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## **FOREWORD**

Need for compiling relevant papers on an issue can hardly be overemphasized. Therefore, it was need of the hour to bring out a publication, containing documents on such an important issue as Jammu & Kashmir. Besides, there was also a demand from various quarters in this regard. Hence, staff of the Kashmir Committee was tasked to prepare a brochure, comprising important papers on Kashmir.

The present brochure does not contain all the documents, discussions on Kashmir. However, an effort has been made to place important papers together. I hope the publication will be useful for the readers, especially the researchers.

**(FAZL-UR-RAHMAN)**  
**Chairman**  
**Parliamentary Kashmir Committee**  
**July, 2011**

## THE KASHMIR ISSUE

The history of freedom struggle in *Jammu & Kashmir* is much older than the freedom struggle of the sub continent. In 1832, the Kashmiris revolted against the tyranny of the Sikh rule and their leaders were skinned alive. Thereafter, the Kashmiris kept on agitating. The Kashmir Valley (area in the east of the River Sindh) was sold by the British Rulers to Raja Gulab Singh of Jammu for 75 lac rupees under the ignoble of the Amritsar Treaty on 16<sup>th</sup> March, 1846.

The Kashmir issue is not only the oldest issue on the agenda of the United Nations, but is also an unfinished agenda of Partition of the sub-continent. As per the Partition Plan, option was given to the Rulers of the princely states (numbering 584) to preferably join either India or Pakistan, keeping in view the geographical contiguity and composition of population of their states. The Ruler of Hyderabad wanted to remain independent, whereas the Ruler of Junagarh acceded to Pakistan. However, India occupied both the states on the plea that the majority of their peoples were Hindus, who wanted to join India. But India was not ready to accept this formula in the case of *Jammu & Kashmir*, which was supposed to join Pakistan for its geographical contiguity and predominant Muslim population. India cajoled the Non-Muslim Ruler of the State, Mahraja Hari Singh to accede to India and sent its forces for the massacre of the Kashmiri Muslim, who were agitating to join Pakistan. The Kashmiris also took up arms, liberated some areas of the State and established an Azad Government of *Jammu & Kashmir*.

India went to the UN, seeking its help in resolving the issue. The UN passed quite a few resolutions, calling for holding a *plebiscite* in the State. The resolutions were accepted by India and Pakistan. The prominent leaders of India also repeatedly promised to hold *plebiscite*. However, they are not serious in fulfilling their promises. Rather, India has tried to delay the matter on one pretext on the other. It also engaged in talks with Pakistan and the Kashmiri leaders as a delaying tactic.

Disgruntled with the sham elections, non-implementation of the UN resolutions on Kashmir and affected by the wave of democracy spreading across the globe in the late eighties, the people of the Occupied Kashmir started agitating for freedom. India tried to crush the movement by force, which further ignited the fire of freedom. India has deployed around eight hundred thousand military and paramilitary forces in the Occupied Kashmir, empowering them

with draconian laws, which give them a free hand to play an orgy of death. They have unleashed a reign of terror. By now, over 90,000 Kashmiris have been killed, some 10,000 women raped, over 10,000 persons disappeared and property worth billions of rupees destroyed. The recent discovery of over four thousand unnamed graves has further exposed the horrible dimensions of human tragedy. The human rights violations perpetrated by the Indian Security Forces in the occupied territory have been condemned by various leaders of the world, the human rights organizations, like Amnesty International, Asia Watch, Human Rights Watch, UN Human Rights Commission/Council, European Parliament, etc. A delegation of the European Parliament, after a visit to the Occupied Kashmir, has called it "the most beautiful prison in the world". Even Indian organizations and intellectuals, like Gautam Naulakha, Arundhatti Roy and others have condemned these brutalities. The foreign dignitaries may visit both parts of *Jammu & Kashmir* to see the ground reality. In AJK, they can meet the refugees from the Occupied Kashmir also and listen to their tales of woe. There will be no restriction on them, as they face in the Indian Occupied Kashmir.

Pakistan is a peace loving country and desires to resolve all disputes with India peacefully. It has shown maximum flexibility. It has offered to talk to India at any time, at any level and at any place. However, despite all efforts of Pakistan to resolve the issue, Indian leaders are adamant.

During the last six decades, a number of rounds of talks were held between Pakistan and India on Kashmir, but all remained fruitless, because of the intransigency of India. It starts talks under pressure only and stops when the pressure is released. A number of years were consumed on the Composite Dialogue. Some progress has been recorded in the sectors of culture, sports, immigration, communications, etc. However, there is little progress on the core issue of Kashmir. If at all India is engaged in talks with Pakistan, it keeps on killing the Kashmiri people. It has also increased its defence budget enormously and is spending huge amounts on the enhancement of its firepower. Moreover, it is building dams in the Occupied Kashmir on the rivers, flowing towards Pakistan, in violation of the Indus Water Treaty 1960. This reflects the mindset of the Indian leaders against Pakistan.

The freedom struggle of the Kashmiris for their right to self-determination can't be dubbed as terrorist movement, because this right has been accepted in the United Nations resolutions, the Universal Declaration of Human Rights and by the international organizations, such as the Non-Aligned

Movement. The peaceful mass movement, continuing since 2008, has also exposed the Indian propaganda, calling the upsurge in the Occupied Kashmir as a terrorist movement sponsored from abroad.

Kashmir is not a territorial problem. It's a human problem, involving around 14 million Kashmiris. If the Kashmir issue is resolved, all other issues will automatically be resolved and both countries will save a lot of funds presently spent on defence, for bettering the lot of their peoples. Three wars have since been fought between the two countries on Kashmir. If atrocities in the Occupied Kashmir continue and the Kashmir issue is not resolved, situation in the nuclearized sub-continent can take an awful turn.

India desires to become a permanent member of the UN Security Council – the same body whose resolutions on Kashmir it is flouting with impunity for the last over six decades. Indian efforts to this effect are, therefore, no less than a joke and insult for this august body.

The world community should not remain a silent, disinterested spectator to the *Jammu & Kashmir* Imbroglia, because any conflagration in the sub-continent can affect peace and stability of not only the region, but the world as well. Hence, it should play its role in resolving the issue. The need of the hour is that India should immediately withdraw its forces from the Occupied Kashmir, release the detenus, repeal the black laws, stop state terrorism and allow human rights organisations to visit the Occupied Kashmir. The international community should monitor the Pak-India dialogue and compel India to be serious in making the dialogue meaningful and result oriented.

# **TREATY OF AMRITSAR**

**(March 16, 1846)**

The treaty between the British Government on the one part and Maharajah Gulab Singh of Jammu on the other concluded on the part of the British Government by Frederick Currie, Esq. and Brevet-Major Henry Montgomery Lawrence, acting under the orders of the Right Hon. Sir Henry Hardinge, G.C.B., one of her Britannic Majesty's most Honorable Privy Councillors, Governor-General appointed by the Honourable Company to direct and control all the affairs in the East Indies, and by Maharajah Gulab Singh in person.

## **ARTICLE 1**

The British Government transfers and makes over for ever, in independent possession to Maharajah Gulab Singh, and the heirs male of his body, all the hilly or mountainous country, with its dependencies situated to the eastward of the River Indus, and the westward of the River Ravi, including Chamba and excluding Lahore, being part of the territory ceded to the British Government by the Lahore State according to the provisions of Article IV of the Treaty of Lahore, dated 9th March, 1846.

## **ARTICLE 2**

The eastern boundary of the tract transferred by the foregoing article to Maharajah Gulab Singh shall be laid down by the Commissioners appointed by the British Government and Maharajah Gulab Singh respectively for that purpose and shall be defined in a separate engagement after survey.

