



รายการอ้างอิง

ภาษาไทย

- กนกพรธณ อยู่ชา.อินเดียบ. วัชรินทร์ บงศิริ.พรพิมล ตรีโชติ และชปา จิตต์ประทุม (บรรณาธิการ).ใน
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ภาคผนวก

ภาคผนวก ก

Treaty of Amritsar

Article 1: The British government transfers and makes over, forever, independent possession, to Maharaja 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 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 4 of the Treaty of Lahore, dated 9th March 1846.

Article 2: The eastern boundary of the tract transferred by the foregoing article to Maharaja Gulab Singh shall be laid down by commissioners appointed by the British government and Maharaja 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, Maharaja Gulab Singh will pay to the British government the sum of seventy-lacs (seven and half millions) of rupees (Nanakshahi), fifty lacs to be paid on ratification of this Treaty, and twenty-five lacs on or before the 1st of October of the current year, AD 1846.

Article 4: The limits of the territories of Maharaja Gulab Singh shall not be, at any time, changed without concurrence of the British government.

Article 5: Maharaja 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 neighbouring state, and will abide by the decision of the British government.

Article 6: Maharaja Gulab Singh engages for himself and heirs, to join with the whole of his military force, the British troops when employed within the hills, or in the territories adjoining his possessions.

Article 7: Maharaja Gulab Singh engages never to take, or 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: Maharaja Gulab Singh engages to respect, in regard to the territory transferred to him, the provisions of Articles 5, 6, 7 of the separate engagement between the British government and the Lahore Darbar, dated 11th March, 1846.

Article 9: The British government will give its aid to Maharaja Gulab Singh in protecting his territories from external enemies.

Article 10: Maharaja 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 Kashmir shawls.*

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 right Honorable Sir Henry Hardinge, G.C.B. Governor-General, on the part of the British government, and by Maharaja Gulab Singh in person; and the said treaty has been this day ratified by the seal of the Right Honorable Henry Hardinge, G.C.B. Governor-General.

Done at Amritsar, this 16th day of March, in the year of our Lord 1846, corresponding with the 17th day of Rabi-ul-Awwal, 1252 Hijri.

Gulab Singh (LS)

H. Hardinge (LS)

F. Currie

H.M. Lawrence

*** Note: In 1893 it was agreed to drop the gift of "twelve perfect shawl goats."**

ภาคผนวก ข

Instrument of Accession of Jammu and Kashmir State

On the occasion of completion of 51 years since the Instrument of Accession was signed by Maharaja Hari Singh, then ruler of the state of Jammu & Kashmir, and on popular demand by the viewers of our website we are putting up the salient aspects of the document, as it was accepted by the then Governor-General of India, Lord Mountbatten on 26 October 1947. The following is the text of the actual Instrument of Accession :-

Whereas, the Indian Independence Act, 1947, provided that as from the fifteenth day of August 1947, there shall be set up an independent dominion known as INDIA, and that the Government of India Act, 1935, shall, with such omissions, additions, adaptations and modifications as the Governor-General may by order specify, be applicable to the dominion of India.

And whereas the Government of India Act, 1935, as so adapted by the Governor-General provides that an Indian State may accede to the Dominion of India by an Instrument of Accession executed by the Ruler thereof.

Now, therefore, I Shriman Indar Mahandar Rajrajeshwar Maharajadhiraj Shri Hari Singhji, Jammu Kashmir Naresh Tatha Tibbet adi Deshadhipathi, Ruler of Jammu and Kashmir State, in the exercise of my sovereignty in and over my said State do hereby execute this my Instrument of Accession and I hereby declare that I accede to the Dominion of India with the intent that the Governor-General of India, the Dominion Legislature, the Federal Court and any other Dominion authority established for the purposes of the Dominion shall, by virtue of this my Instrument of Accession but subject always to the terms thereof, and for the purposes only of the Dominion, exercise in relation to the State of J&K (hereinafter referred to as 'this State') such functions as may be vested in them by or under the Government of India Act, 1935, as in force in the Dominion of India, on the 15th day of August 1947 (which Act as so in force in hereafter referred to as "the Act").

I hereby assume the obligation of ensuring that due effect is given to the provisions of the Act within this State so far as they are applicable therein by virtue of this my Instrument of Accession.

