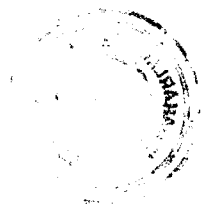


A STUDY OF LATIN AMERICAN ATTITUDE TO KASHMIR

(IN THE SECURITY COUNCIL) 1948 - 1965

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## PREFACE

The discovery of America by Christopher Columbus during 15th century led to cultural penetration as manifested in the religion, language and ways of living of the people of that continent. The main currents of Latin American intellectual development has derived predominantly from Latin and Catholic inheritance.

The type of society that the European colonizers built in the new world tend to exploit a vast majority of people by a small minority. "This historical fact - a society based upon injustice - has been and continues to be the principal factor of Latin American reality." (1) The agriculture and mining exploitation which the Spanish and Portuguese conquerers and colonists faced, was solved by obtaining labour force that was available. They not only enslaved the native population and in the areas in which there were not enough native Indians to contribute to the labour force, they solved the problem by bringing large quantities of slaves from Africa.

This privileged class through its control of Government, business, army and the clergy cared more for its own interest and always believed that the masses exist only to make sacrifices. As such their class was only concerned in producing what was "easy and lucrative for their immediate profit." (2)

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(1) Gunnar Mendoza, "Historians and Historical Controversies" History of Latin American Civilization Sources and Interpretations, Vol. II, The Modern Age Ed. by Lewis Hanke 1967.

(2) Ibid.; p. 521.

Thus the Latin-American Social Structure contributed for the exclusion of the vast majority of the people from the decision of national affairs. This resulted in giving freedom to the policy makers in the past from the check of public opinion on foreign relations. Moreover due to their geographical position, the Latin American States indulged in foreign policy mainly oriented by regional interests, "always with a wary eye on the colossus north."

It is not without reason that these trends have prevailed. Their economic situation, tended the southern neighbour to invite capital investments and trade that the United States wanted to bring them. Further more the fear of European imperialism in 19th century, was sobering factor that ushered the Latin American countries to accept the imperialism of the United States, as the latter seemed to be a lesser evil. In such situation, regional system of Pan American movement was evolved in 1889 under the aegis of United States. Though initially these activities of the Pan American movement concentrated itself primarily on matter relating to foreign trade, health and sanitation. After 1930's the inter-American system began to acquire distinct political character.

The importance of the Latin American countries began to ascend when the United Nations was organized in San Francisco conference in 1945. Out of the fifty nations that participated

in the conference, twenty countries belonged to this continent of western hemisphere. (3)

In considering the role that Latin Americans have played in the UN it is necessary to bear in mind the domestic situations which inevitably coloured their activities. (4) This numerical strength of the Latin Americans was well deployed by the US, while carrying out a decision of international importance.

Thus it can be said that the foreign policy of Latin American countries was a continuation of domestic policy. (5) Further the foreign policy of Latin American States was also influenced and was subject to revision by the frequent change of Government often by coup d'etat.

This dissertation tries to make a comprehensive study of the Latin American attitude to an Asian problem. The Kashmir problem has been chosen for this study because of the fact that the Super Power involvement in this issue had been minimal.

The introductory chapter deals with a panoramic view of Kashmir problem in the Security Council. The second chapter attempts to analyse the attitude of the Latin American delegates to the ceasefire problem which demanded the attention of the world organisation during 1948-49 and during 1965. The third and the fourth chapters record the positions of the

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(3) Jhon A. Houston, "Latin America in the United Nations" 1956.

(4) Ibid.; p.5.

(5) Astiz, "The Latin American Countries in International System", p.5.

Latin American delegates to the problem of demilitarization and plebiscite respectively, though the efforts of UN Organization in this regard did not meet with any amount of success. The concluding chapter briefly sums up the stand taken by these delegates with regard to this question. It is interesting to note that Latin American delegates have shown an independent outlook expressing their views freely.

I do not have enough words at my command to express my admiration, and gratitude for my Professor Dr. R. Narayanan, who had not only suggested me a topic of my interest but also was a constant source of strength to me in my endeavour.

The architect of this work had been my Associate Professor Dr. Jose L. Ferreira Jr. whose presence, guidance and supervision were largely responsible for the completion of this study.

I wish to record my sincere gratitude to Dr. Rahmatullah Khan, Associate Professor of International Law, for his valuable suggestions.

It gives me genuine pleasure to extend my grateful thanks to the staff members of the Library of School of International Studies and Sanru House Library.

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New Delhi

Vaidyanathan Shiv Kumar

19 January 1973

**CHAPTER I**

**A BRIEF BACKGROUND OF KASHMIR ISSUE  
IN THE SECURITY COUNCIL 1948-1965**

## CHAPTER I

### A BRIEF BACKGROUND OF KASHMIR ISSUE IN THE SECURITY COUNCIL 1948-1965

#### The Setting

On January 1, 1948, India reported to the Security Council that Pakistani tribesmen had invaded the state of Jammu and Kashmir and that extensive fighting was taking place. India complained that Pakistan was assisting the tribesmen in the invasion and instigating them to invade Indian territories, and requested the Security Council to call on Pakistan to stop giving such assistance since it amounted to an act of aggression against India. (1)

Jammu and Kashmir was an Indian princedom which under the Scheme of Partition and the Indian Independence Act 1947 became free to accede either to India or to Pakistan. It borders on both these countries. When armed invasion took place in Kashmir, the Maharaja of the State requested accession to India, which India accepted (2) on an unsolicited assurance that once normal condition was restored, the question of accession was to be settled by a plebiscite.

On January 20, the Security Council having heard the allegations and counter-allegations of both parties about the developments in the area, established a three-member United Nations Commission for India and Pakistan "to investigate and mediate" on Jammu and Kashmir. (3)

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(1) S/628.

(2) White paper on Jammu and Kashmir, pp. 46-48.

(3) S/654 and S/601. See Appendix for the text.



India nominated Czechoslovakia to the Commission and Pakistan nominated Argentina, and when there was no agreement on the appointment of a third member, the President of the Security Council on May 7, as agreed, designated the United States as the third member. Thus, we find that right from the beginning of this problem Latin American countries were actively involved. On April 21, the Council decided to increase the membership to five on the basis of the memorandum submitted by Columbia and China, (4) and accordingly, Belgium and Columbia were nominated to the Commission. In the same resolution the Council proposed a set of measures to stop fighting and to create proper conditions for a free and impartial plebiscite. (5) The Security Council instructed the UNCIP to proceed at once to the Indian sub-continent and place its good offices at the disposal of both the governments. (6)

The Commission visited the sub-continent on July 7, 1948 and on August 13, in a resolution it urged both governments to issue ceasefire orders to apply to all forces under their command in Jammu and Kashmir. (7) The truce offer was broadly based on the acceptance of the following principles by both sides.

(1) Pakistan was to withdraw its forces from the State of Jammu and Kashmir and was <sup>also</sup> requested to withdraw the tribesmen and Pakistan nationals not normally resident there;

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(4) S.C.O.R. - 241 meeting - 1948.

(5) S/726 - See annexure.

(6) Ibid., S/819.

(7) S/995.

(2) Pending a final solution, the territory was to be administered by the local authorities under the surveillance of the UNCIP.

(3) When the Commission notified India that Pakistan was complying with these terms, India would begin to withdraw bulk of its forces in stages to be agreed on with the Commission; and

(4) Pending the acceptance of the conditions for final settlement, the Indian government would maintain within the lines existing at the moment of the cease-fire those forces considered necessary to assist the local authorities in observing law and order.

On 21 September the UNCIP left for Geneva to prepare its first interim report, which was submitted to the Security Council on 22 November 1948. The report led to the second phase of the UNCIP activities. Taking advantage of the presence in Paris of the Indian and Pakistan delegation to the UN, it conducted a number of meetings and re-entered into a "formal and informal consultations" with the parties. As a result of these contacts the Commission drafted a proposal that would supplement the resolution of August 13, 1948 in enunciating the principles regarding the plebiscite.

The new report restated the position that the "question of accession of the State of Jammu and Kashmir to India or Pakistan will be decided through a democratic method of free and impartial plebiscite", and it proposed the nomination of a plebiscite administrator for the purpose. (8) Both governments accepted the

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(8) Ibid.

proposal with clarifications and ordered cease-fire from January 1, 1949. (9)

On January 5 the Commission adopted the formal draft resolution embodying the proposals for the plebiscite. Meanwhile on 22 March 1949 Fleet Admiral Chester W. Nimitz of the US Navy, was nominated as the plebiscite administrator by the Secretary-General in consultation with both the parties.

The Commission continued its work on obtaining an agreement between India and Pakistan regarding the demilitarization of Kashmir. The Commission tried hard in this regard without succeeding in reconciling the parties to the dispute. In order to break the deadlock the Commission suggested that an arbitrator be appointed to consider the difficulties that had arisen in the implementation of truce agreement. (10) Admiral Nimitz was proposed as an arbitrator. The initiative did not succeed, as India disagreed about the role of the arbitrator. (11)

The Commission at that stage arrived at the conclusion that no field was left for further negotiation within the context of mediation and reported to the Security Council of its failure. (12) The Security Council after making some

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(9) S/1430/Addl 1; Annexe 26.

(10) Korbel "Danger in Kashmir", pp. 157.

(11) S/1430/Addl 1; Annexe 36.

(12) 3rd interim report (S/1430/Addl 1, Annexe 4)

efforts with the help of the President Mr A.J. Mc Naughton at mediation decided to terminate the Commission and transfer its powers and responsibilities to a United Nations representative. (13)

In April 1950, the Security Council appointed Sir Owen Dixon of Australia as the U.N. representative for India and Pakistan. Sir Owen reported to the Security Council in September that no agreement had been reached by the Parties either on demilitarization or on the preparatory measures for holding the plebiscite. (14) Sir Owen arrived at the conclusion that the only chance of settling the dispute lay in the partition of the state of Jammu and Kashmir, rather than by conducting an overall plebiscite.

Sir Owen reported that Pakistan had maintained that it could consider the "matter if the valley of Kashmir was allocated to it." While India refused to consider an overall partition in which the valley could go to Pakistan. (15)

Feeling that mediation would produce no substantial agreement over the plebiscite issue Sir Owen Dixon asked to be relieved of his post. (16) The Security Council acceded to his request on September 26 without discussing the substance of his reports.

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(13) S/1453 - Report of General A.G.L. Mc Naughton.

(14) S/1791 - Report of Sir Owen Dixon, 15 Sept. 1950.

(15) Ibid.

(16) S/1791.

Meanwhile, the developments in Kashmir took an interesting turn. On October 27, 1950, the General Council of All-Jammu and Kashmir National Conference adopted a resolution recommending the convening of a Constituent Assembly to determine the future status and affiliations of the state of Jammu and Kashmir. (17) On December 14, Pakistan approached the Security Council to call on India to refrain from proceeding with the proposal for convening a Constituent Assembly and from taking any other action which might prejudice the holding of a free and impartial plebiscite. (18)

On March 30, 1951, the Council affirmed that the convening of the Constituent Assembly and any act that the Assembly might adopt to determine the future status and affiliation of the entire state or any part of it, would not promote the settlement of Kashmir in accordance with the principle of a free and impartial plebiscite as accepted by the parties under the UNCIP Resolution of 13 August and 5 January 1949. (19)

The Security Council decided to appoint a successor to Sir Owen Dixon and on April 30 of the same year, named Frank P. Graham as UN Representative for India and Pakistan.

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(17) S/1942.

(18) Ibid.

(19) S/2017/Rev. 1.

It instructed him to work toward the demilitarization of Kashmir preparatory to the holding of a plebiscite, and obtain a degree of control over the exercise of the functions of government, in the state necessary to ensure the same. (20) The Council also decided that the UN Military Observer Group in India and Pakistan (UNMOGIP) which had been set up in 1949 would continue to supervise the ceasefire. (21)

After having heard the views of the parties, the UN Representative submitted to them, on September 7, 1951 a proposal for demilitarization to be carried over a period of ninety days. The plan provided for the withdrawal of Pakistani troops as well as the tribesmen, and for a large scale disbandment and disarming of the Azad Kashmir forces on the Pakistan side of the ceasefire line. Similarly on the Indian side, the proposal called for withdrawal of the bulk of the Indian forces that remained in Kashmir. An agreed number of civil armed forces would remain on both sides of the ceasefire line. The plebiscite administrator was to be appointed at the end of the demilitarization period. (22)

On October 15, 1951, Dr Graham reported to the Council that the parties had accepted his proposals only partially on reaffirmation of their will to observe the ceasefire line,

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(20) Ibid.

(21) Ibid.

(22) S/2375.

acceptance of the principle of a free and impartial plebiscite and agreement to avoid war-like statements regarding Kashmir. (23)

The Council requested Dr Graham to continue his efforts and also appealed to the parties to cooperate. Dr Graham submitted a Second Report on December 18, 1952, in which he said though agreements have been reached on certain points of his original proposals, fundamental difference still persisted. (24)

On 22 April, 1952 Dr Graham submitted his third report after continuous consultations with both the governments. The quantum of the forces necessary to be retained by the parties along the ceasefire line was a controversial issue, he pointed out. Dr Graham had not succeeded in overcoming these difficulties. (25)

On 19 September 1952 Dr Graham submitted to the Security Council his fourth report in which he stated his reasons for the failure of the negotiations that took place in Geneva between the Indian and Pakistani delegates. The difference, he noted, arose on the quantum and character of forces that were to be left on either side of the cease-fire line. Dr Graham wanted a clear and precise instruction from the Security Council in that regard. (26)

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- (23) S/2375 - First report of Dr. Frank P. Graham.
  - (24) S/2446 - Second report of Dr. Frank P. Graham.
  - (25) S/2611 - Third report of Dr Frank P. Graham.
  - (26) S/2783 - Fourth report of Dr. Frank P. Graham.

On 5 November 1952 the Security Council considered the fourth report of Dr. Graham. Dr. Graham urged that the U.N. should enunciate principles binding the parties regarding the demilitarization or come out with a verdict fixing the quantum and the character of forces to be stationed in the state. (27) The majority opinion of the Council, which, crystallized in the form of a draft resolution introduced by USA and the UK on 5 November, was that in view of lack of progress on the matter of the quantum of forces to be stationed in the State, further negotiations on the matter should take place between the representative of India and Pakistan. (28)

Accordingly, negotiations between the parties took place at the ministerial level at Geneva between 4 and 19 February 1953 with Dr. Graham participating. During the discussion the problem of disarming and completely disbanding the Azad forces proved to be an insurmountable obstacle. Dr. Graham arrived at the conclusion that further agreement was not possible and the difficulties that existed as early as 1949 remained still. (29) On his conclusion of the fifth report he said "Instead of United Nations representative continuing to report differences to the Security Council, may the leadership of over 400,000,000 people, with goodwill and assistance of United Nations, join in negotiating and reporting an agreement

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(27) Ibid.

(28) S/2839.

(29) S/2967.



on Kashmir and thereby light a torch along the difficult path of people's pilgrimage to Peace." (30)

Between 1953 and 1956 the quest for finding a solution to the dispute shifted from the UN to direct negotiation between the parties. The first direct contact took place at the level of the Prime Ministers. The meeting took place in London in June 1953 on the occasion of the coronation of the queen of England. The negotiations continued in Karachi in July 1953 when the Indian Premier visited Pakistan, and in August of the same year when the Pakistan Prime Minister, Mohammed Ali, visited New Delhi. Further contacts between the two Prime Ministers took place in Colombo at the time of the conference of the Asian Premiers. (31) Finally on May 1955 the Prime Minister of Pakistan visited Delhi, when the emphasis was on a "New Approach" and "New ideas", not on the "old dead-wall approach". A Special Correspondent of Hindu noted on 20 May 1955 "It seems, therefore, to have been felt by both sides that the old UN approach would lead to another deadlock and that a Plebiscite of the type conceived by the UN and under the condition proposed by it was impossible of resolution." The bilateral talks also produced no solution.

In 1957 the constitution of Jammu and Kashmir came into force. The event once again brought the dispute to the

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(30) Ibid.

(31) Sisir Gupta, "Kashmir - A Study in India-Pakistan Relations", pp. 259-277.

Security Council. Meanwhile the international power relations had undergone a considerable change, with the creation of the SEATO and Baghdad Pact of which Pakistan became a member. In the new set of circumstances the Pakistan government considered it opportune to approach the Security Council.

In January 1957 Firoz Khan Noon, who was then the Foreign Minister of Pakistan, requested the Security Council that an early action be taken to implement the UN resolution for a plebiscite in Kashmir. (32) The international situation then was such that Pakistan had become, for all practical purposes, an ally of the US and the UK. The non-aligned policy of India was not considered with sympathy by the US.

The debate in the Security Council during 1957 reflected this bias. Naturally, the Russian delegation began to give more support to the Indian viewpoints, while Pakistan relied on a growing support from the Western powers. A compromise was arrived at in the resolution of 21 February 1957, introduced by Australia, the UK and the US. The resolution requested the President of the Council, Gunnar V. Jarring to explore with the governments of India and Pakistan possibilities for the settlement of the dispute. Mr Jarring was asked to visit the subcontinent and to report not later than 15 April 1957. He was instructed to keep

in his mind as a guideline the "previous resolutions" including those of the UNCIP and the recent resolution of 24 January 1957. (33)

Mr Jarring visited the two countries between March 14 and April 11, 1957. In his report submitted on April 29, he stated that he was unable to report any concrete proposals likely to contribute towards a settlement. Although insisting on the notion of plebiscite, Mr Jarring felt that enormous difficulties would come to the surface in the course of its implementation. In order to circumvent the same, he suggested the possibility of appeal to the International Court of Justice or to arbitration. (34) The debate on Jarring's report in the Security Council gave the opportunity to show how hard and irreconcilable were the positions assumed by the parties.

