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LETTER DATED 15 SEPTEMBER 1950 FROM THE UNITED NATIONS REPRESENTATIVE
FOR INDIA AND PAKISTAN TO THE PRESIDENT OF THE SECURITY
COUNCIL TRANSMITTING HIS REPORT

15th September 1950

Sir,

I address this letter to you as President of the Security Council and with it I hand to you in that capacity a report to the Security Council of the manner in which I have attempted to carry out the duties committed to me by the resolution adopted by the Council on 14th March 1950.

The presentation of this report is the final step in discharge of my functions under the resolution and I beg to request a formal termination by the Security Council of my position as United Nations Representative for India and Pakistan.

Yours faithfully,

(Signed) Owen DIXON

Sir Gladwyn Jebb, K.C.M.G., C.B.,
President of the Security Council,
United Nations,
Lake Success.

*The map referred to in this document will be submitted as
an Annex at a later date.

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REPORT OF SIR OWEN DIXON, UNITED NATIONS REPRESENTATIVE FOR
INDIA AND PAKISTAN, TO THE SECURITY COUNCIL

I have the honour to submit to the Security Council the following report of my attempt to carry out the duties committed to me by the resolution of the Security Council of 14th March 1950.

By that resolution the Security Council called upon the Governments of India and Pakistan to make immediate arrangements to prepare and execute within a period of five months from that date a programme of demilitarization on the basis of certain principles or of some agreed modification of those principles. The Security Council by the same resolution decided to appoint a United Nations Representative for certain purposes which included assisting in the preparation of the programme of demilitarization, placing before the Governments or the Security Council any suggestions which in his opinion would be likely to contribute to the expeditious and enduring solution of the dispute between the two Governments about the State of Jammu and Kashmir, exercising the powers that belonged to the United Nations Commission for India and Pakistan and reporting to the Security Council.

The choice of the Security Council fell upon me and on 13th April I received news in Sydney of my appointment as United Nations Representative. I at once took steps to discharge myself of my then current responsibilities in Australia and on 26th April I left Sydney for Lake Success. I left New York on 21st May 1950 for Delhi via London, having spent the interval from my arrival on 28th April in obtaining as much information as I could about the nature of the problem with which I was to deal, in making necessary administrative arrangements and in dealing with the appointment of a staff.

I went first to Delhi rather than to Karachi, because the Prime Minister of India was about to leave for Indonesia and wished to see me before his departure. The Prime Minister of Pakistan was at that time in the United States. I arrived in Delhi on 27th May 1950. By that time over ten weeks of the five months mentioned in the first paragraph of the Security Council's resolution had elapsed, but so far as I am aware no steps in pursuance of the paragraph had been taken by the two Governments.

I spent some days learning from the Prime Minister of India and from members and officers of his administration the nature of India's contentions and her

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standpoint generally concerning the Kashmir dispute.

On 1st June I went to Karachi and there from Sir Zafarullah Khan and members and officers of the Pakistan Government I obtained the corresponding kind of information about Pakistan's position.

I left Karachi for Srinagar in the Kashmir Valley on 7th June. I remained in Jammu and Kashmir with my base at Srinagar from that date until 12th July. My purpose in going to Kashmir was to obtain a knowledge of the country, the people, the topographical features, the cease fire line, the general disposition of the armed forces on either side of the cease fire line and the other conditions and circumstances existing in the State which would or might assist me in understanding the dispute and the possible means of resolving it. I moved about a good deal and amongst other places I visited Bandipura, Sonamarg and Baltal, Poonch and the adjacent area, Rawalakot, the road from Rawalpindi through to Srinagar along the Jhelum Valley, which I traversed several times, and places and posts along that route, Skardu and Gilgit, Jammu and adjacent posts and Ish.*

While I was in Srinagar I had more than one interview with Sheikh Abdullah, the Prime Minister of the State.

After I had completed my Journeys, inspections and enquiries I remained at Srinagar and occupied myself in the consideration and preparation of plans. I would not have remained in Srinagar so long had it not been for the continued absence from the sub-continent of both Prime Ministers. I had formed the opinion that my best course was to deal with the Prime Ministers and if possible bring them together at a meeting with me at which a sustained effort might be made to effect a settlement.

The situation as I found it presented strange features. The parties had agreed that the fate of the State as a whole should be settled by a general plebiscite but over a considerable period of time they had failed to agree on any of the preliminary measures which it was clearly necessary to take before it was possible to set up an organization to take a plebiscite. From 20th October 1947 to 1 January 1949 the State of Jammu and Kashmir had been the scene of continual fighting and some very serious and difficult military operations had been conducted there. But the fighting had been confined to the State. On 1st January

* See appended map.

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1949 there was a "cease fire" ordered upon the respective fronts and in July India and Pakistan agreed upon the position on the ground of the line which was to separate the territories they had respectively. On the Indian side of this "cease fire line" the forces occupying the territory consisted of troops of the regular Indian Army, State troops and State militia. On the Pakistan side the forces were composed of troops of the Pakistan regular army, Azad Kashmir forces and Northern Scouts. The cease fire line itself was held in strength and thus two considerable armies stood opposed to one another.

The United Nations had established a corps of officers provided by various countries to act as observers and assist in maintaining the cease fire along the line and to secure compliance by the parties with the terms of the armistice. Incidents in which the troops on one side fired on troops on the other or upon a civilian or civilians occurred frequently at some point or another on the line but the incidents nearly all proved of small importance relatively and none threatened a general outbreak of hostilities.

The government of the territory on the Pakistan side of the cease fire line seemed to be administered through an Azad Kashmir "Government" on the west but in the north through political agents directly responsible to the Pakistan Government.

On the Indian side of the cease fire line the administration of the government of the State was in the hands of Sheikh Abdullah and his colleagues, subject however to the federal powers of India over such matters as defence and external affairs, obtained under the instrument of accession to India. See Sec. 370 of the Constitution of India. These powers, however, were extensive enough for the purpose of any matter which could arise in relation to the Kashmir dispute or its settlement.

It was obvious to me that in my attempt to settle the dispute I must be governed by the course that had been taken by the Security Council and the United Nations Commission for India and Pakistan and agreed upon by the parties. It might be true that the chances of such a course proving successful were much reduced by the failure of the parties over so long a period of time, notwithstanding the assistance of the Commission, to agree upon any practical measures in pursuance of that course for the solution of the problem. But the terms of the agreed resolution of 5th January 1949 were specific in appointing

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a free and impartial plebiscite as the means by which the question of the accession of the State of Jammu and Kashmir to India or Pakistan would be decided. What was wanting was agreement upon the matters, including demilitarization, which were preliminary to even the commencement of the necessary arrangements for the taking of a poll of the inhabitants.

Primarily my duty, as I conceived it, was to attempt to bring about an agreement upon measures by the execution of which it would be made possible for the Plebiscite Administrator to begin his work of organizing an overall plebiscite. Only if and when I was satisfied that no such agreement could be brought about and that all real chance of it was at end, ought I to turn to some form of settlement other than a plebiscite of the whole State. At the earliest stage possible I informed each of the parties that this was the position I adopted.

