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5 May 1948

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LETTER DATED 30 APRIL 1948 FROM THE REPRESENTATIVE
OF PAKISTAN ADDRESSED TO THE PRESIDENT
OF THE SECURITY COUNCIL

Dear Mr. Farodi,

I enclose a copy of the letter I have addressed to the
President of the Security Council.

Yours sincerely,

Sir Zafulla Khan,
Minister of Foreign Affairs
Government of Pakistan.

/Sir,

Sir,

In compliance with your letter dated 22nd April 1948 I transmitted to my Government the Resolution adopted by the Security Council at its 336th meeting held on 21st April 1948.

2. I have the honour to inform you that, in the view of the Pakistan Government, the measures indicated in the Resolution referred to above are not adequate to ensure a free and impartial plebiscite on the question of the accession of Jammu and Kashmir State to India or Pakistan. The Government of Pakistan much regret that they have not been placed in a position to carry out the obligations sought to be laid upon them by the resolution.

3. The Pakistan Government note that a Member of the Security Council observed at the meeting referred to above that appeals and proclamations by the Pakistan Government would not suffice to bring about compliance with the suggestions contained in Article 1 (a) of the Resolution, and suggested that if they considered it necessary to use their forces in order to bring about compliance they should have the right to do so. It was, however, pointed out that Article 5 provided in part for this contingency and that if Pakistan forces were placed at the disposal of the Commission when the Commission found this necessary that would be enough to cover the need.

4. The Pakistan Government note further that the expression "forward areas" in Article 2 (c) is intended to mean areas which are at present closest to the line which separates the Indian forces from the forces in the State which are now in arms against them, thus ensuring the Indian forces are not to advance further into the State beyond the areas at present in their occupation. The expression "base area" in Article 2 (c), it was stated, means areas outside the valley of Kashmir and outside the field of operation of actual fighting, from which the troops engaged in those operations are supplied.

5. The Pakistan Government also note that the purpose of Article 6 was stated to be that there should be organized in the State of Jammu and Kashmir an Interim Administration which would command the confidence and respect of all the people of the State and would be a symbol to the people on both sides that the Government of the State was officially neutral on the issue of accession to India or Pakistan. While on the one hand the suggestion that the Muslim Conference and the Azad Kashmir

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should have a majority in the Council of Ministers was not found acceptable, on the other hand it was stressed that no advantage would be accorded to the group that holds powers at the present moment. The Pakistan Government recognize that the criterion in the reconstitution of the Council of Ministers would not be the predominantly muslim character of the population of the State but the neutralisation of the Government between the group which favours accession to Pakistan and that which favours accession to India. Each group is to choose its own representatives on the Council of Ministers in order to form a coalition Government which collectively would be completely neutral in so far as the issue of accession to India or Pakistan is concerned.

It is further noted that Article 6 is related to Article 1 (a) for the reason that if it is apparent that the Interim Administration, which would be formed in accordance with the above principles and which would prevail during the period immediately preceding and during the plebiscite, is a fair one this would be helpful in inducing the tribesmen to withdraw.

6. The Pakistan Government also note that the Plebiscite Administrator has full authority to get such powers as he might deem necessary for the holding of a free and impartial plebiscite and, therefore, would be competent to deal with any offences under Article 11 and to remedy the situation created by the dismissal of employees of the State who were suspected of favouring accession to Pakistan.

7. Without casting any doubt on or detracting in any way from the authoritative character of the explanations referred to above, the Pakistan Government regret that the Security Council did not incorporate them in the text of the Resolution in appropriate language.

8. Although, as stated above, the Resolution is inadequate to secure the objectives set out in the preamble of the Resolution and is, therefore, not acceptable to the Pakistan Government, they have authorized me to submit under protest and without prejudice the name of Argentina as Pakistan's nominee on the Commission.

9. I trust this will enable you to call upon Czechoslovakia and Argentina to proceed forthwith to designate the remaining member of the Commission.

I have the honour to be

Sir,

Your obedient Servant,

(Sir Zafrulla Khan)

Minister of Foreign Affairs,
Government of Pakistan.

The President of the Security Council
Lake Success, N.Y.