeting held on 5 August, the Commission discussed the Foreign Minister's statement and agreed that it should avoid any action which might be interpreted as signifying de facto or de jure recognition of the "Azad Kashmir Government". It also considered the possibilities of a plebiscite but agreed that it would be impracticable as yet to make any definite proposal. At this meeting, the principles which underlay a cease-fire proposal were also discussed.

(70) At the thirtieth meeting of 6 August, the Commission considered a telegram received from the Government of Pakistan protesting against the speech

delivered by Prime Minister Nehru on 25 July in Madras and asking what measures were contemplated by the Commission. It felt that, in view of the presence of Pakistan troops in Kashmir, any representation to the Government of India on the speech made by Prime Minister Nehru would be ill-advised, and therefore receipt of the telegram was acknowledged without comment. The Commission exchanged views concerning alternatives to a plebiscite, keeping in mind that the study of any such alternative could not be seriously undertaken without the consent of the Government of India and Pakistan.

(71) The Military Mission presented its report on 6 August on the visit to the eastern sides of the front in Kashmir. It had left Delhi on 27 July and returned to Karachi on 5 August. The major conclusion of the report was that, if the two Governments concur, the military authorities, under the auspices of the Commission, should be able to work out a cease-fire agreement without great difficulty.

(72) At its thirty-second meeting on 9 August, the Commission heard the representatives of the Military High Command of Pakistan. The Commander-in-Chief gave an account of the tactical situation on the Kashmir front. He corroborated declarations made to the Commission by the Indian High Command that, from the military point of view, there would be no

difficulties in stopping the fighting if the provisions were fair to both sides. He submitted a plan for a cease-fire in which he stressed the need for military observers and suggested a minimum of fourteen United Nations observer teams. He felt sure that both the Indian and Pakistan Armies would cooperate materially in providing the observers with the necessary equipment.

(73) On 10 August, the Commission undertook to draft a cease-fire proposal. The study of this proposal was the main subject matter for the next six meetings.

(74) At the thirty-ninth meeting, on the morning of 13 August, the Commission was informed that the Foreign Minister of Pakistan desired to be received. A meeting was called for the afternoon of the same day in which Sir Mohammad Zafrullah Khan made a statement in which he brought up, among others, the following points:

- 1) the uncertainty of the Pakistan Government concerning the way in which the Commission interpreted its terms of reference; 2) the legal aspects of the problems of accession and plebiscite; and 3) possibilities for a cease-fire agreement.

(75) At the close of the fortieth meeting, the Commission unanimously adopted the following Resolution:

THE UNITED NATIONS COMMISSION FOR INDIA AND PAKISTAN

Having given careful consideration to the points of view expressed by the Representatives of India and Pakistan regarding the situation in the State of Jammu and Kashmir, and

Being of the opinion that the prompt cessation of hostilities and the correction of conditions the continuance of which is likely to endanger international peace and security are essential to implementation of its endeavours to assist the Governments of India and Pakistan in effecting a final settlement of the situation,

Resolves to submit simultaneously to the Governments of India and Pakistan the following proposal:

PART I

Cease-fire order

- A. The Governments of India and Pakistan agree that their respective High Commands will issue separately and simultaneously a cease-fire order to apply to all forces under their control in the State of Jammu and Kashmir as of the earliest practicable date or dates to be mutually agreed upon within four days after these proposals have been accepted by both Governments.
- B. The High Commands of the Indian and Pakistan forces agree to refrain from taking any measures that might augment the military potential of the forces under their control in the State of Jammu and Kashmir.

(For the purpose of these proposals "forces under their control" shall be considered to include all forces, organised and unorganised, fighting or participating in hostilities on their respective sides).

- C. The Commanders-in-Chief of the forces of India and Pakistan shall promptly confer regarding any necessary local changes in present dispositions which may facilitate the cease-fire.
- D. In its discretion and as the Commission may find practicable, the Commission will appoint military observers who under the authority of the Commission and with the cooperation of both Commands will supervise the observance of the cease-fire order.

- E. The Government of India and the Government of Pakistan agree to appeal to their respective peoples to assist in creating and maintaining an atmosphere favourable to the promotion of further negotiations.

PART II

Truce agreement

Simultaneously with the acceptance of the proposal for the immediate cessation of hostilities as outlined in Part I, both Governments accept the following principles as a basis for the formulation of a truce agreement, the details of which shall be worked out in discussion between their Representatives and the Commission.

A.

1. As the presence of troops of Pakistan in the territory of the State of Jammu and Kashmir constitutes a material change in the situation since it was represented by the Government of Pakistan before the Security Council, the Government of Pakistan agrees to withdraw its troops from that State.
2. The Government of Pakistan will use its best endeavour to secure the withdrawal from the State of Jammu and Kashmir of tribesmen and Pakistan nationals not normally resident therein who have entered the State for the purpose of fighting.
3. Pending a final solution, the territory evacuated by the Pakistan troops will be administered by the local authorities under the surveillance of the Commission.

B.

1. When the Commission shall have notified the Government of India that the tribesmen and Pakistan nationals referred to in Part II A 2 hereof have withdrawn, thereby terminating the situation which was represented by the Government of India to the Security Council as having occasioned the presence of Indian forces in the State of Jammu and Kashmir, and further, that the Pakistan forces are being withdrawn from the State of Jammu and Kashmir, the Government of India agrees to begin to withdraw the bulk of their forces from that State in stages to be agreed upon with the Commission.
2. Pending the acceptance of the conditions for a final settlement of the situation in the

State of Jammu and Kashmir, the Indian Government will maintain within the lines existing at the moment of the cease-fire the minimum strength of its forces which in agreement with the Commission are considered necessary to assist local authorities in the observance of law and order. The Commission will have observers stationed where it deems necessary.

3. The Government of India will undertake to ensure that the Government of the State of Jammu and Kashmir will take all measures within their power to make it publicly known that peace, law and order will be safeguarded and that all human and political rights will be guaranteed.

C.

1. Upon signature, the full text of the Truce Agreement or a communique containing the principles thereof as agreed upon between the two Governments and the Commission, will be made public.

PART III

The Government of India and the Government of Pakistan reaffirm their wish 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 consultations with the Commission to determine fair and equitable conditions whereby such free expression will be assured."

(76) On 14 August at 6:00 p.m., the Resolution was presented to the Governments of India and Pakistan. Mr. LOZANO (Colombia), Chairman, handed it to Sir Mohammad Zafrullah Khan in Karachi, and Mr. Korbelt (Czechoslovakia), Vice-Chairman, Prime Minister Pandit Jawaharlal Nehru in Delhi.

(77) The two groups of the Commission remained separated for about a week awaiting the replies of respective Governments. During a few meetings held between the Commission and Prime Minister Nehru and Sir Girja S. Bajpai, views were exchanged on a number of points made by the Indian Government as follows (doc. S/AC.12/46, Annex 13)

1. The lines fixed for the forces at the moment of the cease-fire should be worked out as precisely as possible.
2. No legality should be accorded to the presence of Pakistan troops by acceptance of the proposition that the cease-fire would be effective along these fixed lines.
3. The sovereignty of the State of Jammu and Kashmir should not be affected.
4. The lines would run close to the Pakistan frontier, and thus, to avoid incursions of Pakistan regulars or the tribesmen, India would need a number of strategic points in the territories evacuated by her troops.
5. India should retain such strength of forces in Kashmir as to guarantee defence and maintenance of law and order and the protection of the territory against external attack.
6. Pakistan should not participate in the organisation and conduct of the plebiscite.

(78) (The Commission defined its position with regard to the above points, on the basis of which the Prime Minister signified the acceptance of the resolution in the following letter dated 20 August:)

Excellency,

On the 17th of August, my colleague, the Minister without Portfolio, and I discussed with you and your colleagues of the Commission now in Delhi the resolution which you had presented to us on the 14th instant. On the 18th, I had another discussion with you, in the course of which I tried to explain to you the doubts and difficulties which members of my Government, and representatives of the Government of Kashmir whom we consulted, had felt as the result of a preliminary but careful examination of the Commission's proposals.