I accept the matters specified in the Schedule hereto as the matters with respect to which the Dominion Legislature may make laws for this State.

I hereby declare that I accede to the Dominion of India on the assurance that if an agreement is made between the Governor-General and the Ruler of this State whereby any functions in relation to the administration in this State of any law of the Dominion Legislature shall be exercised by the Ruler of this State, then any such agreement shall be deemed to form part of this Instrument and shall be construed and have effect accordingly.

The terms of this my Instrument of Accession shall not be varied by any amendment of the Act or of the Indian Independence Act, 1947, unless such amendment of the Act or of the Indian Independence Act 1947, unless such amendment is accepted by me by an Instrument supplementary to this Instrument.

Nothing in this Instrument shall empower the Dominion Legislature to make any law for this State authorizing the compulsory acquisition of land for any purpose, but I hereby undertake that should the Dominion for the purposes of a Dominion law which applies in this State deem it necessary to acquire any land, I will at their request acquire the land at their expense or if the land belongs to me transfer it to them on such terms as may be agreed, or, in default of agreement, determined by an arbitrator to be appointed by the Chief Justice of India.

Nothing in this Instrument shall be deemed to commit me in any way to acceptance of any future constitution of India or to fetter my discretion to enter into arrangements with the Government of India under any such future constitution.

Nothing in this Instrument affects the continuance of my sovereignty in and over this state, or, save as provided by or under this Instrument, the exercise of any powers, authority and rights now enjoyed by me as Ruler of this State or the validity of any law at present in force in this State.

I hereby declare that I execute this Instrument on behalf of this State and that any reference in this Instrument to me or to the Ruler of the State is to be construed as including a reference to my heirs and successors.

Given under my hand this 26th day of October, Nineteen Hundred and Forty Seven.

Acceptance of Instrument of Accession of Jammu and Kashmir State by the Governor General of India

I do hereby accept this Instrument of Accession.

Dated this Twenty-Seventh day of October Nineteen Hundred and Forty-Seven.

(Sd). Lord Mountbatten

Governor General of India

Schedule

The matters with respect to which the Dominion Legislature may make laws for this State.

Defence

The naval, military and air forces of the dominion and any other armed forces raised or maintained by the Dominion; any armed forces, incl forces raised or maintained by an acceding State, which are attached to, or operating with, any of the armed forces of the Dominion.

- Naval, military and air force works, administration of cantonment areas.
- Arms, fire-arms, ammunition.
- Explosives.

External Affairs

- External affairs; the implementing of treaties and agreements with other countries; extradition, including the surrender of criminals and accused persons to parts of His Majesty's Dominions outside India.
- Admission into, and emigration and expulsion from, India including in relation thereto the regulation of the movements in India of persons who are not British subjects domiciled in India or subjects of any acceding State, pilgrimages to places beyond India.
- Naturalization.

Communications

- Posts and Telegraphs, including telephones, wireless, broadcasting, and other like forms of communications.
- Federal Railways; the regulation of all railways other than minor railways in respect of safety, maximum and minimum rates and fare, stn and service terminal charges, interchange of traffic and the responsibility of railway Adm. as carriers of goods and passengers.
- Maritime shipping and navigation, incl shipping and navigation in tidal waters; Admiralty jurisdiction.
- Port quarantine.
- Maj ports, that is to say, the declaration and delimitation of such ports, and the constitution and powers of Port Authorities therein.
- Ac and air navigation; the provision of aerodromes; regulation and organization of air traffic and of aerodromes.
- Lighthouses, incl lightships, beacons and other provisions for the safety of shipping and ac.
- Carriage of passengers and goods by sea or by air.
- Extension of the powers and jurisdiction of members of the police force belonging to any unit to railway area outside that unit.

Ancillary

- Elections to the Dominion Legislature, subject to the provisions of the Act and of any order made thereunder.
- Offences against laws with respect to any of the aforesaid matters.
- Inquiries and statistics for the purpose of any of the aforesaid matters.
- Jurisdiction and powers of all courts with respect to any of the aforesaid matters but, except with the consent of the Ruler of the Acceding State, not so as to confer any jurisdiction of powers upon any courts other than ordinarily exercising jurisdiction in or in relation to that State.