The question continued to plague the UN. Once again, through a resolution passed on 2 December 1957, Dr Frank P. Graham was asked to visit the subcontinent and to report on the progress made on the UNCIP resolutions of 13 August 1948 and 5 January 1949, which was accepted by both the parties.

Dr P. Graham, presenting his report on 18 March 1957 (35), expressed his doubts about the possibility of reconstituting "the status quo" which existed some ten years ago in the disputed region, and suggested that negotiations be conducted between India and Pakistan regarding the administration of

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((33) S/3798.

(34) S/3821.

(35) S/3984.

territories once demilitarization had taken place. For this purpose he submitted on 15 February 1957 a set of recommendations to create a proper framework for the negotiations. No progress was made on the proposals. (36) The political scenery of the subcontinent was dominated in the next few months by internal developments in Pakistan, leading to the installation of the military rule. Before 1962, when the Security Council met again to consider the Kashmir question, relations between India and Pakistan had progressed to a certain extent. The two countries had concluded an agreement on the waters of the "Indus basin." Unhappily, this "honeymoon" between the parties lasted only for a short period and by the end of 1961 the old pattern of tension had come back.

Between February and June 1962 the dispute was brought once again to the Security Council for consideration. The meetings of February and April 1962 concluded without passing any resolutions. On the contrary, during its session in June the Security Council considered a draft resolution submitted by Irish Republic. Following the trends prevailing in the speeches of the western powers the Irish draft intended to stress the responsibility of the Security Council in associating itself with the parties in the search for a peaceful solution of the Kashmir question. (37) By this time

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(36) Sisir Gupta, "Kashmir - A Study in India-Pakistan Relations," pp. 335.

(37) Ibid.

it had become clear to the Security Council that India would not be in a position to accept any resolution that would not ratify the "status quo" in Kashmir. The Irish draft gave the opportunity for broad discussions within the Security Council by representatives of Chile, China, France, Ireland, UK, USSR and USA. When this resolution was submitted to vote it was vetoed by the Russian delegate.

Once again in late 1962 and early 1963 this problem became the object of "direct" negotiation between the interested parties. The Chinese aggression on India had created an opportunity for the UK and USA governments to influence the Indian government to reopen negotiations with Pakistan concerning Kashmir and other outstanding problems. (38)

Between February and May 1964 the question of Kashmir was considered by the Security Council after hearing a representation of Pakistan. (39) The long and inconclusive debates that took place ended on 18 May 1964, when the President of the Council made a summation of the views that emerged from these debates. The President in conclusion put forward two different sets of views that prevailed: first, he summarized the points on which the members of the Security Council had expressed identical views; in the second part he considered the views on which there was no unanimity. (40) There was an unanimity among the members that everything possible should be done to consolidate favourable elements and avoid jeopardizing advantages. What was required was conciliation and

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(38) Sisir Gupta, Kashmir - A Study in India-Pakistan Relations, p. 352.

(39) S/5437.

(40) U.N. Monthly Chronicle June 1964 pp. 10-11.

moderation on the part of India and Pakistan; and prudent, careful and vigilant attention on the part of the United Nations. The members further expressed their desire that the parties would abstain from any act that might aggravate the situation and that they would take measures to re-establish an atmosphere of moderation, peace and harmony between the two countries. Finally they expressed the hope that the two countries would resume contacts as early as possible to resolve their differences by negotiations. (41)

The year 1965 started with a growing deterioration in Indo-Pakistan relations. The incidents in the region of Rann of Kutch were followed subsequently by a large number of violation of the Kashmir ceasefire line. (42) The Security Council met on 4 September 1965, a moment when the 1949 ceasefire agreement showed all the signs of collapsing.

At this meeting the Security Council requested the parties to order cessation of fighting and respect the ceasefire line in Kashmir. (43)

On 6 September, the Security Council once again considered the developments in the subcontinent and called upon the parties to cease fighting and to withdraw all armed personnel to the position they held before August 5, 1965. At the same time, it confirmed the mission entrusted to the Secretary-General to exert every possible effort to give effect to this resolution. (44)

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(41) This view was expressed by Czechoslovakian and U.S.S.R. delegate in the Security Council S.C.O.R. 1091 meeting 1964.

(42) Secretary-General's report S/6651, 3 Sept. 1965.

(43) S/6657.

The Secretary-General, accordingly, visited India and Pakistan between September 7 and 15, and on his return reported to the Security Council. The Security Council on 20 September 1965 adopted a resolution that "demanded" that the ceasefire should take effect from 22 September 1965 and called upon both the governments to issue orders for a ceasefire to be followed by the withdrawal of all armed forces prior to the position held on 5 August 1965. (44) In the same resolution reference was made to the earlier resolution of 6 September, including Article 33 of the UN Charter urging the parties to strive towards the settlement of the problem.

The story ended with the conclusion of an agreement at Tashkent by both the parties. Thus the conflict which persisted between these two countries and plagued the Organization was - at least, temporarily - resolved bringing peace to the people of the subcontinent.

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(44) S/RES/1965.

CHAPTER II

CEASEFIRE



## CHAPTER I I

### CEASEFIRE

Historically, it has been established that the infiltration of armed raiders into Jammu and Kashmir had commenced as early as September 1947. The exchange of messages between the heads of governments of India and Pakistan show that the former wanted to settle the problem amicably.\* When the bilateral attempt failed India was left with no choice than to make a complaint to the Security Council on 1st January 1948, invoking Article 35 of the U.N. Charter. The Indian government requested the Security Council:

1. "To prevent Pakistan government officials military and civil from participating or assisting in the invasion of the Jammu and Kashmir state."
2. "To call upon the other Pakistani nationals, to desist from taking any part in the fighting in the Jammu and Kashmir state."
3. "To deny to the invaders; (a) access to and use of its territory for operation against Kashmir. (b) Military and other supplies. (c) All other kinds of aid that might tend to prolong the present struggle.(1)

Since India had lodged its complaint under article 35 of chapter 6 of the U.N. Charter it might be useful to note the language of the Article. It states: "Any member of the U.N. may bring any dispute or any situation of the nature referred to in article 34 to the attention of the Security Council or of the General Assembly." Though the terminology

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\* White Paper on Jammu and Kashmir, pp. 68-71.

(1) S/628, 2 January 1948. Also see S/PV. 227, 15 January 1948.

of Article 35 envisages dispute-settlement, the Indian complaint limited itself to asking for a ceasefire and not for a settlement of the problem. India did not invoke the mandatory provisions of Chapter VII of the Charter probably because it was afraid that the U.K. and U.S.A., which were largely instrumental in evolving solutions to the Kashmir problem, would thrust a bitter sweet portion through India's throat, and that India would be bound by such solutions if dictated under chapter VII. (2) Chapter VII would bring the Security Council into the Kashmir affair with a deciding power as to what measures are to be taken to stop the breach of peace.

The Security Council in the circumstances could have invoked Article 2, paragraph 4, and condemned the organizing, supporting or even allowing armed raids across international boundaries by Pakistan as being clearly contrary to international law and the law of U.N. Charter. (3)

The Indian expectations were clearly explained by its representative, Mr. Gopalswamy Aiyangar, on 15 January 1948 in the Security Council. He said that India had brought the issue to the U.N. with "deepest regret" and that it wanted the issue to be settled "between ourselves" but then Pakistan had evaded a settlement of this problem. (4)

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(2) Dr. Rahmatullah Khan, "Kashmir and U.N.", pp. 15.

(3) Ibid PP 134.

(4) S/628.

Pakistan denying these allegations, presented the case in three main documents. (5) In the first document the Indian complaint was contested, in the second a counter complaint was lodged and in the third the historical background of the situation was presented. Pakistan refuted the charges of following a policy conducive to war and the allegation that it had indulged in any aggressive acts. Simultaneously it accused India of following a well-planned campaign against Pakistan.

As the parties presented their case it became apparent to the members of the Security Council that sharp differences of views persisted between them. To India the cause of the conflict was the tribal invasion and Pakistan's participation in it. India therefore limited its presentation to these facts. To Pakistan, the hostilities in Kashmir were a part of a unhappy legacy of Indo-Pakistan relations and communal hatred existing between them.

The initial response of the Security Council began with a telegram sent by the Secretary-General on 6 January 1948 on behalf of the President of the Security Council to both the governments asking them to "refrain from any step incompatible with the Charter and liable to result in aggravation of the situation." (6) It was followed by a draft resolution presented by the Belgian delegate, who was then the President of the Security Council. This resolution of 17 January 1948: (7)

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(5) S/646 and Corrl.

(6) S/636.

(7) S/651.

1. Called upon both the governments to take immediately all measures within their power (including public appeals to their people) calculated to improve the situation and refrain from making any statements and from doing any acts which might aggravate the situation. It also requested the respective governments to inform the Council immediately of any material change which occurs or appears to either of them to be about to occur.

The attitude of the Latin American members of the Council to this initial moves is interesting. The Colombian delegate Mr. Gonzales Fernandes, welcomed the Belgium resolution but expressed the views that the resolution required "more concrete references to the replies of the two governments."

(8) But the Argentinian delegate while supporting the Belgium resolution clearly felt that "nothing more could be done at the moment". (9)

Recalling Article 9 of Inter-American treaty of Reciprocal Assistance that binds the nations of the Western Hemisphere the Argentinian delegate wanted a proper definition of term "aggression", According to Article 9 of this treaty "aggression" is identified as:

(A) "Unprovoked armed attack by a State against the territory, the people, or the land, sea or air forces of another state.

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(8) S.C.O.R. 229 meeting 1948.

(9) Ibid.



(B) Invasion by the armed forces of a state, of the territory of an American State, through the trespassing of boundaries demarcated in accordance with a treaty, judicial decision or arbitral award, or in the absence of frontiers thus demarcated, invasion affecting a region which is under the effective jurisdiction of another state." (10)

The Colombia delegate wanted that the Belgian resolution should add the words "in which (India and Pakistan) confirmed their intention to conform the Charter", (11) in the preambular clause.

Thus it is interesting to note that the Latin American representatives had shown some concern to the situation that persisted in the sub-continent.

The next step taken by the Security Council was based on the talks that its President conducted with representatives of India and Pakistan. The conversation thus conducted resulted in the formulation of the draft resolution of 20 January 1948.

The resolution set up a three member commission : one member to be selected by India, the second by Pakistan and third to be "designated by the two so selected". It also entrusted the Commission with a task to proceed to the spot as quickly as possible, (13) in order to investigate the facts relevant to the complaints made by the two governments and exercise any mediatory influence likely to smooth away

(10) S.C.O.R. - 229 meeting - 1948. D.V.S.R.

(11) Ibid.

(12) Korbel - "Danger in Kashmir" PP 104.



any difficulties. The resolution did not contain any reference to the withdrawal of either the tribesmen or the Indian army. (14)

The Colombian delegate Mr Lopez not only supported the resolution but also expressed his appreciation for the President of the Security Council for handling the matter with success. He further felt that the Commission "would first address itself to the general questions and then to other matters mentioned in the letters from the Foreign Minister of Pakistan (document S/646) when the Security Council so directs."

(15) It is also interesting to note the eagerness of the delegate to strengthen the U.N. Organisation. In the course of his speech, the delegate remarked, "As it stands today, this matter is of great assistance to the Security Council and will help it to improve its position very much in the eyes of public opinion. I believe, further, that it marks very decided improvement in relation to the two previous questions - those of Greece and Indonesia." (\*) Probably, the failure of the League had created a determination in the minds of the delegates to strengthen the new world organisation.

On 22 January 1948, the Argentinian delegate expressing his disagreement with the representative of U.K., who wanted to give priority to the Kashmir issue, took a stand which sounded closer to the view of the Pakistani delegation as

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(13) S/654.

(14) Korbel, "Danger in Kashmir" p.104.

(15) S.C.O.R. - 230 meeting - 20 January 1948.

(\*) Ibid.

expressed in the letter of Sir Zafrullah Khan (document S/646) to the President of the Security Council on 20 January 1948. Bringing into context, the issue of Junagad, the Argentinian delegate, <sup>Mr.</sup>Arce emphasized that "the India-Pakistan question" should not be looked at from the perspective of Jammu and Kashmir situation alone. Elaborating at length the disagreement that existed between India and Pakistan regarding the situation in Jammu and Kashmir and relating them with the development that took place in Junagad, Arce declared that according to the Pakistani representative's statement "India had sent an army and took control of territory though it is not known whether the Prince of Junagad was expelled." In conclusion Arce said "If that is not aggression, if that is not war, if anyone thinks that we should close our eyes on these things, I for my part cannot assent for such procedures."

(16)

The statement of the Argentinian delegation not only reflected sympathy for Pakistan's position but also created obstacles to the consideration of the matter within the perspective framed by India. No wonder that the representative of India stated that "Is this not an illustration of our trying to fiddle here while Kashmir is burning?" (17)

At the same meeting of the Security Council, the Colombian delegate showed a perfect sense of understanding of

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(16) S.C.O.R. - 231st meeting - 22 Jan. 1948.

(17) S/V 237, 29 January 1968 PP 295-96.

(18) S.C.O.R. 231st - 1948.

the issue. Stressing the fact that "the representative of India has made it clear that he does not object to the discussion being broadened to include other situation which the representative of Pakistan may wish to bring before the Security Council", (18) the Colombian delegate stated that "I therefore believe once we have made it clear that Security Council is going to consider the situation - Jammu and Kashmir first, and other situation afterwards - there should be no further disagreement in the way in which they are included in the agenda". (19)

The clear position of the Colombian delegate concerning the priority of the Kashmir affair is evident when we look back into the attitude assumed by the Argentinian delegates referred previously. At the session of 23 January 1948, the Argentinian delegate once again took the floor to speak on the validity of the resolution of 20 January. According to Mr Arce, the resolution failed to "obtain the concurrent votes of the five permanent members of the Security Council. (20) Again, intervening in the debates of 4 February 1948, he opened his statement with the Latin proverb "Sublata cause, tollitur effectus" (Remove the cause and the effect will disappear), and continued that "in this case the cause of all these disturbances whether from India or Pakistan or

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(19) Ibid.

(20) S.C.O.R. 232 meeting - 1948.



from the tribes lies in the rebellion of the people of Kashmir against the absolute Monarch who rules them as if he were running a farm and four million inhabitants were so many heads of cattle and not human beings". (21)

One cannot but disapprove of this ill-informed conclusions of the Argentinian delegate. First he had not given due consideration to Pakistani aggression on Indian territory. Secondly, he had no correct understanding of the issue. It will be relevant to recall here that the Maharaja of Kashmir Hari Singh had clearly stated in his letter dated 26 October 1947, that since the state of Kashmir has a common boundary with U.S.S.R. and with China, he wanted to take some time to decide the accession in the best interest not only of his country but also in the interest of both India and Pakistan. (22) Apart from it, the Maharaja had already accepted the proposal made by Lord Mountbatten, the then Governor-General of India, that the "question of the state's accession should be settled by a reference to the people". (23) Even after these facts have been placed before the members of the Security Council, it is distressing to note the attitude adopted by the Argentinian delegate.

On 5 February 1948 the Colombian delegate submitted a memorandum which showed greater appreciation of the Indian viewpoint. Colombia considered that it was necessary to end the

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(21) S.C.O.R. - 232 meeting - 23 Jan. 1948.

(22) White paper on Jammu & Kashmir - PP 46-48 - Combell-Jhonson PP-224.

(23) Ibid.

hostilities immediately, so he urged the Security Council to state that "the cessation of fighting and other acts of hostilities are of particularly urgent character." (24) India considered this memorandum as an improvement on the Belgian drafts of 17 and of 20 January 1948. (25) The memorandum suggested that the number of members of the Commission should be increased to five. The memorandum (26) went ahead of the Belgian draft in bringing out in clear terms a logical approach to the problem. It stated in unequivocal terms that "the Commission shall seek to ensure cooperation between the military forces of India and Pakistan with a view to bringing about immediate cessation of fighting in Jammu and Kashmir state and to maintaining order and security until and the question of accession shall have been determined by the plebiscite". (27) There can be no more precise words than these to express the Indian government's view regarding this question. On the basis of the memorandum six members of the Security Council (28) drafted a resolution which was introduced on 17 April 1948. The Resolution increased the membership of the Commission to five (29) and requested

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(24) S.C.O.R. - 241 - 1948.

(25) Sisir Gupta "Kashmir - A Study on India-Pakistan Relations" PP 160.

(26) S/671.

(27) Ibid.

(28) Belgium, Canada, China, Colombia, UK and USA.

(29) S/Pv 237, 29 January 1948 PP 295-96.

Pakistan "to secure the withdrawal from the state of Jammu and Kashmir of tribesmen and Pakistani nationals not normally residents therein." (30) It also requested the Indian Government to plan in consultation with the Commission for withdrawing their own forces from Jammu and Kashmir" since arrangements are being made for the withdrawal of the tribesmen. (31)

This was the first time that the members of the Security Council realized and recommended proper measures for the cessation of hostilities. One cannot but appreciate the efforts made by the Colombia delegate in this respect. The resolution adopted on 21 April 1948 became the edifice for the future work of the commission. During the debate on this resolution, Mr. Arce, the Argentinian representative introduced an amendment to clause 1, paragraph A, of the draft. The Argentinian amendment reads as follows: "The government of Pakistan may, if it considers necessary for the purpose of fulfilling this obligation (the withdrawal from the state of Jammu & Kashmir of tribesmen and Pakistani nationals) employ its armed forces in the state of Jammu and Kashmir". After submitting his memorandum he also expressed that "If however, the President or any other member of the Council thinks that my addition might obstruct the approval of the resolution, I shall not press the matter". (32) Afterwards, Mr. Arce withdrew his amendments.