In examining the history of past attempts to effect a settlement of the dispute and in listening to India's explanation of her "case" and of the stand she took, I formed the opinion that if I was to succeed in bringing about an agreement upon the matters preliminary to an overall plebiscite it would be necessary to meet certain objections which it would make. There was first the allegation, so often repeated by India, that Pakistan was an aggressor who had no locus standi and whose troops had no title to be within the State. There was the position taken by India that during the period of preparation for and the taking of the plebiscite the territory to the west of the cease fire line should not be under the immediate governmental authority and direction of Pakistan or be administered by the Azad Kashmir "Government". There was the claim made by India that there must be no impairment of or prejudice to the recognition of the sovereignty of the State of Jammu and Kashmir over the northern areas, i.e. the areas to the north of the cease fire line when it turns to run east. There was the assertion that if there was a very great reduction of troops on India's side of the cease fire line there would be danger of further incursions from the other side of the line. These were objections the application and consequences of which might be developed in detail, but it is enough for me to state briefly their nature.

In preparing my plans to lay before the Prime Ministers I endeavoured to meet these various positions. But I was very much alive both to the necessity and the difficulty of securing the freedom and fairness of the plebiscite. The plans I had in mind for the Pakistan side of the cease fire line would I thought remove any difficulty there. But I felt much concern about the Indian side of the cease fire line. If bodies of troops belonging to one side remained in populous areas, if all the powers of Sheikh Abdullah's Administration, which had the deepest possible interest in the result of the poll, remained exercisable, if the State militia went about under arms and the State police were left to exert whatever influence arises from their position in such a community, it appeared to me that there were the gravest dangers to a free expression of the will of the inhabitants, and almost a certainty that if the result was adverse to Pakistan she would challenge the plebiscite as neither free nor fair. I therefore worked up more than one plan or set of plans to deal with this situation. In doing so I saw that this was a question in which the Security Council itself was directly interested. For the plebiscite was to be conducted under its authority and it would not be right for me as a United Nations Representative to put forward or consent to conditions of settlement which would expose a plebiscite taken by the United Nations to reasonable suspicion on the ground that because of intimidation or the apprehensions of the voters or for other reasons it was not free and fair.

The Prime Minister of India returned to New Delhi on 24 June 1950 and the Prime Minister of Pakistan returned to Karachi on 13 July 1950. They both agreed to meet me in New Delhi on Thursday, 20 July for the purpose of attempting together to settle the Kashmir question.

The meeting began at 4 o'clock in the afternoon of the day arranged and continued from day to day until Monday, 24 July when by common consent it was brought to an end. At the opening of the meeting I informed the two Prime Ministers that as far as I was concerned they could talk with the utmost freedom because, subject to one qualification, what they said need not be disclosed. That qualification was that, if my Mission failed, I must report

/to the Security

to the Security Council the nature of the proposals made and rejected, and if, on the other hand, agreement was reached the agreement would of course be reported. I stated at the outset that I proposed to pursue the question of the measures necessary to make it possible to hold a plebiscite to determine the destination of the State of Jammu and Kashmir as a whole, the first measure being of course the demilitarization of the area.

I found that neither country had any affirmative plans or proposals which her Prime Minister wished to put forward. I therefore proceeded to describe the course which I would propose to them.

The first matter which I raised was the necessity, in the event of agreement, of insuring that each party felt full confidence that whatever steps a settlement might make incumbent on the other party to take would in fact be taken more particularly in the withdrawal of troops and the reduction of military strength, and I suggested that, independently of other reasons for confidence which I emphasized, this could be secured by avoiding indefinite undertakings and by stipulating that no cause for refusal or failure to do what the party undertook to do should suffice unless an appropriate authority of the United Nations so certified. To this there appeared to be no specific objection.

Upon a number of occasions in the course of the period beginning with the reference on 1 January 1948 of the Kashmir dispute to the Security Council, India had advanced not only the contention to which I have already referred that Pakistan was an aggressor but the further contention that this should be declared. The Prime Minister of India, at an early stage of the meeting made the same contention and he referred to it repeatedly during the conference.

I took up the positions, first that the Security Council had not made such a declaration; secondly that I had neither been commissioned to make nor had I made any judicial investigation of the issue; but thirdly that without going into the causes or reasons why it happened, which presumably formed part of the history of the sub-continent, I was prepared to adopt the view that when the frontier of the State of Jammu and Kashmir was crossed,

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on I believe 20 October 1947, by hostile elements, it was contrary to international law, and that when, in May 1948, as I believe, units of the regular Pakistan forces moved into the territory of the State that too was inconsistent with international law. I therefore proposed that the first step in demilitarization should consist in the withdrawal of the Pakistan Regular forces commencing on a named day. After a significant number of days from the named day, then other operations on each side of the cease fire line should take place and as far as practicable, concurrently. What number of days should be fixed as significant was a matter of detail for them to settle.

The Prime Minister of Pakistan expressed strongly his dissent from the third of the three positions I took up, that is to say the third of the positions stated above. But he expressed his readiness to accept, in compliance with my request, the proposition that as a first step in demilitarization the withdrawal of the regular forces of the Pakistan Army should begin on a specified day and that a significant number of days should elapse before the commencement of any operation involving forces on the Indian side of the cease fire line.

The purpose of this report in dealing with the meeting is to state what proposals were made and the extent to which they were rejected. For that purpose it is not necessary to adhere to the order followed in the discussion, an order governed by the desirability of giving the Prime Ministers a general understanding of the basis of my proposals and also of pursuing them and any alternative suggestions in detail. I shall therefore state at once in outline what were the rest of my proposals for demilitarization of the area.

After fixing a day and hour for the withdrawal of the forces of the Pakistan Regular Army from the area west or west and north of the cease fire line, the parties would, according to my proposal, fix so many days, from the commencement of such withdrawal, for India to begin the removal of the armed forces in the area east and south of the cease fire line. I asked for

(1) the withdrawal of the forces of the Indian Regular Army,

/(2) the withdrawal

(2) the withdrawal or disarming and disbandment of the Jammu and Kashmir State Forces,

(3) the disarming and disbandment of the Jammu and Kashmir State Militia.

I made no stipulation as to the sequence of these three operations relatively to one another.

On the other side of the cease fire line my proposal was that Pakistan would commence to disarm and disband

(1) the Azad Kashmir forces and

(2) the Northern Scouts.

I proposed that the day and hour for her commencing to do so should be fixed by reference to the withdrawal of the Pakistan Regular Army. I suggested that the foregoing operations on each side should be divided into phases and that plans should be prepared for the carrying out of each phase by the respective Chiefs of Staff and that my Military Adviser should consider each plan and should be entitled to recommend alterations.

I also suggested that the Pakistan plans should be settled first and that then my Military Adviser should furnish them to the Indian Chief of Staff so that such plans would be before them when settling their own plans.

Turning to the forces that either party might need on their respective sides of the present cease fire line after demilitarization and pending the plebiscite I said that this should be determined according to purpose. The presence of armed forces during the period preceding the taking of the vote and while it was being taken tended against the independence of voting and the fairness of the poll and the number of the troops should therefore be as small as possible. I suggested that if the purpose was defined for which armed forces were needed it would then become a matter for the Chiefs of Staff in consultation with my Military Adviser to agree on the forces to be used and their disposition.

I said that as far as I could see there could be no need for troops unless for one or other of certain possible purposes which I stated. On the Pakistan side I mentioned the purposes

(i) of ensuring the fulfilment of the obligation of Pakistan not to permit tribesmen, marauders or other raiders to enter the Kashmir Valley from her side of the cease fire line

(ii) of disarming and disbanding the Azad Forces a temporary purpose involving perhaps chiefly the Ordnance Corps,

(iii) of quietening the fears which might possibly arise among Muslims, if they were left entirely without any ostensible protection, and perhaps of aiding the civil power in maintaining order.