## **ARTICLE 3**

In consideration of the transfer made to him and his heirs by the provisions of the foregoing articles Maharajah Gulab Singh will pay to the British Government the sum of seventy-five lacs of rupees (Nanakshahee), fifty lacs to be paid on ratification of the treaty and 25 lacs on or before the 1st October of the current year, A.D., 1846.

## **ARTICLE 4**

The limits of territories of Maharajah Gulab Singh shall not be, at any time, changed without the concurrence of the British Government.

## **ARTICLE 5**

Maharajah Gulab Singh will refer to the arbitration of the British Government any disputes or questions that may arise between himself and the Government of Lahore or any other neighboring State, and will abide by the decision of the British Government.

## **ARTICLE 6**

Maharajah Gulab Singh engages for himself and heirs to join, with the whole of his Military forces, the British troops, when employed within the hills or in the territories adjoining his possessions.

## **ARTICLE 7**

Maharajah Gulab Singh engages never to take to retain in his service any British subject nor the subject of any European or American State without the consent of the British Government.

## **ARTICLE 8**

Maharajah Gulab Singh engages to respect, in regard to the territory transferred to him, the provisions of Article V, VI and VII of the separate engagement between the British Government and the Lahore Durbar, dated 11<sup>th</sup> March, 1846.

## **ARTICLE 9**

The British Government will give its aid to Maharajah Gulab Singh in protecting his territories from external enemies.

## **ARTICLE 10**

Maharajah Gulab Singh acknowledges the supremacy of the British Government and will, in token of such supremacy present annually to the British Government one horse, twelve perfect shawl goats of approved breed (six male and six female), and three pairs of Cashmere shawls.

(Note: In 1893 it was agreed to drop the gift of "Twelve perfect shawl Goats").

This Treaty, consisting of ten articles, has been this day settled by Frederick Currie, Esq. and Brevet-Major Henry Montgomery Lawrence, acting under the directions of the Rt. Hon. Sir Henry Hardinge, G.C.B., Governor-General, on the part of the British Government and by Maharajah Gulab Singh in person, and the said Treaty has been this day ratified by the seal of the Rt. Hon. Sir Henry Hardinge, G.C.B., Governor-General.

(Done at Amritsar, the sixteenth day of March, in the year of our Lord 1846 AD One thousand eight hundred and forty-six, corresponding with the seventeenth day of Rubeel-ul-Awal, 1262 Hijree).

(Signed) **H. Hardinge** (Seal)

(Signed) **F. Currie**

(Signed) **H. M. Lawrence**

By order of the Right Honourable the Governor General of India

Signed                      F. Currie

Secretary of the Government of India with the Governor General

Signed                      Gulab Singh



## **RESOLUTION 39 (1948) OF UN SECURITY COUNCIL**

**( JANUARY 20, 1948)**

### **The Security Council,**

*Considering* that it may investigate any dispute or any situation which might, by its continuance, endanger the maintenance of international peace and security, and that, in the existing state of affairs between India and Pakistan, such an investigation is a matter of urgency,

Adopts the following resolution:

- A. A Commission of the Security Council is hereby established<sup>\*</sup>, composed of representatives of three Members of the United Nations, one to be selected by India, one to be selected by Pakistan, and the third to be designated by the two so selected. Each representative on the Commission shall be entitled to select his alternates and assistants.
- B. The Commission shall proceed to the spot as quickly as possible. It shall act under the authority of the Security Council and in accordance with the directions it may receive from it. It shall keep the Security Council currently informed of its activities and of the development of the situation. It shall report to the Security Council regularly, submitting its conclusions and proposals.
- C. The Commission is invested with a dual function; (1) to investigate the facts pursuant to Article 34 of the Charter of the United Nations; (2) to exercise, without interrupting the work of the Security Council, any mediatory influence likely to smooth away difficulties, to carry out the directions given to it by the Security Council; and to report how far the advice and directions, if any, of the Security Council, have been carried out.
- D. The Commission shall perform the functions described in Clause C: (1) in regard to the situation in the Jammu and Kashmir State set out in the letter of the Representative of India addressed to the President of the Security Council, dated 1 January, 1948, and in the letter from the Minister of Foreign Affairs of Pakistan addressed to the Secretary-General, dated 15 January 1948; and (2) in regard to other situations set out in the letter from the Minister of Foreign Affairs of Pakistan addressed to the Secretary-General, dated 15 January 1948, when the Security Council so directs.
- E. The Commission shall take its decision by majority vote. It shall determine its own procedure. It may allocate among its members, alternate members, their assistants, and its personnel such duties as may have to be fulfilled for the realization of its mission and the reaching of its conclusions.
- F. The Commission, its members, alternate members, their assistants, and its personnel, shall be entitled to journey,

separately or together, wherever the necessities of their task may require, and, in particular within those territories which are the theatre of the events of which the Security Council is seized.

- G. The Secretary-General shall furnish the Commission with such personnel and assistance as it may consider necessary.

[ \* United Nations Commission for India and Pakistan -

Members: Argentina nominated by Pakistan, Czechoslovakia nominated by India, Columbia and Belgium selected by the Security Council and one additional member i.e. USA was nominated by the President of Security Council.

The Czech diplomat Josef Korbela, father of Ex-Secretary of State Madeleine Albright was on the Commission as Representative of Czechoslovakia. Later he wrote a book on Kashmir titled "Danger in Kashmir" and highlighted the intransigence of India.]

**RESOLUTION OF UN COMMISSION  
FOR INDIA & PAKISTAN  
(AUGUST 13, 1948)**

**The United Nations Commission for India and Pakistan,**

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

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

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

**PART I**

**Cease-fire order**

- A. The Governments of India and Pakistan agree that their respective High Commands will issue separately and simultaneously a cease-fire order to apply to all forces under their control in the State of Jammu and Kashmir as of the earliest practicable date or dates to be mutually agreed upon within four days after these proposals have been accepted by both Governments.
- B. The High Commands of Indian and Pakistan forces agreed to refrain from taking any measures that might augment the military potential of the forces under their control in the State of Jammu and Kashmir. (For the purpose of these proposals "forces under their control" shall be considered to include all forces, organized and unorganised, fighting or participating in hostilities on their respective sides).
- C. The Commanders-in-Chief of the Forces of India and Pakistan shall promptly confer regarding any necessary local changes in present dispositions which may facilitate the cease-fire.
- D. In its discretion, and as the Commission may find practicable, the Commission will appoint military observers who under the authority of the Commission and with the co-operation of both commands will supervise the observance of the cease-fire order.
- E. The Government of Pakistan agree to appeal to their respective peoples to assist in creating and maintaining an atmosphere favourable to the promotion of further negotiations.

## PART II

### Truce Agreement

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

- A. (1) As the presence of troops of Pakistan in the territory of the State of Jammu and Kashmir constitutes a material change in the situation since it was represented by the Government of Pakistan before the Security Council, the Government of Pakistan agrees to withdraw its troops from that State.
- (2) The Government of Pakistan will use its best endeavour to secure the withdrawal from the State of Jammu and Kashmir of tribesmen and Pakistan nationals not normally resident therein who have entered the State for the purpose of fighting.
- (3) Pending a final solution the territory evacuated by the Pakistan troops will be administered by the local authorities under the surveillance of the Commission.
- B. (1) When the Commission shall have notified the Government of India that the tribesmen and Pakistan nationals referred to in Part II A 2 hereof have withdrawn, thereby terminating the situation which was represented by the Government of India to the Security Council as having occasioned the presence of Indian forces in the State of Jammu and Kashmir, and further that the Pakistan forces are being withdrawn from the State of Jammu and Kashmir, the Government of India agrees to begin to withdraw the bulk of their forces from the State in stages to be agreed upon with the Commission.
- (2) Pending the acceptance of the conditions for a final settlement of the situation in the State of Jammu and Kashmir, the Indian Government will maintain within the lines existing at the moment of cease-fire the minimum strength of its forces which in agreement with the Commission are considered necessary to assist local authorities in the observance of law and order. The Commission will have observers stationed where it deems necessary.
- (3) The Government of India will undertake to ensure that the Government of the State of Jammu and Kashmir will take all measures within their power to make it publicly known that peace, law and order will be safeguarded and that all human and political rights will be guaranteed.
- C. Upon signature, the full text of the Truce Agreement or communiqué containing the principles thereof as agreed upon

between the two Governments and the Commission will be made public.