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(30) S/726.

(31) Ibid.

(32) S.C.O.R. - 286 meeting 1948.

Once again we find the Argentinian delegate expressing his sympathies towards Pakistan. Though the Commission was not constituted on the lines suggested in this resolution - which was "tragic" (33), as one Member described it - it did have some effect. Even though the Commission was not able to stop the fighting, in all probability it could have prevented through its mere presence in Kashmir (34) the spring offensive and countenance of large scale operations. Again, during the debate of the resolution the Argentinian delegation wanted the Commission to look into the question raised earlier by Pakistan. (35) But, following the position of the Colombian delegate, the Argentinian delegate accepted the proposal that the Commission should study and report about all the matters raised by the parties in "the order in which they have been contemplated in this resolution". (36)

When the Commission met Sir Zafrullah Khan at Karachi during the first week of July 1948, it was told that Pakistan had three brigades in Kashmir territory since May 1948. (37) It was really a "bombshell", as Korbelt put it, for the Commission members. After having met both the parties, the Commission found that they were eager to end the fight but on conditions that they were not reconcilable. When Mr Korbelt, at the time

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(33) Korbelt "Danger in Kashmir" PP 104.

(34) Ibid.

(35) S.C.O.R. - 372 meeting - 1948

(36) Ibid.

(37) Korbelt "Danger in Kashmir" PP 121.

the Chairman of the Commission, met the Prime Minister of India and asked him to consider the possibility of an unconditional ceasefire, Nehru replied, "How can you ask for something like that? It means that you are putting us on the same platform with the other side - the intruder and aggressor." (38) On the other hand the Pakistan government was firm on the position, as explained by the Governor General of Pakistan, that Pakistan "shall never give up Kashmir." (39)

Thus it is no wonder that the initial efforts of the Commission had failed. But the Commission did not lose its heart and worked relentlessly towards the adoption of the resolution of 13 August 1948. (40) According to part I of which, the governments of India and Pakistan would issue a ceasefire order within four days after their acceptance of the resolution. The resolution was in principle accepted by India and Pakistan. India raised certain clarifications and Pakistan, a number of "reservations, qualifications and assumptions" which were "tantamount to rejection." (41) Bitterly disappointed the Commission returned to Geneva on 21 September 1948 to prepare its first report to the Security Council. During its stay in Geneva, the Commission took two steps: (1) to draft the resolution in which were enunciated the principles which supplemented the resolution of 13 August; (2) to send one of its

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(38) Ibid., p. 134.

(39) Ibid., p. 135.

(40) S/1100.

(41) Korbel, "Danger in Kashmir" p. 144.

members, the Colombian delegate Dr. Lozano and his alternate Mr Hernando Samore Gomez along with special representative of the Secretary-General, to the sub-continent to be at the disposal of the parties for any explanation about the proposal.

(42) The parties ultimately agreed to a ceasefire by the midnight of 1 January 1949. Though the cease-fire agreement was achieved, the situation in Jammu and Kashmir continued to be the object of successive meetings of the Security Council throughout 1950s and 1960s. The ceasefire problem was to figure again in the Security Council in consequence of the events of 1965.

The violation of the ceasefire line took place on 5 August 1965. General Nimmo, the Chief Military observer had reported to the Secretary-General on 9 August that there had been "a series of violations that began on 5 August were to a considerable extent in subsequent days in the form of armed men, generally not in uniform, crossing the ceasefire line from Pakistan side for the purpose of armed action on the Indian side." (\*)

On the basis of General Nimmo's findings, the Secretary-General in his report to the Security Council on 3 September 1965 pronounced that the ceasefire agreement of 29 July 1949 "had collapsed, although I hope only temporarily." (43)

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(42) Ibid.

(\*) Secretary-General's report - S/6651, 3 September, 1965.

(43) Ibid.

The Security Council met on 4 September 1965 under the chairmanship of Mr. Arthur Goldberg (USA) to discuss the "India-Pakistan Question" at the initiative of the Secretary-General's report. Mr. Ramani, the Malaysian representative, proposed a draft resolution on behalf of the six non-permanent members - Bolivia, Ivory Coast, Jordan, Malaysia, the Netherlands and Uruguay. (44) The resolution:

1. called upon the governments of India and Pakistan to take forthwith all steps for an immediate ceasefire.

2. called upon the two governments to respect ceasefire line and withdraw all armed personnel of each party to its own side of the ceasefire line, and

3. to cooperate fully with UNMOGIP fully in its task of supervising the observance of the ceasefire.

4. Requested the Secretary-General to report to the Council within three days on the implementation of this resolution. Thus the resolution made no reference to the Pakistani aggression, nor called upon Pakistan in particular to refrain from any violation of the ceasefire line. As Mr. Ramani emphasized "The draft resolution makes no findings; it produces no judgement on the distressing and tragic situation."

(45) Though the Latin American delegates cosponsored the resolution they did not participate actively in the discussion.

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(44) S/RES/209 (1965) - 4 September 1965.

(45) S/6657.

The Indian delegate, Mr. Parthasarathi, deplored the fact that in Security Council had not evolved an acceptable guarantee that Pakistan would stop infiltration across the ceasefire line. (46) The Pakistani delegate, Mr. Mohammed Ali, rejected the resolution as it "does not even refer to the basis of the ceasefire which was established in Kashmir in 1949." (47) Though the resolution was passed unanimously, it is no wonder that in such an atmosphere, it went unheeded by the parties concerned.

As the "grave" situation persisted, the Security Council again passed a resolution on 6 September 1965, sponsored by the same six non-permanent members and adopted unanimously. (48) It called for the cessation of hostilities in the entire area of conflict and requested the withdrawal of all armed personnel back to the positions held by them before 5 August 1965, (49) and requested the Secretary-General to give effect to this resolution as well as the one of 4 September 1965. Further, the resolution also requested the Secretary-General to visit the subcontinent and to report to the Council the results of his talks.

Mr. Velasquez, the Urugyan delegate, spoke thus: "My delegation would like to associate itself with the other

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(46) S/PV 1237 p. 77.

(47) S.C.O.R. 1238 meeting - 1965.

(48) Ibid.

(49) S/RES/210(1965) - 6 September 1965.



delegations which have expressed their satisfaction at the statement made just now by the Secretary-General." (50)

The Bolivian delegate welcoming the decision, said "In view of the fact that the grave situation brought about by the events in Kashmir has deteriorated and the fighting is spreading alarmingly, the Bolivian delegation unhesitatingly supports the Secretary-General's decision to go to the area of conflict, congratulates him on his decision and wishes him all success in his difficult task." (51)

The statements of the two Latin American delegates have been quoted here to show that this time the Latin American attitude was one of concern for ceasefire and was free from value-judgements.

The Secretary General's proposals were accepted by India for unconditional ceasefire but Pakistan laid certain impossible conditions for accepting the proposal of the Secretary-General thereby stamping the efforts with failure. (52) When the Secretary-General submitted the report of his mediatory effort on 17 September 1965, except for the representative of Malaysia, none of the members condemned the aggressor, though it had been made very clear that Pakistan had violated the ceasefire and had refused to accept uncondi-

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(50) S/6661.

(51) S.C.O.R. - 1238 meeting - 1965.

(52) Ibid.

tional ceasefire.

The Secretary-General, therefore, suggested that the Security Council should order for immediate ceasefire under Article 39 as the parties disagreed to accept for voluntary unconditional ceasefire.

There are certain instances in which the Latin American delegates condemned Pakistani aggression but in a subdued tone. In 1962 the Venezuelan representative Mr. Sosa Rodiguez gave out his feeling when he stated "Pakistan could not lawfully aid the rebels - if rebels they were or invaders - far less intervene directly in Kashmir with its regular forces."

(53) The representative of Uruguay has not in his speech, in the Security Council during 1965 made any reference to the unconditional acceptance by India of the ceasefire proposal neither he referred to the failure of Pakistan to conform itself to the terms of cease-fire, in spite of having heard a clear statement of the Secretary-General on the aggression committed by Pakistan.

This exemplifies how suspicious some of them usually were even about the facts placed at their disposal by the parties. This suspicion of facts is well seen, when we analyse the proposal made by the delegate from Uruguay. Though he firmly supported unconditional ceasefire and wanted the line of demarcation as it existed on 5 August 1965 should be respected

yet he suggested that the Security Council should set up a special three member committee or urge its President, to gather information "without the power to investigate", which would help the Security Council in propounding a suitable solution to this problem. While voting for the resolution of 5 November (215 (1965)) the Uruguayan delegate also admitted that "since we are anxious to maintain the points of view, common to the so called great powers which as Raymond Cartier says, now seems to be breathing spirit of yalta... we are going to vote for the draft resolution before the Council. It does not fulfil all our wishes, but at least it is one step forward." (54)

The Bolivian delegate Mr. Fernando ortiz Sanz who was the President of the Security Council on 5 November 1965 recalled the services rendered by the Secretary-General to bridge the differences that existed between the parties and also gave reasons for supporting the draft resolutions placed before the Council. He clearly brought out his view that "history is not nourished by isolated documents, however, important they may be. But when documents were objective, adequate, and practical, they also point the way to coherent and permanent action. (55)

### Conclusion

Thus, the brief survey of the attitudes of Latin American countries on the ceasefire issue with regard to

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(54) S.C.O.R. - 1014 meeting - 1962.

(55) Ibid.

Kashmir problem clearly brings out:

(1) that the Colombia delegate showed a better understanding of the issue; than other delegates of the Latin American countries;

(2) that the Argentinian delegate showed a partial attitude supporting Pakistan on this issue; and that there were certain other countries like Uruguay and Bolivia which merely endorsed the views of the Security Council without involving themselves too much.

CHAPTER III

DEMILITARIZATION

## CHAPTER III

### DEMILITARIZATION

Once the cessation of hostilities was achieved the attention of the Security Council was drawn towards the final settlement of the Kashmir problem. The pre-requisite for such a settlement, according to the UNCIP resolutions, was the demilitarization of the troubled state of Jammu and Kashmir.

The resolution of 21 April 1948, had not only empowered the UNCIP to investigate and report to the Security Council on the allegations levelled by both the parties, but had also dealt the problem of demilitarization. It had urged Pakistan "to use its best endeavours to secure the withdrawal of tribesmen and Pakistani nationals, from the state of Jammu and Kashmir", (1) requested Pakistan to prevent further intrusions, and had called upon Pakistan to desist from furnishing any aid to them.

The scheme was: after Pakistan had withdrawn the tribesmen and the nationals then India should, in consultation with the commission, put into effect a plan for progressive reduction of their forces to a minimum strength required for the support of the civil authorities and maintenance of law and order.

When this resolution was adopted the Argentinian delegate, Arce, proposed an amendment to clause 1, paragraph A

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(1) S/RES/47(1948).

of the draft. This amendment as we had seen earlier, allowed Pakistan to employ its armed forces for accomplishing its obligation. (2) This amendment as we had already seen, withdrawn by Argentina.

When the UNCIP began its work it carefully adhered to the recommendations made by the resolution of 21 April 1948, trying, at the same time, to take into consideration the realities of the situation as it existed in the sub-continent. This becomes evident if we look into the UNCIP resolutions of 13 August 1948 and 5 January 1949. Part II of the UNCIP resolution of 13 August 1948 formulated elaborately the proposals for the demilitarization to be followed by both the parties:

Section (A) of Part II stated:

"1. As the presence of troops of Pakistan in the territory of the State of Jammu and Kashmir constitute 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.

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(2) Text of the amendment read as follows "The Pakistan Government may, if it considers necessary for the purpose of fulfilling this obligation (the withdrawal from the state of Jammu and Kashmir of tribesmen and Pakistan nationals) employ its armed forces in Jammu and Kashmir" - S.C.O.R. - 286 meeting - 1948.

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." (3)

The above proposal of the Commission was largely based on the view that Pakistan had to withdraw its troops as a preparatory measure for holding a free and impartial plebiscite.

Section (B) of the resolution laid down instructions to be followed by India. This part provided:

1. When the Commission shall have notified the government of India that the tribesmen and Pakistan nationals referred to in Part II, A2, 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 Pakistan forces are being withdrawn from the State of Jammu and Kashmir, the Government of India agrees to begin to withdraw the bulk of its 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 the cease-fire the minimum strength

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(3) S/995.

(4) Ibid.



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." (4)

This cautious resolution not only (1) struck a balance between both the parties; but also (2) respected the sovereignty of the Jammu and Kashmir Government till a plebiscite could settle the issue; and (3) took note of Pakistan's violation of the International boundary and when called upon, the Pakistan Government would withdraw all armed forces and tribesmen.

Thus it is surprising to note the amendment proposed by the Argentinian delegate to this cautious and prudent resolution. Instead of demilitarizing the area under conflict the Argentinian amendment only proposed to militarize the area and to pave the way for further tension.

The resolution was accepted by the Government of India after clarifying certain points of differences. The main contention of the Indian Government was expressed in a letter addressed to the Chairmen of the UNCIP by the Prime Minister of India dated 20 August 1948. It wanted that paragraph A3 of part II of the UNCIP resolution should not be interpreted

(a) to bring into question the sovereignty of the Jammu and Kashmir Government over the portion of their territory evacuated by Pakistan troops.

(b) to afford any recognition of the so-called "Azad Kashmir Government", or

(c) to enable this (Azad) territory to be consolidated in any way during the period of the truce to the disadvantage of this territory.

(d) and to maintain the strength of Indian forces in Kashmir in a level sufficient to ensure security against any form of external aggression as well as internal disorder. (5)

The Prime Minister of India further desired that the "administration of the evacuated areas should revert to the Government of Jammu and Kashmir and that for defence to us" (The only exception that we would be prepared to accept would be Gilgit)". (6) He also requested that "we must be free to maintain garrisons at selected points in the area for the dual purpose of preventing the incursions of tribesmen, who obey no authority, and to guard the main trade routes from the State to Central Asia." (7)

Pakistan accented the resolution but put forth some reservations with which the Commission could not agree. Pakistan wanted the recognition of Azad Kashmir Government as legal Government of the occupied part of the State. Secondly it wanted a balanced and synchronizing withdrawal of both India and Pakistani forces, and thirdly, it demanded that the Azad Kashmir forces should "remain intact", and "surveillance of the commission... does not imply the

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(5) Text of the letter of Prime Minister of India dated 20.8.48 - Essential Document and notes on Kashmir dispute - 1958, p. 164.

(6) Ibid.

(7) Ibid., p. 169.

exercise of control over or interference in the administration." of Azad Kashmir territory. (8)

When the parties disagreed on the proposals made by the commission the commission sent its member, the Colombian delegate, as we had seen earlier, to the sub-continent. During his conversations with the Prime Minister of India, Mr Lozano, the Colombian member, was asked whether the offer to hold a plebiscite would be binding even when the first and second parts of the resolution of 13 August 1948 were not carried out, Mr Lozano replied in the negative. (9)

Later when Mr Korbél, Chairman of the UNCIP submitted his report to the Security Council during January 1949, (10) referred that "the representative of Colombia Mr Lozano accompanied by his alternate Mr Samore Gomez and the personal representative of the Secretary-General paid a short visit to both the capitals and held several conversations with officials of India and Pakistan. In view of the clarifications which Mr Lozano offered to both governments, "I am highly privileged to announce that both the Governments have accepted the proposals." (11)

The conciliatory attitude shown by the Colombian delegate gained appreciation and also resulted in the cessation of hostilities.

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- (8) Pakistan letter to the Commission on 19-8-48 - Essential document and notes on Kashmir dispute - pp. 94.  
 (9) S.C.O.R. 768 meeting - 1957.  
 (10) S/1196, Annexe VI.  
 (11) "Korbél, "Dangers in Kashmir" ( ), p. 153.

After the cease-fire had been implemented by the parties the Commission began to work for the settlement of the problem. It should be remembered that the task of the Commission was not easy since difference still persisted between the parties - Pakistan repeatedly stressing the right of Azad forces to be stationed in Kashmir while, according to India, "A force of 32 battalions... inspired by fanaticism would obviously be menace to the security of the territory which it covers." (12)

It should be recalled that the plebiscite administrator who had been appointed by the Secretary-General in consultation with the parties on 22 March 1949, was making preparatory study for conducting the plebiscite in Kashmir, although no agreement had been reached on the quantum of forces to be stationed in the State.

In such a situation the Commission was inclined to recommend arbitration for settling the differences and accordingly in a letter to both the Governments the Commission named Admiral Nimitz (13) - who had been already nominated as plebiscite administrator - as the arbitrator. India rejected the proposal as it would place both the parties on the same footing. (14)

The Commission at this stage decided to report to the Security Council and accordingly on 5 December the Commission

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(12) S/1196, Annexe 4, December 22, 1948.

(13) Korbelt, "Danger in Kashmir" pp. 157.