On the Indian side the purpose of troops would be,

(i) to be available in aid of the civil power in maintaining order where the population was mixed in the south or south west of the State

(ii) to guard the northern approaches to the Valley against possible incursions through or by way of the Jhelum Valley, Keran and Tithwal and thence by Handwara, the Tragbal Pass from Guraïs to Bandipura and the Zoji-la Pass and thence to Baltal and Sonamarg.

The Prime Minister of India rejected this plan on grounds of which it is impossible in this report to give an exhaustive statement. But he made these points and they are enough for the purpose of this report without going into arguments of a more abstract description.

I state the points in a summary form:

(1) The possibility of Pakistan making an attack notwithstanding the withdrawal of her forces and notwithstanding any assurance she might give must be taken into account amongst other dangers for which India might need forces on her side of the cease fire line pending the plebiscite.

(2) The need for protecting the area against the incursions of marauders or more serious dangers could not be limited to specific approaches such as I had mentioned

(3) The Militia, which were organized and paid by the State, though under the command of Indian officers, performed duties of police and in any case could not be disarmed and disbanded without prejudicing the organization of the State. It was a thing India would not ask the State to do.

(4) The reason why India was being asked to limit the forces she would use in discharging her responsibilities in the defence of the State as part of India was because there had been an invasion of the State and because

/Pakistan

Pakistan and Azad forces remained within its boundaries and that was a thing India could not countenance for a moment.

These matters were elaborately discussed.

To the first point the Prime Minister of Pakistan replied that Pakistan would commit no such breach of faith, that in any case it would be folly for her to do so and even greater folly to commit her forces to an attack in Kashmir and that to retain forces in order to protect the area against such a possible attack meant there was to be no demilitarization. With reference to the third point I said that it was immaterial to me how the Militia were dealt with or disposed of so long as they did not form a body of armed men in excess of the forces which were allowed to remain on the Indian side of the cease fire line because they were agreed to be necessary for the military purposes in contemplation. There were other ways of seeing that they were not present as a body of armed men in the area while the vote was about to be taken. But it was inconsistent with the fairness or freedom of the plebiscite to have any such exhibition of force as would be involved in the presence of the Militia, more especially as the State Government was so vitally interested in the result of the plebiscite. As to the fourth point I said that the reason for my asking for a restriction of the armed forces in the area was in order to ensure the freedom and fairness of voting at a plebiscite to be conducted by the Plebiscite Administrator for the United Nations, and it was not because of the events to which he referred.

The Prime Minister of India had spoken of the kind of forces that should be used on the Pakistan side of the cease fire line and had said that their purpose must be civil and they must have a civil character.

The Prime Minister of Pakistan did not deal with this question.

The attempt to obtain demilitarization appeared to break down because of the foregoing objections. No alternatives were suggested and no solution of the difficulties was put forward by either party.

The resolutions of the United Nations Commission of 13 August 1948 and 5th January 1949 were based on the assumption that the boundary formed by the cease fire line would continue until the plebiscite was held notwithstanding demilitarization. Neither Prime Minister sought to depart from this assumption. But India's attitude had been that no authority other than that of the State should be recognized in the area on the other side of the cease fire line and paragraph A 3 of Part II of the Resolution of 13th August 1948 provided that pending a final solution the territory evacuated by the Pakistan troops will be administered by the local authorities under the surveillance of the Commission.

To meet India's position, which was emphatically maintained, and to resolve the difficulties to which the uncertainty of the meaning of the words "local authorities" and "surveillance" had given rise, I put forward a proposal for the area west of the cease fire line. According to the proposal the administration of the services of Government would proceed according to the law and custom of the State as existing before the troubles arose. It would be carried on by the persons now holding or assuming to hold the offices of District Magistrate or subordinate offices. To insure that they carried out their duties and exercised their powers fairly and impartially and without interference with or prejudice to the holding of the plebiscite or what the plebiscite administrator directed, an officer of the United Nations would be attached to every District Magistrate. His powers would be of supervision and he would report to the United Nations Representative, or his delegate, who would take what steps he considered desirable.

I proposed that it should be expressly provided that neither that provision nor any other provision in the agreement should be taken to import any recognition of the existence of any source of legal authority in such territory other than one depending upon and derived from the law of the State or to imply any derogation from or prejudice to the sovereignty of the State. I pointed out

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that my purpose was to provide for the practical exigencies which an interim period created and at the same time to give effect to the principle for which India sought recognition.

To this plan however the Prime Minister of India objected, chiefly, as I understood it, on the ground that it recognized existing District Magistrates and subordinate officers and that in the period since the troubles arose men had been appointed to replace the former officers and that they or some of them were or might be repugnant to India. No alteration of the plan however was suggested and no alternative was put forward.

For the northern areas, that is the territory north of the cease fire line and east of the district of Muzaffarabad and of the Gilgit Subdivision and of the political districts of Gilgit Agency, I put forward a separate proposal. I did so because special difficulties appeared to be raised by the objections of India that during the interim period from demilitarization to the plebiscite the authority of Pakistan should not continue and should not be recognized. My proposal there was to appoint Political Agents representing the United Nations and to vest authority in them. The plan provided that instead of the existing Assistant Political Agents there should be a Political Agent or Agents appointed by or under the authority of the Security Council of the United Nations, after consultation with India and Pakistan. The plan went on to make the power of these officers depend upon the law and custom of the State as at 1 August 1947 and to place upon them the responsibility of causing the powers vested in them to be so exercised that there would be no interference with or prejudice to either the holding of the plebiscite or the directions of the Plebiscite Administrator and so that the administration should be fair and impartial. But save as aforesaid such an officer might administer the government through existing channels of authority and through the officers holding office and he might act through the present assistant Political Agent.

To this solution of the difficulty raised about the northern areas the Prime Minister of India objected on the grounds:

- (1) that existing officers appointed by Pakistan were of a character which India could not countenance
- (2) that any consultation with Pakistan recognized her title to be in the Northern Areas
- (3) that the Political Agents representing the United Nations would be necessarily guided by existing Administrative Officers and would be unable effectively to insure fairness etc.
- (4) that in any event India must place garrisons or military posts in certain places on the northern side of the cease fire line. It was clear to me that Pakistan could not be expected to agree to the fourth objection. As to the other objections India did not put forward any suggestion for the amendment of the plan or for any alternative solution.

On the Indian side of the cease fire line it appeared to me that some provision was necessary to ensure that arbitrary powers which at present exist were not exercised so as to interfere with the freedom of the plebiscite and that police powers were not so used. As I have already said the Government of the State would be vitally interested in the result of the plebiscite. Paragraph 7 of the resolution of 5 January 1949 contains general provisions directed to considerations of this kind. I therefore put forward a proposal that in order to give more specific effect to the undertakings given in paragraph 7 of the Commission's agreed resolution of 5 January concerning the free expression of political opinion and the release of political prisoners, the agreement should state that immediately upon a date or period being formally named by the Plebiscite Administrator certain provisions should apply until the final result of the vote had been declared by him. These provisions were that

- (a) a United Nations officer would be posted with or attached to each District Magistrate
- (b) he should be entitled to see the administrative records and proceedings of the District Magistrates and all officers subordinate to the Magistrate.
- (c) the duties of the United Nations Officer would include observation, inspection, remonstrance and report

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(d) without the prior consent in writing of the United Nations officer, no warrant or order for the arrest of any person should be granted or made under emergency powers or any powers of detention or imprisonment reposed in any officer of the Executive Government or administration, and all prisoners held under the authority of any like warrant or order when such date or period was formally named by the Plebiscite Administrator should be set free within seven days, except prisoners to whose further detention the United Nations officer consented in writing. The proposal expressly excluded from the operation of the clause a warrant for the apprehension of a person on a criminal charge for the purpose of bringing him before a Magistrate so that the charge may be dealt with, a warrant or order committing for trial or committing or remanding to gaol pending an adjournment of the hearing of a charge, a conviction upon a criminal charge, and any order made in the exercise of judicial power.

