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CORRIGENDUM

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THE RIGHT TO SELF-DETERMINATION:  
IMPLEMENTATION OF UNITED NATIONS RESOLUTIONS

*Corrigendum*

*Page 56, right column*

Before paragraph 260 insert a new paragraph *reading*

259 *bis*. The case of Jammu and Kashmir has been the subject of numerous resolutions of the Security Council. The Special Rapporteur, without taking a position on this question, thinks that the right of peoples to self-determination is not subject to prescription. The letters addressed to the Secretary-General by the Permanent Representatives of India and Pakistan to the United Nations, stating the point of view of their Governments, are included in footnote 3 (c) to chapter III.

*Footnotes to chapter III: page 58, left column*

At the end of footnote 3 (c), *insert*

The Permanent Representative of Pakistan to the United Nations requested that the letter which he addressed to the Secretary-General on 26 January 1981 be appended to the study by the Special Rapporteur. The text of this letter is as follows:

"In his study entitled *The Right to Self-Determination: Implementation of United Nations Resolutions*, at paragraph 259 *bis*. Mr. Hector Gros Espiell, Special Rapporteur of the United Nations Sub-Commission on Prevention of Discrimination and Protection of Minorities, has noted that "the case of Jammu and Kashmir has been the subject of numerous resolutions of the Security Council". The report issued by Your Excellency on this subject (E/CN.4/1081 and Corr.1 and Add.1 and 2 and Add.2/Corr.1) also includes Jammu and Kashmir among the 41 situations involving the question of the implementation of United Nations resolutions relating to the right of peoples to self-determination.

"In accordance with the United Nations Security Council resolutions 47 (1948) of 21 April 1948, 51 (1948) of 3 June 1948, 80 (1950) of 14 March 1950, 91 (1951) of 30 March 1951 and 122 (1957) of 24 January 1957 as well as United Nations Commission for India and Pakistan resolutions of 13 August 1948 and 5 January 1949, accepted by both India and Pakistan, the disposition of the State of Jammu and Kashmir shall 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. The United Nations Security Council resolutions 122 (1957) and 91 (1951) also affirm that the convening of a constituent assembly in Indian occupied Jammu and Kashmir and any action the assembly might 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 action by the assembly, would not constitute disposition of the state in accordance with the principle of self-determination. Thus, the contention made in the note from the Permanent Representative of India, that Jammu and Kashmir 'is an integral part of India', runs counter to the principle of self-determination and the letter and spirit of the above-mentioned resolutions of the Security Council.

"As the Special Rapporteur has rightly observed, in paragraph 259 *bis* of his study, 'the right of peoples to self-determination is not subject to prescription'. The relevant Security Council resolutions pertaining to the disputed territory of Jammu and Kashmir remain legally valid and binding so long as the people of the territory are not afforded an opportunity to exercise the inalienable right to self-determination through a plebiscite under United Nations auspices. Till such time, therefore, Jammu and Kashmir will remain among the situations where United Nations resolutions on self-determination have not been implemented.

"The United Nations Security Council clearly recognizes Kashmir as a disputed territory and the dispute remains on the agenda of the Council. The Simla Agreement concluded in 1972 between the Governments of Pakistan and India also binds the two countries to seek a peaceful solution of Jammu and Kashmir.

"I shall be grateful if this letter is appended to the study on the right of self-determination prepared by the Special Rapporteur of the Sub-Commission on Prevention of Discrimination and Protection of Minorities.

(Signed) Mansur Ahmad"