(14) S/1430/ Addl 1, Annexe 36.

submitted its third interim report suggesting that a single mediator instead of a Commission with undivided authority would be in a better position to tackle the problem with more prospects of success. (15)

The Security Council on 17 December 1949 requested its President, Gen. A.J. McNaughton, to hold informal talks with the parties for bridging the differences." (16) The delegates of Argentina and Cuba welcomed this proposal. They also praised the commission's efforts. (17) Gen. A.J. McNaughton after having consulted the parties, placed before them his proposals for a gradual demilitarization and for reduction of forces on either side of the cease-fire line, to the extent that the remaining force "would not cause fear at any point of time to the people on either side of the cease-fire line." This proposal was favoured by a majority of the members of the Security Council. (18)

The Indian delegate Mr B.N. Rau rejected these proposals (on 7 February 1950) as it allowed Pakistan to control the northern areas and further it ignored "the legal and moral aspect of the question." (19) General Mc-Naughton had stated while defending his approach that "to a large and

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(15) S/1430/Add. 3.

(16) The proposal was formally put forward by Norway and supported by U.K. and France. S.C.O.R. - 457 - 1949

(17) S.C.O.R., 457 - meeting, 1949.

(18) S/1453, February 6, 1949.

(19) S.C.O.R., 463 meeting, 1950.

important extent, this method of approach does not require us to choose between conflicting interpretations of what has happened." (20) His proposals were favoured both by Cuba and Ecuador delegations. (21) This can be very well seen in the speeches made by these delegations. On 28 February 1950, introducing a draft resolution <sup>(22)</sup> on behalf of four powers - Cuba, Norway, U.K. and U.S. The President of the Security Council Mr C. Blanco of Cuba said, "The delegation of Cuba considers that in its broad lines, the proposals submitted by Gen. McNaughton constitutes an ample, reasonable and practical basis for the solution." (23) He also regretted the inability of the parties to accept these proposals, while the U.S. delegate found these proposals "fair and sound". Similarly the Ecuadorian delegate Mr Viteri Lafronte referring to the reports submitted by Gen. A.J. McNaughton (S/1430, S/1430, Addl. 1, S/1430 Addl. 2, S/1430, Addl. 3 and S/1453) said that these reports were "completely realistic and contain a number of recommendation to the parties to the dispute together with comments of both the parties with respect to Gen. McNaughton's proposals." (24)

Referring to the four power draft resolution, the Ecuadorian delegate added "that the draft resolution shows much

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(20) Ibid.

(21) S/1461.

(22) S.C.O.R.-468 Meeting 1950.

(23) Ibid.

(24) Ibid.

understanding of the problem and shows a desire to make conciliation possible between the parties." (25)

It is thus interesting to note the Latin American's stand with regard to the McNaughton's proposals which later became the basis for the four-power draft resolution. Even though the Indian representative had disapproved of these proposals, the Cuban delegate said that the principles set forth in paragraph II of the proposals submitted by General McNaughton could serve as a basis for the establishment of a plan to bring about demilitarization as soon as possible. (26)

The four-power draft resolution adopted on 14 March 1950, urged the parties

- (1) to execute within a period of five months from the date of this resolution, the demilitarization programme on the basis of paragraph II of Gen. McNaughton's proposal or of such modifications of those principles as may be mutually agreed.
- (2) This resolution also transferred the power and responsibilities to a U.N. representative, who would assist in the preparation and supervision of the programme of demilitarization.

Accordingly an agreement was reached by the parties on the selection of Sir Owen Dixon, an Australian jurist, as the

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(25) Ibid.

(26) S.C.O.R. - 468 meeting - 1950.

U.N. representative. The Security Council approved his appointment on 12 April 1950 by eight votes to none with two abstentions (India and Yugoslavia). Both Cuba and Ecuador voted in favour of the appointment. (27)

The representative of Ecuador, Viteri Lafronte, referring to the appointment of Sir Owen Dixon, stated that "the problem of demilitarization will undoubtedly present many technical complexities of purely military character. On that account however, it would not be appropriate to neglect the importance of having named a judge to the difficult functions of the U.N. Representative". (28) The mediation effort of Sir Owen Dixon began on 20 July and even from the beginning the parties disagreed on proposals regarding demilitarization. (29)

Sir Owen began by giving alternative suggestion to the parties. He did not fail to recognize the violation of international law indulged by Pakistan and with this vital approach he began to recommend his first step for demilitarization. He wanted Pakistan to withdraw its forces; only then subsequent operations of demilitarization were to begin. He also asked for the withdrawal of Indian troops as well as for disarming and disbanding of the Jammu and Kashmir state forces and the state militia subject to the need for (a) assist-

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(27) S.C.O.R. - 471 meeting - 1950.

(28) Ibid.

(29) S/1791.



ing civil power and maintaining order, (b) guarding the northern approaches to the valley against possible incursions. (30)

India could not accept these proposals on the grounds that disbanding the state militia which was acting as the police force would affect the law and order situation in the state, and such withdrawal enhanced the possibility of an attack by Pakistan. The attempt to obtain demilitarization thus broke down. (31)

Sir Owen Dixon thereupon submitted other alternative proposals, which were equally unacceptable to the parties. Submitting his first report to the Security Council on 15 September 1950 he mentioned the parties' failure to accept the proposals resulting in a deadlock. (32) He also outlined the difficulties that arose in the way of partitioning the valley, as an alternative to plebiscite. In partitioning the state, the problem basically arose over the Kashmir valley - an area claimed by Pakistan, because of its Muslim majority and the waters of Jhelum. Mr. Dixon suggested that since fighting had stopped "the initiative should now pass back to the parties".

This issue was thus back in the Security Council during early 1951. The discussions were then initiated by Representative of Britain, Galdwyn Jebb. He submitted a draft

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(30) Ibid.

(31) Ibid.

(32) S/1791 - Report of Sir Owen Dixon - 15 September 1950.

resolution, (33) supported by the Representative of U.S. The resolution dealt broadly on the problem of demilitarization and plebiscite. It accepted Dixon's resignation and agreed to appoint his successor. It also wanted due consideration to be given to Dixon's suggestions. Finally it called upon parties, in the event of their failure to agree, to accept arbitration on all outstanding points of difference by one arbitrator or a panel of arbitrators appointed by the International Court of Justice in consultation with the parties.

The Brazilian delegate Mr. Muniz praised the Anglo-American draft resolution. He recognized it as an "expression of the assiduity and devotion" with which U.K. and U.S. have sought to reconcile the two oppressing sides. Further he felt that the draft resolution provided "an appropriate basis for a definite settlement of the Kashmir problem."(34) Like other western powers, Brazil supported arbitration as a means of settling differences arising out of the interpretation of UNCIP resolution and the formulas put forward by the U.N. Representative. The Brazilian delegate, on this occasion, referred to the fact that "In course of our conversation, I submitted to the representative of India and Pakistan a formula, which to my mind, would offer the best safeguard of impartiality and fairness for

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(33) S/2017/Rev 1.

(34) S.C.O.R. - 538 meeting - 1951.

the adjudication of the points of dispute. The formula read as follows:

In the event of their discussion with U.N. Representative, failing in his opinion to result in full agreement, the parties agree to accept arbitration on all outstanding differences arising from the interpretation of UNCIP and as formulated by U.N. Representative, such arbitration to be carried out by a panel of arbitrators consisting U.N. Representative and one arbitrator nominated by India and Pakistan each. (35)

To this suggestion the representative of Pakistan gave full support. But the Indian delegate did not accept this proposal." (36)

Naturally a question arises in our mind, why then the Brazilian representative so enthusiastically supported the method of arbitration in solving the problem. The answer can be very well found in the speeches of the Brazilian delegate itself. While supporting the joint draft-resolution, he said, "the principle of arbitration is particularly appealing to my government. The Brazilian constitution specifically provides for obligatory recourse to arbitration. It was also by arbitration that Brazil was able to settle some of the most difficult -

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(35) Ibid.

(36) Ibid.

disputes which arose during the delimitation and demarcation of the boundaries". (37)

Similarly supporting the arbitration clause of the resolution, the Ecuadorian delegate, Mr Quevedo, wondered "In view of Articles 33 and 36 of the Charter and if there is no agreement between the parties, the recommendation for arbitration in paragraph (6) of the draft resolution (U.K. - U.S.A.) is both relevant and wise; limited, as it is in paragraph 5 to the difference of opinion relating to the interpretation and implementation of the resolutions of 13 August 1948 and 5 January 1949 (S/1100, S/1196). My delegation sees no reason why it should cause prejudice to both the parties." (38)

It is very interesting to note that the Latin Americans not only supported the Western powers but also proposed the arbitration clause, with which they were familiar, as a means of settling the dispute. It should not be interpreted that they have neglected Indian viewpoint but it should only be looked in a proper perspective of their political system.

Dr. Frank P. Graham, who succeeded Sir Owen Dixon, took up the responsibility for effecting demilitarization. On 7 September 1951 he put his proposals for the consideration of the two parties and suggested that the demilitarization should take place in a "single continuous process", (39) and it should be completed within a period of ninety days. He also made proposals that after Pakistan had withdrawn its

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(37) S.C.O.R. - 538 meeting - 1951.

(38) S.C.O.R. - 539 meeting - 1951.

(39) S/2375 - Oct. 1950 Paras 24-28.

tribesmen, and Pakistan nationals, then the actual programme of demilitarization would be framed in consultation with the two governments and their military advisers under U.N. auspices. The parties held divergent views on the following proposals of Dr. Graham:

(1) With regard to period of demilitarization India considered that the period of ninety days was not adequate for the withdrawal of its troops while Pakistan accepted this proposal.

(2) With regard to withdrawal of troops, India made it clear that it would withdraw the bulk of its troops only when Pakistan had withdrawn the tribesmen, and a large scale disbandment and disarmament of the Azad forces had been effected.

(3) The parties also differed with regard to the quantum of forces to be left on either side of CPL and on the appointment of plebiscite administrator. (40)

Though Pakistan agreed with the proposal, in its letter dated 12 September 1961, (41) it came up with some reservations on the strength of forces that were to be stationed along the cease-fire line. India could not appreciate the suggestion of appointing a plebiscite Administrator in such a situation.

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(40) Ibid.

(41) Ibid.

The first report of Dr. Graham was considered by the Security Council on 18 October and on 10 November 1951. (42)

On 10 November, the Council adopted an Anglo-American draft resolution which noted with approval the basis of the programme for demilitarization put forward by U.N. Representative in his communication to the parties on 7 September 1951 and instructed Dr. Graham to continue his efforts. (43)

The Brazilian representative who was then the President of the Security Council, speaking as the representative of his country said, "Although Dr. Graham was not in a position to report agreement between the parties, he received assurance of their determination to work for a peaceful settlement. This is why the Brazilian delegate favours the joint-draft resolution before the Council, which allows for further exploration of all possible approach to the matter". (44)

Further efforts of Dr. Graham at Paris only reaffirmed the existing differences between the parties.

The Security Council began to discuss the second report of Dr. Graham from 10 January 1952. The U.S.S.R. representative Mr. Jacob Malik accused the U.K. and U.S.A. of prolonging the dispute and trying to convert Kashmir into a protectorate of the U.S.A. and U.K. under the pretext "of rendering assistance through U.N." (45)

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(42) Ibid.

(43) S/RES/96 (1951) 10 November 1951.

(44) S.C.O.R. - 564 meeting - 1951.

(45) S/PV 571, 17 January 1952 - PP. 13-18.

When the Security Council met again on 30 January 1952, the Chilean delegate Mr. Santa Cruz supported the proposals made by Dr. Graham on demilitarization. Referring to the attitude of the Soviet Union, he stated "This is one more demonstration of the fact that now-a-days there are no local disputes. Every dispute past or future would be made use of in the cold war and the struggle for strategic positions. Anyone of these disputes may be the starting point of the great conflagration which we all desire to avoid." (46) Thus it was well pointed out by the Chilean delegate that the race for power was growing among the Super Powers and that they would not hesitate to exploit other smaller powers to achieve their ends.

As per the request of the Security Council Dr. Graham continued his mediation efforts and submitted three more reports, the theme of which had been already discussed in the introductory chapter.

The efforts of U.N. representatives to bring about demilitarization of the State of Jammu and Kashmir to propose a solution for the final disposal of the Kashmir State remained unsettled due to the divergent interpretations and proposals put forward by the parties.

The question again figured in the debates of the Security Council during 1957. Due to her allegiance to the western blocs during 1950s, Pakistan now felt more confident

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(46) S.C.O.R. - 571 meeting - 1952.

of the support it could mobilize in the Security Council. With this attitude it again brought the Kashmir issue to the world body. (47) The Security Council by a resolution of 14 February 1957 appointed Mr. Gunnar Jarring who was then the President of the Security Council, "to examine the proposals with Government of India and Pakistan, which, in his opinion, are likely to contribute to the achievement of demilitarization or establishment of other conditions for progressive settlement of the dispute." (48)

To this resolution, the Soviet Union proposed an amendment which sought to drop all references to the U.N. force, which was in fact supported by Pakistan from the beginning. The amendment also eliminated demilitarization as the goal to be nursed by the President. (49) Cuba and Philippines opposed the Soviet amendment. When the Security Council failed to uphold this amendment, the Soviet Union, exercised its veto. In this instance we should also consider the amendment proposed by Colombia (50), which aimed at giving to Mr. Jarring all the necessary time and latitude to accomplish his mission. The Colombian amendment also failed to get any support from the members of the Security Council. The U.K., U.S.A. and Australia proposed a revised

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(47) S/3767, 2 January 1957.

(48) S/3787.

(49) S/3789.

(50) S/3791. Rev 1.



resolution, omitting the portion which was opposed by the U.S.S.R. and India. This resolution was adopted on 21 February 1957. In accordance with this resolution, (51) Mr. Jarring visited the sub-continent between 15 March and 11 April 1957 and held talks with both Governments. This mission of Mr. Jarring did not bring about any change in the situation. It only highlighted the divergent attitudes adopted by the concerned parties. (52)

Speaking on Mr. Jarring's mission, the Cuban representative, Mr. Nuñez-Portuondo, said that "the Cuban Government wishes to congratulate the representative of Sweden, Mr. Gunnar Jarring, on his skilful handling of the difficult mission entrusted to him by the Security Council." He further said that "we have neither heard nor read that the Government of India refuses to fulfil the undertaking voluntarily accepted." (53) The obligation referred here was the term of the UNCIP resolutions of 13 August 1948 and 5 January 1949.

This statement of the Cuban delegate called upon only India to stand by the obligation "voluntarily accented", while there was no mention of the other party's (i.e. Pakistan's) obligations. When one analyses the statement of other western power one finds a similar attitude being adopted. This comes out clearly when we glance at the

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(51) S/RES/123 (1957) - 21 February 1957.

(52) S/382 / - Report of Gunnar Jarring, 29 April 1957.

(53) S.C.O.R. 798 meeting - 1957.

statement made by the Cuban delegation in the same meeting with reference to Baghdad Pact. "In our opinion," he said, "the fact that Pakistan belongs to a defensive military alliance such as is constituted by the Baghdad Pact has no relation to the problem under discussion." (54)

It will be very interesting if one reads the Cuban delegate's statement juxtaposed to the one made by Chaudhri Mohammad Ali, then Prime Minister of Pakistan, who said in the Security Council that "the hope of resolving Kashmir tangle to Pakistan's satisfaction through acquisition of military strength by joining the Baghdad Pact, and SEATO is the very raison d'etre for Pakistan to remain a member of these pacts." (55) One cannot easily ignore this statement of the Prime Minister of Pakistan and one wonders how the Cuban delegate ignored this statement. The statement of the Cuban delegate gives an opportunity for one to interpret the attitude of the delegation as partial towards Pakistan or of one subscribing to the views of the Western powers.

During early 1958, the efforts of Mr. Graham was again requisitioned by the Security Council in arriving at a solution for this problem. No tangible result, however,

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(54) Ibid.

(55) S.C.O.R. - 795 meeting - 1957.

was achieved. The parties again resorted to direct negotiation. But, Pakistan came back to the Security Council on 11 January 1962 with a complaint that the internal situation in Kashmir had deteriorated and that direct negotiations had failed. (56)

The Security Council met on 1 February 1962 to discuss Pakistan's request. The discussions that followed on this issue during this year did not result in any settlement of the thorny problem of demilitarization. But during the debates the U.S.S.R. representative had clearly shown his sympathy towards India. (57) He stated that, the Security Council meeting thus convened at the request of Pakistan was "unnecessary and uncalled for."

When the American representative recommended on 21 June 1962, an impartial third party mediation to settle their dispute, the Soviet delegate criticised this suggestion and branded it as "inadequate", "inaccurate" and "unsuccessful" one. (58)

In this context, the Venezuelan representative Mr. Sosa Rodriguez said that "my delegation feels that in such circumstances the best course would be for the two parties to discuss the questions between themselves in direct negotiations." In such circumstance he wanted Council to limit its action

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(56) S/5058, 11 January 1962; also see S/5068, 29 January 1960.

(57) S/PV 990.

(58) S/PV - 1015 - 21 June 1962, P.2.

in recalling the principles contained in its previous resolution and invite the parties to undertake direct negotiation as soon as possible", and act on this direction so that "in an atmosphere of understanding and harmony they may arrive at a final solution of the problem of Kashmir." (59)

The Chilean delegate Mr. Schweitzer, who spoke subsequently, expressed a similar view. He said "In my government's view, the solution would consist in a resumption of direct talks between the two countries with a view to finding a formula upon which they can agree for settlement of the dispute." (60) Thus the Latin American countries took a stand in support of direct negotiations. This may be due to their inclination to keep themselves away from the super power politics with which the Security Council was full at that time. Moreover, the Soviet Union had vetoed the Irish draft resolution introduced on 22 June 1962 (S/5134). The basic contention of U.S.S.R. delegate being that paragraph 5 of the resolution requested "the Secretary-General to provide the two governments with such services as they may request for the purpose of carrying out the term of this resolution," (61) which according to the delegate contained the idea of "third party mediation". He also

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(59) S.C.O.R. 1015 meeting - 1962.