To this plan the Prime Minister of India objected on the grounds that it involved an interference with the integrity of the functions of the State and an impairment of the powers of arrest, which might prove dangerous in the case of subversive elements and of persons seeking to take advantage of the situation to stir up communal strife and violence.

Again no modifications or alternatives were put forward or suggested. All these matters were fully discussed.

It will be seen that the plans described up to this point for dealing with the questions concerning the demilitarization of the State and other preparations for the taking of the plebiscite dealt with these matters on the assumption that during the period of the plebiscite the State would be divided by the cease fire line as a political boundary. It is evident that if the State could have been placed under one administration so that the political boundary would cease to exist a great many of the difficulties to which the foregoing plans were directed would disappear. Therefore by way of an alternative I put forward plans for bringing into existence for the plebiscite period a single government for the whole State. The plans were of three descriptions and I asked the Prime Ministers whether it was possible to put one or other of them into effect.

The first possibility about which I inquired was that of bringing into existence a coalition government, that is either a coalition brought about by a meeting of Sheikh Abdullah and Mr. Ghulam Abbas, Supreme Head of the Azad Kashmir Movement, or by placing certain portfolios at the disposal of the respective parties.

The second plan was for the formation of an administration for the entire State composed of trusted persons outside politics holding high judicial or administrative office and commanding general confidence. The body would be charged with the administration of the Government of the State for a fixed period before the poll, perhaps six months before it. The Chairman would be appointed by the United Nations, and of the other members half would represent Hindus and half Muslims. The existing Ministers would continue to hold office but they would be relieved of their responsibilities during the period.

The third plan differed from the second only in the constitution of the administrative body. It was to be constituted altogether of United Nations representatives. None of these suggestions commended themselves to the Prime Minister of India.

In the course of the conference I mentioned very briefly one or two other possible ways of reaching a plebiscite. In the end I became convinced that India's agreement would never be obtained to demilitarization in any such form, or to provisions governing the period of the plebiscite of any such character, as would in my opinion permit of the plebiscite being conducted in conditions sufficiently guarding against intimidation and other forms of influence and abuse by which the freedom and fairness of the plebiscite might be imperilled.

Having come to this conclusion I thought that I must either abandon all attempt to settle the dispute or turn from the plebiscite by which the destination of the whole State would be decided to some different solution. I ascertained from the Prime Ministers that they considered that with such a plebiscite in view there was no longer any hope of agreement upon demilitarization or upon the conditions which would follow demilitarization or upon any modified form of demilitarization or upon any course that would advance the position towards a settlement.

/Having

Having done so I asked the Prime Minister of India, the Prime Minister of Pakistan being present, what was the attitude of India

(1) to a plan for taking the plebiscite by sections or areas and the allocation of each section or area according to the result of the vote therein or

(2) to a plan by which it was conceded that some areas were certain to vote for accession to Pakistan and some for accession to India and by which, without taking a vote therein, they should be allotted accordingly and the plebiscite should be confined only to the uncertain area, which I said appeared to be the Valley of Kashmir and perhaps some adjacent country.

I pointed out that in both cases it would be necessary to provide against the possibility of a break in the continuity of the territory which would go to the one party or to the other. I also pointed out that the second alternative might be worked out according to the 1941 census alone or upon wider considerations as well as the information it contains. Further I said that it would be necessary to agree that if the result was to put the upper waters of the Chenab River into the control of India she would not divert them by artificial works so that Pakistan would receive a sensibly reduced volume of water.

The Prime Minister of Pakistan protested against the course proposed on the ground that it meant a breach on India's part of the agreement that the destination of the State of Jammu and Kashmir as a whole should be decided by a single plebiscite taken over the entire State. But at my request the Prime Minister of India said that he would inform me of the views of India upon such a method of settling the Kashmir problem.

The **Prime Ministers** thereupon agreed to the adjournment of the conference.

In taking the course I have described I acted under the resolution of the Security Council dated 14 March 1950 by which I was required to place before the two governments any suggestion which in my opinion was likely to lead to the solution of the dispute. Notwithstanding the attitude of the Prime Minister of Pakistan I considered that unless it was by a partition of the State either outright, or combined with a partial plebiscite limited to an area which included the Valley of Kashmir, no agreed settlement of the Kashmir dispute could be brought about. From that time therefore I devoted myself to an attempt to negotiate a settlement in some such manner.

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I spent some time in Delhi for the purpose of obtaining from India as definite an understanding as might be of her position with respect to the suggested lines of settlement. After consideration the Indian authorities informed me that the Government of India would be prepared to discuss a settlement of the Kashmir dispute on the basis of certain principles. The principles were, first that the areas of the State of Jammu and Kashmir where there is no apparent doubt as to the wishes of the people in those areas should go to India or Pakistan without a plebiscite, secondly that the plebiscite should be limited to those areas where there is doubt as to the result of the voting, and thirdly that the demarcation should have due regard to geographical features and to the requirements of an international boundary. I was informed that in applying these principles the government had been led to some conclusions which were described as tentative.

In the first place there should be a plebiscite in the Valley of Kashmir. The area should however include part of the Muzaffarabad District to bring in what India regarded as the natural geographical feature provided by the river Kishanganga and its watershed on the north.

In the second place India considered that the following areas should go to her:

- (1) the Province of Jammu so far as it lies east of the cease fire line subject to minor corrections; one correction was to reduce the bulge in the cease fire line near Gulmarg.
- (2) In the district of Ladakh, the tehsil of Ladakh and the tehsil of Kargil except approximately the area above the Suru River, which should go to India or Pakistan according to the result of the plebiscite of the Valley.

In the third place India was willing that the following areas should go to Pakistan, viz Gilgit, Gilgit Agency, Gilgit Wazerat, political districts and tribal territory and Baltistan and so much of the Jammu Province as lies to the west of the cease fire line as corrected.

/India

India contemplated a boundary commission to apply on the ground the division which might be decided upon.

It also appeared that India was prepared to include in any such settlement a term that she would not by any artificial works in the State divert the waters of the Chenab River or reduce the flow substantially of the waters of the river except that she might construct canals for irrigation confined within the State. Without reducing the waters of the stream she might establish hydro electric works for the production of electrical energy.

I was told that the Prime Minister of India would be prepared to attend another conference with the Prime Minister of Pakistan and me, so that the possibility of a settlement on such principles might be discussed.

The territorial demands which the foregoing information disclosed appeared to me to go much beyond what according to my conception of the situation was reasonable and I so stated to the Indian authorities.

Thus armed with a knowledge of the position taken up by India I went to Karachi.

I told the Prime Minister of Pakistan of what I had learned from India as to the position she took, but I added an expression of my own opinion that the territorial claims it involved went too far and did not represent the division of the State to which in the end India might be expected to agree. But the Government of Pakistan declined to attend a conference on the footing I proposed in order to discuss in the light of the position taken by India the possibility of settling the dispute.