### **PART III**

The Government of India and the Government of Pakistan reaffirm their wish that the future status of the State of Jammu and Kashmir shall be determined in accordance with the will of the people and to that end, upon acceptance of the Truce Agreement both Governments agree to enter into consultations with the Commission to determine fair and equitable conditions whereby such free expression will be assured.

**RESOLUTION OF UN COMMISSION  
FOR INDIA AND PAKISTAN  
( JANUARY 5, 1949)**

**The United Nations Commission for India and Pakistan,**

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

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

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

9. At the conclusion of the *plebiscite*, the *Plebiscite* Administrator shall report the result thereof to the Commission and to the Government of Jammu and Kashmir. The Commission shall then certify to the Security Council whether the *plebiscite* has or has not been free and impartial;
10. Upon the signature of the truce agreement the details of the foregoing proposals will be elaborated in consultations envisaged in Part III of the Commission's resolution of 13 August 1948. The *Plebiscite* Administrator will be fully associated in these consultations;

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

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



## RESOLUTION 80 (1950) OF UN SECURITY COUNCIL

( MARCH 14, 1950)

### The Security Council,

*Having* received and noted the reports of the United Nations Commission for India and Pakistan established by its resolutions 39 (1948) of 20 January and 47 (1948) of 21 April 1948,

*Having* also received and noted the report of General A.G.L. McNaughton on the outcome of his discussion with the representatives of India and Pakistan which were initiated in pursuance of the decision taken by the Security Council on 17 December 1949,

*Commending* the Governments of India and Pakistan for their statesman like action in reaching the agreements embodied in the United Nations Commission's resolutions of 13 August 1948 and 5 January 1949 for a cease-fire, for the demilitarization of the State of Jammu and Kashmir and for the determination of its final disposition in accordance with the will of the people through the democratic method of a free and impartial *plebiscite*, and commending the parties in particular for their action in partially implementing these resolutions by

- (1) The cessation of hostilities effected 1 January 1949,
  - (2) The establishment of a cease-fire line on 27 July 1949,
- and
- (3) The agreement that Fleet Admiral Chester W. Nimitz shall be *Plebiscite* Administrator.

*Considering* that the resolution of the outstanding difficulties should be based upon the substantial measure of agreement of fundamental principles already reached, and that steps should be taken forthwith for the demilitarization of the State and for the expeditious determination of its future in accordance with the freely expressed will of the inhabitants,

- (1) Calls upon the Governments of India and Pakistan to make immediate arrangements without prejudice to their rights or claims and with due regard to the requirements of law and order, to prepare and execute within a period of five months from the date of this resolution a programme of demilitarization on the basis of the principles of paragraph 2 of General McNaughton's proposal or of such modifications of those principles as may be mutually agreed;

2. Decides to appoint a United Nations Representative for the following purposes who shall have authority to perform his functions in such place or places as he may deem appropriate:
  - (a) To assist in the preparation and to supervise the implementation of the programme of demilitarization referred to above and to interpret the agreements reached by the parties for demilitarization;
  - (b) To place himself at the disposal of the Governments of India and Pakistan and to place before those Governments or the Security Council any suggestions which, in his opinion, are likely to contribute to the expeditious and enduring solution of the dispute which has arisen between the two Governments in regard to the State of Jammu and Kashmir;
  - (c) To exercise all of the powers and responsibilities devolving upon the United Nations Commission for India and Pakistan by reason of existing resolutions of the Security Council and by reason of the agreement of the parties embodied in the resolutions of the United Nations Commission of 13 August 1948 and 5 January 1949;
  - (d) To arrange at the appropriate stage of demilitarization for the assumption by the *Plebiscite* Administrator of the functions assigned to the latter under agreements made between the parties;
  - (e) To report to the Security Council as he may consider necessary, submitting his conclusions and any recommendations which he may desire to make;
3. Requests the two Governments to take all necessary precautions to ensure that their agreements regarding the cease-fire shall continue to be faithfully observed, and calls upon them to take all possible measures to ensure the creation and maintenance of an atmosphere favourable to the promotion of further negotiations;
4. Extends its best thanks to the members of the United Nations Commission for India and Pakistan and to General A.G.L. McNaughton for their arduous and fruitful labours;
5. Agrees that the United Nations Commission for India and Pakistan shall be terminated, and decides that this shall take place one month after both parties have informed the United Nations Representative of their acceptance of the transfer to him of the powers and responsibilities of the United Nations Commission referred to in paragraph 2 (c) above.

## RESOLUTION 91 (1951) OF UN SECURITY COUNCIL

( MARCH 30, 1951)

### The Security Council,

*Having* received and noted the report of Sir Owen Dixon, the United Nations Representative for India and Pakistan on his mission initiated by the Security Council resolution 80 (1950) of 14 March, 1950;

*Observing* that the Governments of India and Pakistan have accepted the provisions of the United Nations Commission for India and Pakistan resolutions of 13 August, 1948 and 5 January, 1949, and have re-affirmed their desire that the future of the State of Jammu and Kashmir shall be decided through the democratic method of a free and impartial *plebiscite* conducted under the auspices of the United Nations,

*Observing* that on 27 October, 1950 the General Council of the "All Jammu and Kashmir National Conference" adopted a resolution recommending the convening of a Constituent Assembly for the purpose of determining the "future shape and affiliations of the State of Jammu and Kashmir", observing further from statements of responsible authorities that action is proposed to convene such a Constituent Assembly and that the area from which such a Constituent Assembly would be elected is only a part of the whole territory of Jammu and Kashmir,

*Reminding* the Governments and authorities concerned of the principle embodied in its resolutions 47 (1948) of 21 April 1948, 51 (1948) of 3 June 1948 and 80 (1950) of 14 March 1950 and the United Nations Commission for India and Pakistan resolutions of 13 August 1948 and 5 January 1949, that the final disposition of the State of Jammu and Kashmir will be made in accordance with the will of the people expressed through the democratic method of a free and impartial *plebiscite* conducted under the auspices of the United Nations,

*Affirming* that the convening of a Constituent Assembly as recommended by the General Council of the "All Jammu and Kashmir National Conference" and any action that Assembly might attempt to take to determine the future shape and affiliation of the entire State or any part thereof would not constitute a disposition of the State in accordance with the above principle,

*Declaring* its belief that it is the duty of the Security Council in carrying out its primary responsibility for the maintenance of international peace and security to aid the parties to reach an amicable solution of the Kashmir dispute and that a prompt settlement of this dispute is of vital importance to the maintenance of international peace and security,

*Observing* from Sir Owen Dixon's report that the main points of difference preventing agreement between the parties were:

- (a) The procedure for and the extent of demilitarization of the State preparatory to the holding of a *plebiscite*, and
  - (b) The degree of control over the exercise of the functions of government in the State necessary to ensure a free and fair *plebiscite*,
1. Accepts, in compliance with his request, Sir Owen Dixon's resignation and expresses its gratitude to Sir Owen for the great ability and devotion with which he carried out his mission;
  2. Decides to appoint a United Nations Representative for India and Pakistan in succession to Sir Owen Dixon;
  3. Instructs the United Nations Representative to proceed to the sub-continent and, after consultation with the Governments of India and Pakistan, to effect the demilitarization of the State of Jammu and Kashmir on the basis of the United Nations Commission for India and Pakistan resolutions of 13 August, 1948 and 5 January, 1949;
  4. Calls upon the parties to co-operate with the United Nations Representative to the fullest degree in effecting the demilitarization of the State of Jammu and Kashmir;
  5. Instructs the United Nations Representative to report to the Security Council within three months from the date of his arrival on the sub-continent; if, at the time of this report, he has not effected demilitarization in accordance with paragraph 3 above, or obtained the agreement of the parties to a plan for effecting such demilitarization, the United Nations Representative shall report to the Security Council those points of difference between the parties in regard to the interpretation and execution of the agreed resolutions of 13 August, 1948 and 5 January, 1949 which he considers must be resolved to enable such demilitarization to be carried out;
  6. Calls upon the parties, in the event of their discussions with the United Nations Representative failing in his opinion to result in full agreement, to accept arbitration upon all outstanding points of difference reported by the United Nations Representative in accordance with paragraph 5 above, such arbitration to be carried out by an Arbitrator, or a panel of Arbitrators, to be appointed by the President of the International Court of Justice after consultation with the parties;
  7. Decide that the Military Observer Group shall continue to supervise the cease-fire in the State;
  8. Requests the Governments of India and Pakistan to ensure that their agreement regarding the cease-fire shall continue to be faithfully observed and calls upon them to take all possible

measures to ensure the creation and maintenance of an atmosphere favourable to the promotion of further negotiations and to refrain from any action likely to prejudice a just and peaceful settlement;

9. Requests the Secretary-General to provide the United Nations Representative for India and Pakistan with such services and facilities as may be necessary in carrying out the terms of this resolution.

## **RESOLUTION 96 (1951) OF UN SECURITY COUNCIL**

**( NOVEMBER 10, 1951)**

### **The Security Council,**

*Having received and noted* the report of Dr. Frank Graham, the United Nations Representative for India and Pakistan, on his mission initiated by the Security Council resolution 91 (1951) of 30 March 1951, and having heard Dr. Graham's address to the Council of 18 October 1951,

*Noting* with approval the basis for a programme of demilitarization which could be carried out in conformity with the previous undertakings of the parties, put forward by the United Nations Representative in his communication of 7 September, 1951, to the Prime Ministers of India and Pakistan,

1. *Notes* with gratification the declared agreement of the two parties to those parts of Dr. Graham's proposals which reaffirm their determination to work for a peaceful settlement, their will to observe the cease-fire agreement and their acceptance of the principle that the accession of the State of Jammu and Kashmir should be determined by a free and impartial plebiscite under the auspices of the United Nations;

2. *Instructs* the United Nations Representative to continue his efforts to obtain agreement of the parties on a plan for effecting the demilitarization of the State of Jammu and Kashmir;

3. *Calls* upon the parties to co-operate with the United Nations Representative to the fullest degree in his efforts to resolve the outstanding points of difference between them;

4. *Instructs* the United Nations Representative to report to the Security Council on his efforts, together with his views concerning the problems confided to him, not later than six weeks after this resolution comes into effect.

## RESOLUTION 98 (1952) OF UN SECURITY COUNCIL

(DECEMBER 24, 1952)

### The Security Council,

*Recalling* its resolutions, 91 (1951) of 30 March 1951, its decision of 30 April 1951 and its resolution 96 (1951) of 10 November 1951,

*Further Recalling* the provisions of the United Nations Commission for India and Pakistan resolutions of 13 August 1948, and 5 January 1949, which were accepted by the Governments of India and Pakistan and which provided 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* conducted under the auspices of the United Nations,

*Having* received the third report, dated 22 April 1952, and the fourth report, dated 16 September 1952, of the United Nations Representative for India and Pakistan;

*Endorses* the general principles on which the United Nations Representative has sought to bring about agreement between the Governments of India and Pakistan;

2. *Notes* with gratification that the United Nations Representative has reported that the Governments of India and Pakistan have accepted all but two of the paragraphs of his twelve-point proposals;

3. *Notes* that agreement on a plan of demilitarization of the State of Jammu and Kashmir has not been reached because the Governments of India and Pakistan have not agreed on the whole of paragraph 7 of the twelve-point proposals;

4. *Urges* the governments of India and Pakistan to enter into immediate negotiations under the auspices of the United Nations Representative for India and Pakistan in order to reach agreement on the specific number of forces to remain on each side of the cease-fire line at the end of the period of demilitarization, this number to be between 3,000 and 6,000 armed forces remaining on the Pakistan side of the cease-fire line and between 12,000 and 18,000 armed forces remaining on the India side of the cease-fire line, as suggested by the United Nations Representative in his proposals of 16 July 1952, such specific numbers to be arrived at bearing in mind the principles or criteria contained in paragraph 7 of the United Nations Representative's proposal of 4 September 1952;

5. *Records* its gratitude to the United Nations Representative for India and Pakistan for the great efforts which he has made to achieve a settlement and requests him to continue to make his services available to the Governments of India and Pakistan to his end;

6. *Requests* the Governments of India and Pakistan to report to the Security Council not later than thirty days from the date of the adoption of this resolution;

7. *Requests* the United Nations Representative for India and Pakistan to keep the Security Council informed of any progress.



## **RESOLUTION 122 (1957) OF UN SECURITY COUNCIL**

**( JANUARY 24, 1957)**

### **The Security Council,**

*Having* heard statements from representatives of the Governments of India and Pakistan concerning the dispute over the State of Jammu and Kashmir,

*Reminding* the Governments and authorities concerned of the principle embodied in its resolutions 47 (1948) of 21 April 1948, 51 (1948) of 3 June, 1948, 80 (1950) of 14 March 1950 and 91 (1951) of 30 March 1951, and the United Nations Commission for India and Pakistan resolutions of 13 August 1948 and 5 January 1949, that the final disposition of the State of Jammu and Kashmir will be made in accordance with the will of the people expressed through the democratic method of a free and impartial *plebiscite* conducted under the auspices of the United Nations,

1. *Reaffirms* the affirmation in its resolution 91 (1951) and declares that the convening of a Constituent Assembly as recommended by the General Council of the "All Jammu and Kashmir National Conference" and any action that Assembly may have taken or might attempt to take to determine the future shape and affiliation of the entire State or any part thereof, or action by the parties concerned in support of any such action by the Assembly, would not constitute a disposition of the State in accordance with the above principle;

2. *Decides* to continue its consideration of the dispute.

## RESOLUTION 126 (1957) OF UN SECURITY COUNCIL

( DECEMBER 2, 1957)

### The Security Council,

*Having* received and noted with appreciation the report of Mr. Gunner V. Jarring, the Representative of Sweden, on the mission undertaken by him pursuant to its resolution 123 (1957) of 21 February 1957,

*Expressing* its thanks to Mr. Jarring for the care and ability with which he has carried out his mission,

*Observing* with appreciation the expressions made by both parties of sincere willingness to co-operate with the United Nations in finding a peaceful solution,

*Observing* further that the Governments of India and Pakistan recognize and accept the provisions of its resolution 38 (1948) of 17 January 1948 and of the resolutions of the United Nations Commission for India and Pakistan dated 13 August 1948 and 5 January 1949, which envisage in accordance with their terms the determination of the future status of the State of Jammu and Kashmir in accordance with the will of the people through the democratic method of a free and impartial *plebiscite*, and that Mr. Jarring felt it appropriate to explore what was impeding their full implementation,

*Concerned* over the lack of progress towards a settlement of the dispute which his report manifests,

*Considering* the importance which it has attached to demilitarization of the State of Jammu and Kashmir as one of the steps towards settlement,

*Recalling* its previous resolutions and the resolutions of the United Nations Commission for India and Pakistan on the India-Pakistan question,

1. *Requests* the Government of India and the Government of Pakistan to refrain from making any statements and from doing or causing to be done or permitting any acts which might aggravate the situation, and to appeal to their respective peoples to assist in creating and maintaining an atmosphere favourable to the promotion of further negotiations;

2. *Requests* the United Nations Representative for India and Pakistan to make any recommendations to the parties for further appropriate action with a view to making progress towards the implementation of the resolutions of the United Nations Commission for India and Pakistan of 13 August 1948 and 5 January and towards a peaceful settlement;

3. *Authorizes* the United Nations Representative to visit the sub-continent for these purposes;

4. *Instructs* the United nations Representative to report to the Security Council on his efforts as soon as possible.