2. During the several conferences that we had with the Commission when it first came to Delhi, we placed before it what we considered the basic fact of the situation which had led to the conflict in Kashmir. This fact was the unwarranted aggression, at first indirect and subsequently direct, of the Pakistan Government on Indian Dominion territory in Kashmir. The Pakistan Government denied this although it was common knowledge. In recent months, very large forces of the Pakistan regular army have further entered Indian Union territory in Kashmir and opposed the Indian Army which was sent there for the defence of the State. This, we understand now, is admitted by the Pakistan Government, and yet there has been at no time any intimation to the Government of India by the Pakistan Government of this invasion. Indeed, there has been a continual denial and the Pakistan Government have evaded answering repeated inquiries from the Government of India.

In accordance with the resolution of the Security Council of the United Nations adopted on the 17th January, 1948, the Pakistan Government should have informed the Council immediately of any material change in the situation while the matter continued to be under the consideration of the Council. The invasion of the State by large forces of the regular Pakistan Army was a very material change in the situation, and yet no information of this was given, so far as we know, to the Security Council.

The Commission will appreciate that this conduct of the Pakistan Government is not only opposed to all moral codes as well as international law and usage, but has also created a very grave situation. It is only the earnest desire of my Government to avoid any extension of the field of conflict and to restore peace, that has led us to refrain from taking any action to meet the new situation that was created by this further intrusion of Pakistan armies into Jammu & Kashmir State. The presence of the Commission in India has naturally led us to hope that any arrangement sponsored by it would deal effectively with the present situation and prevent any recurrence of aggression.

3. Since our meeting of the 18th August, we have given the Commission's resolution our most earnest thought. There are many parts of it, which we should have preferred to be otherwise and more in keeping with the fundamental facts of the situation, especially the flagrant aggression of the Pakistan Government on Indian Union territory. We recognise, however, that, if a successful effort it to be made to create satisfactory conditions for a solution of the Kashmir problem without further bloodshed, we should concentrate on certain

essentials only at present and seek safeguards in regard to them. It was in this spirit that I placed the following considerations before Your Excellency:

- (1) That paragraph A.3 of Part II of the resolution should not be interpreted, or applied in practice, so as
 - (a) to bring into question the sovereignty of the Jammu & Kashmir Government over the portion of their territory evacuated by Pakistan troops,
 - (b) to afford any recognition of the so-called "Azad Kashmir Government", or
 - (c) to enable this territory to be consolidated in any way during the period of truce to the disadvantage of the State.
- (2) That from our point of view the effective insurance of the security of the State against external aggression, from which Kashmir has suffered so much during the last ten months, was of the most vital significance and no less important than the observance of internal law and order, and that, therefore, the withdrawal of Indian troops and the strength of Indian forces maintained in Kashmir should be conditioned by this overriding factor. Thus at any time the strength of the Indian forces maintained in Kashmir should be sufficient to ensure security against any form of external aggression as well as internal disorder.
- (3) That as regards Part III, should it be decided to seek a solution of the future of the State by means of a plebiscite, Pakistan should have no part in the organisation and conduct of the plebiscite or in any other matter of internal administration in the State.

4. If I understood you correctly, A.3 of Part II of the resolution does not envisage the creation of any of the conditions to which we have objected in paragraph 3(1) of this letter. In fact, you made it clear that the Commission was not competent to recognize the sovereignty of any authority over the evacuated areas other than that of the Jammu & Kashmir Government.

As regards paragraph 3(2), the paramount need for security is recognized by the Commission, and the time when the withdrawal of Indian forces from the State is to begin, the stages in which it is to be carried out and the strength of Indian forces to be retained in the State, are matters for settlement between the Commission and the Government of India.

Finally, you agreed that Part III, as formulated, does not in any way recognise the right of Pakistan to have any part in a plebiscite.

5. In view of this clarification, my Government, motivated by a sincere desire to promote the cause of peace and thus to uphold the principles and prestige of the United Nations, have decided to accept the resolution.

Accept, Excellency, the assurance of my highest consideration,

/s/ JAWAHARLAL NEHRU

Prime Minister; India.

(79) His Excellency M. Josef Korbel

At the forty-third meeting the Commission discussed a reply to this communication. The reply, dated 25 August, reads as follows:

"Excellency,

I have the honour to acknowledge the receipt of your communication dated August 20, 1948, regarding the terms of the Resolution of the United Nations Commission for India and Pakistan which the Commission presented to you on the 14th of August 1948.

"The Commission requests me to convey to Your Excellency its view that the interpretation of the Resolution as expressed in paragraph 4 of your letter coincides with its own interpretation, it being understood that as regards point (1) (c) the local people of the evacuated territory will have freedom of legitimate political activity. In this connection, the term "evacuated territory" refers to those territories in the State of Jammu and Kashmir which are at present under the effective control of the Pakistan High Command.

"The Commission wishes me to express to Your Excellency its sincere satisfaction that the Government of India has accepted the Resolution and appreciates the spirit in which this decision has been taken.

"I wish to avail myself of this opportunity to renew to Your Excellency the assurances of my highest consideration.

/s/ JOSEF KORBEL
Chairman

H.E. Pandit Jawaharlal Nehru
Prime Minister and Minister for
External Affairs
Government of India"

(80) The Prime Minister of India submitted another letter, dated 20 August, the contents of which, according to the statement of Sir Girja S. Bejpal, were not to be considered as a condition to the acceptance of the Commission's Resolution by the Government of India. The text of the letter reads as follows:

"20 August 1948

"Excellency,

You will recall that in our interview with the Commission on the 17th August, I dealt at some length with the position of the sparsely populated and mountainous region of the Jammu & Kashmir State in the north. The authority of the Government of Jammu and Kashmir over this region as a whole has not been challenged or disturbed, except by roving bands of hostiles, or in some places like Skardu which have been occupied by irregulars or Pakistan troops. The Commission's resolution, as you agreed in the course of our interview on the 18th, does not deal with the problem of administration or defence in this large area. We desire that, after Pakistan troops and irregulars have withdrawn from the territory the responsibility for the administration of the evacuated areas should revert to the Government of Jammu & Kashmir and that for defence to us. (The only exception that we should be prepared to accept would be Gilgit.) We must be free to maintain garrisons at selected points in this area for the dual purpose of preventing the incursion of tribesmen, who obey no authority, and to guard the main trade routes from the State into Central Asia.

"Accept, Excellency, etc.

/s/ JAWAHARLAL NEHRU
Prime Minister of India"

(81)

The Commission gave the following reply:

"25 August 1948

"Excellency,

I have the honour to acknowledge receipt of your letter of 20 August 1948 relating to the sparsely populated and mountainous region of the State of Jammu and Kashmir in the North.

"The Commission wishes me to confirm that, due to the peculiar conditions of this area, it did not specifically deal with the military aspect of the problem in its Resolution of 13 August 1948. It believes, however, that the question raised in your letter could be considered in the implementation of the Resolution.

"Accept, Excellency, etc.

/s/ JOSEF KORBEL
Chairman".

(82) On 20 August the group of the Commission that had remained in Karachi returned to Delhi. The Chairman reported on his conversation with the Foreign Minister of Pakistan and handed to the Commission the latter's memorandum dated 19 August 1948, containing his Government's views on the resolution of 13 August. (doc. S/AC.12/44, Annex 26).

(83) In the memorandum dated 19 August 1948 the Minister for Foreign Affairs of Pakistan analyzed the Resolution and requested the Commission to furnish his Government with clarifications.

(84) The Pakistan Government's memorandum stressed mainly the following points:

1. That a supervision of the implementation of the cease-fire and truce agreement by neutral military observers be established.
2. Unless India accepted the conditions for a free and impartial plebiscite, cessation of fighting could not be secured.
3. That the withdrawal of tribesmen must be conditioned by the withdrawal of Sikhs and members of the Rashtriya Swayam Sewak Sangh to ensure the security of the Muslim population.
4. That the whole State of Jammu and Kashmir and not only the Azad Kashmir controlled area should be under the surveillance of the Commission.

5. That the presence of the Pakistan troops was in fact not a material change in the situation, since India had launched an offensive before that, and by so doing had caused the material change in the situation.
6. That maintenance of law and order should be provided.
7. That the Pakistan troops' presence was welcome in the Muslim areas, whereas non-Muslim troops were objected to by the population of these areas.

(85) The Pakistan Government in the memorandum presumed that the object of Part III of the Resolution was to secure a free and impartial plebiscite to decide whether the State of Jammu and Kashmir was to accede to India or Pakistan.

(86) At the 42nd meeting on 21 August a drafting committee was appointed to prepare a reply to the above memorandum. The answer was sent to the Government of Pakistan on 27 August (doc. S/AC.12/55, Annex 87).