The primary reason of the Government of Pakistan for refusing to do so lay in their unwillingness to depart at all from the claim that the fate of the entire State of Jammu and Kashmir should be decided by an overall plebiscite and that India ought to have agreed and ought still to agree on measures for holding such a plebiscite and in their fear lest by attending a conference to discuss an alternative plan they might be considered to abandon that claim.

But as a second ground it was said that India's position was too indefinite and if she wished to embark upon discussions of the possibility of settlement according to the suggested principles she should herself make definite proposals.

I urged upon the Government of Pakistan the view that by coming to a conference to discuss an alternative possible settlement they could not be held to abandon their main contention and that the purpose of a conference was by discussion to define what things the parties were respectively prepared to concede and upon what things they took a fixed position. It was enough that the basis of the settlement to be discussed was a limited plebiscite and partition of the rest of the State, the Kashmir Valley being included in the plebiscite area. I did not see why it should not be possible for the parties to argue out the boundaries of the plebiscite area, the division of the remaining territory and the conditions for securing the independence of the voting until either they saw that they could not agree or else found some basis of agreement. Even on the assumption that the conference failed, Pakistan would come away from it better informed and, so far as I could see, without having suffered any real prejudice. But of the soundness of this view I was unable to persuade her Government. Pakistan maintained her refusal to attend a conference of the kind I proposed.

In the course of the discussion however I ascertained that if the basis of the suggested settlement had been simple partition, a solution having the advantages of being immediate in its operation and self-executing, Pakistan would consider the matter provided that she took the Kashmir Valley. I had little doubt however that India would not concede the Valley of Kashmir in an overall partition.

I returned to Delhi and informed the Prime Minister of India of the position taken by Pakistan. As I had expected he declined to consider at all an overall partition in which the Valley of Kashmir went to Pakistan.

The stand adopted by the Prime Minister of Pakistan had led me to the conclusion that there no longer existed any possibility of my bringing the parties to any composition of the dispute over the State of Jammu and Kashmir. In this view I found that both Prime Ministers concurred. But at the end of some discussion with the Prime Minister of India of the consequences which followed, I put forward as a last possibility of saving the situation a suggestion that I myself should prepare a plan complete except for details.

/The plan

The plan would be one for holding a partial plebiscite in a limited area including or consisting of the Valley of Kashmir and for partitioning the remainder of the State. I would then call a conference and lay the plan before them for acceptance or rejection, or if independently of me the parties wished to modify it by agreement, for modification accordingly.

I told the Prime Minister of India that I thought that Pakistan might take the view that she could have no cause for fear that by complying with my invitation to take part in such a proceeding, she would be considered as departing from her stand on the overall plebiscite and as waiving her primary claim. The course I suggested, I added, also removed the objection of want of definiteness in the terms of the partition and partial plebiscite which would be tabled for consideration at the conference.

After a little discussion of the chances of such a course proving successful and of the disadvantages which it would have if it proved unsuccessful, the Prime Minister of India took time to consider the matter. Later in the day he informed me that it had been decided to fall in with the suggestion provided that Pakistan told me that the fact that my plan was based on partial plebiscite and partition would not in itself necessarily prove fatal to its consideration by Pakistan. For India would not agree to a meeting which could not but prove futile.

I returned to Karachi and placed before the Government of Pakistan the proposal that as a last resort I should prepare a plan of the kind stated and lay it before a meeting which I would convene and I told them of the condition imposed by India. At first the Government of Pakistan was unwilling to agree in the course proposed. But after much discussion of the matter I gave to the Prime Minister of Pakistan a statement that I completely understood his Government's position in standing on the overall plebiscite and I gave him an assurance that neither I nor any other authority of the United Nations would regard him or his Government as in the least degree derogating from or prejudicing that position if he complied

/with the request

With the request I made to him to examine and take into consideration the plan which I was ready to prepare and submit although it was of an alternative character. My statement included an expression of the view that if Pakistan refused on the ground stated to join in the consideration of the intended plan she would be wanting in the fulfilment of the duty which rests upon both countries to give willing consideration to any plan put forward as containing a possibility of reconciling the conflict between the two countries and thus avoiding the dangers to which the continuance of the conflict exposes both of them.

On the faith of the assurances my statement contained the Government of Pakistan agreed to comply with my request to attend a conference to consider my intended plan, notwithstanding that it was based on an alternative to an overall plebiscite. But Pakistan in her turn imposed a condition. The condition arose out of her insistence upon the view that India would not agree upon specific practical measures which would insure the freedom and fairness of the plebiscite.

In fact I had decided that I would use for the limited plebiscite area one of the measures which I had proposed for the whole State on the footing that the cease fire line might thus be terminated. I intended to provide that an administrative body consisting of United Nations Officers should be set up in the limited plebiscite area. The Plebiscite Administrator would be at the head of the body. The body would carry on the functions of government in the area until the poll was declared. It would not be the body's function to form new policies but to carry on the administration of government in the area. I intended that the administrative body of United Nations Officers should have power, if they thought fit to do so, to exclude troops of every description. If on the other hand they decided that for any purpose troops were necessary they could request the parties to provide them. Insofar as they allowed the views of the two sides to be laid before the people of the limited area they would have power to secure equality to India and Pakistan in any such right as well as in other respects.

/I informed the

I informed the Pakistan Government that I intended to include a provision of this nature. They expressed doubt as to India's agreeing to it and said that they were not prepared to attend a conference which must break down at the threshold if India refused to accept it. I then offered to consult India in advance upon the matter provided that subject to India's answer, Pakistan agreed to the course I proposed, namely that she would come to a conference to consider a plan to be prepared by me and would do so on the footing that the presence in the intended plan of a provision for a limited plebiscite would not prove an insuperable objection.

To this Pakistan agreed.

I then informed the Prime Minister of India by telegram* of the assurances I had given Pakistan and of the kind of provision that my plan would contain for the purpose of securing the fairness of the plebiscite and its freedom from any suspicion of intimidation. I asked him to inform me if he was of the opinion that the inclusion in my plan of such a provision in order to secure the freedom and fairness of the plebiscite made it impossible for him to accept the plan as a whole. Otherwise I requested him to name a date for the meeting.

The Prime Minister of India answered by telegram* expressing an emphatic refusal to agree to any such provision. The telegram said at the end that if I came to Delhi the Prime Minister would be glad to explain India's position fully to me to avoid any possibility of any misunderstanding.

Accordingly I went to Delhi.

I shall enumerate the objections briefly as I collected them from the telegram and from my discussion with the Prime Minister at Delhi.

(1) Pakistan is an aggressor and it would be to surrender to aggression to allow her to take any part in the plebiscite. For the same reason and because of the danger involved, Pakistan's troops can never be allowed to enter the plebiscite area and therefore it was impossible to countenance the proposal to enable the administrative body to request the parties to provide troops if it thinks them necessary.

(2) The provision would mean that the Government of the State would be superseded and went far beyond what is necessary for the purpose in view.

* See Appendix.

(3) Only those people belonging to the State of Jammu and Kashmir should be allowed any part in the "campaign" over the plebiscite. There can be no equality of any right between India and Pakistan in this or other relevant respects.

(4) The security of the State would be endangered.

These arguments appeared to me to overlook the real nature of a proposal for partition and a partial plebiscite or else to make it completely impossible. The question whether Pakistan had or had not been an aggressor had, to my mind, nothing to do with the results of a partition and the fairness and freedom of a partial plebiscite. To agree that Pakistan should take under a partition part of the State must be to agree that, independently of any such question, she took not merely an interest in but sovereignty of the territory. Again, as I saw the matter, to agree that the territory not immediately divided between India and Pakistan should pass to one or the other according to the vote of the inhabitants at a plebiscite conducted by the United Nations must be to agree to a text involving an equal interest in both countries in the result. Further it is to agree to the ascertainment of the will of the people by an independent authority because that authority will see that the plebiscite is freely and fairly conducted.

