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Sec. Gen's trip to India 1956

Jan. 13

Miguel A. Marin (Principal Sec., U.N. Commission for India
and Pakistan)

— to Sec. Gen.

(conc. visit of the Sec. Gen. to India/Pakistan)

UNITED NATIONS  NATIONS UNIES

INTEROFFICE MEMORANDUM

TO: Mr. Dag Hammarskjold, Secretary-General
United Nations

Date: 13 January 195⁶

Through Mr. A. W. Cordier

FILE NO.: _____

FROM: Miguel A. Marín, Principal Secretary, *M. Marín*
UN Commission for India and Pakistan

SENDER'S TELEPHONE EXTENSION: _____

SUBJECT: Visit of the Secretary-General to India and Pakistan

At any opportunity, the local correspondents in India or Pakistan, who are obstinate and uninhibited, are likely to seek the comments of the Secretary-General on:

- i. The present status of the India-Pakistan (Jammu and Kashmir) question;
- ii. The alleged "impotence" of the United Nations in regard to this issue;
- iii. The recent Indian statements implying finality of the accession of the State of Jammu and Kashmir to the Indian Union; and
- iv. The Soviet statements on Kashmir.

1. With regard to the first question:

The last time the Security Council dealt with the India-Pakistan question was in the autumn of 1952 when it discussed the fourth report dated 16 September 1952 (S/2783) of the United Nations representative, Dr. Frank P. Graham. The discussions began on 10 October and ended on 23 December 1952 (605th through 611th meetings).

From 4 to 19 February 1953, a conference at a ministerial level took place in Geneva of representatives of the Governments of India and Pakistan under the auspices of the United Nations representative, Dr. Frank P. Graham. The representatives were the late Sir Girja S. Bajpai for India and Sir Mohammed Zafrullah Khan for Pakistan. On 27 March 1953, Dr. Graham submitted his fifth report

(S/2967) to the Secretary-General for transmission to the Security Council.

Since then the Security Council has not dealt with the question.

In the meantime, on 20 August 1953, the Prime Ministers of India and Pakistan (Pandit Nehru and Mohammad Ali) issued a joint communique in New Delhi in which reference was made to an agreement they had reached on a procedure to settle the question by direct negotiations. The agreement envisaged mainly the appointment of committees of military and other experts to advise the Prime Ministers on certain preliminary issues. It was also envisaged that a plebiscite administrator should be appointed by the end of April 1954. As far as it is known, no progress was made in the implementation of this agreement. The military aid agreement between Pakistan and the United States in 1954 and the Indian contention that this agreement changed the context of the dispute over Kashmir resulted in a deadlock for over a year. On 14 May 1955, the Prime Ministers of India and Pakistan met again in New Delhi. At the end of their talks on 18 May, a joint communique was published in which, inter alia, it was said:^{1/}

"In the course of the joint talks, the Kashmir problem was discussed fully in all its aspects. It was decided to continue these talks at a later stage after full consideration has been given by both governments to the various points that had been discussed in the course of these meetings."

Later on, Chaudhri Mohammed Ali replaced Mohammad Ali as Prime Minister of Pakistan, and General Mirza replaced Ghulam Mohammed as Governor-General of Pakistan. The present Prime Minister of Pakistan, Chaudhri Mohammed Ali, is very well acquainted with all the modalities of the Kashmir question, as, in one or another capacity, he has intervened in the negotiations on the question from the very beginning. No formal talks between the Prime Ministers have taken place on the matter, although Pakistan has been suggesting a conference since July. The High Commissioner of Pakistan in New Delhi, Ghanzanfar Ali Khan, has

^{1/} The Times of India, 19 May 1955.

recently been pressing the Indian Foreign Ministry for an early meeting of the two Prime Ministers.