(87) At the same meeting the Military Mission, having just returned from its tour of the Western side of the front, presented its report. The Mission was of the opinion that once agreement had been reached on the political level, the military aspects of a cease-fire would offer little difficulty.

(88) At its meeting of 26 August, the Commission decided to send a sub-committee to Srinagar (see paragraph 29) to conduct a survey of the general economic and political background of the State of Jammu and Kashmir.

(89) On 28 August, the Commission left for Karachi, with the exception of those members of the delegations and Secretariat who were scheduled to leave on the

(30)

At its fifty-third meeting the Commission studied a request from Sir Mohammad Zafrullah Khan for further explanations of its proposals. The Commission's reply, dated 3 September 1948, defined the term "Evacuated territory" as that territory being at present under the effective control of the Pakistan High Command, and repeated its oral assurances to that effect that, in the implementation of Part III, it would be guided by the terms of the Security Council resolution of 21 April 1948 setting forth the conditions for a plebiscite, subject to such modifications as the Commission might determine with the approval of both Dominions. The full text of the letter follows:

Excellency,

On 19 August 1948 you were kind enough to present to Minister Dr. A. Lozano, then Chairman of the United Nations Commission for India and Pakistan, a letter dated 19 August 1948 with a Memorandum attached asking for clarification of a number of points in the United Nations Commission's Resolution of 13 August.

The points contained in the Memorandum were answered by the Commission's letter dated 27 August.

Moreover, during the two meetings which the Commission had with you on 31 August and 2 September, ample opportunity was given for further clarification of certain points of the Resolution.

At your request the Commission is glad to offer you the following interpretation of points on which you asked for additional elucidation:

- (1) In connection with paragraph A 3 of Part I of the Resolution the term "evacuated territory" refers to those territories in the State of Jammu and Kashmir which are at present under the effective control of the Pakistan High Command, it being understood that the population of those territories will have freedom of legitimate political action.

The Commission reaffirms that, according to its Resolution, United Nations neutral military observers will be posted on both sides of the cease-fire line with the object of ensuring that the conditions of the truce

are adhered to. In case of a breach of any of these conditions, a report will be made to the Commission, and the Commission, on being satisfied that action in respect of the report is necessary, will call upon the authorities in either area to take the desired action.

(3) As regards paragraphs B 1 and 2 of Part II, the Commission, while recognising the paramount need for security of the State of Jammu and Kashmir, confirms that the minimum strength required for the purpose of assisting the local authorities in the observance of law and order, would be determined by the Commission and the Government of India. The Commission considers that it is free to hear the views of the Government of Pakistan on the subject.

(4) As regards Part III:

(a) You are respectfully referred to paragraph 2 of the Commission's Memorandum accompanying its letter dated 27 August, which clarifies the position of the Commission on this subject.

(b) The Commission will be guided by the terms of the Security Council's Resolution of 21 April, 1948, setting forth the conditions for a plebiscite, subject to such modifications as the Commission might determine with the agreement of the Governments of Pakistan and India.

(5) Regarding publication, the Commission has the honour to inform you that it will publish, after having received the answers of both Governments to its Resolution, the full text of the Resolution and the correspondence relevant to it as exchanged between the Commission and the two respective Governments.

Accept, Excellency, etc.

/s/ JOSEF KORBEL

Chairman

H.E. Sir Mohammad Zafrullah Khan
Minister for Foreign Affairs and Commonwealth
Relations
Government of Pakistan, Karachi.

(91) Between 30 August and 4 September the Commission or its individual members held a number of conversations with representatives of the Pakistan Government, viz: the Prime Minister, the Minister for Foreign Affairs and the Secretary-General. All of these conversations intended to explain and amplify statements, and to induce them to accept the Commission's Resolution. The situation was reviewed in detail and the Resolution of 12 August discussed point by point.

- (92) The prolonged discussions between the Commission and the Government of Pakistan after the acceptance of the Resolution by the Government of India caused a certain degree of anxiety on the part of the latter, who were pressing for an answer and for publication of the text of the Resolution and documents relevant to it. The urgency was stated to be caused by the forthcoming recess of the Parliament and by the necessity of informing the public. The matter was considered between the Government of India and the Commission and as a result India agreed to postpone for a few days the recess of the Parliament.
- (93) At one of the meetings the Chairman requested the Foreign Minister of Pakistan to fix a date for reply, explaining that this was dictated by the fact that the Commission had to deal with two Governments and had to suit the time tables of both, and besides, by the most important fact that fighting was still going on and human life was being lost.
- (94) The time was tentatively fixed, and, consequently Mr. E. Graeffe (Belgium) was asked by the Commission to go to Delhi in order to give oral explanations regarding the delay of publication.
- (95) Mr. E. Graeffe's presence in Delhi, which continued after Pakistan's reply to the Resolution, resulted in a number of conversations with members of the Indian cabinet, who stated that the admission by Pakistan of the presence of regular troops, had changed the situation considerably. In their opinion, cease-fire was, in these conditions, a difficult affair and the Commission should report to the Security Council. It

was also mentioned that clarifications of the Resolution obtained from the Commission met with the entire satisfaction of the Indian Government.

(96)

On 4 September the Commission met informally the representatives of the Azad Movement, Chaudri Ghulam Abbas, Supreme Head, and Sardar Mohammad Ibrahim Khan, President. Mr. Abbas' main contention was that Part III of the Resolution should have been introduced as the first step, but he raised no objections to Parts I and II of the Resolution. In his opinion, once the conditions for a plebiscite had been agreed upon, there would have been no difficulty in implementing a cease-fire agreement. Sardar Ibrahim stressed that the Resolution did not guarantee India's complete acceptance of definite conditions for a plebiscite, the fairness and impartiality of which could be determined by the Commission. According to him, an unconditional cease-fire was not acceptable.

(97)

On 6 September at its fifty-fifth meeting the Commission considered the reply of the Government of Pakistan of the same date to the Commission's Resolution. The text reads as follows:

"Sir,

"The Government of Pakistan have had under serious and anxious consideration the proposals made by the Commission in its Resolution of the 13th August, 1948, and the clarifications and elucidations of its provisions that the Commission has since furnished in the course of discussion and in writing. They are now in a position to transmit to the Commission their views on these proposals as clarified and elucidated by the Commission.

"2. They desire to make it quite clear at the outset that these views are the views of the Government of Pakistan and are not as such in any sense binding upon the Azad Kashmir Government, nor do they in any manner reflect the views of

the Azad Kashmir Government. They note that it is the intention of the Commission to hold discussions with Azad Kashmir representatives, as individuals, and they do not doubt that these representatives will convey to the Commission the views of their Government on the proposals of the Commission. The Government of Pakistan would at all times be prepared to use its good offices to persuade the Azad Kashmir Government to accept the view of the proposals of the Commission which the Pakistan Government themselves take, but such acceptance must rest finally with the Azad Kashmir Government themselves. As has already been explained to the Commission, political control over the Azad Kashmir Forces vests in the Azad Kashmir Government, and it is the latter Government alone that has authority to issue a cease-fire order to those forces, and to conclude terms and conditions of a truce which would be binding upon the forces.

"3. It must further be stressed that the struggle for the liberation of Kashmir was initiated by Azad Kashmir, now represented by the Azad Kashmir Government, and that the Government is a necessary party to any settlement of the Kashmir question. Indeed, this view is implicit in the Proposals of the Commission itself, inasmuch as these proposals postulate a course of co-operation between the Commission and the local authorities in several respects

. It is common ground that the question in dispute with reference to the State of Jammu and Kashmir is the accession of the State as a whole to Pakistan or India, and that this question is to be determined by the democratic method of a free and impartial plebiscite.

"5. With regard to the conditions of the plebiscite the Commission has explained that it will be guided by the terms of the Security Council Resolution of the 21st April, 1948, setting forth the conditions for a plebiscite subject to such modifications as the Commission might determine with the agreement of the Governments of Pakistan and India. In interpreting the terms of the Security Council's Resolution the Commission will no doubt be guided by the explanations offered by the sponsors of the Resolution during the course of the discussion of the Resolution in the Security Council.

"6. As a result of the clarifications and elucidations furnished by the Commission, the Government of Pakistan understand that the Commission's Resolution of the 13th August, 1948 seeks to achieve the objectives outlined below:

First, a cease-fire order in accordance with the proposals set out in Part I of the Resolution, so that the fighting may be brought to an end.