(60) Ibid.

(61) S/PV 1016 22 June 1962 P.2.

recalled the views of the Indian representative, who was never opposed to the idea of bilateral negotiation without the interference of a third party mediation. So when they were to express their opinion in this issue, the Latin Americans followed a policy of neutrality and moderation. But it should be noted in this context, that though the Latin American delegation withdrew from co-sponsoring the draft-resolution, they did not refrain from voting in favour of the resolution.

The efforts of demilitarization was stamped down when fresh invasion took place on Indian territory by Pakistan during August 1965. So much so the members of the Security Council in this period were seized with the problem of ending the conflict, that had arisen.

### Conclusion

This brief survey on the demilitarization proposals has been made to assess the attitude of the Latin American delegates with regard to Kashmir question. There are certain inferences which we can draw from this analysis. Majority of the Latin American delegates subscribed to the views of the western bloc. But during the debates in 1957, Colombia delegate expressed his views frankly and brought out clearly to Members of the Security Council the influence exerted by Western Powers. The Cuban view of the relevance of the Baghdad Pact was one more example of pro-Western sympathies before 1960's. And when Cold War politics percolated into the Security Council most of the Latin American countries adopted a neutral attitude.

CHAPTER IV

PLEBISCITE

## CHAPTER IV

### Plebiscite

The attitude of the Latin American members to the issue of plebiscite makes a fascinating reading.

"No settlement of any territorial question will last if the will of the people who live and toil in these lands is not fully respected". So said the Brazilian delegate in the Security Council on 15 February 1964. (1) Other delegates of Latin America expressed a similar view from time to time throughout the period under study.

The question of holding a plebiscite in order to decide the accession of Jammu and Kashmir either to India or to Pakistan was an early recommendation accepted by both the parties. As Mr. Z.A. Bhutto of Pakistan said in the Security Council "The issue involved is simple and clear: right of a people to self-determination and the obligation of the states to honour international commitments". (2) As we had earlier seen, the plebiscite was the final step recommended by the UNCIP resolution of 13 August 1948 and 5 January 1949 which was to be taken after the two parts of the said resolution had been implemented. Since a deadlock was reached on the implementation of part II of the

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(1) S.C.O.R. 1115 meeting - 1964.

(2) S.C.O.R. 1089 meeting - 1964.

Resolution, Part III (3), remained unimplemented. The final disposal of the state in accordance with the wishes of the people, was the main aim of the Security Council ever since the Kashmir issue was brought to its attention. The respect for the principle of self-determination was affirmed in the Security Council by a majority of the members. There were no divergent opinions regarding the relevance of plebiscite to the situation, but differences persisted only in the process of the accomplishment of that aim. Since 1948, when the question of Jammu and Kashmir figured in the Security Council for the first time the contending parties viz., India and Pakistan, held divergent views on the procedure to hold a plebiscite. The basic differences related to (a) the issue of accession (b) the role of the U.N. in the conduct of the plebiscite, (c) the withdrawal of troops, and (d) the relevance of the interim administration. (4)

Pakistan felt that the issue of accession was an open one, in which India and Pakistan had equal rights. On the other hand, for the Indian government the accession was an issue between India and the people of Kashmir. Pakistan favoured entrusting the U.N. with "authority and responsibility" for "holding, organising and supervising the

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(3) Part III of the UNCIP Resolution of 13 August 1948 and 5 January 1949 dealt with implementation of the plebiscite proposals.

(4) S/1100 - First Interim Report of UNCIP.



the plebiscite. (5) India wished to have the plebiscite conducted by the democratically constituted Government of Kashmir, although it did not rule out the acceptance of the U.N. authority to "observe and to advise" on this matter (6) The parties had also held divergent views with regard to the internal administration of the State. Pakistan wished for "an impartial interim administration" arranged by the U.N. Commission, while India favoured an emergency administration with Sheikh Abdullah as its head. (7) These basic disagreements bedevilled the settlement of the problem from the beginning. (8)

On 29 January 1948 the President of the Security Council (the Belgian Delegate) introducing a draft resolution emphasised the need for "a plebiscite or a referendum to be held under international auspices" he made it clear "that such plebiscite must be organised, held and supervised under the authority of the Security Council". (9)

During the debate of the Belgian draft, the Argentinian delegate wholeheartedly favoured the proposal. (10) But Mr. Lopez, the Colombian delegate, favoured an impartial

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(5) Ibid.

(6) Ibid.

(7) Sisir Gupta - "Kashmir - A Study in India - Pakistan Relations" (Asia Publishing House) PP 157.

(8) Ibid.

(9) S/661.

(10) S.C.O.R. 240 meeting; 4 February 1948.

plebiscite organised by the Government of Jammu and Kashmir State (11). Colombia recognised that the question of accession of Jammu and Kashmir should be settled by a plebiscite and further declared that the focus should be on a desirable and democratic method of determining the future status of Jammu and Kashmir state "provided that the will of the people was given free, fair and unfettered expression." (12) Mr. Lopez went on to stress that the interim administration thus formed should "command the full confidence and respect of the people of Jammu and Kashmir." He recommended that the arrangement for holding the plebiscite should be organised under the "advice and supervision" of the U.N. Commission.

For India the question of the accession and of holding the plebiscite were matters that came within the "ambit of internal sovereignty." (13) For Pakistan the United Nations should take a more active part than being merely an observer, (14) and it should conduct the plebiscite under its auspices. On 17 April 1948 Colombia, Belgium, Canada, China, U.K. and U.S. proposed a draft Resolution which was adopted on 21 April 1948, was based mainly upon the recommendations made by Colombia. (15) This resolution was the

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(11) S.C.O.R. - 241 meeting - 1948.

(12) S.C.O.R. - 242 meeting - 1948.

(13) Ibid.

(14) S.C.O.R. - 265 meeting - 1948.

(15) S/726.

first one that instructed the Commission to hold a plebiscite and also laid down specific instructions to both the parties about the obligations that they were to fulfill. It also requested the Government of India to extend its full support and cooperation to the plebiscite Administrator who would be a "nominee of the Secretary-General of the U.N."

The Commission as we have seen visited the sub-continent and the efforts of the Commission failed to accomplish its objective. Further negotiations took place at Paris, the outcome of which was the resolution of 5 January 1949 which was to supplement the resolution of 13 August 1948. (16) The Resolution of 5 January 1949 became the basis for conducting the plebiscite.

The resolution in its part 2 stated that "A plebiscite will be held when it shall be found by the Commission that cease-fire and truce arrangements set forth in parts I and II of the Commission resolution of 13 August 1948 have been completed."

The Secretary-General in accordance with the recommendation of the Commission nominated Fleet Admiral Chester Nimitz as the Plebiscite Administrator. (17) As it had been stated earlier, this resolution would not bind the Parties unless part I and II of the resolution of 13 August 1948 had been accomplished. This point was made clear when the

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(16) Josef Korbel "Danger in Kashmir" PP-151.

(17) Admiral Nimitz was nominated on 22 March with the resolution S/726 on 22 March 1948.

Colombian member of the Commission had a discussion with the Prime Minister of India, Mr Nehru. (18) At this stage it is interesting to recall the statement made by the Colombia delegate in the Security Council during 1957 defending the position of the Commission on the Kashmir issue. He said "The Chairman of the Commission, during these discussions (with India in particular), was the representative of Colombia and therefore, I felt it was my duty to examine the records. And of course I found, first of all, that when the Commission was asked whether it wanted to enter into discussion on the legality of Indian Sovereignty over Kashmir, the Commission said it would prefer not to do so; second, when Mr. Nehru asked Mr. Lozano whether the offer to hold plebiscite would, in the Commission's view, entail an unconditional commitment, if the first and second parts of the resolution of 13 August 1948 were not carried out, Mr. Lozano replied very definitely 'No'." (19)

The Colombia delegate, at the time of the appointment of the plebiscite Administrator, reminded that the person to be nominated should be "neutral". "Unfortunately" said the Colombia delegate, "the other delegations to the Security Council had explicit instructions to urge that the plebiscite Administrator should be a U.S. citizen. My delegation suggested in private conversations also, that we should accept the Indian government's suggestion that

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(18) Aid-Memoire 22 December 1948.

(19) S.C.O.R. - 768 meeting - 1957.

the President of the International Red Cross should be appointed as the plebiscite Administrator. If, at that time, we had accepted the plebiscite Administrator proposed by India, viz. the President of International Red Cross, the plebiscite would already have been held, instead of that, Admiral Nimitz waited nine years in New York for an opportunity to organize the Plebiscite. But these errors are delicate matters, because an apparent diplomatic victory, obtained at certain time, served propaganda purposes, but undid all the work that the Commission had accomplished". (20)

The speech of the Colombia delegate has been quoted at length as it clearly shows in retrospect that an impartial attitude had been adopted by Colombia. The friendly attitude of Colombia towards India was consistent throughout the period. Not many countries, as we had seen earlier, took such an impartial stand as Colombia.

As no progress was made by the UNCIP (21) the Commission recommended on 5 December 1949 that the task of mediation be entrusted to a single person with "undivided responsibility and broad authority." (22) At this instance, the Czechoslovak member of the Commission presented a minority report. (23) Criticising certain aspects of Commission's

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(20) Ibid.

(21) S/1430.

(22) Ibid.

(23) S/1430/Addl 3.

work for not being free from outside influences, Czeckoslovak member stressed that the proposal for arbitration was unauthorized and beyond the Commission's terms of reference. The arbitration proposal was placed at the disposal of the UK and USA governments even before it was placed for consideration of the parties. (24) After hearing the reports of the Commission, the members of the Security Council suggested that Gen. McNaughton of Canada could hold informal talks with the parties in order to speed up the conduct of plebiscite. His recommendation stated, as we had seen, that once the demilitarization proposals were put into effect, then "the plebiscite Administrator should proceed forthwith to exercise the function assigned to him under the terms of UNCIP resolution of 5 January 1949." (25) On the basis of Gen. McNaughton's proposals a draft resolution was submitted by Cuba, Norway, UK and USA on 24 February 1952. (26) Both the Cuban and Ecuadorian delegates welcomed this draft resolution. The Ecuadorian delegate affirmed that the draft resolution showed much understanding of the Problem and showed a desire to make conciliation possible between the parties and to develop the matter in such a way as to lead to "a speedy solution of the dispute". (27) He also affirmed that an impartial plebiscite would lead "to a final solution of the dispute".

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(24) S/1430/Add 3.

(25) A/1453.

(26) S/1461.

(27) S.C.O.R. - 468 meeting - 1950.

In consequence of this resolution Sir Owen Dixon was appointed as the UN Representative. When Sir Owen Dixon submitted his reports to the Security Council, he mentioned the deep disagreement of parties with regard to his proposal for demilitarization as a first step for holding a free and impartial plebiscite. As his mediatory efforts failed, he concluded that the only possible means of settling the dispute lay in the partition or in some means of allocating the valley, "rather than in overall plebiscite." (28)

The question of the plebiscite figured once again in the Security Council when it met on 21 February 1950 at the request of Pakistan. The Security Council adopted a revised Anglo-American draft resolution (29) which urged the parties to settle their dispute amicably. It also took notice of Pakistan's complaint that the Constituent Assembly of Jammu and Kashmir would be convened for determining the future shape and affiliation of the state. The resolution affirmed that any action that the Constituent Assembly might attempt to take would not be in accordance with the earlier UN resolution. The revised draft resolution was unacceptable to India, in view of certain objectional features. The resolution reaffirmed that the final disposition of the state would be made "in accordance with the will of the people through the democratic method of a free

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(28) S/1791.

(29) S/2017/Rev.

and impartial plebiscite", conducted under UN auspices. The Brazilian delegate supported this reference to the plebiscite issue and said "I think I am correct in saying that by endorsing the two resolutions (S/2017, S/2017 Rev1) the Government of India and Pakistan definitely settled the most important political question involved in the final disposal of Jammu and Kashmir state with regard to plebiscite". (30)

The Ecuadorian representative considering the convocation of the Constituent Assembly of Jammu and Kashmir said, any decision taken by the Constituent Assembly for the future disposal of the State "could not be regarded as valid and would not therefore be recognised as a settlement of the problem". (31) He wanted the Security Council to intimate these thoughts categorically to the representative of India.

The U.N. Representative for India and Pakistan Dr. Frank P. Graham, who was appointed in succession to Sir Owen Dixon, submitted in his reports to the Security Council his recommendation to the parties and their viewpoints regarding demilitarization and plebiscite. At this stage the parties also disagreed on the appointment of a plebiscite Administrator. (32)

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(30) S.C.O.R.-538-1951. At this point we must point out that the Brazilian delegate was not very accurate when he equated India and Pakistan regarding the endorsement of the resolution S/2017 as we had seen earlier, that India had opposed it, backed by the Soviet Union.

(31) S.C.O.R. - 548-1957.

(32) S/2375, and corrl.



Dr. Graham's efforts mainly rested on the issue of demilitarization. The question of accession of the state to India was again brought up before the Security Council during 1957. By a letter of 2 January 1957 Pakistan informed the Security Council about the activities of the Constituent Assembly. Pakistan wanted India to honour its commitments to the UNCIP. The Indian representative, pointed out that the problem of Kashmir was one of "aggression and invasion". He pleaded for "action consistent with the crime of invasion." (33) The Indian delegate also referred to the change in the situation since the acceptance of UNCIP resolution, and to the fact of growing military potentialities brought about by the participation of Pakistan in regional military Pacts. (34)

Even before the Indian delegate finished his speech a draft resolution, sponsored by Australia, Colombia, Cuba, the UK and USA was circulated to the members of the Security Council. The Indian representative wanted this action of the Security Council to be documented in the records of the Security Council. The Cuban delegate Mr. Nunez Portuondo, supporting such a position said, that "his delegation would have preferred this draft resolution to be presented after the representative of India had finished his statement," (35)

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(33) S.C.O.R. 762, 763, 769 meeting 1957.

(34) Sisir Gupta, "Kashmir - A Study in Indo-Pakistan Relations" - p. 315.

(35) S.C.O.R. 765 memo 24 January 1957.

"however", the Cuban delegate felt that "the representative of India would have no reason to oppose it as the resolution referred to situations already agreed upon." (36) The resolution reaffirmed the earlier one of 30 March 1951, that dealt with the convocation of the Constituent Assembly and the final disposal of the state. (37) Cuba and Colombia supported this resolution as, according to them, it did not bring into consideration "any new element" that could not be accepted by India and Pakistan. (38) The Colombian delegate referring to the draft resolution reminded that "I might perhaps add that our interest in the India and Pakistan question to some extent reflects Latin American's understanding of this type of problem; we remember that when we gained our independence from our respective mother countries, we also had similar problems among ourselves. Experience has taught us that lasting solution can only be obtained by peaceful means." (39) The Colombian delegate proposed an amendment (40) - as we had seen earlier, urging the inclusion of the letter addressed by the Prime Minister of India (S/1100 para 8) to the Chairman of the UNCIP on 20 January 1948" as this is the only basis, the only foundation in law which the Council has in this matter on either side. This letter provides the only reason which entitles

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(36) Ibid.

(37) S.C.O.R. - 765 meeting - 1957.

(38) Ibid.

(39) Ibid.

(40) S/3789/Rev.

us to insist upon a plebiscite." His amendment was rejected. The Colombian delegate, referring to the earlier resolutions, said "What we are asking India is that in accordance with the offer it made to us in 1948 (through UNCIP) - even if it (Kashmir) was legally a part of India - it should agree to a plebiscite," and that if "the majority of the people of Kashmir wish to cease being Indian and become part of Pakistan, India should agree." (41) He continued saying that "the parties should either settle the issue of Kashmir by submitting it to the International Court of Justice at Hague or should respect self-determination by allowing the people of Kashmir to choose the alternative whether to accede to India or not." (42) Both the Latin American delegates requested the President to endeavour towards the settlement of this problem. The Cuban delegation made it more clear by urging the President of the Security Council "to bring about the conditions which will allow the holding of the plebiscite." (43)

The next move relevant to the discussion is the mission entrusted to Mr. Jarring. His recommendations were largely with regard to demilitarization and the plebiscite. The Cuban delegate expressing his appreciation for Mr. Jarring's mission said, "we realise that the -

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(41) S.C.O.R. - 768 - meeting 1957.

(42) Ibid.

(43) S.C.O.R. - 798 - 1957.

passage of time has made the fulfilment of the agreement more difficult, but we must add that it does not make it impossible". (44) The Council subsequently adopted a resolution on 2 December 1957, proposed by Australia, Colombia, Philippines, the UK and USA which appealed to the parties to refrain from any statement which might aggravate the situation. It also recommended the appointment of an UN Representative in succession to Mr. Jarring. Both Colombia and Cuba voted for this resolution that brought back Mr. Frank P. Graham as the UN Representative. He presented to the parties a five-point proposals regarding the withdrawal of troops, to be followed by an agreement between the two governments for holding a plebiscite. The parties did not agree to the proposal.