In short, while the Security Council continues to be seized of the question and the United Nations representative (Graham) is watching the developments, United Nations action is in "suspense" in view of the direct negotiations and the absence of any request from either India or Pakistan for action at this stage. The Security Council has in the past acted on the belief that it should promote agreement between the two Governments rather than lay down solutions which may not be implemented.

2. With regard to the second question:

The primary objective of the United Nations when it was seized of the question in January 1948, was to bring an end to the fighting in the territory of the State of Jammu and Kashmir, and to ensure a settlement by peaceful means of the dispute between India and Pakistan.

The UNCIP obtained the agreement of the Governments of India and Pakistan to suspend hostilities. A cease-fire was agreed upon to take effect on 1 January 1949; and a cease-fire line was drawn at a military conference of representatives of the two Governments held in Karachi in July 1949 at the initiative and under the auspices of the UNCIP. There is a team of United Nations Observers under a Chief Observer who reports directly to the Secretary-General. The UNCIP ended practically with his third report (9 December 1949), legally in June 1950.

Since 1949, the Security Council has commissioned General McNaughton (December 1949-January 1950); Sir Owen Dixon (April-September 1950); and Dr. Frank P. Graham (since 30 April 1951) to lend their good offices to the Governments of India and Pakistan in order to bring about the implementation

of the resolutions of the UNCIP, accepted with qualifications by the two Governments, regarding the final disposition of the State. These contemplate the withdrawal from the State of Jammu and Kashmir of troops of both sides, the induction into office of the plebiscite administrator and the holding of a plebiscite. It is on the details of the implementation of these procedures that the two governments have failed to agree, both in negotiations under the auspices of the United Nations representatives and in their present direct conversations.

3. With regard to the third question:

The document of accession was delivered in October 1947 by the then Maharajah of the State to the then Governor-General of India, Lord Mountbatten. In accepting the accession, Lord Mountbatten referred to a future ascertainment of the will of the people. According to the Indian Constitution of January 1950, the State of Jammu and Kashmir is a part of the Indian Union. A constituent assembly was elected in the Indian-held part of the State and it decided in 1954 ratify the accession to India. On the strength of this, the Prime Minister of the State of Jammu and Kashmir is claiming that the accession is final. This was also implied in statements of the Indian Home Minister (Dr. G. B. Pant) in July, 1955. However, the Government of India, in its official relations with the United Nations, both in the Security Council or through the subsidiary organs, commissions or representatives, has always maintained the position that it is bound by its agreements to hold a plebiscite under international auspices to determine the will of the people of Kashmir. Prime Minister Nehru has reiterated, in reply to protests against the Home Minister's statements, that the Government of India stood by its commitments.

4. With regard to the fourth question:

During the whole debate on the India-Pakistan question in the Security Council, the representatives of the Soviet Union remained uncommitted on the substantive issues and rarely intervened in debate. Their main contributions were the demand that Soviet personnel should be included in the observer group, opposition to the introduction of foreign troops, the repeated proposal for the setting up of a commission composed of the eleven members of the Security Council, and the view that the question should be settled by direct negotiations between India and Pakistan without outside interference. The recent Bulganin-Khrushchev statements that "the question of Kashmir as one of the states of the Republic of India has been settled by the Kashmir people", represent, therefore, a new policy formulated to counteract Pakistan's pro-Western tendency.

In spite of reports in the press that the officials of the Government of India were displeased by the Soviet statements, the fact is that Pandit Nehru himself, in his speech in Agra on 3 January 1946, expressed appreciation of the words of the Soviet leaders concerning the issues of Kashmir and Goa. Pakistan is naturally displeased, contends that the statements brought the cold war to Kashmir and argues that a "partial" statement on the dispute by a permanent member of the Security Council is improper.

. . . .

It would be preferable to avoid any reference to the Governments of India and Pakistan as "two parties" in the dispute on Kashmir. Pandit Nehru and other officials are especially allergic to this expression. They maintain that Pakistan is merely an "aggressor" and has nothing to do with the question of the final disposition of the State.