Secondly, that the conditions of a truce, the period of which the Commission is anxious to reduce to a minimum, be agreed upon in accordance with the proposals set out in Part II of the Commission's Resolution. These proposals contemplate the actual determination of the cease-fire line and the synchronisation of the withdrawal of the armed forces of the Governments of Pakistan and India shall be arranged between the High Commands of the two Governments and the Commission, and that all territory under the authority or control of the Pakistan High Command, including Gilgit and the areas under the control of Azad Kashmir, shall during the period of the truce continue to be administered by the authorities which are in de facto control of it at the time of the cease-fire, and that no civil or military officer of the Government of India or of the State Government shall enter into or exercise any authority over it. The Azad Kashmir Forces shall remain intact, i.e. shall not be disarmed or disbanded. The surveillance contemplated by the Commission over the local authorities does not imply the exercise of control over or interference with the administration.

Thirdly, that this period be utilised towards restoring peaceful conditions throughout the territories of the State of Jammu and Kashmir, so that once that was achieved to a reasonable degree, the conditions for preparing and holding a free and impartial plebiscite could be put into effect forthwith. The Commission would also consider during this period, along with the representatives of the Government of India and the Government of Pakistan, any proposals suggesting additions to or modifications of the conditions set out in Part B (articles 6 to 15, both inclusive) of the Security Council's Resolution of the 21st April, 1948.

Fourthly, that the Commission proceed to prepare and hold the plebiscite at the earliest possible date. As soon as this stage is reached, the conditions of a free and impartial plebiscite shall be put into operation and shall over-ride all arrangements in operation during the period of the truce which are inconsistent with those conditions.

"7. The Government of Pakistan desire to stress that they are interested in and would be affected by the result of the plebiscite at least in an equal degree with the Government of India, and they assume that it will be the constant endeavour of the Commission to bring about and promote conditions in and affecting the State of Jammu and Kashmir which would place the two Governments on a position of absolute equality and advantage vis-a-vis the plebiscite, and should leave no room for any feeling on the part of either Government and indeed of any section of the people of the State that any party or section was subject to any handicap or disadvantage, or enjoyed any position of privilege or advantage denied to any other.

"8. In the view of the Pakistan Government the presence of the armed forces of the Government of India in any part of the State would militate against the restoration of peaceful conditions and would also conflict with the establishment of conditions for a free and impartial plebiscite. This is a view that the Government of Pakistan intend to continue to urge upon the Commission for their acceptance.

"9. The Commission will recall that the Security Council was firmly of the view that the only effective method of stopping fighting in Kashmir was to provide clear and adequate assurance to Azad Kashmir and to the tribesmen helping them that the structure of a settlement had been erected which would guarantee to the people of the State the free expression of their will in respect of the accession of the State of Jammu and Kashmir to Pakistan or India, and to this end the Security Council laid down a set of conditions in part B of its Resolution of 21st April, 1948. The considerations that led the Security Council to this view operate with even greater force today. Without these assurances the Pakistan Government could not be expected successfully to persuade the tribesmen to withdraw from the State. It is therefore absolutely essential that as part of the Truce Agreement, the acceptance of the Government of India should be secured to the minimum conditions for a free and impartial plebiscite to decide whether the State of Jammu and Kashmir shall accede to India or Pakistan as laid down in Part B (articles 6 to 15, both inclusive) of the Security Council's Resolution dated the 21st April, 1948, and explained by the sponsors of the Resolution in the Security Council. In the view of the Government of Pakistan these conditions are susceptible of improvement, and the Commission would no doubt hold further discussions with both Governments for the purpose of securing their agreement to such additions and modifications as may be urged before the Commission or which the Commission may consider necessary.

"10. The Government of Pakistan have not been informed of any clarifications and elucidations of the proposals contained in the Commission's Resolution of the 13th August, 1948, that the Commission may have furnished to the Government of India. If no clarifications or elucidations have been furnished, no point in that behalf arises. If any clarifications or elucidations have been furnished by the Commission to the Government of India, it is necessary that they should be communicated to the Government of Pakistan and the latter's agreement to them secured. It is equally necessary that the clarifications and elucidations furnished by the Commission to the Government of Pakistan should be communicated to the Government of India and their acceptance of them secured. The Commission will recognise that it is of the utmost importance that any agreement between the two Governments should be arrived at on the clearest possible basis, so that there is left no possibility of any misunderstanding of any of the matters agreed upon. In other words, it is essential that the two Governments should agree simultaneously to the same thing and in the same sense.

"11. Although there are several features in the Commission's proposals which from the point of view of the Pakistan Government are not satisfactory, nevertheless as a step towards the solution of the situation in the State of Jammu and Kashmir, and in the interest of furthering international peace and security, the Pakistan Government have authorised me to inform the Commission that:

Subject to the clarifications and elucidations furnished by the Commission to the Government of Pakistan being accepted by the Government of India, and the elucidations and clarifications, if any, furnished by the Commission to the Government of India being acceptable to the Government of Pakistan, and provided the Government of India accept the conditions laid down in part B (articles 6 to 15, both inclusive) of the Security Council's Resolution of 21st April, 1948, as explained by the sponsors of the Resolution in the Security Council, for a free and impartial plebiscite to decide whether the State of Jammu and Kashmir is to accede to India or Pakistan, the Government of Pakistan accept the proposals contained in the Commission's Resolution of the 13th August, 1948, as clarified and elucidated to the Pakistan Government by the Commission.

I have the honour to be,
Sir,
Your most obedient servant,

/s/ ZAFRULLA KHAN

(ZAFRULLA KHAN)
Minister of Foreign Affairs
and Commonwealth Relations,
Government of Pakistan

(98) On 6 September, the Commission replied to the above letter as follows:

Excellency,

I have the honour to acknowledge receipt of your letter of 6 September 1948, giving the response of your Government to the Commission's Resolution of 13 August 1948.

The Commission observes that your Government have found themselves unable to accept without reservation the proposals of the Commission as contained in its Resolution of 13 August 1948, the purpose of which is to obtain the agreement of the Government of Pakistan and the Government of India to effect a prompt cessation of hostilities and the correction of conditions, the continuance of which is likely to endanger international peace and security.

The Commission wishes to inform you that it will consider the questions which you have raised in your letter at an early occasion. It is, however, desirous to stress that the authentic interpretation of its position is contained in its memorandum of 27 August 1948 and its letter of 3 September 1948, both addressed to Your Excellency.

Accept, Excellency, the assurances of my highest consideration.

/s/ JOSEF KORBEL
Chairman

H. E. Sir Mohammad Zafrullah Khan
Minister of Foreign Affairs and
Commonwealth Relations
Government of Pakistan
Karachi.

(99) A further letter, dated 6 September, was received from Sir Mohammad Zafrullah Khan, the text of which reads:

Dear Mr. Chairman,

I have the honour to acknowledge receipt of your letter of 6th September 1948 acknowledging receipt of my letter of the same date containing the views of the Government of Pakistan on the Commission's Resolution of 13th August 1948.

2. I note the assurance of the Commission that it will consider at an early occasion the questions that have been raised in that letter.

3. Your letter goes on to stress that the authentic interpretation of the Commission's position is contained in its Memorandum of 27th August 1948 and its letter of 3rd September 1948, both addressed to me. Since your letter

of 3rd September does not contain a precise and full record of the clarifications and elucidations furnished by the Commission in the course of discussion in our meetings of 31st August and 2nd September 1948, may I venture to enquire whether the Government of Pakistan in drawing up the statement of their views on the Commission's Resolution of 13th August 1948 have or have not been justified in relying upon the clarifications, elucidations and assurances orally furnished by the Commission in the course of these discussions.

With assurances of my highest consideration,

Yours sincerely,

/s/ ZAFRULLA KHAN

(Zafrulla Khan)
Minister of Foreign Affairs
and Commonwealth Relations

His Excellency Dr. Josef Korbel,
etc.

100)

The text of the Resolution of 13 August and the correspondence between the two Governments and the Commission which related to the proposals contained therein were released on 6 September for publication in the morning press on 7 September.

101)

At its last meeting in Karachi on 7 September, the Commission replied to the letter quoted in paragraph 99 and explained that the oral information provided by the members of the Commission did not differ either in meaning or spirit from the content of the Commission's memorandum of 27 August and letter of 3 September. The full text of the letter follows:

Dear Mr. Minister,

In answer to your letter to me of 6 September 1948, acknowledging receipt of my letter of the same date, the Commission wishes me to convey to you that in the many discussions between representatives of the Pakistan Government and the Commission, the oral information provided by the members of the Commission did not differ either in meaning or spirit from what was contained in the Commission's written memorandum of 27 August and its letter of 3 September 1948, or from the text of its resolution of the 13th August last.