**STATEMENT OF THE PRESIDENT OF THE SECURITY COUNCIL  
ON 18<sup>TH</sup> MAY, 1964,  
AT THE 1117<sup>th</sup> MEETING OF SECURITY COUNCIL  
SUMMARISING THE CONCLUSION OF THE  
DEBATE ON KASHMIR**

**I**

"(a) The members of the Council noted that this week's debate was a continuation of our discussions of February and March on the question of Jammu and Kashmir. They recalled that they had already, particularly during the debate in February, stated the views of their Governments on the basic facts of the problem, including the relevant United Nations resolutions, the question as to the juridical status of Jammu and Kashmir, and the principles of the Charter applicable to the case. They confirmed that the statements which they had made at that time were still valid;

"(b) The members of the Council expressed their concern with respect to two great countries which have everything to gain from re-establishing good relations with each other and whose present disputes, particularly that centering upon Jammu and Kashmir, should be settled amicably in the interest of world peace;

"(c) The members of the Council expressed their feeling that recent developments were such as might lead to the adoption of more flexible positions to better mutual understanding, and therefore to a situation in which conversations between the parties concerned would have better prospects of leading to a settlement;

"(d) The members of the Council expressed their conviction that everything should be done to consolidate those favorable factors and to avoid jeopardizing those prospects and that this required an attitude of conciliatory moderation on the part of the both parties and an attitude of caution, but also of vigilant attention, on the part of the United Nations;

"(e) The members of the Council expressed the hope that both Parties would refrain from any act which might aggravate the situation and that they would take steps calculated to reestablish an atmosphere of moderation between the two countries and peace and harmony between the communities;

"(f) The members of the Council expressed the hope that, in the light of our recent debates, the two countries concerned would resume their contacts in the

near future with a view to settling their disputes, particularly that centering upon Jammu and Kashmir, by negotiation;



"Several members of the Council expressed the view that the Secretary-General of the United Nations might possibly give useful assistance to the parties in order to facilitate the resumption of negotiations in the event of the latter encountering difficulties. Other members of the Council, however, expressed the view that the negotiations between India and Pakistan might be complicated by any outside intervention, and that even the principle of having recourse to the Secretary-General should be a matter for agreement between the parties.



The India-Pakistan question remains on the agenda of the Security Council."

## RESOLUTION 211 (1965) OF UN SECURITY COUNCIL

(SEPTEMBER 20, 1965)

### The Security Council,

*Having considered* the reports of the Secretary-General on his consultations with the Governments of India and Pakistan.

*Commending* the Secretary-General for his unrelenting efforts in furtherance of the objectives of the Security Council's Resolutions of 4 and 6 September, respectively,

*Having heard* the statements of the Representatives of India and Pakistan,

*Noting* the differing replies by the parties to an appeal for a cease-fire as set out in the report of Secretary-General (S/6683), but noting further with concern that no cease-fire has yet come into being,

*Convinced* that an early cessation of hostilities is essential as a first step toward a peaceful settlement of the outstanding differences between the two countries on Kashmir and other related matters,

1. *Demands* that cease-fire should take effect on Wednesday, 22 September, 1965, at 0700 hours GMT and calls upon both governments to issue orders for a cease-fire at that moment and a subsequent withdrawal of all armed personnel back to the positions held by them before 5 August, 1965;
2. *Requests* the Secretary-General to provide the necessary assistance to ensure supervision of the cease-fire and withdrawal of all armed personnel;
3. *Calls on* all States to refrain from any action which might aggravate the situation in the area;
4. *Decides* to consider as soon as operative Paragraph I of Council's Resolution 210 (1965) of 6 September has been implemented, what steps could be taken to assist towards a settlement of the political problem (Kashmir) underlying the present conflict, and in the meantime calls on the two Governments to utilize all peaceful means, including those listed in Article 33 of the Charter, to this end;
5. *Requests* the Secretary-General to exert every possible effort to give effect to this resolution, to seek a peaceful solution, and to report to the Security Council thereon.

**RESOLUTION 307 (1971) OF UN SECURITY COUNCIL**  
**( DECEMBER 21, 1971)**

**The Security Council,**

*Having* discussed the grave situation in the sub-continent, which remains a threat to international peace and security,

*Noting* General Assembly Resolution 2793 (XXVI) of 7 December 1971,

*Noting* the reply of the Government of Pakistan on 9 December 1971,

*Noting* the reply of the Government of India on 12 December 1971,

*Having* heard the statement of the Deputy Prime Minister of Pakistan and the Foreign Minister of India,

*Noting* further the statement made at the 1616<sup>th</sup> meeting of the Security Council by the Foreign Minister of India containing a unilateral declaration of a cease-fire in the western theatre,

*Noting* Pakistan's agreement to the cease-fire in the western theatre with effect from 17 December 1971,

*Noting* that consequently a cease-fire and a cessation of hostilities prevail,

1. *Demands* that a durable cease-fire and cessation of all hostilities in all areas of conflict be strictly observed and remain in effect until withdrawals take place, as soon as practicable, of all armed forces to their respective territories and to positions which fully respect the cease-fire line in Jammu and Kashmir supervised by the United Nations Military Observer Group in India and Pakistan;
2. *Calls upon* all Member States to refrain from any action which may aggravate the situation in the sub-continent or endanger international peace;
3. *Calls upon* all those concerned to take all measures necessary to preserve human life and for the observance of the Geneva Conventions of 1949 and to apply in full their provisions as regards the protection of the wounded and sick prisoners of war and civilian population;
4. *Calls for* international assistance in the relief of suffering and the rehabilitation of refugees and their return in safety and dignity to their homes, and for full cooperation with the Secretary-General to that effect;

5. *Authorizes* the Secretary-General to appoint if necessary a special representative to lend his good offices for the solution of humanitarian problems;
6. *Requests* the Secretary-General to keep the Council informed without delay on developments relating to the implementation of the present resolutions;
7. *Decides* to remain seized of the matter and to keep it under active consideration.