ภาคผนวก ก

RESOLUTION 39

*RESOLUTION 39 (1948) SUBMITTED BY THE REPRESENTATIVE OF BELGIUM AND ADOPTED BY THE SECURITY COUNCIL AT ITS 230TH MEETING HELD ON 20 JANUARY, 1948. (DOCUMENT NO. S/654, DATED THE 20TH JANUARY, 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, 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 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 theater 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.

***The Security Council voted on this Resolution on 20-1-1948 with the following result:**

Infavour: **Argentina, **Belgium, **Canada, China, **Columbia, France, **Syria, U.K. and U.S.A

Against: None

Abstaining: Ukrainian S. S. R. and U. S. S. R.

****Non-Permanent Members of the Security Council.**

ภาคผนวก ง

RESOLUTION 47

RESOLUTION 47 (1948) ON THE INDIA-PAKISTAN QUESTION SUBMITTED JOINTLY BY THE REPRESENTATIVES FOR BELGIUM, CANADA, CHINA, COLUMBIA, THE UNITED KINGDOM AND UNITED STATES OF AMERICA AND ADOPTED BY THE SECURITY COUNCIL AT ITS 286TH MEETING HELD ON 21 APRIL, 1948. (DOCUMENT NO. S/726, DATED THE 21ST APRIL, 1948).

THE SECURITY COUNCIL

Having considered the complaint of the Government of India concerning the dispute over the State of Jammu and Kashmir, having heard the representative of India in support of that complaint and the reply and counter complaints of the representative of Pakistan,

Being strongly of opinion that the early restoration of peace and order in Jammu and Kashmir is essential and that India and Pakistan should do their utmost to bring about cessation of all fighting,

Noting with satisfaction that both India and Pakistan desire that the question of the accession of Jammu and Kashmir to India or Pakistan would be decided through the democratic method of a free and impartial plebiscite,

Considering that the continuation of the dispute is likely to endanger international peace and security,

Reaffirms its resolution 38 (1948) of 17 January 1948;

Resolves that the membership of the Commission established by its resolution 39 (1948) of 20 January 1948, shall be increased to five and shall include, in addition to the membership mentioned in that Resolution, representatives ofand ..., and that if the membership of the commission has not been completed within ten days from the date of the adoption of this resolution the President of the Council may designate such other Member or Members of the United Nations as are required to complete the membership of five;

Instructs the Commission to proceed at once to the Indian sub-continent and there place its good offices and mediation at the disposal of the Governments of India and Pakistan with a view to facilitating the taking of the necessary measures, both with respect to the restoration peace and order and to the holding of a plebiscite by the two Governments, acting in co-operation with one another and with the Commission, and further instructs the Commission to keep the Council informed of the action taken under the resolution; and, to this end,

Recommends to the Governments of India and Pakistan the following measures as those which in the opinion of the Council and appropriate to bring about a cessation of the fighting and to create proper conditions for a free and impartial plebiscite to decide whether the State of Jammu and Kashmir is to accede to India or Pakistan.

A - RESTORATION OF PEACE AND ORDER

1.The Government of Pakistan should undertake to use its best endeavors:

a.To secure the withdrawal from the State of Jammu and Kashmir of tribesmen and Pakistani nationals not normally resident therein who have entered the State for the purposes of fighting, and to prevent any intrusion into the State of such elements and any furnishing of material aid to those fighting in the State;

b.To make known to all concerned that the measures indicated in this and the following paragraphs provide full freedom to all subjects of the State, regardless of creed, caste, or party, to express their views and to vote on the question of the accession of the State, and that therefore they should co-operate in the maintenance of peace and order.

2.The Government of India should:

a.When it is established to the satisfaction of the Commission set up in accordance with the Council's Resolution 39 (1948) that the tribesmen are withdrawing and that arrangements for the cessation of the fighting have become effective, put into operation in consultation with the Commission a plan for withdrawing their own forces from Jammu and Kashmir and reducing them progressively to the minimum strength required for the support of the civil power in the maintenance of law and order;

b.Make known that the withdrawal is taking place in stages and announce the completion of each stage;

c. When the Indian forces shall have been reduced to the minimum strength mentioned in (a) above, arrange in consultation with the Commission for the stationing of the remaining forces to be carried out in accordance with the following principles:

- i. That the presence of troops should not afford any intimidation or appearance of intimidation to the inhabitants of the State;
- ii. That as small a number as possible should be retained in forward areas;
- iii. That any reserve of troops which may be included in the total strength should be located within their present base area.