The Commission observes in your first letter of September 6th, transmitting the views of your Government on the Commission's Resolution, that you have made assumptions and expressed certain conclusions which do not accurately reflect the Commission's position or its oral explanations, and it reserves the privilege, therefore, of answering that communication in greater detail at a later date.

Accept, Mr. Minister, the assurances of my highest consideration.

/s/ JOSEF KORBEL
Chairman

H.E. Sir Mohammad Zafrullah Khan
Minister of Foreign Affairs &
Commonwealth Relations
Government of Pakistan

(102) To the above letter the Foreign Minister replied as follows:

Dear Mr. Chairman,

I beg to acknowledge your letter of the 7th September. I am sorry to note that in the Commission's opinion in my first letter of September 6 I made assumptions and expressed certain conclusions which do not accurately reflect the Commission's position or its oral explanations. I shall, however, await the more detailed comments which the Commission proposes to make on my letter, and if I am convinced that any unwarranted assumptions or conclusions have found their way into my letter to which you refer, I shall be very glad to correct them. I shall be greatly helped in this connection if you will kindly direct your Secretariat to expedite the despatch of the draft minutes or draft summary record of our meetings with the Commission on 31st August and 2nd September.

2. With regard to the first paragraph of your letter, I would, at this stage, submit no more than that, at the least the oral information provided by the Commission at our meetings ranged over a much larger field than that covered by the Commission's letter of 3rd September 1950.

With assurances of my highest consideration I remain, Mr. Chairman,

Yours sincerely,

/s/ ZAFRULLAH KHAN
Minister of Foreign Affairs and
Commonwealth Relations

His Excellency Josef Korbela, etc.

Having decided to leave Karachi at its fifty-sixth meeting, the Commission arrived in Delhi on 9 September and was received by the Prime Minister. Mr. Korbel (Czechoslovakia), Chairman, remarked at the outset that the Commission was anxious to know whether the Indian Government were inclined to continue negotiations in the light of conditions attached to the Resolution by the Government of Pakistan. In particular, the Commission wanted to find out whether the Indian Government

- 1) would reconsider its position towards an unconditional cease-fire,
- 2) would deem it advisable to negotiate directly with the other Dominion and the Commission on the situation in Jammu and Kashmir,
- 3) would consider a supplement to the Resolution regarding conditions of plebiscite in the State of Jammu and Kashmir.

The Prime Minister's answer was that

- 1) an unconditional cease-fire was impossible for his Government to accept, as any further step could be undertaken solely after the withdrawal of Pakistan forces,
- 2) no direct negotiations seemed to him possible at the moment, since both Governments had been negotiating without any fruitful results for months on end, and as long as there was no further basis for a settlement, direct approach was not advisable.
- 3) (he could not accept any supplement to the Resolution, which had been submitted to him as acceptable only in its original presentation. Besides, he would not

see any useful purpose in discussing cond
of plebiscite with fighting continuing.

(104) At its fifty-eighth meeting on 10 September 1948 in Delhi, the Commission, under the Chairmanship of Mr. Huddle (United States), decided to divide in two groups one to join the Mission already in Srinagar and the remainder of the Commission to go to Rawalpindi, and there to investigate the situation in the Azad Kashmir territory. It was also decided that the Commission start preparation of its Interim Report. The Colombian representative was unanimously elected as Rapporteur.

(105) At its fifty-ninth meeting in New Delhi on 11 September 1948, the Commission adopted a resolution to the effect that the Commission should leave the Indian Sub-continent for Geneva within ten days, there to file its interim report to the Security Council. During the meeting a drafting sub-committee was appointed to prepare a detailed explanatory letter which might clarify the views of the Commission regarding objections raised and reservations made by the Government of Pakistan to the resolution of 13 August 1948.

(106) On 14 September a group headed by Mr. Huddle (United States), Chairman, and consisting of Mr. E. Graeffe (Belgium), Mr. H. Graeffe (Belgium), Major Smith (United States) and two members of the Secretariat, left for Rawalpindi. It visited a number of localities in Azad Kashmir territory and held conversations with the leading personalities of the Azad movement. The group returned to Srinagar on 18 September and gave a detailed report to the Commission.

The investigating sub-committee (see paragraph 29) informed the Commission of the type of material it had collected during its stay on the Eastern side of the front in Kashmir. It was, however, not able to complete its study.

At the sixty-second meeting held in Srinagar on 19 September, the Commission approved the text of the reply to the letter of Sir Zafrullah Khan of 6 September. The text reads as follows:

19 September 1948

Sir,

The Commission has given careful consideration to your first letter of 6 September 1948 in which you have transmitted the views of your Government on its Resolution of 13 August. Several of the points raised therein are covered by the terms of the Resolution and by the elucidations offered to you in its communications of 27 August (S/AC.12/55), 3 September (S/AC.12/58), and 7 September (S/AC.12/62).

2. As regards the other points of your letter, the Commission wishes to confirm its oral explanations, as follows:

a. With respect to point 2, the Commission was repeatedly informed by you and by representatives of the Pakistan Army that the Azad Kashmir forces were under the over-all control of the Pakistan High Command. In connection with the political aspect of the question raised in points 2 and 3, the existence of the Azad Kashmir Movement has not been ignored by the Commission, consideration thereof appearing in Part II A 3 of its Resolution of 13 August.

b. As regards the last sentence of point 5, the Commission wishes to repeat that the individual explanations offered by the sponsors of the Security Council's Resolution do not form a part of that document and are not binding upon the Commission, but receive due consideration by the Commission in its deliberations.

c. Concerning point 6, the objectives the Commission seeks to achieve are clearly outlined in its Resolution and are elucidated in its letter of 27 August, Appendix 1, and in its letter of 3 September. Moreover, the Commission agrees that it will be anxious to reduce the truce period to a minimum (and that the Resolution does not contemplate the disarmament or disbanding of Azad Kashmir forces.)

d. The Commission considers that the questions raised in points 7, 8 and 9 of your letter are not pe at this stage, but relate instead to the agreement envisaged in Part III of the Resolution. As for the particular issue raised in point 9, the Commission st again its conviction that the objectives and terms of Resolution provide adequate incentives to obtain the cooperation of the Azad Kashmir forces and of the tri in the implementation of the Resolution through the g offices offered by the Pakistan Government.

e. As regards Point 10, the text of the Resolu and the correspondence relevant to it, as exchanged b the Commission and the two respective Governments, ha published. The explanations offered by both Governme are in full harmony.

3. As regards the conclusions contained in point 1 your letter, upon presentation of the Resolution the Commission requested the Government of Pakistan and I to consider and accept this document as a whole. It intended that the details for the implementation of t Resolution be discussed at common meetings between th representatives of both Governments and the Commissio subsequent stages, and following the cessation of hos The Commission observes with regret that the Governme Pakistan has been unable to accept the Resolution wit attaching certain conditions beyond the compass of th Resolution, thereby making impossible an immediate ce fire and the beginning of fruitful negotiations betwe two Governments and the Commission to bring about a p fal and final settlement of the situation in the Stat Jammu and Kashmir.

The Commission sincerely hopes that the Governm of Pakistan may find it possible to reconsider their position and accept the proposals contained in its Resolution of 13th August 1948, as clarified and eluci in the present letter and the correspondence mentione therein.

Please accept the expression of my highest consideration.

/s/ J. Klahr Huddle

J. Klahr Huddle
Chairman

H.E. Sir Mohammad Zafrullah Khan
Minister for Foreign Affairs and Commonwealth
Relations
Government of Pakistan
Karachi

109) The Commission, not wishing to leave the Sub-cc without making a further appeal to the Governments of and Pakistan, pending its return or future dispositio

adopted the following resolution on 19 September:

"THE UNITED NATIONS COMMISSION FOR INDIA AND PAKISTAN

"Having decided to leave for Europe to prepare an interim report to the Security Council on the present situation in the State of Jammu and Kashmir, hereby

"RESOLVES to appeal to the Governments of India and Pakistan 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, which both Governments have declared to be their most sincere and ardent desire."