The Security Council met in February and June 1962 at the request of Pakistan. Though the Council members made several attempts to bring India and Pakistan closer, but no advance was made. The Indian representative on the occasion categorically declared that "we will come here everytime you ask, but on no condition shall we trade on our sovereignty. On no condition shall we sell our heritage". (45) The Chinese (Formosa) delegate suggested the services of the Secretary General to bridge the differences. (46) The delegate of Ghana

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(44) S.C.O.R. - 1008 <sup>24</sup>/1962.

(45) S.C.O.R. - 1037 <sup>24</sup>/1962.

(46) S.C.O.R. - 1014 <sup>24</sup>/1962.

proposed the assistance of a third party. The Venezuelan and Cuban delegates favoured direct negotiation which was in agreement with the Indian viewpoint. The Venezuelan delegate Mr. Sosa Roeriguez, observed that accession of Kashmir to India could not be violated. From the terms drawn up by Maharaja Hari Singh on 26 October 1947 and the Governor-General of India's reply on 27 October 1947 "which promised that the accession remained a subject to a later act, namely its ratification through the consultation of the people of Kashmir." (47) The Cuban delegate regretted that a final solution had not been reached by the parties due to the <sup>interpretations</sup> "divergence and discrepancies that persisted between them." The views expressed by the Venezuelan delegate should be given due consideration, but at the same time, we wonder, why these delegations have not taken into account, the change in situation referred to earlier by the Indian representative.

The year 1964 witnessed improvement in the political relations between the parties. It provided a ray of hope. Nevertheless an incident took place as referred earlier, which aggravated the situation. The loss of the sacred relic from the Mosque (Hazratbal in Kashmir) created a political turbulence. (49) This, along with the steps taken by the Government of India regarding the future status of the state

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(47) Ibid.

(48) Sisir Gupta, "Kashmir - A Study in India-Pakistan Relations" - pp. 355.

(49) S/5517.

of Jammu and Kashmir (50) was quoted by Pakistan as reasons for urging the Security Council to meet once again to discuss this problem. The Indian representative speaking in the Security Council on 5 February 1964 said that the communal disturbances referred to by Pakistan were local incidents and he reaffirmed the determination of India not to allow the unity, integrity and solidarity of the country to be sacrificed and made it clear that Kashmir had already become an integral part of the Indian Union. (51)

The Bolivian delegate Mr. Justiniano hoped that an early and adequate solution would be found for this "difficult and complex problem which was compounded by every sort of element, down to the most primitive one such as religious elements". (52) The Brazilian delegate Mr. Carlos Alfredo Benardes also expressed a similar feeling. These delegates did not commit themselves to any viewpoint. This makes one to conclude that the Latin American delegate, with some exception, generally wanted to take a non-committal stand with regard to the plebiscite issue, or they wanted to subscribe to the majority of the views expressed in the floor of the Security Council.

Nevertheless, The Brazilian delegate said, "According to our own tradition of setting our boundary question through peaceful means, by negotiations, mediation good offices and arbitration,

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(50) S.C.O.R. - 1088 meeting in 1964.

(51) S.C.O.R. - 1091 meeting in 1964.

(52) S.C.O.R. - 1092 meeting in 1964.

my own country, Brazil, will always be ready not only to suggest but also encourage such cause of action." (53) He also assured that his country "would be ready to participate in any action by the Council, that would take these principles into account which are conducive to promoting the necessary conditions of confidence for the resumption of direct negotiations between India and Pakistan". (54) Similarly the Bolivian delegate wanted that "from this high tribunal of world peace we should issue an appeal to the government of India and Pakistan that in an atmosphere free from violence, they should analyse the responsibility, they have not only to other nations, but to their own people and find a peaceful solution". (55) Thus both the parties favoured direct negotiations as a way to reach a speedy solution to this long standing problem. The Brazilian delegate clearly noted that no settlement of any territorial question will last if the will of the people who live and toil in these lands were not fully justified. (56)

Thus we see that the approach of the Latin American countries to the question of plebiscite oscillated from a firm adherence to the principle to the recognition of realities.

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(53) Ibid.

(54) Ibid.

(55) S.C.O.R.- 1091 meeting - 1964.

(56) S.C.O.R. - 1092 meeting - 1964.

Conclusion

Though Latin American delegates favoured arbitration to settle all outstanding point of differences that existed between the parties yet they did not fail to express their faith on self-determination and the right of the people.

The views expressed by Colombian delegate during 1957 show the deep concern that the delegate had in evolving a suitable solution for the final settlement of the issue.

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**CONCLUSION**

## CONCLUSION

The significance of the Latin American attitude to Kashmir problem cannot be neglected. The fact that "cold war" politics existed in international relations and organizations, makes this study more important. As it had already been pointed out the Latin American countries, by virtue of their geographical situation, occupy a special and in a way different position in its relations with Super Powers. The numerical strength of the Latin American bloc, in the past, was skilfully employed by the US for its support in the UN; the economic dependence of the Latin American countries on the US, being the main factor. Thus, on the question of Chinese representation 19 out of 20 Latin American countries voted with the United States. (1) Similarly on the question of Hungary and Korea the Latin American delegates voted with the western powers. (2)

But on matters which did not affect the East-West balance and which was not their immediate concern, they enjoyed certain latitude - the Kashmir question fell in this category. In such cases their position varied from neutrality to committed concern. "Our position in the matter (Kashmir question) is the same as that of the UN," (3) said the Cuban <sup>Latin</sup> delegate. But that was not the position of all the American countries. From the beginning of the issue, the Colombian

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- (1) "Latin America and Balance of Power" - Current History, April 1961.
  - (2) Ibid.
  - (3) S.C.O.R. - 468 meeting - 1950.

delegation assumed a position of clear understanding on certain problems of the dispute.

The Colombian delegates, successively, tried to analyse the Kashmir issue as a question to be settled through direct negotiation, the UN tending its help only when the same was requested or accented by the interested parties. For the Colombian delegate the UN was only a forum that would facilitate India and Pakistan to come to the negotiation table. It is left to the parties to find solution. Even on such complex issues, such as demilitarization, the Colombians were very careful in their statements. Regarding the recommendation of arbitration or Third Party mediation, the Colombian delegation was highly sceptical. Similar views were expressed by the Bolivian delegate during 1964. He rightly observed that "the question of Jammu and Kashmir will not be settled simply by resolutions." (4)

We find the Argentinian delegation-- which was active in the debates and negotiations that conducted the ceasefire problem of 1948 - showing sympathy to the view points of the Pakistan Government. At certain moments, Argentina assumed clearly a partisan position against India. It even at one stage recommended that Pakistani armed forces to remain in the territory at the time when the Council was engaged in demilitarizing the area.

On the other hand the position assumed by Brazil, Chile, Cuba, and Ecuador <sup>and Venezuela</sup> were one of subscribing and endorsing

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(4) S.C.O.R. - 1116 meeting - 1964.

the majority view of the Security Council. They had kept a position of non-involvement and equidistance, between the concerned parties. This does not mean that such a stand of these delegates was due to superficial knowledge of the facts of the question or lack of interest in the solution of the same. Most probably the neutral stand of Brazil, Chile, Cuba and Ecuador should be evaluated within the framework of the international situation prevailing at that time.

When the Latin American countries like Brazil supported arbitration as a method to resolve the differences, it should not be considered as their support to the stand taken by the Western Bloc, but it would be proper to interpret it as an evidence of their faith in a tradition which they themselves resorted to when demarcating their own boundaries. So, the support for arbitration, could not be related to their dependency on the US. As the Brazilian delegate remarked, "The principle of arbitration is particularly appealing to my government. The Brazilian constitution specifically provides for obligatory recourse to arbitration. It was also by arbitration that Brazil was able to settle some of the most difficult disputes, which arose during delimitation and demarcation of the boundaries." (5)

The Chilean delegation which did not want to take active part during 1952, changed its attitude during 1962. The Chilean

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(5) S.C.O.R. - 538 meeting - 1951.

delegate Mr. Santa Cruz said, in the Security Council on 30 January 1952 that "As a country we are entirely disinterested in this matter and our attitude toward it is based solely on our preoccupation for the future of the peoples, whose progress we fervently desire and our concern for maintenance of international peace." (6) But during 1962, Mr. Schwitzer, the Chilean delegate, remarked in the Security Council that "My Government which maintains harmonious and friendly relations with both the countries, (India and Pakistan), affected by this question has therefore striven to adopt an impartial and dispassionate attitude doing all in its power to help to reduce the difficulties and find a solution compatible with interest at stake and the principles enshrined in the UN Charter." (7)

The Latin American delegates also did not fail to insist on the principle of self-determination as the solution to this problem. The Colombian delegate wanted a "free, fair and unfettered wishes of the people," to be taken into consideration, and the Brazilian delegate in 1964 said "We firmly believe that the final and lasting solution to this fifteen year old problem can only be found by the parties themselves, taking into account the wishes of the people of the area which is the object of our attention." (8)

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(6) S.C.O.R. - 571 meeting - 1952.

(7) S.C.O.R. - 1014 meeting - 1962.

(8) S.C.O.R. - 1115 meeting - 1964.

Though the Latin American delegates were respected for their devotion to rule of law in international affairs, and for their rational faith on the future of UN, (9) yet they invariably voted with the United States on all the resolutions passed by the Security Council on Kashmir Problem.\*

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(9) S.C.O.R. - 242 meeting - 1948.

\* Reference can be made to annexure for voting pattern of Latin American countries on the resolution adopted.

**APPENDICES**

APPENDIX - I. LATIN AMERICAN VOTING PATTERN IN KASHMIR PROBLEM IN  
THE SECURITY COUNCIL

Resolution Number	Resolution Date	ARGEN- TINA	BRA- ZIL	'BOL- 'IVIA	'CHI- 'LE	'CUBA	'COLU- 'MBIA	'ECU- 'ADOR	'URU- 'GUAY	'USA	'INDIA	'USSR
S/651	17 January 1948	VF	-	-	-	-	VF	-	-	VF	-	A
S/654	20 January 1948	VF	-	-	-	-	VF	-	-	VF	-	A
S/726	21 April 1948 (on all paragraphs)	VF	-	-	-	-	VF	-	-	VF	-	A
S/819	3 June 1948	VF	-	-	-	-	VF	-	-	VF	-	A
S/1469	14 March 1950	-	-	-	-	VF	-	VF	-	VF	A	A
S./2017/- Rev. 1	30 March 1951	-	VF	-	-	-	-	VF	-	VF	A	A
S./2392	10 Nov. 1951	-	VF	-	-	-	-	VF	-	VF	A	A
S./2883	23 Dec. 1952	-	VF	-	VF	-	-	-	-	VF	-	A
S./3778	24 Jan. 1957	-	-	-	-	VF	VF	-	-	-	-	A

VF = Voted For  
VA = Voted Against  
A = Abstention

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Source: S.C.O.R. - 1948, 1950, 1951, 1952,  
1957, 1965.



Continued from prepage:

APPENDIX - I. LATIN AMERICAN VOTING PATTERN IN KASHMIR PROBLEM IN  
THE SECURITY COUNCIL

Resolution Number	Resolution Date	ARGEN- TINA	BRA- ZIL	BOL- IVIA	CHI- LE	CUBA	COLU- MBIA	ECU ADOR	URU- GUAY	USA	INDIA	USSR
S/RES/209	4 Sept. 1965	-	-	co-spo- nsored	-	-	-	-	co-spo- nsored	Passed Unani- mously	-	-
S/RES/210	6 Sept. 1965	-	-	-do-	-	-	-	-	-do-	--do--	-	-
S/RES/211	20 Sept. 1965	-	-	-do-	-	-	-	-	-do-	--do--	-	-
S/RES/214	27 Sept. 1965	-	-	-do-	-	-	-	-	-do-	--do--	-	-
S/RES/215	5 Nov. 1965	-	-	-do-	-	-	-	-	-do-	--do--	-	-

VF = Voted For      VA = Voted Against      A = Absent

Source: S.C.O.R. 1948, 1950, 1951,  
1952, 1957, 1965.

(RESOLUTIONS)

## APPENDIX I

## RESOLUTION OF THE SECURITY COUNCIL

17 JANUARY 1948

(S/651)

The Security Council,

Having heard statements on the situation in Kashmir from representatives of the Governments of India and Pakistan;

Recognizing the urgency of the situation;

Taking note of the telegram addressed on 6 January by its President to each of the parties and of their replies thereto; and in which they affirmed their intention to conform to the Charter;

Calls upon both the Government of India and the Government of Pakistan to take immediately all measures within their power (including public appeals to their people) calculated to improve the situation and to refrain from making any statements and from doing or causing to be done or permitting any acts which might aggravate the situation;

And further requests each of those Governments to inform the Council immediately of any material change in the situation which occurs or appears to either of them to be about to occur while the matter is under consideration by the Council, and consult with the Council thereon.

## APPENDIX II

## RESOLUTION OF THE SECURITY COUNCIL

20 JANUARY 1948

(S/654)

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; 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; (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 tasks 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 of the United Nations shall furnish the Commission with such personnel and assistance as it may consider necessary.

## APPENDIX III

## RESOLUTION OF THE SECURITY COUNCIL

21 APRIL 1948

(S/726)

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 countercomplaints of the representatives 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 a 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 should 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 the Council's Resolution of January 17th,

Resolves that the membership of the Commission established by the Resolution of the Council of January 20th, 1948, shall be increased to five and shall include in addition to the membership mentioned in that Resolution, representatives of - and - and that that if the membership of the Commission has not been completed within ten days from 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 subcontinent and there place its good offices and mediation at the disposal of the Government of India and Pakistan with a view to facilitating the taking of the necessary measures; both with respect to the restoration of 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 are 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 endeavours:

(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 purpose 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 cooperate 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 of 20 January 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 power of direction and supervision over the State forces and police 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 utilised for the re-establishment 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 seems 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 group 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 of 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 his 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 for and the conduct of a free and impartial plebiscite.

(d) The terms of service of the Administrator should form the subject of 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 direct 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 votes 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 endeavours to effect the withdrawal from the State of all Indian nationals other than those who are normally resident therein or who on or since 15 August 1947 have entered it for a lawful purpose.

14. The Government of India should ensure that the Government of the State release 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 Government 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.

## APPENDIX IV

## RESOLUTION OF THE SECURITY COUNCIL

3 JUNE 1948

(S/819)

The Security Council,

Reaffirms its resolutions of 17th January 1948, 20th January 1948 and 21st April 1948,

Directs the Commission of Mediation to proceed without delay to the areas of dispute with a view to accomplishing in priority the duties assigned to it by the Resolution of 21st April 1948.

And directs the Commission further to study and report to the Security Council when it considers appropriate on the matters raised in the letter of Foreign Minister of Pakistan, dated the 15th January 1948, in the order outlined in paragraph D of the Resolution of the Council dated the 20th January 1948.

## APPENDIX V

RESOLUTION OF THE UN COMMISSION FOR  
INDIA AND PAKISTAN, 13 AUGUST 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 correction 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 the Indian and Pakistan forces agree 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, organised 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 cooperation 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 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 agree 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 Pakistani 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 its forces from that 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 the 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 its 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 a communique 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.

## APPENDIX VI

RESOLUTION OF THE UN COMMISSION FOR  
INDIA AND PAKISTAN, 5 JANUARY 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 the 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 Commission shall operate under the direction of the Plebiscite Administrator. The Government 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 purposes, 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 the accession of the State to India or Pakistan. There shall be freedom of press, speech and assembly, 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 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 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.

## APPENDIX VII

## RESOLUTION OF THE SECURITY COUNCIL

14 MARCH 1950  
(S/1469)

Having received and noted the reports of the United Nations Commission for India and Pakistan, established by the Resolutions of 20 January and 21 April 1948;

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

Commending the Governments of India and Pakistan for their statesmenlike 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 on 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 on 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;

The Security Council,

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 by reason of existing Resolutions of the Security Council and by reason of the agreement of the parties embodied in the Resolution 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.

## APPENDIX VIII

## RESOLUTION OF THE SECURITY COUNCIL

30 MARCH 1951

(S/2017/Rev 1.,)

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 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 Resolution of 13 August 1948 and 5 January 1949; and have reaffirmed 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 the 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 the Security Council Resolutions

of 21 April 1948, 3 June 1948 and 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 affiliations 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;

The Security Council,

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 Government 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 Resolution 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. Decides 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.

## APPENDIX IX

## RESOLUTION OF THE SECURITY COUNCIL

10 NOVEMBER 1951  
(S/2392)

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 of 30 March 1951, and having heard Dr. Graham's address to the Council on 18 October,

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.

## APPENDIX X

## RESOLUTION OF THE SECURITY COUNCIL

23 DECEMBER 1952

(S/2883)

The Security Council,

Recalling its Resolutions of 30 March 1951, 30 April 1951 and 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 will 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;

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;

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;

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 (Annex III of S/2783) such specific number to be arrived at bearing in mind the principles of criteria contained in paragraph 7 of the United Nations Representative's proposal of 4 September 1952 (Annex VIII of S/2783);

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 service available to the Governments of India and Pakistan to this end;

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; and further requests the United Nations Representative for India and Pakistan to keep the Security Council informed of any progress.

## APPENDIX XI

## RESOLUTION OF THE SECURITY COUNCIL

24 JANUARY 1957

(S/3778)

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 of 21 April 1948, 3 June 1948, 14 March 1950 and 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.

Reaffirms the affirmation in its resolution of 30 March 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;

Decides to continue its consideration of the dispute.