# RESOLUTION 1172 (1998) OF UN SECURITY COUNCIL

( JUNE 6, 1998)

## The Security Council,

*Reaffirming* the statements of its President of 14 May 1998 (S/PRST/1998/12) and of 29 May 1998 (S/PRST/1998/17),

*Reiterating* the statement of its President of 31 January 1992 (S/23500), which stated, *inter alia*, that the proliferation of all weapons of mass destruction constitutes a threat to international peace and security,

*Gravely concerned* at the challenge that the nuclear tests conducted by India and then by Pakistan constitute to international efforts aimed at strengthening the global regime of non-proliferation of nuclear weapons, and also gravely concerned at the danger to peace and stability in the region,

*Deeply concerned* at the risk of a nuclear arms race in South Asia, and determined to prevent such a race,

*Reaffirming* the crucial importance of the Treaty on the Non-Proliferation of Nuclear Weapons and the Comprehensive Nuclear Test Ban Treaty for global efforts towards nuclear non-proliferation and nuclear disarmament,

*Recalling* the Principles and Objectives for Nuclear Non-Proliferation and Disarmament adopted by the 1995 Review and Extension Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons, and the successful outcome of that Conference,

*Affirming* the need to continue to move with determination towards the full realization and effective implementation of all the provisions of the Treaty on the Non-Proliferation of Nuclear Weapons, and welcoming the determination of the five nuclear-weapon States to fulfill their commitments relating to nuclear disarmament under Article VI of that Treaty,

*Mindful* of its primary responsibility under the Charter of the United Nations for the maintenance of international peace and security,

1. *Condemns* the nuclear tests conducted by India on 11 and 13 May 1998 and by Pakistan on 28 and 30 May 1998;

2. *Endorses* the Joint Communiqué issued by the Foreign Ministers of China, France, the Russian Federation, the United Kingdom of Great Britain and Northern Ireland and the United States of America at their meeting in Geneva on 4 June 1998 (S/1998/473);

3. *Demands* that India and Pakistan refrain from further nuclear tests and in this context calls upon all States not to carry out any nuclear weapon test explosion or any other nuclear explosion in accordance with the provisions of the Comprehensive Nuclear Test Ban Treaty;
4. *Urges* India and Pakistan to exercise maximum restraint and to avoid threatening military movements, cross-border violations, or other provocations in order to prevent an aggravation of the situation;
5. *Urges* India and Pakistan to resume the dialogue between them on all outstanding issues, particularly on all matters pertaining to peace and security, in order to remove the tensions between them, and encourages them to find mutually acceptable solutions that address the root causes of those tensions, including Kashmir;
6. *Welcomes* the efforts of the Secretary-General to encourage India and Pakistan to enter into dialogue;
7. *Calls* upon India and Pakistan immediately to stop their nuclear weapon development programmes, to refrain from weaponisation or from the deployment of nuclear weapons, to cease development of ballistic missiles capable of delivering nuclear weapons and any further production of fissile material for nuclear weapons, to confirm their policies not to export equipment, materials or technology that could contribute to weapons of mass destruction or missiles capable of delivering them and to undertake appropriate commitments in that regard;
8. *Encourages* all States to prevent the export of equipment, materials or technology that could in any way assist programmes in India or Pakistan for nuclear weapons or for ballistic missiles capable of delivering such weapons, and welcomes national policies adopted and declared in this respect;
9. *Expresses* its grave concern at the negative effect of the nuclear tests conducted by India and Pakistan on peace and stability in South Asia and beyond;
10. *Reaffirms* its full commitment to and the crucial importance of the Treaty on the Non-Proliferation of Nuclear Weapons and the Comprehensive Nuclear Test Ban Treaty as the cornerstones of the international regime on the non-proliferation of nuclear weapons and as essential foundations for the pursuit of nuclear disarmament;
11. *Expresses* its firm conviction that the international regime on the non-proliferation of nuclear weapons should be maintained and consolidated and recalls that in accordance with the Treaty on the Non-Proliferation of Nuclear Weapons India or Pakistan cannot have the status of a nuclear-weapon State;

12. *Recognizes* that the tests conducted by India and Pakistan constitute a serious threat to global efforts towards nuclear non-proliferation and disarmament;
13. *Urges* India and Pakistan, and all other States that have not yet done so, to become Parties to the Treaty on the Non-Proliferation of Nuclear Weapons and to the Comprehensive Nuclear Test Ban Treaty without delay and without conditions;
14. *Urges* India and Pakistan to participate, in a positive spirit and on the basis of the agreed mandate, in negotiations at the Conference on Disarmament in Geneva on a treaty banning the production of fissile material for nuclear weapons or other nuclear explosive devices, with a view to reaching early agreement;
15. *Requests* the Secretary-General to report urgently to the Council on the steps taken by India and Pakistan to implement the present resolution;
16. *Expresses* its readiness to consider further how best to ensure the implementation of the present resolution;
17. *Decides* to remain actively seized of the matter.

## **TASHKENT AGREEMENT**

**(FEBRUARY 10, 1966)**

The Prime Minister of India and the President of Pakistan, having met at Tashkent and having discussed the existing relations between India and Pakistan, hereby declare their firm resolve to restore normal and peaceful relations between their countries and to promote understanding and friendly relations between their peoples. They consider the attainment of these objectives of vital importance for the welfare of the 600 million people of India and Pakistan.

(i) The Prime Minister of India and the President of Pakistan agree that both sides will exert all efforts to create good neighborly relations between India and Pakistan in accordance with the United Nations Charter. They reaffirm their obligation under the Charter not to have recourse to force and to settle their disputes through peaceful means. They considered that the interests of peace in their region and particularly in the Indo-Pakistan subcontinent and, indeed, the interests of the peoples of India and Pakistan were not served by the continuance of tension between the two countries. It was against this background that *Jammu & Kashmir* was discussed, and each of the sides set forth its respective position.

(ii) The Prime Minister of India and the President of Pakistan have agreed that all armed personnel of the two countries shall be withdrawn not later than 25 February 1966 to the positions they held prior to 5 August 1965, and both sides shall observe the cease-fire terms on the cease-fire line.

(iii) The Prime Minister of India and the President of Pakistan have agreed that relations between India and Pakistan shall be based on the principle of non-interference in the internal affairs of each other.

(iv) The Prime Minister of India and the President of Pakistan have agreed that both sides will discourage any propaganda directed against the other country and will encourage propaganda which promotes the development of friendly relations between the two countries.

(v) The Prime Minister of India and the President of Pakistan have agreed that the High Commissioner of India to Pakistan and the High Commissioner of Pakistan to India will return to their posts and that the normal functioning of diplomatic missions of both countries will be restored. Both Governments shall observe the Vienna Convention of 1961 on Diplomatic Intercourse.

(vi) The Prime Minister of India and the President of Pakistan have agreed to consider measures towards the restoration of economic and trade relations, communications, as well as cultural exchanges between India and Pakistan, and to take measures to implement the existing agreement between India and Pakistan.

(vii) The Prime Minister of India and the President of Pakistan have agreed that they will give instructions to their respective authorities to carry out the repatriation of the prisoners of war.

(viii) The Prime Minister of India and the President of Pakistan have agreed that both the two sides will continue the discussions of questions relating to the problems of refugees and eviction of illegal immigrants. They also agreed that both sides will create conditions which will prevent the exodus of people. They further agree to discuss the return of the property and assets taken over by either side in connection with the conflict.

(ix) The Prime Minister of India and the President of Pakistan have agreed that the two sides will continue meetings both at highest and at other levels on matters of direct concern to both countries. Both sides have recognized the need to set up joint Indian-Pakistani bodies which will report to their Governments in order to decide what further steps should be taken.

The Prime Minister of India and the President of Pakistan record their feelings, deep appreciation and gratitude to the leaders of the Soviet Union, the Soviet Government and personally to the Chairman of the Council of Ministers of the USSR for their constructive, friendly and noble part in bringing about the present meeting, which has resulted in mutually satisfactory results. They also express to the Government and friendly people of Uzbekistan their sincere thankfulness for their overwhelming reception and generous hospitality.

They invite the Chairman of the Council of Ministers of the USSR to witness this declaration.

## **SIMLA ACCORD**

**(JULY 2, 1972)**

The Government of Pakistan and Government of India are resolved that the two countries put an end to the conflict and confrontation that have hitherto marred their relations and work for the promotion of a friendly and harmonious relationship and the establishment of durable peace in the sub-continent, so the both countries may henceforth devote their resources and energies to the pressing task of advancing the welfare of their people.