E. POLITICAL ANALYSIS

(110) The approach of the Commission to the task entrusted to it by the Security Council's resolution of 21 April 1948, was initially based on the complaint of the Government of India concerning the dispute over the State of Jammu and Kashmir and on the reply and counter-complaints of the Government of Pakistan. Its main immediate endeavours were directed towards bringing about a cessation of hostilities with a view to establishing conditions favourable to a final and peaceful settlement of the situation.

(111) As set forth in the letter of 1 January 1948 (doc. S/628, Annex 28), the Government of India placed their complaint against the Government of Pakistan under Article 35 of the Charter, which allows any member to bring to the attention of the Security Council any situation the continuance of which is likely to endanger the maintenance of international peace and security. India alleged that such a situation existed between her and Pakistan owing to the aid which invaders, consisting of nationals of Pakistan and of tribesmen from the territory immediately adjoining that Dominion on the North-west, were drawing from Pakistan for operations against the State of Jammu and Kashmir which had acceded to India on 27 October 1947, and was part of India.

(112) The Government of Pakistan in its communication of 15 January 1948 (see Annex 5) denied that they were giving aid and assistance to the invaders, but

conceded that a number of independent tribesmen and persons from Pakistan were helping as volunteers the "Azad Kashmir Government" in their struggle for liberty. In the same communication and as a separate document, the Government of Pakistan brought to the attention of the Security Council, also under Article 35 of the Charter, the existence of other disputes and requested that appropriate measures be adopted for their settlement and the restoration of friendly relations between the two Governments.

(113) The Security Council, having considered the statements made by the representatives of India and Pakistan, defined the competence and terms of reference of the Commission in its resolution of 21 April 1948, and further directed the Commission in its resolution of 3 June 1948 to study and report when it considered appropriate on the matters raised in the letter of the Foreign Minister of Pakistan.

(114) The Commission had reason to feel uncertain regarding the nature of the reception which would be accorded to it upon arrival in Karachi and New Delhi. Both India and Pakistan had in effect rejected the Security Council's resolution of 21 April 1948. Pakistan had only under protest designated a member country of the Commission and had officially stated that the Security Council's resolution was inadequate to secure the objectives set out in its preamble and was not acceptable to the Pakistan Government (see Annex 4)

(115) The Government of India specifically stated in a letter from their representative to the President of the Security Council, dated 5 June 1948, that "there can be no question of the Commission proceeding to implement the resolution on Kashmir until objections (viz. to provisions of the Security Council's resolution of 21 April 1948) raised by the Government of India had been satisfactorily met". This letter further stated that if the Commission were to visit that country the Indian Government would like "to know in advance the point or points on which the Commission would wish to confer with them." (See Annex 15.)

(116) The Commission therefore proceeded from Geneva to the Indian Sub-continent without firm assurances that either Government would assist the Commission in the implementation of its terms of reference, under which it hoped to function. Moreover, the Commission had been informed before its arrival on the Sub-continent that the general atmosphere was not altogether favourable to its work.

(117) It was the purpose of the Commission to pursue its work in accordance with the directives given by the Security Council on the background of the situation as previously explained at length by the parties to the Council, the salient points of which were:

(118) 1. Religious disturbances increased in intensity and violence immediately before and directly after the partition of British India. Mass movements of population took place throughout the Sub-continent.

- (119) 2. Muslim tribesmen were inflamed by reports of the deaths and displacement of large numbers of Muslims in the course of the disturbances. The tribesmen, bent on avenging their co-religionists, swarmed from the mountains into the State of Jammu and Kashmir, penetrating as far as its southern borders on the east, entering the State in its southwestern areas from the adjacent territory of Pakistan and reaching the outskirts of Srinagar.
- (120) 3. Nationals of Pakistan entered Jammu and Kashmir for the purpose of fighting.
- (121) 4. The accession of Jammu and Kashmir, the legality of which is disputed by Pakistan, was accepted by India on 27 October 1947. Immediately thereafter the Indian Army advanced into the State with the purpose of expelling the tribesmen and restoring law and order. India declared that "as soon as law and order have been restored in Kashmir and her soil cleared of the invader", the question of the State should be settled by a reference to the people. (Letter from the Governor-General dated 27 October 1947 to the Maharaja of Jammu and Kashmir.)
- (122) 5. The tribesmen were pushed back, but the Indian forces combined with the State forces of Jammu and Kashmir, were unable to expel all intruders or to establish authority throughout the State.
- ✓(123) (The Commission hoped, under its terms of reference, to induce the Pakistan Government to exercise their influence on the tribesmen and the Pakistan nationals to withdraw from the State of Jammu and Kashmir. When that was accomplished, it intended to obtain a progressive withdrawal of Indian

troops to the minimum strength required for the support of civil power in the maintenance of law and order, and, further, the agreement of the Government of India to a plebiscite along the lines indicated in the Security Council's resolution.

(124) The Security Council never contemplated during its debates that the Commission, though entrusted with a delicate and difficult task, should deal with a situation involving military action between two regular armies.

(125) Another element, the significance of which had not been fully appreciated before the Commission's departure for the Sub-continent, was the Azad Movement which constitutes an organised political and military body, is assisted by the Pakistan High Command, and is engaged in active revolt against the existing Government. This Movement has cooperated since October 1947 with invading tribesmen and individual Pakistan nationals. The leader of the Azad Kashmir Movement, Chaudri Ghulam Abbas is at the same time the head of the Muslim Conference. The Azad Kashmir Movement controls a considerable part of Jammu and Kashmir State, particularly the greater part of the districts of Poonch, Muzaffarabad and Mirpur. The population of the Azad-controlled area has been variously estimated at between one to two million people.

(126) This situation imposed upon the Commission the additional task of not only obtaining the withdrawal of the tribesmen and Pakistan nationals

but also the cessation by the Azad forces of participation in the fighting.

(127) The statement of the Foreign Minister of Pakistan to the effect that Pakistan troops had entered the territory of the State of Jammu and Kashmir, and later his reply to the Commission's questionnaire that all forces fighting on the Azad side were "under the over-all command and tactical direction of the Pakistan Army", confronted the Commission with an unforeseen and entirely new situation.

✓(128) According to the Security Council's Resolution of 17 January, the Government of Pakistan was requested to inform immediately the Security Council of any material change in the situation. In a letter addressed to the Security Council the Pakistan Government agreed to comply with this request. The Government of Pakistan had, however, not informed the Security Council about the presence of Pakistan troops in the State of Jammu and Kashmir. Sir Zafrullah explained that, since the Commission had been charged to deal with the problems related to the India-Pakistan question, his Government thought that the information should instead be given to it, but he had been unable to do this previously because of the delay in the Commission's arrival on the Sub-continent.

(129) According to the statement of Sir Zafrullah, the Pakistan troops entered Kashmir early in May 1948. The records of the Security Council show that the Commission was provided for but not fully constituted at that time (see paragraph 20).

The Commission had its first meeting in Geneva on 15 June, but was informed of the presence of Pakistan troops in the State of Jammu and Kashmir only on 8 July.

(130) From the outset, the Commission found it of primary and major consequence to explore the possibilities for a cessation of hostilities before going into the study of the substance of matters relating to a final solution. It devoted many meetings to the investigation of the military aspects of the problem and in sounding the two Governments as to how the fighting between their regular forces might be brought to an end. The representative of the Indian Government, Sir Girja Bajpai, in the two formal meetings with the Commission in New Delhi, characterized the situation as a state of "undeclared war". He warned the Commission that the "sands of time were running short". He added that if no action were taken soon to end the hostilities India might be forced to extend its own action, and that the question in reality was whether the issue was to be settled in peace or in war.

(131) From conversations between the various members of the Commission with the Prime Minister and other Indian representatives while in New Delhi, it became apparent that the Government of India held that the presence of Pakistan troops in Kashmir constituted an act of aggression against the Indian Union. They insisted that these forces must be withdrawn before any negotiations could be initiated for the final solution of the problem.

(132)

On the other hand, the spokesman of the Pakistan Government declared that their forces would not be withdrawn unless the Indian forces were withdrawn simultaneously, in prearranged stages, and further that the proposals for a cease-fire order should have consideration and approval of the so-called "Azad Kashmir Government". In this connection, it was explained to the Pakistan Foreign Minister that to request formally the approval of the Azad Kashmir would constitute a de facto recognition of that Movement, which the Commission was not in a position to do. The Foreign Minister appreciated that. (Even his own Government had not granted legal recognition to the Azad Movement in view of the implications which might ensue.) The actual position, however, was that the Azad people who were vitally interested in the situation, could not be overlooked. (see also paragraph 50)

133)

Along the lines of the Security Council's Resolution of 21 April, and on the basis of the situation as explained in previous paragraphs of this report, (the Commission considered that the Pakistan Government should be asked, as a first step toward the final solution of the dispute, to withdraw its forces from the State of Jammu and Kashmir, with the understanding that, as the second step, the withdrawal of the bulk of the Indian troops would occur.)