## APPENDIX XII

## RESOLUTION OF THE SECURITY COUNCIL

21 FEBRUARY 1957

(S/3778 and Corr.,1)

The Security Council,

Recalling its Resolution of January 24, 1957, its previous resolutions and the resolutions of the United Nations Commission for India and Pakistan on the India-Pakistan Question,

Requests the President of the Security Council, the representative of Sweden, to examine with the Governments of India and Pakistan any proposals which, in his opinion, are likely to contribute towards the settlement of the dispute, having regard to the previous Resolutions of the Security Council and of the United Nations Commission for India and Pakistan to visit the subcontinent for this purpose; and to report to the Security Council not later than April 15, 1957;

Invites the Governments of India and Pakistan to cooperate with him in the performance of these functions;

Requests the Secretary-General and the United Nations representative for India and Pakistan to render such assistance as he may request.

## APPENDIX XIII

## RESOLUTION OF THE SECURITY COUNCIL

2 DECEMBER 1957

(S/3922)

The Security Council,

Having received and noted with appreciation the report of Mr. Gunnar V. Jarring, the representative of Sweden, on the mission undertaken by him pursuant to the Security Council Resolution of 21st 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 UN in finding a peaceful solution;

Observing further that the Governments of India and Pakistan recognize and accept the provisions of its Resolution dated 17 January 1948 and of the Resolutions of the UN Commission for India and Pakistan dated 13 August 1948 and 5th 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 toward a settlement of the dispute which his report manifests;

Considering the importance which it has attached to demilitarisation of the State of Jammu and Kashmir as one of the steps towards a settlement.

Recalling its previous Resolutions and the Resolutions of UNCIP 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 toward the implementation of the Resolutions of the United Nations Commission for India and Pakistan of 13 August 1948 and 5 January 1949 and toward a peaceful settlement;

3. Authorises the UN Representative to visit the Sub-continent for these purposes; and

4. Instructs the UN Representative to report to the Security Council on his efforts as soon as possible.

## APPENDIX XIV

## RESOLUTION OF THE SECURITY COUNCIL

4 SEPTEMBER 1965

(S/RES/209)

The Security Council,

Noting the Report of the Secretary-General (S/6651) dated September 3, 1965;

Having heard the statements of the representatives of India and Pakistan;

Concerned at the deteriorating situation along the cease-fire line in Kashmir;

1. Calls upon the Governments of India and Pakistan to take forthwith all steps for an immediate cease-fire;
2. Calls upon the two Governments to respect the cease-fire line and have all armed personnel of each party withdrawn to its own side of the line;
3. Calls upon the two Governments to cooperate fully with the United Nations Military Observer Group in India and Pakistan in its task of supervising the observance of the cease-fire;
4. Requests the Secretary-General to report to the Council within three days on the implementation of this Resolution.



## APPENDIX XV

## RESOLUTION OF THE SECURITY COUNCIL

6 SEPTEMBER 1965

(S/RES/210)

The Security Council,

Noting the Report by the Secretary General on developments in the situation in Kashmir since the adoption of the Security Council Cease-fire Resolution on 4 September 1965 (S/RES/209/1965) being document S/6661 dated 6 September, 1965;

Noting with deep concern the extension of the fighting which adds immeasurably to the seriousness of the situation,

1. Calls upon the Parties to cease hostilities in the entire area of conflict immediately, and promptly withdraw all armed personnel back to the positions held by them before 5 August, 1965;

2. Requests the Secretary General to exert every possible effort to give effect to this Resolution and the Resolution of 4 September 1965, to take all measures possible to strengthen the UNMOGIP, and to keep the Council promptly and currently informed on the implementation of the Resolutions and on the situation in the area;

3. Decides to keep this issue under urgent and continuous review so that the Council may determine what further steps may be necessary to secure peace and security in the area.

## APPENDIX XVI

## RESOLUTION OF THE SECURITY COUNCIL

20 SEPTEMBER 1965

(S/RES/211)

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;

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 the 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 towards a peaceful settlement of the outstanding differences between the two countries on Kashmir and other related matters;

1. Demands that a 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 1 of the Council's resolution 210 of 6 September has been implemented, what steps could be taken to assist towards a settlement of the political problem 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.

## APPENDIX XVII

## RESOLUTION OF THE SECURITY COUNCIL

27 SEPTEMBER 1965

(S/RES/214)

The Security Council,

Noting Reports of the Secretary-General (S/6710, add. 1 and 2);

Reaffirming its Resolutions of 4, 6 and 20 September 1965 (S/Res/209, S/Res/210, S/Res/211);

Expressing the grave concern of the Council that the cease-fire agreed to unconditionally by the Government of India and Pakistan is not holding;

Recalling that the cease-fire demand in the Council's Resolution was unanimously endorsed by the Council and agreed to by the Governments of both India and Pakistan;

Demands that the parties urgently honour their commitments to the Council to observe the cease-fire; and further calls upon the parties promptly to withdraw all armed personnel as necessary steps in the full implementation of the Resolution of September 20.

## APPENDIX XVIII

## RESOLUTION OF THE SECURITY COUNCIL

5 NOVEMBER 1965

(S/RES/215)

The Security Council,

Regretting the delay in the full achievement of a complete and effective cease-fire and a prompt withdrawal of armed personnel to the positions held by them before 5 August 1965, as called for in its Resolutions 209 (1965) of 4 September, 210 (1965) of 6 September, 211 (1965) of 20 September and 214 (1965) of 27 September 1965;

1. Reaffirms its Resolution 211 (1965) of 20 September 1965 in all its parts;

2. Requests the Governments of India and Pakistan to cooperate towards a full implementation of paragraph 1 of Resolution 211 (1965); calls upon them to instruct their armed personnel to co-operate with the United Nations and cease all military activity; and insists that there be an end to violations of the cease-fire;

3. Demands the prompt and unconditional execution of the proposal already agreed to in principle by the Governments of India and Pakistan that their representatives meet with a suitable representative of the Secretary General, to be appointed without delay after consultation with both parties, for the purpose of formulating an agreed plan and schedule for the withdrawals by both parties; urges that such a meeting shall take place as soon as possible and that such a plan contain a time-limit on its implementation; and

and requests the Secretary-General to report on the progress achieved in this respect within three weeks of the adoption of the present resolution;

4. Requests the Secretary-General to submit for its consideration as soon as possible a report on compliance with the present resolution.

## BIBLIOGRAPHY

## BIBLIOGRAPHY

### Primary Sources

#### UN Documents

- S/628. Indian complaint dated 2 January 1948 to UN.
- S/646. Pakistan's counter-complaint dated 15 January 1948 to UN.
- S/RES/38 (1948), 17 January 1948.
- S/RES/39 (1948), 20 January 1948. #
- S/662. Security Council resolution dated 29 January 1948 (Draft).
- S/699. Security Council resolution dated 18 March 1948 (Draft).
- S/RES/47 (1948), 21 April 1948.
- S/RES/51 (1948), 3 June 1948.
- S/RES/80 (1950), 14 March 1950.
- S/RES/91 (1951), 30 March 1951.
- S/RES/96 (1951), 10 November 1951.
- S/RES/98 (1952), 23 December 1952.
- S/3767, Pakistani letter dated 2 January 1957 to the Security Council requesting for a meeting of the Council.
- S/RES/122 (1957), 24 January 1957.
- S/3787. Four-power (Australia, the U.K., Cuba, and the U.S.A.) draft resolution dated 14 February 1957 (Vetoed).
- S/3789. Soviet amendments to four-power draft resolution (S/3787).
- S/3791. Rev. 1. Colombian amendments to document S/3787.
- S/RES/123 (1957), 21 February 1957.
- S/P.V. 762/add. 1. Documents submitted as annex. to the statements made by V.K. Krishna Menon at the 762-64 meetings of the Security Council.



- S/3822. Pakistani letter dated 29 April 1957 to the Security Council accusing India of frustrating the objectives of Jarring Mission.
- S/3860. Pakistani letter dated 5 August 1957 to the Security Council drawing attention to recent development in Kashmir.
- S/3861. India's letter dated 9 August 1957, to the Security Council refuting Pakistani allegations.
- S/3868. Pakistani letter dated 2 August 1957 requesting discussion of the Jarring Report.
- S/3869. India's letter dated 21 August 1957 to the Security Council drawing attention to the report regarding the Mangla Dam Project.
- S/3896. Pakistani letter dated 3 October 1957 to the Security Council on Mangla Dam Project.
- S/RES/126 (1957), 2 December 1957.
- S/4242. Pakistani letter dated 3 December 1959 to the Security Council questioning the validity of any adjustments concerning Ladakh.
- S/4249. Indian letter dated 22 December 1959 to the Security Council.
- S/4278. Pakistani letter dated 24 March 1960 to the Security Council reiterating its stand on any adjustment in regard to Ladakh.
- S/5058. Pakistani letter dated 11 January 1962 to President of the Security Council for further action in the Kashmir dispute.
- S/5060. and corr. 1 Indian letter dated 16 January 1962 to the Security Council opposing the idea of a meeting of the Council on Kashmir.
- S/5068. Pakistani letter dated 29 January 1962 to the Security Council.
- S/5134. Draft resolution introduced by the representative of Ireland on 22 June 1962 (vetoes by the Soviet Union).
- S/5263. Indian letter dated 16 March 1963 to the Security Council questioning the validity of the Sino-Pak border agreement.

- S/5280. Pakistani letter dated 10 April 1963 refuting Indian allegations.
- S/5437. Pakistani letter dated 9 October 1963 to the Security Council drawing attention to the proposed Indian decision to further integrate Jammu and Kashmir with India.
- S/5450. Pakistani letter dated 1 November 1963 to the Security Council drawing attention to the situation along the cease-fire line.
- S/5454. Indian letter dated 12 November 1963 to the Security Council questioning Pakistan's locus standi in Kashmir.
- S/5467. India's letter dated 27 November 1963 to the Security Council refuting Pakistan's allegations.
- S/5517. Pakistani letter dated 16 January 1964 to the Security Council asking for an immediate meeting to consider the situation arising out of the Hazratbal incident.
- S/5522. India's letter dated 24 January 1964 to the Security Council that Pakistani demand for a meeting of the Council was propagandist.
- S/5576. Pakistani letter dated 4 March 1964 to the Security Council.
- S/5582. India's letter dated 8 March 1964 to the Security Council.
- S/5617. India's letter dated 20 March 1964 to the Security Council.
- S/5657. Pakistani letter dated 15 April 1964 to the Security Council.
- S/5673. India's letter dated 30 April 1964 to the Security Council.
- S/6308. India's letter dated 27 April 1965 complaining heavy concentration of Pakistani troops on India's borders.
- S/6340. and add. 1. Pakistan's letter dated 7 May 1965 refuting India's allegations.
- S/6389. India's letter dated 28 May 1965 recalling the letter dated 27 April regarding concentration of troops.

- S/6423 & 6446 Pakistan's letters dated 7 June 1965.
- S/6507. Pakistan's letter dated 6 July 1965 to the Security Council.
- S/6636 and 6637. India's letters dated 27 August 1965 to the Security Council.
- S/RES/209 (1965), 4 September 1965
- S/RES/210 (1965), 6 September 1965.
- S/RES/211 (1965), 20 September 1965
- S/RES/214 (1965), 27 September 1965
- S/RES/215 (1965), 4 November 1965.

#### Reports

- S/1100. First Interim Report of the UNCIP, 22 November 1948.
- S/1196. Second Interim Report of the UNCIP, 10 January 1948.
- S/1430.. Third Interim Report, 9 December 1949.
- S/1453. Report of General A.G.L. McNaughton, 6 February 1950.
- S/1791. Report of Sir Owen Dixon, 15 September 1950.
- S/2375. First Report of Dr. Frank Graham, 15 October 1951.
- S/2446. Second Report of Dr. Frank Graham, 18 December 1951.
- S/2611. Third Report of Dr. Frank Graham, 22 April 1952.
- S/2783. Fourth Report of Dr. Frank Graham, 19 September 1952.
- S/2967. Fifth Report of Dr. Frank Graham, 27 March 1953.
- S/3821. Report of Gunnar Jarring, 29 April 1957.
- S/3984. Report of Dr. Frank Graham, 31 March 1958.
- S/6651. Reports by the Secretary-General.
- S/6661. Report of the Secretary-General on situation in Kashmir, 6 September 1965.
- S/6683. Reports of the Secretary-General on his mission to India and Pakistan, 16 September 1965.

- S/6687. Report of the Secretary-General on the military situation in the area of conflict between India and Pakistan, 16 September 1965.
- S/6698. Add. 1-5. Report of the Secretary-General, 11 September 1965 and Add. 6-11, 1, 4, 5, 14, October, 3 and 15 December 1965.
- S/6710. Add. 1 and 2. Report of the Secretary-General on the observance of cease-fire, 25 September 1965 and Add. 3, 14, 18, 23 and 30 October, 1, 6, 13 and 19 November, 4, 13, 24 and 30 December 1965.
- S/6719. Add. 1-4, Report of the Secretary-General in withdrawals, 5, 14, 22 October and 25 November 1965.

UN Security Council Proceedings

- S.C.O.R. 229 meeting 1948.
- S.C.O.R. 237 meeting 1948.
- S.C.O.R. 238 meeting 1948.
- S.C.O.R. 239 meeting 1948.
- S.C.O.R. 240 meeting 1948.
- S.C.O.R. 241 meeting 1948.
- S.C.O.R. 242 meeting 1948.
- S.C.O.R. 243 meeting 1948

1949

- S.C.O.R. 457 meeting 1949
- S.C.O.R. 458 meeting 1949

1950

- S.C.O.R. 468 meeting 1950
- S.C.O.R. 471 meeting 1950
- S.C.O.R. 472 meeting 1950.

1951

- S.C.O.R. 538 meeting 1951.

S.C.O.R. 539 meeting 1951.

S.C.O.R. 548 meeting 1951.

S.C.O.R. 564 meeting 1951.

## 1952

S.C.O.R. 570 meeting 1952.

S.C.O.R. 571 meeting 1952

S.C.O.R. 605 meeting 1952

## 1957

S.C.O.R. 761 meeting 1957.

S.C.O.R. 765 meeting 1957.

S.C.O.R. 768 meeting 1957.

S.C.O.R. 771 meeting 1957.

S.C.O.R. 772 meeting 1957.

S.C.O.R. 773 meeting 1957.

S.C.O.R. 774 meeting 1957.

S.C.O.R. 798 meeting 1957.

S.C.O.R. 799 meeting 1957.

S.C.O.R. 803 meeting 1957.

## 1962

S.C.O.R. 990 meeting 1962.

S.C.O.R. 1012 meeting 1962.

S.C.O.R. 1013 meeting 1962.

S.C.O.R. 1014 meeting 1962.

S.C.O.R. 1015 meeting 1962.

## 1964

S.C.O.R. 1091 meeting 1964  
 S.C.O.R. 1092 meeting 1964  
 S.C.O.R. 1093 meeting 1964  
 S.C.O.R. 1104 meeting 1964  
 S.C.O.R. 1105 meeting 1964  
 S.C.O.R. 1115 meeting 1964  
 S.C.O.R. 1116 meeting 1964

## 1965

S.C.O.R. 1238 meeting 1965  
 S.C.O.R. 1242 meeting 1965  
 S.C.O.R. 1247 meeting 1965  
 S.C.O.R. 1250 meeting 1965  
 S.C.O.R. 1251 meeting 1965

## 1948

S/PV 226, 6 January 1948.	S/PV 246, 12 February 1948.
S/PV 227, 15 January 1948.	S/PV 250, 18 February 1948.
S/PV 228, 16 January 1948.	S/PV 257, 26 February 1948.
S/PV 229, 17 January 1948.	S/PV 264, 8 March 1948.
S/PV 230, 20 January 1948.	S/PV 266, 10 March 1948.
S/PV 231, 22 January 1948.	S/PV 269, 18 March 1948.
S/PV 232, 23 January 1948.	S/PV 284, 17 April 1948.
S/PV 234, 23 January 1948.	S/PV 285, 19 April 1948.
S/PV 235, 24 January 1948.	S/PV 286, 21 April 1948.
S/PV 236, 28 January 1948.	S/PV 288, 23 April 1948.
S/PV 237, 29 January 1948.	S/PV 289, 7 May 1948.

## 1952

S/PV 570, 17 January 1952.	S/PV 607, 5 December 1952.
S/PV 571, 30 January 1952.	S/PV 608, 8 December 1952.
S/PV 572, 31 January 1952.	S/PV 609, 16 December 1952.
S/PV 605, 10 October 1952.	S/PV 610, 23 December 1952.
S/PV 606, 6 November 1952.	S/PV 611, 23 December 1952.

## 1957

S/PV 761, 16 January 1957.	S/PV 793, 1 October 1957.
S/PV 762, 23 January 1957.	S/PV 795, 9 October 1957.
S/PV 763, 23 January 1957.	S/PV 796, 9 October 1957.
S/PV 764, 24 January 1957.	S/PV 797, 25 October 1957.
S/PV 765, 24 January 1957.	S/PV 798, 29 October 1957.
S/PV 766, 30 January 1957.	S/PV 799, 5 November 1957.
S/PV 767, 8 February 1957.	S/PV 800, 11 November 1957.
S/PV 768, 15 February 1957.	S/PV 801, 13 November 1957.
S/PV 769, 15 February 1957.	S/PV 802, 15 November 1957.
S/PV 770, 18 February 1957.	S/PV 803, 18 November 1957.
S/PV 771, 18 February 1957.	S/PV 804, 20 November 1957.
S/PV 772, 20 February 1957.	S/PV 805, 21 November 1957.
S/PV 773, 20 February 1957.	S/PV 806, 22 November 1957.
S/PV 774, 21 February 1957.	S/PV 807, 28 November 1957.
S/PV 791, 24 September 1957.	S/PV 808, 2 December 1957.