In order to achieve this objective, the Government of Pakistan and the Government of India have agreed as follows:

- i) That the principles and purposes of the Charter of the United Nations shall govern the relations between the two countries;
- ii) That the two countries are resolved to settle their differences by peaceful means through bilateral negotiations or by any other peaceful means mutually agreed upon between them. Pending the final settlement of any of the problems between the two countries, neither side shall unilaterally alter the situation and both shall prevent the organization, assistance and encouragement of any acts detrimental to the maintenance of peaceful and harmonious relations;
- iii) That the pre-requisite for reconciliation, good neighbourliness and durable peace between them is a commitment by both the countries to peaceful co-existence, respect for each other's territorial integrity; and sovereignty and non-interference in each other internal affairs, on the basis of equality and mutual benefit;
- iv) That the basic issues and causes (Kashmir, etc) of conflict which have bedeviled the relations between the two countries for the last 25 years shall be resolved by peaceful means;
- v) That they shall always respect each other's national unity, territorial integrity, political independence and sovereign equality;
- vi) That in accordance with the Charter of the United Nations they will refrain from the threat or use of force against the territorial integrity or political independence of each other.

Both the Governments will take all steps within their powers to prevent hostile propaganda directed against each other. Both countries will encourage the dissemination of such information as would promote the development of friendly relations between them.

In order progressively to restore and normalize relations between the two countries step by step, it was agreed that:

- i) Steps shall be taken to resume communications, postal, telephographic, sea, land including border posts and air links including over flights.

- ii) Appropriate steps shall be taken to promote travel facilities for the nationals of the other countries.
- iii) Trade and co-operation in economic and other agreed fields will be resumed as far as possible.
- iv) Exchange in the fields of science and culture will be promoted.
- v) In this connection delegations from the two countries will meet from time to time to work out the necessary details.

In order to initiate the process of the establishment of durable peace, both the Governments agree that:

- i) Pakistani and Indian forces shall be withdrawn to their side of the international border.
- ii) In Jammu and Kashmir, the Line of Control resulting from the cease-fire of December 17, 1971 shall be respected by both sides without prejudice to the recognized position of either side. Neither side shall seek to alter it unilaterally, irrespective of mutual differences and legal interpretations. Both sides further undertake to refrain from threat or the use of force in violation of this Line.
- iii) The withdrawals shall commence upon entry into force of this agreement and shall be completed within a period of 30 days thereof.

This Agreement will be subject to ratification by both countries in accordance with their respective constitutional procedures and will come into force with effect from the date on which the Instruments of Ratification are exchanged.

Both Governments agree that their respective Heads will meet again at a mutually convenient time in the future and that, in the meanwhile, the representatives of the two sides will meet to discuss further the modalities and arrangements for the establishment of durable peace and normalization of relations, including the questions of repatriation of prisoners of war and civilian internees, a final settlement of Jammu and Kashmir and the resumption of diplomatic relations.

## ISLAMABAD AGREEMENT

(JUNE 23, 1997)

The Foreign Secretaries of Pakistan and India, Mr. Shamshad Ahmad and Shri Salman Haidar met in Islamabad on 19 – 23 June, 1997.

2. As decided at their meeting in New Delhi in March 1997 and as directed by their respective Prime Ministers, the Foreign Secretaries of India and Pakistan continued their wide-ranging and comprehensive dialogue on all outstanding issues between the two countries with each side elaborating its respective position. The discussions were held in a cordial and constructive atmosphere. It was also agreed that both sides would take all possible steps to prevent hostile propaganda and provocative actions against other.

3. With the objective of promoting a friendly and harmonious relationship between Pakistan and India, the Foreign Secretaries have agreed \*as follows:-

- i. to address all outstanding issues of concern to both sides including, inter alia:
  - a) Peace and security, including CBMs
  - b) Jammu and Kashmir
  - c) Siachen
  - d) Wullar Barrage Project/Tulbul Navigation Project
  - e) Sir Creek
  - f) Terrorism and drug-trafficking
  - g) Economic and commercial cooperation
  - h) Promotion of friendly exchanges in various fields.
- ii. to setup a mechanism, including working groups at appropriate levels, to address all these issues in an integrated manner. The issues at (a) and (b) above will be dealt with at the level of Foreign Secretaries who will also coordinate and monitor the progress of work of all the working groups.

4. The two Foreign Secretaries also had a preliminary exchange of views on the composition of the working groups and their methodology. It was decided to continue the consideration of this matter through diplomatic channels.

(\*Composite Dialogue)



## LAHORE DECLARATION

(FEBRUARY 21, 1999)

The Prime Ministers of the Islamic Republic of Pakistan and the Republic of India:-

*Sharing* a vision of peace and stability between their countries, and of progress and prosperity for their peoples;

*Convinced* that durable peace and development of harmonious relations and friendly cooperation will serve the vital interests of the peoples of the two countries, enabling them to devote their energies for a better future;

*Recognizing* that the nuclear dimension of the security environment of the two countries adds to their responsibility for avoidance of conflict between the two countries;

*Committed* to the principles and purpose of the Charter of the United Nations, and the universally accepted principles of peaceful co-existence;

*Reiterating* the determination of both countries to implementing the Simla Agreement in letter and spirit;

*Committed* to the objectives of universal nuclear disarmament and non proliferation;

*Convinced* of the importance of mutually agreed confidence building measures for improving the security environment;

*Recalling* their agreement of 23 September, 1998, that an environment of peace and security is in the supreme national interest of both sides and that the resolution of all outstanding issues, including Jammu and Kashmir, is essential for this purpose;

*Have agreed* that their respective governments:-

- shall intensify their efforts to resolve all issues, including the issue of Jammu and Kashmir.
- shall refrain from intervention and interference in each other's internal affairs.
- shall intensify their composite and integrated dialogue process for an early and positive outcome of the agreed bilateral agenda.

- shall take immediate steps for reducing the risk of accidental or unauthorized use of nuclear weapons and discuss concepts and doctrines with a view to elaborating measures for confidence building in the nuclear and conventional fields, aimed at prevention of conflict.
- reaffirm their commitment to the goals and objectives of SAARC and to concert their efforts towards the realization of the SAARC vision for the year 2000 and beyond with a view to promoting the welfare of the peoples of South Asia and to improve their quality of life through accelerated economic growth, social progress and cultural development.
- reaffirm their condemnation of terrorism in all its forms and manifestations and their determination to combat this menace.
- shall promote and protect all human rights and fundamental freedoms.

## ISLAMABAD DECLARATION

(JANUARY 6, 2004)

The President of Pakistan and the Prime Minister of India met during the SAARC Summit in Islamabad.

The Indian Prime Minister while expressing satisfaction over the successful conclusion of the SAARC Summit appreciated the excellent arrangements made by the host country.

Both leaders welcomed the recent steps towards normalization of relations between the two countries and expressed the hope that the positive trends set by the CBMs would be consolidated.

Prime Minister Vajpayee said that in order to take forward and sustain the dialogue process, violence, hostility and terrorism must be prevented. President Musharraf reassured Prime Minister Vajpayee that he will not permit any territory under Pakistan's control to be used to support terrorism in any manner. President Musharraf emphasized that a sustained and productive dialogue addressing all issues would lead to positive results.

To carry the process of normalization forward the President of Pakistan and the Prime Minister of India agreed to commence the process of the Composite Dialogue in February 2004. The two leaders are confident that the resumption of the Composite Dialogue will lead to peaceful settlement of all bilateral issues, including Jammu and Kashmir, to the satisfaction of both sides.

The two leaders agreed that constructive dialogue would promote progress towards the common objective of peace, security and economic development for our peoples and for future generations.

## CONSTITUTIONS

### i. CONSTITUTION OF PAKISTAN

**Article 257:** When the people of the State of Jammu and Kashmir decide to accede to Pakistan, the relationship between Pakistan and that State shall be determined in accordance with the wishes of the people of that State.