(134)

When the Commission was officially appraised of an element in the situation which was not explicitly stated in its original terms of reference,

it was forced to choose between two alternatives: either to inform the Security Council of this material change, requesting new instruction, or to proceed to exert its mediatory influence in search of ways and means to correct those conditions. The Commission, after thorough consideration of the implications involved in referring the case back to the Security Council, decided to use its good offices to endeavour to obtain the cessation of hostilities and to create a peaceful and friendly atmosphere deemed essential for a final settlement.

(135) The Commission, as can be appreciated from the historical account of its proceedings, inquired extensively into the possibilities of instituting a cease-fire. It ascertained that the Government of Pakistan would be willing to accept a simple cease-fire. The Government of India, however, clearly indicated that it could not entertain any proposal which would permit the Pakistan forces to remain within the territory of the State of Jammu and Kashmir. Finding that there was no common ground for obtaining agreement to an unconditional or simple cease-fire, the Commission drew up proposals which were calculated to satisfy both Governments.

(136) In order to link the cease-fire to the preparation for a final settlement, which was the desire of Pakistan, and yet provide for the withdrawal of Pakistan forces and tribesmen as India requested, the Commission proposed, as Part II of the Resolution, a Truce Agreement, based on

principles which it deemed fair and equitable, the details of which were to be worked out immediately following the cease-fire order.

- (137) These principles were:
- I.
 - a. Withdrawal of the Pakistan Forces from the State of Jammu and Kashmir.
 - b. Withdrawal of tribesmen and other Pakistan nationals not normally resident in Jammu and Kashmir, and who had entered the State for the purpose of fighting.
- (138) The above provisions were designed to satisfy Indian demands.
- (139) II.
 - a. Temporary administration by local authorities (Azad Kashmir) of territory evacuated by Pakistan troops.
 - b. Withdrawal of the bulk of the Indian Forces from Jammu and Kashmir.
 - c. Temporary retention of such minimum of the Indian Forces as might be required for the maintenance of law and order.
 - d. Official assurances as to safeguarding of peace, law and order, as well as all human and political rights.
- (140) These proposals were thought by the Commission to satisfy Pakistan demands.
- (141) III. Finally, to complete its proposals, the Commission requested the two contending Governments to reaffirm their previously expressed desire that the people of Kashmir be permitted to determine their future political status, a principle which had been accepted by both India and Pakistan.
- (142) In general, the Commission considered that the principles of the Truce Agreement constituted a balance which could not but meet with the approval of both India and Pakistan, and which, upon acceptance and implementation, would promptly clear

the way for both Governments to enter into active collaboration with the Commission in the study of terms for a fair and equitable plebiscite.

(143) As a final endeavour to bring the two Governments into agreement on the principles whereby a cessation of hostilities might be implemented, the Commission, notwithstanding its stipulation that the Resolution of 13 August be accepted as a whole, and stimulated by the strong desire to use all means within its power of persuasion to bring about cessation of fighting and a peaceful solution, decided to return to New Delhi once again to confer with the Prime Minister of India on the conditions attached by the Government of Pakistan to their acceptance.

(144) The Prime Minister of India informed the Commission two days after it had placed before him these suggestions 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. As for conditions of a free and impartial plebiscite, the Prime Minister reminded the Commission that his Government had reservations regarding articles 6 to 15 of the Security Council's resolution of 21 April. A study of these conditions would require a long period of time and the Indian Government could not be a party to such study with the Pakistan troops present in Kashmir and fighting going on.)

(145) He therefore maintained that having accepted the Commission's Resolution of 13 August, his

Government could not now consider any supplement to that resolution.

(146) It will be noted that matters relating to the plebiscite have not been dealt with in detail in the Commission's Interim Report. The paramount question of cessation of hostilities occupied almost entirely the attention of the Commission throughout its ten weeks' stay on the Sub-continent. Although the Commission endeavoured to assess the attitude of the Governments of India and Pakistan in this respect, and though a Sub-commission initiated a survey of conditions in the State of Jammu and Kashmir, it could not enter into a detailed and comprehensive study of the practicability of a plebiscite from the political and administrative points of view because its Resolution of 13 August was not carried out.

(147) However, the Commission feels that some general observations might be made in this connection:

(148) There has been from the beginning a difference in approach to the problem of plebiscite on the part of India and on the part of Pakistan. India appealed to the Security Council and asked for its intervention to stop the incursions of tribesmen in the State of Jammu and Kashmir. Having this end in view, the Indian representatives at Lake Success, as well as those who partook of the conversations with the Commission at New Delhi, insisted that hostilities should cease as a preliminary step to arrangements for a future plebiscite.

(149) Pakistan, however, viewed the problem in an entirely different light, making it dependent upon the previous withdrawal of all outsiders, including the armed forces of the Indian Union, the restoration and rehabilitation of all Muslim residents of Jammu and Kashmir as on 15 August 1947, and the establishment of an impartial independent administration in which the people of that State were fully represented.

(150) During the informal talks in New Delhi between the members of the Commission and the Prime Minister and other members of the Indian Government, it was confirmed that the plebiscite scheme as envisaged by the 21 April resolution still did not meet with their approval. The Prime Minister told the Chairman of the Commission that it would be impracticable to arrange for a plebiscite to be held during the next twelve months; the preparations for a plebiscite would take several months and the intervening winter would not permit any substantial work. He added that fighting was constantly going on in Kashmir and the situation might deteriorate if not dealt with promptly.

(151) The Secretary-General of the Pakistan Government, Mr. Mohammad Ali, also expressed the view that it was impracticable to arrange for a plebiscite in 1948.

(152) The Commission devoted part of its stay on the Sub-continent to sound the sentiments and views of the Jammu and Kashmir Government as well as the Azad Kashmir Movement. According to views expressed in conversations held with Sheikh Abdullah, the Prime Minister of the State of Jammu and Kashmir, and with

the leaders of the Azad Movement, arrangement for a plebiscite would require more than one year. Both parties independently based this opinion on the internal disruption caused by fighting and the time needed for repatriating hundreds of thousands of refugees.

(153) Because of the difficulties connected with a plebiscite, the Commission did not lay down any conditions in Part III of the Resolution in order to facilitate the discussions between the Governments of India and Pakistan and the Commission for the settlement of the dispute. Although the Commission felt that conditions for a plebiscite might have been considered in accordance with the resolution of the Security Council of 21 April, the Commission wished to leave the possibility open for the consideration of alternative solutions mutually agreeable to both parties with the provision that the will of the people should be assured.

(154) The Commission is pursuing its work and will present in due time its report or reports to the Security Council on further developments.

RICARDO J. SIRI (Argentina)

EGBERT GRAEFFE (Belgium)

ALFREDO LOZANO (Colombia)

JOSEF KORBEL (Czechoslovakia)

J. KLAHR HUDDLE (United States)

UNITED NATIONS COMMISSION FOR INDIA AND PAKISTAN

ROTATION OF CHAIRMAN

- 18 June to 8 July 1948 - H. E. Minister Ricardo J. Siza
(Argentina)
- 9 July to 29 July 1948 - H. E. Egbert Graeffe
(Belgium)
- 30 July to 19 August 1948 - H. E. Minister Alfredo Lozano
(Colombia)
- 20 August to 9 September - H. E. Ambassador Josef Korbel
(Czechoslovakia)
- 10 September to 30 September - H. E. Ambassador J. Klahr Hudak
(United States)