3. The Government of India should agree that until such time as the plebiscite administration referred to below finds it necessary to exercise the powers of direction and supervision over the State forces and policy provided for in paragraph 8, they will be held in areas to be agreed upon with the Plebiscite Administrator.

4. After the plan referred to in paragraph 2(a) above has been put into operation, personnel recruited locally in each district should so far as possible be utilized for the reestablishment and maintenance of law and order with due regard to protection of minorities, subject to such additional requirements as may be specified by the Plebiscite Administration referred to in paragraph 7.

5. If these local forces should be found to be inadequate, the Commission, subject to the agreement of both the Government of India and the Government of Pakistan, should arrange for the use of such forces of either Dominion as it deems effective for the purpose of pacification.

B - PLEBISCITE

6. The Government of India should undertake to ensure that the Government of the State invite the major political groups to designate responsible representatives to share equitably and fully in the conduct of the administration at the ministerial level, while the plebiscite is being prepared and carried out.

7. The Government of India should undertake that there will be established in Jammu and Kashmir a Plebiscite Administration to hold a plebiscite as soon as possible on the question of the accession of the State to India or Pakistan.

8. The Government of India should undertake that there will be delegated by the State to the Plebiscite Administration such powers as the latter considers necessary for holding a fair and impartial plebiscite including, for that purpose only, the direction and supervision of the State forces and police.

9. The Government of India should at the request of the Plebiscite Administration, make available from the Indian forces such assistance as the Plebiscite Administration may require for the performance of its functions.

10.a. The Government of India should agree that a nominee of the Secretary-General of the United Nations will be appointed to be the Plebiscite Administrator.

b. The Plebiscite Administrator, acting as an officer of the State of Jammu and Kashmir, should have authority to nominate the assistants and other subordinates and to draft regulations governing the Plebiscite. Such nominees should be formally appointed and such draft regulations should be formally promulgated by the State of Jammu and Kashmir.

c. The Government of India should undertake that the Government of Jammu and Kashmir will appoint fully qualified persons nominated by the Plebiscite Administrator to act as special magistrates within the State judicial system to hear cases which in the opinion of the Plebiscite Administrator have a serious bearing on the preparation and the conduct of a free and impartial plebiscite.

d. The terms of service of the Administrator should form the subject of a separate negotiation between the Secretary-General of the United Nations and the Government of India. The Administrator should fix the terms of service for his assistants and subordinates.

e. The Administrator should have the right to communicate directly, with the Government of the State and with the Commission of the Security Council and, through the Commission, with the Security Council, with the Governments of India and Pakistan and with their representatives with the Commission. It would be his duty to bring to the notice of any or all of the foregoing (as he in his discretion may decide) any circumstances arising which may tend, in his opinion, to interfere with the freedom of the Plebiscite.

11. The Government of India should undertake to prevent and to give full support to the Administrator and his staff in preventing any threat, coercion or intimidation, bribery or other undue influence on the voters in the plebiscite, and the government of India should publicly

announce and should cause the Government of the State to announce this undertaking as an international obligation binding on all public authorities and officials in Jammu and Kashmir.

12. The Government of India should themselves and through the government of the State declare and make known that all subjects of the state of Jammu and Kashmir, regardless of creed, caste or party, will be safe and free in expressing their views and in voting on the question of the accession of the State and that there will be freedom of the Press, speech and assembly and freedom of travel in the State, including freedom of lawful entry and exit.

13. The Government of India should use and should ensure that the Government of the State also use their best endeavor to effect the withdrawal from the State of all Indian nationals other than those who are normally resident therein or who on or since 15th August 1947 have entered it for a lawful purpose.

14. The Government of India should ensure that the Government of the State releases all political prisoners and take all possible steps so that:

a. all citizens of the State who have left it on account of disturbances are invited and are free to return to their homes and to exercise their rights as such citizens;

b. there is no victimization;

c. minorities in all parts of the State are accorded adequate protection.

15. The Commission of the Security Council should at the end of the plebiscite certify to the Council whether the plebiscite has or has not been really free and impartial.