I had formed the opinion that it was not easy to exclude the danger that the inhabitants of the Valley of Kashmir would vote under fear or apprehension of consequences and other improper influences. They are not high spirited people of an independent or resolute temper. For the most part they are illiterate. There were large numbers of regular soldiers of the Indian Army as well as of the State Militia and police and more often than not they were under arms. The State Government was exercising wide powers of arbitrary arrest. These are not matters that the Kashmiris inhabiting the Valley could be expected to disregard in choosing between voting as the Government of Kashmir asked them and voting for accession to Pakistan.

It appeared to me that the danger to the freedom and fairness of the plebiscite could not be removed unless in the administrative hierarchy of the State so far as it controlled the plebiscite area United Nations Officers were interposed temporarily. The authority of the Ministry over the rest

/of the State

of the State would not be affected. The ordinary working of the machinery of government in the plebiscite area would go on without change, but for the limited area the United Nations Administrators would for the time being be responsible for the working of the machinery in order to see that it was not used to influence the voters, as otherwise it well might be in countless ways. The presence of numbers of troops, armed militia and police in the Valley did not appear to me to be favourable to a free expression of the people's will and I considered that the administrative body might be safely given powers to decide what was necessary to insure the maintenance of order and to protect the area from external danger if they found that any existed. I did not suppose that they would invoke Pakistan troops without good cause, but I saw no reason why both countries should not be under an obligation to provide troops if requested. I saw no reason to change the opinion I had formed or to depart from the provision I had intended to include. I could not expose a plebiscite conducted under the authority of the United Nations to the dangers which I believed certainly to exist. Indeed I came to the conclusion that it would be impossible to give effect to the doctrines formulated by India in objection to my plan and at the same time frame a plan for partition and a limited plebiscite which I could ask Pakistan to accept.

The Prime Minister of India concurred in the view that no hope existed of an agreement for a plebiscite by which the fate of the Valley could be decided. No other acceptable expedient for disposing of the Valley could be suggested.

The Prime Minister of India agreed therefore that there was nothing further that I could now do in the sub-continent.

I returned to Karachi, where the Prime Minister of Pakistan took the same view.

I left Karachi on 23 August 1950.

It will be seen that two main lines have been pursued in the attempts which have been made to settle the dispute between the two countries about the State of Jammu and Kashmir. The attempt to find a solution by taking a plebiscite over the whole State and so decide by a majority to which country the entire State

/shall.

shall go has its origin in the first proceedings before the Security Council. It should be recalled that by the Resolution of 21 April 1948 the desire of both India and Pakistan that the question of the accession of the State to one or other of them should be decided by a free and impartial plebiscite was noted with satisfaction. In the agreed resolution of the United Nations Commission for India and Pakistan of 5 January 1949 there is a recital of the acceptance by the governments of both countries of the principle that the question of the accession of the State to India or Pakistan would be decided through the democratic method of a free and impartial plebiscite.

From the date of this resolution until the present there have been continual efforts to bring about conditions in which the preparations for taking a poll might go forward. No one has supposed that they could even begin while much of the respective territories on either side of the cease fire line was occupied by opposed armies and their base units. There are in addition many other obstacles to the holding of a free and fair plebiscite which must be removed before the State would be ready for the organization and machinery which the taking of a poll would make necessary. Unfortunately all this has been made to depend upon the agreement of the parties. It is enough to refer to paragraphs 2, 6 (a) and 10 of the resolution of 5 January 1949 and to the provisions of the resolution of 13 August 1948 upon which these paragraphs hang.

There is I believe on the side of India a conception of what ought to be done to ascertain the real will of the people which is not that tacitly assumed by me. Doubtless it is a conception which Pakistan does not share. The resolution of 5 January 1949 contains some rather general provisions in relation to the holding of the plebiscite and the antecedent steps and about these more general provisions the parties were able to agree. But to apply propositions of this kind a programme of practical acts and physical events must be agreed upon. Without this it is impossible for the Plebiscite Administrator to begin the extensive and difficult work of organizing the taking of a poll. It is the practical measures which have proved the obstacle, not the more general propositions.

Pakistan has complained of India's failure to agree on the practical measures which must precede the preparations for the actual taking of a poll, and has maintained that this failure is the result of a deliberate policy. But the fact remains that under the resolutions the agreement of India to the course to be pursued in these matters is a condition precedent to carrying out a plebiscite of the State and there is no such agreement. Moreover the United Nations Commission failed in its efforts to secure an agreement upon them; I failed in mine; neither party put forward any other proposals and both appeared to concur in the view that the possibility of agreement has been exhausted. The contention of Pakistan that it was incumbent on India to agree did not advance the matter practically. It was in these circumstances that I decided to turn away from a plebiscite of the whole State, an "overall" plebiscite, as a method of solving the problem of Kashmir. Partition of the whole State between the two countries is of course an obvious alternative. But unfortunately the Valley of Kashmir cannot itself be partitioned and it is an area claimed by each side. Pakistan claims it not only because it is predominantly Muslim but also because the Jhelum River flows from it and Pakistan will not readily give up her claim. India is just as insistent upon her claim and has the advantage of possession. Some method of allocating the Kashmir Valley to one party or the other is therefore essential to any plan of partition.

I am inclined to the view that no method of allocating the Valley to one or other of the contending parties is available except a poll of the inhabitants. By the inhabitants I mean those of them who fulfil whatever may be fixed as the test of eligibility to vote. The difficulty of using the expedient of a plebiscite appears to lie entirely in the conflict between on the one hand the necessity of insuring that the plebiscite is held in conditions which make it an effective means of ascertaining the real will of the people independently formed and freely expressed and on the other hand certain conceptions or preconceptions of the Indian Government. These are based in part on what India conceives to be the origin and course of

/the fighting

the fighting in 1947 and 1948 and in part on her unwillingness to have any interference with or restriction of the powers of government in the State whether in reference to the use of armed forces or in reference to the civil administration. In addition it may be, as I have suggested, that a different conception exists of the process of ascertaining the will of the people. Although I myself found no reconciliation of this conflict possible, it may be that with India's help some resolution of the conflict may be discovered. She may come to realize that the necessity of practical measures which will really secure the freedom and fairness of a plebiscite must be paramount over these conceptions. At all events I have formed the opinion that if there is any chance of settling the dispute over Kashmir by agreement between India and Pakistan it now lies in partition and in some means of allocating the Valley rather than in an overall plebiscite. The reasons for this may be shortly stated.

The State of Jammu and Kashmir is not really a unit geographically, demographically or economically. It is an agglomeration of territories brought under the political power of one Maharajah. That is the unity it possesses. If as a result of an overall plebiscite the State as an entirety passed to India, there would be large movements of Muslims and another refugee problem would arise for Pakistan, who would be expected to receive them in very great numbers. If the result favoured Pakistan, a refugee problem although not of such dimensions would arise for India, because of the movement of Hindus and Sikhs. Almost all this would be avoided by partition. Great areas of the State are unequivocally Muslim. Other areas are predominantly Hindu. There is a further area which is Buddhist. No one doubts the sentiment of the great majority of the inhabitants of these areas. The interest of the people, the justice as well as the permanence of the settlement, and the imperative necessity of avoiding another refugee problem all point to the wisdom of adopting partition as the principle of settlement and of abandoning that of an overall plebiscite. But in addition the economic and geographic considerations point in the same direction. The difficulty in partitioning the State is to form a sound judgment where the line should be drawn.