UNITED NATIONS COMMISSION FOR INDIA AND PAKISTAN

Calendar of events

Friday	28 May	Lake Success	Informal meeting of representatives of members of Commission
Tuesday	15 June	Geneva	Informal meeting of Commission
Wednesday	16 June	Geneva	1st meeting of Commission
Thursday	17 June	Geneva	2nd meeting of Commission 3rd meeting of Commission
Friday	18 June	Geneva	4th meeting of Commission 5th meeting of Commission
Monday	21 June	Geneva	6th meeting of Commission 7th meeting of Commission
Tuesday	22 June	Geneva	8th meeting of Commission
Thursday	24 June	Geneva	9th meeting of Commission
Friday	25 June	Geneva	Advance party leaves for Karachi and Delhi
Tuesday	29 June	Geneva	10th meeting of Commission
Saturday	3 July	Geneva	11th meeting of Commission
Monday	5 July	en route Geneva-Athens	
Tuesday	6 July	en route Athens-Basra	
Wednesday	7 July	en route Basra-Karachi	
Thursday	8 July	Karachi	Informal meeting with Pakistan Foreign Minister
Friday	9 July	Karachi	Informal meeting with Pakistan Foreign Minister
Saturday	10 July	Karachi	Commission moves to Delhi
Tuesday	13 July	Delhi	12th meeting of Commission 13th meeting of Commission (Indian Liaison Officers present)
Wednesday	14 July	Delhi	14th meeting of Commission 15th meeting of Commission (Indian Liaison Officers present)

Thursday	15 July	Delhi	16th meeting of Commission 1st meeting of Military Affairs Sub-Commission
Friday	16 July	Delhi	17th meeting of Commission (Indian Liaison Officers and Commander-in-Chief present)
Saturday	17 July	Delhi	Vice-Chairman and party leave for Karachi
		Karachi	Vice-Chairman and party meet with Pakistan Foreign Minister
		Delhi	2nd meeting of Military Affairs Sub-Commission
Sunday	18 July	Karachi	Vice-Chairman and party informal meeting with Pakistan Foreign Minister Party returns to Delhi
Monday	19 July	Delhi	18th meeting of Commission
Tuesday	20 July	Delhi	19th meeting of Commission
Wednesday	21 July	Delhi	20th meeting of Commission
			3rd meeting of Military Affairs Sub-Commission
Thursday	22 July	Delhi	21st meeting of Commission
Friday	23 July	Delhi	22nd meeting of Commission (Pakistan Liaison Officers present)
Saturday	24 July	Delhi	Visit to exhibit of captured equipment at GHQ and to HQ Western Command
Monday	26 July	Delhi	23rd meeting of Commission
Tuesday	27 July	Delhi	Military Mission goes to Jammu
Wednesday	28 July	Delhi	24th meeting of Commission
		Jammu	Military Mission to Naushera and Jhangar
Thursday	29 July	Delhi	25th meeting of Commission
		Jammu	Military Mission at Naushera
Friday	30 July	Jammu	Military Mission visits Poonch

Sunday	1 August	Delhi	Commission moves to Karachi
		Karachi	meeting with Pakistan Foreign Minister and Governor of North West Frontier Province
		Srinagar	Military Mission to Baramulla and Uri
Monday	2 August	Karachi	26th meeting of Commission
Tuesday	3 August	Karachi	27th meeting of Commission
			Military Mission moves to Delhi
Wednesday	4 August	Karachi	28th meeting of Commission (Pakistan Foreign Minister present)
Thursday	5 August	Karachi	29th meeting of Commission
			Military Mission comes to Karachi
Friday	6 August	Karachi	30th meeting of Commission
Saturday	7 August	Karachi	31st meeting of Commission
Monday	9 August	Karachi	32nd meeting of Commission (Pakistan Liaison Officers and Commander-in-Chief present)
			33rd meeting of Commission
Tuesday	10 August	Karachi	34th meeting of Commission 35th meeting of Commission
Wednesday	11 August	Karachi	36th meeting of Commission 37th meeting of Commission
Thursday	12 August	Karachi	38th meeting of Commission
			Military Mission goes to Rawalpindi and Abbottabad
Friday	13 August	Karachi	39th meeting of Commission 40th meeting of Commission (Pakistan Foreign Minister present)
		Rawalpindi	Military Mission to Muzaffarabad and Chenari
Saturday	14 August	Karachi	Vice-Chairman & party move to Delhi
		Karachi	Chairman presents Commission's proposals to Pakistan Foreign Minister

		Delhi	Vice-Chairman presents Mission's proposals to the Prime Minister of India.
		Rawalpindi	Military Mission to Muzaffarabad and Tithwal
Sunday	15 August	Rawalpindi	Informal meeting of Military Mission with Azad leaders
Monday	16 August	Rawalpindi	Military Mission to Mirpur
Tuesday	17 August	Delhi	Meeting of Vice-Chairman and party with Prime Minister of India
			Military Mission returns from Rawalpindi
Wednesday	18 August	Delhi	Vice-Chairman conversation with Prime Minister of India
Thursday	19 August	Karachi	Chairman and party meeting with Pakistan Foreign Minister
Friday	20 August	Karachi	Chairman and party move to Delhi
		Delhi	Vice-Chairman conversation with Secretary-General, External Affairs
			41st meeting of Commission
Saturday	21st August	Delhi	42nd meeting of Commission 43rd meeting of Commission
Sunday	22 August	Delhi	44th meeting of Commission
Monday	23 August	Delhi	45th meeting of Commission 46th meeting of Commission
Tuesday	24 August	Delhi	47th meeting of Commission
Wednesday	25 August	Delhi	48th meeting of Commission 49th meeting of Commission
Thursday	26 August	Delhi	50th meeting of Commission
Friday	27 August	Delhi	51st meeting of Commission
Saturday	28 August	Delhi	Commission, less Economic and Political Mission, moves to Karachi
		Delhi	Conversation of Chairman, Economic and Political Mission with Secretary-General, External Affairs

Sunday			
Monday	30 August	Delhi	Conversation of Chairman, Economic & Political Mission with Secretary-General, External Affairs
		Delhi	Interview of Belgian Alternate with Governor General of India
Tuesday	31 August	Delhi	Economic & Political Mission moves to Srinagar
		Karachi	Informal meeting of Commission with Pakistan Foreign Minister
Wednesday	1 September	Karachi	52nd meeting of Commission
		Srinagar	Economic & Political Mission interview with Prime Minister, Jammu and Kashmir
Thursday	2 September	Karachi	Meeting of Commission with Pakistan Foreign Minister
			Meeting of Commission with Prime Minister of Pakistan
		Srinagar	Economic & Political Mission to Gulmarg
Friday	3 September	Karachi	53rd meeting of Commission
		Srinagar	Economic & Political Mission interviews with Ministers of Revenue, Supplies and Trades, and Finance
Saturday	4 September	Karachi	Representative of Belgium moves to Delhi
			54th meeting of Commission
			Informal meeting with Azad leaders
		Srinagar	Economic & Political Mission to Baramulla, Sopore and Bandipura
		Delhi	Informal conversation of Representative of Belgium with Secretary-General, External Affairs

Monday	6 September	Karachi	55th meeting of Commission 56th meeting of Commission
		Delhi	Conversation of Representative of Belgium with Secretary-General, External Affairs
		Srinagar	Economic & Political Mission to Anantnag and Pahlgam
Tuesday	7 September	Karachi	57th meeting of Commission
Wednesday	8 September	Delhi	Representative of Belgium conversation with Secretary-General, External Affairs
		Karachi	Commission moves to Delhi
Thursday	9 September	Delhi	Meeting of Commission with Prime Minister
		Srinagar	Economic & Political Mission interview with Minister of Development
Friday	10 September	Delhi	58th meeting of Commission
Saturday	11 September	Delhi	Meeting of Commission with Prime Minister
			59th meeting of Commission
Sunday	12 September	Delhi	Commission, less the Chairman and representative of Belgium moves to Srinagar
Tuesday	14 September	Delhi	Chairman and party move to Rawalpindi
Wednesday	15 September	Rawalpindi	Chairman and party to Mirpur meeting with Azad leaders
Thursday	16 September	Rawalpindi	Chairman and party to Attock etc.
		Srinagar	Economic & Political Mission moves to Jammu
Friday	17 September	Jammu	Economic & Political Mission visits Akhmer

Saturday 18 September Rawalpindi Chairman and party rejoin
 Commission in Srinagar
 Srinagar 60th meeting of Commission
 Jammu Economic & Political Mission
 returns to Srinagar

Sunday 19 September Srinagar 61st meeting of Commission
 62nd meeting of Commission

Tuesday 21 September Srinagar Commission leaves en route
 to Geneva
 Delhi Conversation of Commission with
 Prime Minister of India

Wednesday 22 September Karachi Conversation of Chairman with
 Prime Minister of Pakistan

Saturday 25 September Arrival in Geneva