### ii. CONSTITUTION OF INDIA

**Article 370:**

- a. Notwithstanding anything in this Constitution -
- i. the provisions of Articles 238 shall not apply in relation to the State of Jammu and Kashmir, -
  - ii. the power of Parliament to make laws for the said State shall be limited to-

- i. those matters in the Union List and the Concurrent List which in consultation with the Government of the State, are declared by the President to correspond to matters specified in the Instrument of Accession governing the accession of the State to the Dominion of India as the matters with respect to which the Dominion Legislature may make laws for that State; and
- ii. such other matters in the said Lists as, with the concurrence of the Government of the State, the President may by order specify.

\* Explanation. For the purposes of this Article, the Government of the State means the person for the time being recognized by the President as the Maharaja of Jammu and Kashmir acting on the advice of the Council of Ministers for the time being in office under the Maharaja's Proclamation dated the fifth day of March, 1948;

- iii. the provisions of Article (1) and of this Article shall apply in relation to that State;
- iv. such of the other provisions of this Constitution shall apply in relation to that State subject to such exceptions and modifications as the President may by order specify:

Provided that no such order which related to the matters specified in the Instrument of Accession of the State referred to in

paragraph (i) of sub-clause (b) shall be issued except in consultation with the Government of the State:

Provided further that no such order which relates to matters other than those referred to in the last preceding proviso shall be issued except with concurrence of that Government.

- b. If the concurrence of the Government of the State referred to in paragraph (ii) of sub-clause (b) of clause (1) or in the second proviso to sub-clause (d) of that clause be given before the Constituent Assembly for the purpose of framing the Constitution of the State is convened, it shall be placed before such Assembly for such decision as it may take thereon.
- c. Notwithstanding anything in the foregoing provisions of the Article, the President may, by public notification, declare that this Article shall cease to be operative or shall be operative only with such exceptions and modifications and from such date as he may specify:

Provided that the recommendation of the Constituent Assembly of the State referred to in clause (2) shall be necessary before the President issues such a notification.

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\* In exercise of the powers conferred by this article the President, on the recommendation of the Constituent Assembly of the State of Jammu and Kashmir, declared that, as from the 17<sup>th</sup> day of November, 1952, the said art. 370 shall be operative with the modification that for the Explanation in col. (1) thereof, the following Explanation is substituted, namely:-

"Explanation. – For the purposes of this Art., the Government of the State means the person for the time being recognized by the President on the recommendation of the Legislative Assembly of the State as the \* Sadar-i-Riyasat of Jammu and Kashmir, acting on the advice of the Council of Ministers of the State for the time being in office".  
(Ministry of Law Order No. C. O. 44, dated 15<sup>th</sup> November, 1952)

\* Now 'Governor'. (The sixth amendment of the constitution of Jammu and Kashmir, enacted in 1965, abrogated the office of Sadar-i-Riyasat and replaced it will Governor to be appointed by the President of India)

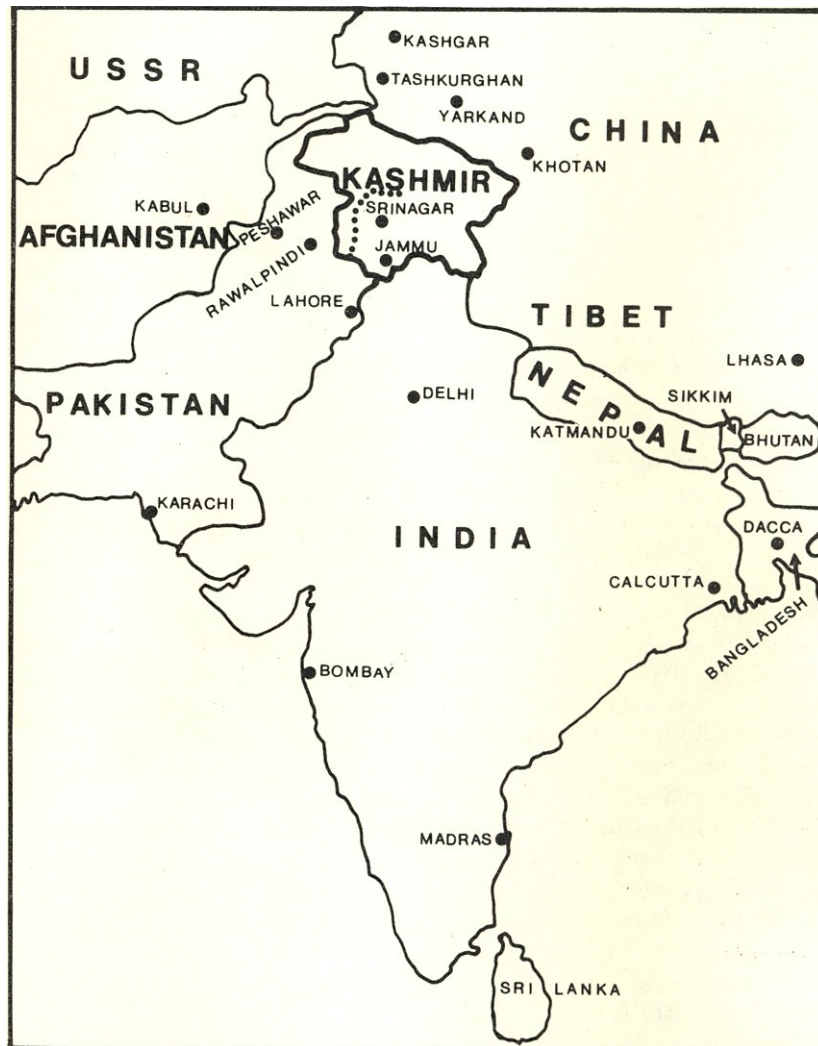
# HUMAN RIGHTS VIOLATIONS COMMITTED BY INDIAN TROOPS IN INDIAN OCCUPIED KASHMIR

(JANUARY, 1989 - JUNE, 2011)

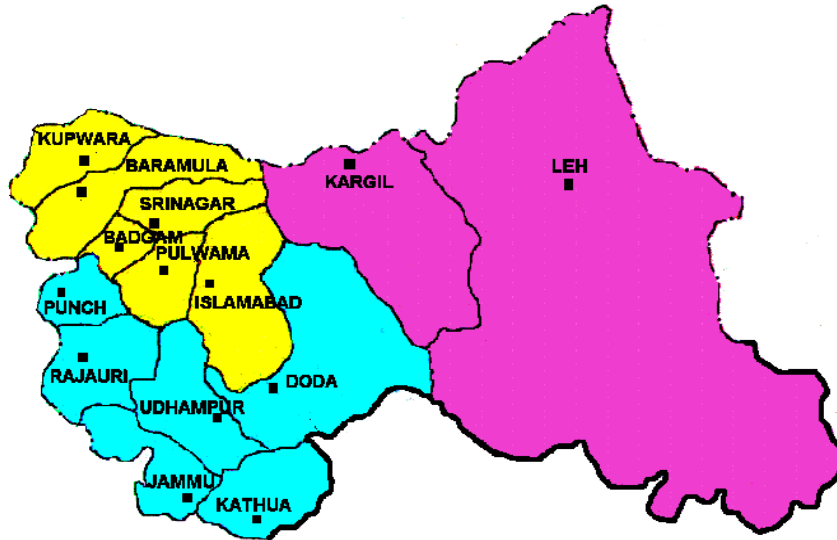
Total Killings	—	93,620
Houses/Shops Destroyed	—	105,922
Children Orphaned	—	107,425
Women Molested	—	9,999
Women Widowed	—	22,757

(Source: All Parties Hurriyet Conference)  
Courtesy: Kashmir Media Service

# JAMMU & KASHMIR



# INDIAN OCCUPIED KASHMIR



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