While what I have said deals broadly with the State as a whole, it is by no means easy to fix the limits on each side. That is because it is necessary that the territory allocated to each side should be continuous in itself and should be contiguous with that country, because there are pockets of people whose faith and affiliations are different from those of people by whom they are cut off, because the changes in the distribution of population as the result of the troubles cannot be completely ignored and because geographical features remain important in fixing what may prove an international frontier.

I shall not deal with the matter with more particularity and I say so much only in case the Security Council should be of opinion that it should take further steps to effect a settlement between the parties. But for myself I doubt whether it may not be better to leave the parties to themselves in negotiating terms for the settlement of the problem how to dispose of Jammu and Kashmir between them. So far the attitude of the parties has been to throw the whole responsibility upon the Security Council or its representatives of settling the dispute notwithstanding that except by agreement between them there was no means of settling it.

When actual fighting was going on between them it was natural, if not necessary, that the Security Council and the Commission as its delegate should intervene between them and propose terms to stop the hostilities. But when this was done to the extent of stopping open hostilities and the question came to be how to settle the rival claims to Kashmir the initiative was still left with the Security Council and the Commission. The whole question has now been thoroughly discussed by the parties with the Security Council, the Commission and myself and the possible methods of settlement have been exhaustively investigated. It is perhaps best that the initiative should now pass back to the parties. At all events I am not myself prepared to recommend any further course of action on the part of the Security Council for the purpose of assisting the parties to settle between them how the State of Jammu and Kashmir is to be disposed of.

The continued maintenance of two armies facing one

/another

another across a cease fire line is another matter. A danger to peace must exist while this state of things continues. Except for mutual distrust and fear one of another there is no reason why the two countries should go on maintaining armies separated only by the cease fire line. It is a boundary which might be kept by check posts and the like in the same way as any frontier between countries at peace. It is hard to believe that the Indian and Pakistan Chiefs of Staff would have any difficulty in arranging for a concurrent reduction of forces or in effecting the necessary change in the manner in which the cease fire line is held, if they were instructed by their respective Governments to meet for the purpose. Before leaving the subcontinent I addressed to the Prime Ministers severally a request^{1/} that this should be done. It is a matter in which the Security Council is directly concerned because it involves a proximate danger to peace.

I recommend that the Security Council should press the parties to reduce the military strength holding the cease fire line to the normal protection of a peace time frontier.

In the meantime it is my recommendation that the party of United Nations Military Observers be retained on the cease fire line. They cannot continue there indefinitely but after a time the question of their withdrawal might be settled in consultation with the two Governments.

(Signed) Owen DIXON

15 September 1950

United Nations Representative
for India and Pakistan

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Attached to this report are the following documents:

1. Telegram dated 15 August 1950 from me to the Prime Minister of India.
2. Telegram dated 16 August 1950 from the Prime Minister of India to me.
3. Telegram dated 18 August 1950 from me to the Prime Minister of India.
4. Letter dated 23 August 1950 in the same form from me to the
Prime Ministers of India and Pakistan.
5. Reply dated 27 August 1950 from the Prime Minister of India to me.

(Signed) Owen DIXON

1/ See appendix.

APPENDIX

- (a) Telegram dated 15 August 1950 from the United Nations
Representative for India and Pakistan to the Prime
Minister of India

I have encountered a great many difficulties in Karachi but they have now been resolved.

Pakistan continues to stand unequivocally on the position that under the agreed resolutions of 13 August 1948, 5 January 1949 and 14 March 1950 the decision of the destination of the State of Jammu and Kashmir is to be by an impartial plebiscite. For that reason the Prime Minister has expressed to me the unwillingness of his Government to receive or consider any alternative proposal or plan. I have informed him that I completely understood Pakistan's position and I have assured him that neither I nor any other authority of the United Nations would regard him or his Government as in the least degree derogating from or prejudicing that position if he complies with the request I have made to him to examine and take into consideration a plan which I am ready to prepare and submit although it is of an alternative character. I have said that I believe that until I have exhausted all possible methods of settlement I have not completed the discharge of my functions. I have said to him that if Pakistan refused on the ground stated to join in the consideration of the intended plan she would in my opinion be wanting in the fulfilment of the duty which rests upon both countries to give willing consideration to any plan put forward as containing a possibility of reconciling the conflict between the two countries and thus avoiding the dangers to which the continuance of the conflict exposes both of them. I further told him that I was unable to understand how anyone could regard him as weakening his reliance upon the agreed resolutions which state that the question of the accession of the State of Jammu and Kashmir to India or Pakistan would be decided through the democratic method of a free and impartial plebiscite, for no better reason than because he complied with a request from me to give me his willing consideration to the possibility of solving by some alternative the very grave problem which exists.

On the faith of these assurances he has agreed to comply with my request.

Pakistan is ready to attend the conference on the footing that the presence in my intended plan of a provision for a limited plebiscite will not prove an insuperable objection. Pakistan, however, fears that the conference will break

/down because

down because India will object to the provisions I will include to secure the fairness of the plebiscite and its freedom from any suspicion of intimidation. I do not share this fear myself because I received the impression in Delhi that India recognizes that any plan I prepare will necessarily contain provisions which will ensure that the will of the inhabitants of the plebiscite area is freely expressed, uninfluenced by the presence of troops or by the fear of consequences or by other apprehensions and that in all other respects the plebiscite is fairly conducted. I believe it was also recognized in Delhi that provisions such as I have in mind, operating in a limited plebiscite area, are not open to the objections which might be made to them if they applied throughout the whole State of Jammu and Kashmir.

It would be unfortunate however if you were to attend a meeting in Karachi only to find that you could not consider the plan on its merits as a whole because you objected to the particular provisions which I felt it necessary to adopt to secure the plebiscite from any suspicion that it was not free and fair. I think therefore that I should inform you in advance that my plan will include a provision for the setting up, in the limited plebiscite area, of an administrative body to carry on in that area the functions of government until the poll is declared. The Chairman will be the Plebiscite Administrator or his representative. There will be other United Nations Officers. They will be persons of administrative experience and it will be their function to carry on the administration of government in the limited area and not to frame any new policies. Their powers will be ample to exclude from the area all troops of every description. If they decide that for any purpose troops are necessary the parties must provide them upon request. Their powers will also enable them to secure equality to India and Pakistan in any right granted to lay their views before the people and in other respects.

I have stated this because I do not wish to hold a meeting which is bound to be nothing but a formality. If you are of the opinion that the inclusion in my plan of such provisions in order to secure the freedom and fairness of the plebiscite makes it impossible for you to accept the plan even after considering

it as a whole and that a meeting would therefore be futile I will be grateful if you will so inform me. Otherwise it only remains for me to set about the preparation of my plan and that will occupy me for about four days from the receipt of your reply. After that I should like to convene a meeting in Karachi at the earliest date convenient to you. When I know what date would suit you it would be then necessary for me to consult Mr. Liaquat Ali Khan as to its being convenient to him.

(b) Telegram dated 16 August 1950 from the Prime Minister of India to the United Nations Representative for India and Pakistan.