## 1962

S/PV 990, 1 February 1962.	S/PV 1012, 15 June 1962.
S/PV 1007, 27 April 1962.	S/PV 1013, 19 June 1962.
S/PV 1008, 2 May 1962	S/PV 1014, 20 June 1962.

S/PV 238, 30 January 1948.	S/PV 290, 7 May 1948.
S/PV 239, 3 February 1948.	S/PV 304, 26 May 1948.
S/PV 240, 4 February 1948.	S/PV 305, 26 May 1948.
S/PV 241, 5 February 1948.	S/PV 312, 3 June 1948.
S/PV 242, 6 February 1948.	S/PV 315, 8 June 1948.
S/PV 243, 10 February 1948.	S/PV 356, 30 August 1948.
S/PV 244, 11 February 1948.	S/PV 382, 25 November 1948.
S/PV 245, 11 February 1948.	

## 1949

S/PV 399, 13 January 1949.	S/PV 458, 29 December 1949
S/PV 457, 17 December 1949.	

## 1950

S/PV 463, 7 February 1950.	S/PV 468, 28 February 1950.
S/PV 464, 8 February 1950.	S/PV 469, 8 March 1950.
S/PV 465, 9 February 1950.	S/PV 470, 14 March 1950.
S/PV 466, 10 February 1950.	S/PV 471, 12 April 1950.
S/PV 467, 24 February 1950.	

## 1951

S/PV 532, 21 February 1951.	S/PV 539, 30 March 1951.
S/PV 533, 1 March 1951.	S/PV 540, 2 April 1951.
S/PV 534, 6 March 1951.	S/PV 543, 30 April 1951.
S/PV 535, 7 March 1951.	S/PV 548, 29 May 1951.
S/PV 536, 9 March 1951.	S/PV 564, 18 October 1951.
S/PV 537, 21 March 1951.	S/PV 566, 10 November 1951.
S/PV 538, 29 March 1951.	



S/PV 1009, 3 May 1962.

S/PV 1010, 4 May 1962.

S/PV 1011, 4 May 1962.

S/PV 1015, 21 June 1962.

S/PV 1016, 22 June 1962.

#### 1964

S/PV 1087, 3 February 1964.

S/PV 1088, 5 February 1964.

S/PV 1089, 7 February 1964.

S/PV 1090, 10 February 1964.

S/PV 1091, 14 February 1964.

S/PV 1092, 15 February 1964.

S/PV 1093, 17 February 1964.

S/PV 1104, 17 March 1964.

S/PV 1105, 20 March 1964.

S/PV 1112, 5 May 1964.

S/PV 1113, 7 May 1964.

S/PV 1114, 11 May 1964.

S/PV 1115, 12 May 1964.

S/PV 1116, 13 May 1964.

S/PV 1117, 18 May 1964.

#### 1965

S/PV 1237, 4 September 1965.

S/PV 1238, 6 September 1965.

S/PV 1239, 17 September 1965.

S/PV 1240, 18 September 1965.

S/PV 1241, 18 September 1965.

S/PV 1242, 20 September 1965.

S/PV 1244, 22 September 1965.

S/PV 1245, 27 September 1965.

S/PV 1247, 25 October, 1965.

S/PV 1248, 27 October, 1965.

S/PV 1249, 28 October, 1965.

S/PV 1251, 5 November 1965.

#### Parliamentary Debates

India, Constituent Assembly (Legislative) Debates.

\_\_\_\_\_, Parliamentary Debates.

Pakistan, Constituent Assembly (Legislative) Debates.

\_\_\_\_\_, National Assembly of Pakistan Debates.

Government Publications

## India

India, External Affairs (Ministry of), Aggression in Kashmir  
New Delhi, 1963.

\_\_\_\_\_, Documents Regarding Kashmir, New Delhi, 1949.

\_\_\_\_\_, Indo-Pakistan Relations (Correspondence between the  
Prime Ministers of India and Pakistan from 15 July  
to 9 August 1951), New Delhi, 1951.

\_\_\_\_\_, Jammu and Kashmir White Paper, New Delhi, 1948.

\_\_\_\_\_, Kashmir and the United Nations, New Delhi, 1948.

\_\_\_\_\_, Pakistan's War Propaganda Against India (September  
1950-June 1961 and July-August 1951), New Delhi, 1951.

\_\_\_\_\_, Sino-Pak Agreement, March 2, 1963: Some Facts,  
New Delhi

India, Information Service of India, A.B.C. of the Kashmir  
Question, New Delhi, 1964.

\_\_\_\_\_, Incitement to War in Pakistan, New Delhi, 1958.

\_\_\_\_\_, Kashmir, 1947-56: Excerots from Prime Minister Nehru's  
Speeches, New Delhi, 1956.

\_\_\_\_\_, Kashmir: Foreign Press Comment, Vols. 1-4, New Delhi  
1962.

\_\_\_\_\_, The Kashmir Question, 1947-1956, New Delhi.

\_\_\_\_\_, Pakistan Aggression in Kashmir (Kashmir Document  
No. 1), New Delhi, 1957.

\_\_\_\_\_, Pakistan Call to War on India (Kashmir Document No.2),

\_\_\_\_\_, Kashmir's Accession to India (Kashmir Document No.4),  
New Delhi, 1957.

- \_\_\_\_\_, United Nations Assurances to India (Kashmir Document No. 5), New Delhi, 1957.
- \_\_\_\_\_, Kashmir: Indian Muslims Challenge, New Delhi, 1965.
- \_\_\_\_\_, Muslim Press on Kashmir, New Delhi, 1965.
- India, Information and Broadcasting (Ministry of), Kashmir Answers Pakistan, New Delhi, Publications Division.
- \_\_\_\_\_, Harvest of Glory, New Delhi, Publications Division, 1965.
- \_\_\_\_\_, Who is the aggressor? New Delhi, Publications Division, 1965.
- \_\_\_\_\_, Indian Muslims Speak, New Delhi, Publications Division, 1965.
- \_\_\_\_\_, Let Pakistan Speak for herself: Excerpts from Statements of Pakistan Leaders and Press, New Delhi Publications Divisions, 1965.
- \_\_\_\_\_, Pakistan's Inhuman Air Attacks, New Delhi, Publications Division, 1965.
- \_\_\_\_\_, Unwanted "Champions": Address to the U.N. General Assembly by Syed Mir Qasim, New Delhi, Publications Division, 1965.
- \_\_\_\_\_, External Publicity (Division of) Tashkent Declaration New Delhi, 1966.

### Pakistan

- Pakistan, Kashmir before Accession, Lahore, Superintendent Printing, West Punjab, 1948.
- \_\_\_\_\_, The Story of Kashmir, New York, Pakistan's delegation to the U.N. 1951.

- \_\_\_\_\_, White Paper on India's War Propaganda against Pakistan, August 1-September 1961, Karachi, 1951.
- \_\_\_\_\_, World Opinion on Kashmir, Karachi, Department of Advertising, Films and Publication, 1957.
- \_\_\_\_\_, Kashmir Affairs (Ministry of), Negotiations between the Prime Ministers of Pakistan and India regarding the Kashmir Dispute, June 1953-September 1954, Karachi, 1954.
- \_\_\_\_\_, Indo-Pak War. A Flashback, Rawalpindi, Government of Pakistan, 1966.

#### SECONDARY SOURCES

##### Books

- Abbas, Khwaja Ahmed, Kashmir Fights for Freedom, Bombay, Kutab, 1948.
- Ahmed, Aziz, The Kashmir Dispute, Karachi, Government of Pakistan, 1959.
- Ahmed, Mushtaq, The United Nations and Pakistan, Karachi, Pakistan Institute of International Affairs, 1955.
- Almond, G. and Coleman James S., Politics of the Developing Areas, Princeton, Princeton University Press, 1960.
- Appadorai, A., Use of Force in International Relations, Bombay, Asia Publishing House, 1958.
- Arora, S.K., American Foreign Policy Towards India, New Delhi, Suneja Book Centre, 1954.
- Aziz, M.A. Struggle for the Liberation of Kashmir, Washington D.C., Pakistan Embassy, 1965.
- Bains, J.S., India's International Dispute: A Legal Study, Bombay, Asia Publishing House, 1962.
- Bamzai, P.N.K., A History of Kashmir : Political, Social and Cultural - From the earliest Times to the Present Day, Delhi, Metropolitan, 1962.

- Banerji, J.K. I Report on Kashmir, Calcutta, Republic Publications, 1948.
- Bhutto, Z.A., Foreign Policy of Pakistan (A Collection of Speeches), Karachi, Pakistan Institute of International Affairs, 1964.
- Birdwood, Lord, India and Pakistan: A Continent Decides, New York, Praeger, 1954.
- Bourke-White, Margaret, Half Way to Freedom, New York, Simon and Schuster, 1949.
- Brecher, Michael, Jawaharlal Nehru: A Political Biography, London, Oxford University Press, 1969.
- Brines, Russel, Indo-Pakistani Conflict, London, Pall Mall, 1968.
- Brown, W.N., The United States and India and Pakistan, Cambridge, Harvard University Press, 1953.
- Burns, A.L. and Heathcote N., Peace Keeping by U.N. Forces, London, Pall Mall, 1963.
- Campbell-Johnson, A., Mission with Mountbatten, London, Robert Hale Ltd., 1951.
- Choudhry, G.W., Foreign Policy of Pakistan, New York, Institute of Pacific Relations, 1958.
- Choudhry, G.W. and Parwez Hasan, Pakistan's External Relations, Karachi, Pakistan Institute of International Affairs.
- Das Gupta, J.B., Indo-Pakistan Relations, 1947-55, Amsterdam, Jambatan, 1958.
- Gajendragadkar, B.P., Kashmir-Retrospect and Prospect, Bombay, Bombay University, 1967.
- Gardner, Richard N., In Pursuit of World Order: U.S. Foreign Policy and International Organisation, New York, Fredrick A. Praeger, 1966.
- Goodrich, L.M. and Hambro, E., Charter of the United Nations: Commentary and Documents, 2nd Ed., London, Stevens and Sons Ltd., 1949.
- Goodrich, L.M. and Simon Anne P., The United Nations and the Maintenance of International Peace and Security, Washington, D.C., The Brookings Institution, 1955.

- Gupta, Karunakar, India's Foreign Policy: In Defence of National Interest, Calcutta, World Press, 1956.
- Gupta, S., Kashmir. A Study in India-Pakistan Relations, Bombay, Asia Publishing House, 1966.
- Gwasha Lal, A Short History of Kashmir from the Earliest Times to the Present Day (2 Parts).
- Harrison, Selig S., India, The Most Dangerous Decade, Princeton, Princeton University Press, 1960.
- Hasan, K. Sarwar, The Genesis of Pakistan, Karachi, Pakistan Institute of International Affairs, 1950.
- \_\_\_\_\_, The Strategic Interests of Pakistan, Karachi, Pakistan Institute of International Affairs, 1954.
- \_\_\_\_\_, Pakistan and the United Nations, New York, Manhattan, 1961.
- Hennessey, J., India, Pakistan in World Politics, London, K-H Services, 1950.
- Higgins, Rosalyn, United Nations Peace Keeping, 1946-1967, Vol. I, London, Oxford University Press, 1969.
- Kaul, B.M., Confrontation with Pakistan, Delhi, Vikas Publications, 1971.
- Khan, M.M.R., The United Nations and Kashmir, Djakarta. J.B. Wolters, 1955.
- Khan Rahmatullah, Kashmir and the United Nations, Delhi, Vikas Publications, 1969.
- Korbel, Josef, Danger in Kashmir, Princeton, Princeton University Press, 1954.
- Luard, Evan, (Ed.), The Evolution of International Organisations, London, Thames and Hudson, 1966.
- Murti, B.S.N., Nehru's Foreign Policy, New Delhi, Beacon, 1954.
- Nehru, Jawaharlal, Autobiography, Bombay, Allied Publishers, 1962.

- Nehru, Jawaharlal, Speeches, 1949-1953, New Delhi, Publications Division, 1954.
- \_\_\_\_\_, Speeches, 1953-1957, New Delhi, Publications Division, 1958.
- \_\_\_\_\_, Speeches, 1957-1963, New Delhi, Publications Division, 1964.
- \_\_\_\_\_, India's Foreign Policy, Selected Speeches (September 1948-April 1961), New Delhi, Publications Division, 1961.
- \_\_\_\_\_, No Plebiscite in Kashmir, Srinagar, Lalla Rookh Publications, 1956.
- Rajan, M.S., Indian in World Affairs 1954-56, Bombay, Asia Publishing House, 1964.
- Reddy, T. Ramakrishna, India's Policy in the United Nations, Cranbury, N.J. Fairleigh Dickinson University Press 1968.
- Rajkumar, N.V., The Background of India's Foreign Policy, New Delhi, Tagore Memorial Publications, 1948.
- Rosinger, L.K., India and the United States, New York, Macmillan 1950.
- Sharma, B.L., The Kashmir Story, Bombay, Asia Publishing House, 1967.
- Singh, S., Pakistan's Foreign Policy: An Appraisal, Bombay, Asia Publishing House, 1970.
- Varma, S.P. and Misra K.P., Foreign Policies in South Asia, New Delhi, Orient Longmans, 1969.
- Vijay Kumar, Anglo-American Plot Against Kashmir, Bombay, People's Publishing House, 1954.
- Wilcox, Frances O. and Marcy, Carl M., Proposals for Changes in the United Nations, Washington, D.C., The Brookings Institution, 1955.
- Young, Ovan, B., The Intermediaries: Third Parties in International Crises, Princeton, Princeton University Press, 1967.

## PERIODICAL LITERATURE

- Alexander, H., "India and Pakistan", The Spectator, Vol. 180, 16 January 1948 and 23 January 1948.
- Anant, Victor, "The Kashmir Crisis: Seen from Pakistan", The New Statesman, Vol. 70, 3 September 1965.
- Barton, W., "Foreign Policy of Pakistan", Eastern World, Vol. 5, 1951.
- Benett, M., "U.N. Makes Progress on Kashmir", Far Eastern Survey, Vol. 19, 5 April 1950.
- Brecher, M., "Kashmir in Transition: Social Reform and Political Future", International Journal,  
 \_\_\_\_\_, "Kashmir: A Case Study in the United Nations Mediation", Pacific Affairs, Vol. 26, September 1953.
- Banerji, Shivdas, "Kashmir Problem X-rayed", Organiser Vol. 4, 8 January 1951.
- Caroe, Olaf, "The External Problems of India and Pakistan in Asia", Asiatic Review, Vol. 44 July 1948.  
 "Cease-Fire" in Kashmir", Eastern Economist, Vol. 12, 7 Jan. 49.  
 "Kashmir and the United Nations", World Today. Vol. 6, April 1950.
- Korbel, J. "Danger in Kashmir", Foreign Affairs, Vol. 32, April 1954.  
 \_\_\_\_\_, "The Kashmir Dispute After Six Years"., International Organisation, Vol, 7, November 1953.  
 \_\_\_\_\_, "New Hope for Kashmir", Foreign Policy Bulletin, Vol. 34, 1 March 1955.  
 \_\_\_\_\_, "The Kashmir Dispute Continues", A review article, Far Eastern Survey, Vol. 26, March 1957.
- Karunakaran Nambiar, V.P., "The Invasion Issue at the U.N.O.", Organiser, Vol. 1, 15 January 1948.
- "Kashmir: A Case Study in Colonial Politics", United Asia, Vol. 14, April 1962.
- Nawaz, M.K., "The Kashmir Problem", Indian Yearbook of International Affairs, Vol. 2, 1953.



- Pakistan, "Kashmir and the United Nations", Round Table, Vol. 41, June 1951.
- Rushbrook-Williams, L.F., "The New Phase in Indo-Pakistan Relations", Asian Review, Vol. 56, July 1960.
- "U.N. Debate in Kashmir Anew", Janata Vol. 17, 1 July 1962.
- "U.N. Imbroglio over Kashmir", Indian Finance, Vol. 59, 16-February 1957.
- "U.N.'s Failure in Kashmir: A Factual Survey", Economic Weekly Vol. 17, 2 October 1956.
- Vaidyanath, R., "Some Recent Trends in Soviet Policies Towards India and Pakistan", International Studies, Vol. 7, No. 3, January 1966.
- Asitz (Ed) "Latin American International Politics", 1969
- Jhon A. Houston, "Latin America in the United Nations", 1956 (d)
- Lewis Hanke (Ed) "History of Latin American Civilisation", Vol. I & II.
- Marvin D. Bernshin (Ed), "Foreign Investments in Latin America" 1965.
- W. Friedman, "An Introduction to World Politics" 1965.
- E. Bradford Burns, "Tradition and Variation in Brazilian Foreign Policy" Journal of Inter-American Studies, April 1967.
- Carlos Alberto Asitz "The Latin American Countries in International System" in "Latin American International Politics", 1969.
- Celso Furlado, "United States Hegemony and the Future of Latin America" World Today, (September 1966).
- Jose' Honbriro Rodrigues "The Foundation of Brazil's Foreign Policy" International Affairs, 38(3) July 1962.
- Santiago Hechen "Argentina's Foreign Policy and Development" originally published in Spanish in Foro International Apl. - June 1965 Translated and Printed in Asitz (Ed), "Latin American International Politics."