C-GENERAL PROVISIONS

16. The Governments of India and Pakistan should each be invited to nominate a representative to be attached to the Commission for such assistance as it may require in the performance of its task.

17. The Commission should establish in Jammu and Kashmir such observers as it may require of any of the proceedings in pursuance of the measures indicated in the foregoing paragraphs.

18. The Security Council Commission should carry out the tasks assigned to it herein.

*** The Security Council voted on this Resolution on 20-1-1948 with the following result:-**

In favor: **Argentina, **Canada, China, France, **Syria, U. K, and U. S. A

Against: None

Abstaining: **Belgium, **Columbia, **Ukrainian S. S. R. . and U. S. S. R.

**** Non-permanent Members of the Security Council.**

ภาคผนวก จ

UN Resolution 13 August 1948

***RESOLUTION ADOPTED BY THE UNITED NATIONS COMMISSION FOR INDIA AND PAKISTAN ON 13 AUGUST 1948. (DOCUMENT NO. S/1100, PARA 75, DATED THE 9TH NOVEMBER, 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 endeavors 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 unorganized, 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 discretions 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 India and the Government of Pakistan agree to appeal to their respective peoples to assist in creating and maintaining an atmosphere favorable 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 endeavor 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.(1) 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.

***The UNCIP unanimously adopted this Resolution on 13-8-1948.**

Members of the Commission: Argentina, Belgium, Columbia, Czechoslovakia and U.S.A.

ภาคผนวก ฉ

UN Resolution 5 January 1949***RESOLUTION ADOPTED AT THE MEETING OF THE UNITED NATIONS COMMISSION FOR INDIA AND PAKISTAN ON 5 JANUARY, 1949. (DOCUMENT NO. S/1196, PARA IS, DATED THE 10TH JANUARY, 1949)**

THE UNITED NATIONS COMMISSION FOR INDIA AND PAKISTAN.

Having received from the Governments of India and Pakistan in Communications, dated December 23 and December 25, 1948, respectively their acceptance of the following principles which are supplementary to the Commission's Resolution of August 13, 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 Indian 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 co-operate 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 Commissions 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 to 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 other undue influence on the voters in 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 the 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 protection; 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 the consultation 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 first 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 the 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.

*** UNCIP unanimously adopted this Resolution on 5-1-1949.**

Members of the Commission: Argentina, Belgium, Columbia, Czechoslovakia and U.S.A.

ภาคผนวก ข

ข้อมูลของกองกำลังรักษาสันติภาพ
คณะผู้สังเกตการณ์ทางทหารในอินเดียและปากีสถาน

United Nations Military Observer Group in India and Pakistan- UNMOGIP

(ข้อมูลถึงวันที่ 30 มิถุนายน ค.ศ. 1999)

สถานที่ : เส้นหยุดยิงระหว่างอินเดีย-ปากีสถานในจัมมู-แคชเมียร์

สำนักงานใหญ่ : ราวัลปินดี (พฤศจิกายน-เมษายน) และ ศรีนาการ์ (พฤษภาคม-ตุลาคม)

ระยะเวลา : มกราคม ค.ศ. 1949 - ปัจจุบัน

หน้าที่(ก่อน ค.ศ. 1971) : เพื่อสังเกตและรายงาน ตรวจสอบคำร้องเรื่องการละเมิดเส้นหยุดยิงและ
ขึ้นผลของการดำเนินการดังกล่าวให้กับอินเดียและปากีสถาน และเลขานุการสหประชาชาติ

(หลัง ค.ศ.1971) : เพื่อสังเกตเท่าที่สามารถเป็นไปได้ถึงพัฒนาการของการหยุดยิงตลอดเส้นหยุด
ยิงที่กำหนดเมื่อเดือนธันวาคม ค.ศ.1971อย่างเข้มงวดและรายงานผลต่อเลขานุการสหประชาชาติ

หัวหน้า : Chief Military Observer- Major-General Jozsef Bali จากฮังการี

กำลังพล : คณะทำงานประกอบไปด้วยผู้สังเกตการณ์ทางทหารจำนวน 45 คนซึ่งได้รับการ
สนับสนุนจากคณะทำงานระหว่างประเทศและพลเมืองในท้องถิ่น(ข้อมูลถึงวันที่ 31 พฤษภาคม
ค.ศ.1999)