Thank you for your message of the 15th which I received today. I have given its contents anxious thought and am communicating to you frankly my considered reactions to it. I must confess to you that your message surprised me greatly. The main proposal in it in regard to condition governing plebiscite is completely novel and has not been previously mentioned at any stage during last two years or more.*

2. We have not opposed at any time an over-all plebiscite for the State as a whole but you made some alternative suggestions because you came to the conclusion that there were no prospects of an agreement as to conditions preliminary to such a plebiscite. On this basis I informed you that India was prepared to discuss alternative plan involving partial plebiscite provided Pakistan was also prepared to do so.

3. We have always recognised that any plan for a plebiscite should be such that the people concerned would be

* This is a mistake. In fact, if it matters, a like proposal was put forward with reference to the overall plebiscite at the meeting with the Prime Ministers in Delhi 20th-24th July 1950. In February 1948 a similar proposal was made informally and it was attacked by Sheikh Abdullah in a speech before the Security Council. Further the resolution of 21st April 1948 contains provisions amounting practically to the same thing. O.D.

enabled to express their feelings freely and without fear. But your present proposal of setting up a new administrative body to carry on the functions of government is entirely opposed to our basic stand on the Kashmir issue. None of us here got the impression during our talks with you in Delhi that anything like this was in your mind. All that we discussed was the conditions governing the over-all plebiscite. What you have suggested now goes far beyond anything that we could possibly consider or accept or what, in my view, the requirements of a fair and impartial plebiscite would justify. Your proposals would involve the supersession of the lawful government of the State for a period. We cannot agree to this in any way and for any period.

4. Your proposal envisages the participation of Pakistan in the plebiscite and the calling in of Pakistan troops. Both would, in effect, constitute a surrender to aggression.

5. It has always been our view that, in the event of a plebiscite, the people of Kashmir should decide their future for themselves. Kashmiris who have gone out of the State should, of course, be entitled to return for this purpose. But I do not think that others have any claim to participate in a plebiscite campaign.

6. Whatever steps may be taken, we have always made it clear that the Security of the State cannot be endangered. We have had painful experience of aggression and we cannot afford to take further risks of this kind. On no account can we permit any Pakistan troops to enter the plebiscite area.

7. Before concluding I should like to make one further observation. In paragraph 1 of your message you say that for certain reasons the Prime Minister of Pakistan has expressed to you the unwillingness of his Government to receive or consider any alternative proposal or plan. Later on, you say that Pakistan is ready to attend conference on footing that presence in your intended plan provision for limited plebiscite will not prove an insuperable objection. There seems to be contradiction between two positions and I am puzzled. This hardly justifies any optimism regarding genuineness of desire of Pakistan to seek settlement on basis of alternative principles of partial plebiscite.

8. There are many other aspects of this matter which deserve consideration. But I do not wish to lengthen this reply. Should you, however, come to Delhi, I would be glad to explain our position fully to you to avoid any possibility of any misunderstanding.

- (c) Telegram dated 18 August 1950 from the United Nations Representative for India and Pakistan to the Prime Minister of India

Thank you for your message sent August 16th. I had not thought that in a plan for partition a provision for setting up in a limited plebiscite area an administrative body to carry on the functions of government in that area during the period of the plebiscite could be opposed to any stand previously taken by India. Once the territory of the State of Jammu and Kashmir outside the limited area is divided under such a plan between India and Pakistan each obtains an independent legal title to the part allotted to it. The occupation by Pakistan of the territory allotted to her would be in virtue of the title which partition would give her and could not be described as that of an aggressor. Which party to the partition is to have the area reserved for the plebiscite would under such a plan depend upon the vote of the inhabitants instead of the immediate operation of the agreement and I do not understand how in such a settlement the doctrine that Pakistan is an aggressor having no legitimate interest could continue to apply.

The U.N. body with the Plebiscite Administrator at its head would derive its powers from the Government of the State, in the same way as might any other Provincial or District Administration. Elsewhere in the State the existing State Government would exercise its full authority except in the territory allocated in the partition to Pakistan. In many respects the ordinary working of the machinery of the State would go on in the plebiscite area, but the U.N. Administration would be in control. The view that the lawful government of the State would be superseded does not appear to me to take sufficient account of these considerations or of the relative size of the area involved. When at the Conference between yourself the Prime Minister of Pakistan and myself at Delhi I put forward the proposal that to ensure the freedom and fairness of the overall plebiscite the

/government

government of the State should be temporarily entrusted to a body of administrators representing the United Nations you advanced similar objections. But apart altogether from the answers to them which I then submitted to you they do not appear to me to apply to partition and a vote in a limited area.

I have insisted always that the freedom of the plebiscite from intimidation or unfairness and from suspicion of intimidation or unfairness must be secured at all hazards and I believe that I have made it clear that I think that very real dangers of that kind exist from which it must be guarded. The establishment of a temporary administrative body of the United Nations in a limited area to insure the removal of all suspicion that the vote is not free and fair appears to me to be both necessary and just and not to go beyond what in the circumstances is justified for the purpose of safeguarding the plebiscite.

It is hardly necessary to tell you how unfortunate I feel the difference in our standpoint to be. I will gladly come to Delhi as you suggest so that any possibility of misunderstanding may be avoided. I shall fly down on Saturday morning.

- (d) Letter dated 23 August 1950 in the same form from the United Nations Representative for India and Pakistan to the Prime Ministers of India and Pakistan

It appears to me that independently of any determination of the question of the destination of the State of Jammu and Kashmir or of any part of it, an obligation rests upon both the Government of India and the Government of Pakistan to make a mutual reduction of the armed forces of the respective countries in the territory of that State, so as to remove the danger to peace which must continue while the two armies face each other across a cease fire line.

I have found it impossible to bring about any agreement upon the substantive dispute between the two Governments whether that dispute be regarded as one concerning the taking of a plebiscite by which the inhabitants will settle the fate of the State or more widely as one concerning the fate of the State. But in my opinion that is no reason why the two countries should continue to maintain opposed armies in position separated only by a cease fire line. The line may be sufficiently kept by check posts and such other measures as are commonly adopted upon an inland frontier between two countries at peace for the
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purpose of preventing or controlling entry and exit. Nothing but a common plan of a military character is needed to bring about such a state of affairs. It appears to me to be entirely a military matter to be arranged between the Chiefs of Staff of the two countries.

I, therefore, have the honour to request that you will join with the Government of Pakistan/India in causing a meeting of the Chiefs of Staff of the two countries to be held for the purpose of making the necessary arrangements for bringing about the required change in the manner in which the cease fire line is held and reducing accordingly the military forces now serving in the State of Jammu and Kashmir on behalf of the respective countries. I request that this meeting should be held within a fortnight.

(e) Reply dated 27 August 1950 from the Prime Minister of India to the United Nations Representative for India and Pakistan

Thank you for your letter of the 23rd August. I have gone into your suggestion with my Military Advisers. We do not consider that it is desirable now to arrange a meeting of Chiefs-of-Staff of India and Pakistan. But we are prepared to reduce, of our own accord, the strength of Indian Forces now in Jammu and Kashmir by twenty to twenty-five per cent. The suggestion that the Cease Fire Line may be maintained merely by using check-posts and other similar measures, do not appear to be feasible. So long as the Kashmir dispute is not settled, effective measures are necessary to ensure the security of the State against possible aggression. If, as we hope, Pakistan also desires a settlement of the dispute by peaceful means, there should be no danger of incidents along Cease Fire Line that might endanger peace, and United Nations Observers can help in the loyal observance by both sides of the Cease Fire Agreement.