บุคลากรทางทหาร : เบลเยี่ยม ซิติ เดนมาร์ค ฟินแลนด์ อิตาลี เกาหลีใต้ สวีเดนและอูรุกวัย

งบประมาณ : 14,380,300 ดอลลาร์สหรัฐ จากมติสหประชาชาติที่53/215

จำนวนผู้เสียชีวิต : 9 คน (ทหาร 5 ผู้สังเกตการณ์ 1 พลเมือง 1 ประชาชนในท้องถิ่น 2 โดยเสียชีวิต
จากอุบัติเหตุ 8 จากโรคภัยไข้เจ็บ 1)

ประวัติความเป็นมา : ในเดือนมกราคม ค.ศ.1948 คณะมนตรีความมั่นคงฯมีมติที่ 39(1948) จัดตั้ง
คณะกรรมการสหประชาชาติ เพื่อแก้ไขปัญหาระหว่างอินเดีย-ปากีสถาน (United Nations
Commission for India and Pakistan-UNCIP) เพื่อทำการตรวจตราและไกล่เกลี่ยข้อพิพาทของทั้ง
สองประเทศ เดือนเมษายน ค.ศ. 1948 คณะมนตรีความมั่นคงฯมีมติที่ 47(1948) ให้ขยายจำนวน
สมาชิกของคณะกรรมการฯและแนะนำมาตรการหลายรูปแบบรวมทั้งการใช้ผู้สังเกตการณ์ใน
การหยุดการสู้รบ กรกฎาคม ค.ศ.1949 อินเดีย-ปากีสถาน ได้ร่วมกันลงนามในข้อตกลงการจี้ ที่
กำหนดเส้นหยุดยิงให้ได้รับการดูแลจากผู้สังเกตการณ์ ในวันที่ 30 มีนาคม ค.ศ. 1951 หลังจากการ
สิ้นสุดภารกิจของคณะกรรมการฯ(UNCIP) คณะมนตรีความมั่นคงฯโดยมติที่ 91(1951) กำหนด
ให้กองกำลังรักษาสันติภาพ UNMOGIP ดำเนินงานต่อโดยการดูแลเส้นหยุดยิงในแคชเมียร์ หน้าที่
ของ UNMOGIP(ก่อนค.ศ. 1971) คือสังเกตและรายงาน ตรวจสอบคำร้องของการละเมิดเส้นหยุด
ยิงและขึ้นผลของการตรวจสอบให้กับอินเดียและปากีสถานและเลขานุการสหประชาชาติทราบ

ภาคผนวก ข

Tashkent Agreement

January 10, 1966

The 1965 armed conflict between India and Pakistan was formally brought to an end by signing this declaration at Tashkent, the capital of the Republic of Uzbekistan in the Soviet Union. Prime Minister Lal Bahadur Shastri and President Ayub Khan signed it on behalf of their respective countries in the presence of the Soviet Premier Alexi Kosygin who mediated between them.

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 Sub-Continent and, indeed, the interests of the people so India and Pakistan were not served by the continuance of tension between the two countries. It was against this background that Jammu and 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 24 February, 1966, to the positions they held prior to 5 August, 1965, and both sides all 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 Government 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 agreements 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 the two sides will continue the discussion of questions relating to the problems of refugees and eviction/illegal immigrations. They also agreed that both sides will create conditions which will prevent the exodus of people. They further agreed 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 the 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 recorded their feelings of 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 U.S.S.R. 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 U.S.S.R. to witness this declaration.

ภาคผนวก ฅ

RESOLUTION 307 (1971)

**ADOPTED BY THE SECURITY COUNCIL AT ITS 1616TH MEETING,
ON 21 DECEMBER 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 statements of the Deputy Prime Minister of Pakistan and the Foreign Minister of India,

Noting further the statement made at the 1616th meeting of the Security Council by the Foreign Minister of India containing a unilateral declaration of a cease-fire in the western theater.

Noting Pakistan's agreement to the cease-fire in the western theater 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 co-operation 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 resolution;
7. *Decides* to remain seized of the matter and to keep it under active consideration.

The Security Council voted on this Resolution on 21-12-1971 with the following result:-

In favor: 13 votes.

Against: None.

Abstaining: 2 (Poland and USSR).

ภาคผนวก ก

THE SIMLA AGREEMENT (1972)

The Government of Pakistan and the 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 subcontinent, so that both countries may henceforth devote their resources and energies to the pressing task of advancing the welfare of their peoples.

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 or encouragement of any acts detrimental to the maintenance of peaceful and harmonious relations;
- (iii) That the pre-requisite for reconciliation, good neighborliness 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's internal affairs, on the basis of equality and mutual benefit;
- (iv) That the basic issues and causes 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 Governments will take all steps within their power 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 normalise relations between the two countries step by step, it was agreed that:

- (i) Steps shall be taken to resume communications, postal, telegraphic, sea land including border posts, and air links including overflights.
- (ii) Appropriate steps shall be taken to promote travel facilities for the nationals of the other country.
- (iii) Trade and co-operation in economic and other agreed fields will be resumed as far as possible.
- (iv) Trade and co-operation in economic and other agreed fields will be resumed as far as possible.
- (v) Exchange in the fields of science and culture will be promoted.

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.

ZULFIKAR ALI BHUTTO **INDIRA GANDHI**

President Prime Minister

ISLAMIC REPUBLIC OF PAKISTAN REPUBLIC OF INDIA, Simla, the 2nd July, 1972".

ภาคผนวก ก

ข้อมูลกองกำลังรับจ้างในแคชเมียร์ในปลายทศวรรษที่ 90

(เครือข่ายข้อมูลแคชเมียร์-แคโคโน)

ค่ายก่อการร้ายในปากีสถาน จำนวน 37 ค่าย

ค่ายก่อการร้ายในแคชเมียร์ส่วนควบคุมของปากีสถาน จำนวน 22 ค่าย

นักก่อการร้ายหัวรุนแรงที่เชี่ยวชาญปฏิบัติการในจัมมู-แคชเมียร์ จำนวน 2,300 คน

ทหารรับจ้างจากต่างชาติที่ปฏิบัติการในจัมมู-แคชเมียร์ จำนวน 900 คน

สัญชาติของทหารรับจ้างดังกล่าว ได้แก่ ปากีสถาน อัฟกานิสถาน อิยิปต์ ซูดาน เยเมน บาหลีเรน บังคลาเทศ อิหร่านและอิรัก

กลุ่มก่อการร้ายปากีสถานในจัมมู-แคชเมียร์ได้แก่ ฮาร์คัต-อัล-อันซาร์ หรือฮาร์คัต-อัล-มูจาฮิดีน
ฐานที่มั่นอยู่ในเมืองมูสซัฟฟาราบัด กลุ่มลาซคาร์-เอ-โทบา มีฐานที่มั่นอยู่ที่เมืองมูริเก้ในปากีสถาน
และ กลุ่มอิซบูล มูจาฮิดีน

ช่วงเวลาของการแทรกซึมเข้าสู่อินเดีย คือ ช่วงฤดูร้อน

ประวัติผู้เขียน

นางสาวศรีตระกูล เวลาดี เกิดวันที่ 3 กรกฎาคม พ.ศ.2516 ที่อำเภอเมือง จังหวัด นครสวรรค์ สำเร็จการศึกษาปริญญาศิลปศาสตรบัณฑิต สาขาภาษาอังกฤษ(เกียรตินิยมอันดับสอง) คณะมนุษยศาสตร์ มหาวิทยาลัยรามคำแหง พ.ศ. 2536 และได้เทียบโอนเข้าศึกษาต่อ จนสำเร็จการศึกษาปริญญาศิลปศาสตรบัณฑิต สาขาความสัมพันธ์ระหว่างประเทศ คณะรัฐศาสตร์ มหาวิทยาลัยรามคำแหง พ.ศ. 2537 จากนั้นได้เข้าศึกษาต่อในหลักสูตรปริญญารัฐศาสตรมหาบัณฑิต ที่จุฬาลงกรณ์มหาวิทยาลัย เมื่อ พ.ศ. 2539 และเข้ารับราชการตำแหน่งเจ้าหน้าที่วิเทศสัมพันธ์ที่สำนักงานคณะกรรมการป้องกันและปราบปรามยาเสพติด กรุงเทพมหานคร ตั้งแต่ พ.ศ. 2541 จนถึงปัจจุบัน