

The Kashmir Issue in the United Nations (1947-1958)

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The State of Jammu and Kashmir became a point of disagreement between India and Pakistan immediately after the partition of the South Asian Subcontinent. The bottle neck of the dispute was the ambiguous provisions of the Indian Independence Act of 1947. The Act imparted princely states an option either to join India or Pakistan or remain independent.¹ However, in 1947, Lord Mountbatten, the last Viceroy of British India, who was custodian of transfer of power from British India advised the rulers of the states to keep in view the geographical alignment and wishes of their people while exercising the option.² The Maharaja of Jammu & Kashmir, whose primary consideration was for an independent state, tendered a "stand still" agreement to both India and Pakistan. India hesitated and remained unresponsive, Pakistan accepted and signed the agreement.³ In the meantime Sir Cyril Radcliffe—Chairman of the Boundary Commission in Punjab, yielded to the Indian government's claim over the Jammu and Kashmir by granting Gurdaspur, a Muslim majority district, to India.⁴ This geographical appendix ignited Indian carnality in her desire to grab Jammu and Kashmir state.

The Indian leadership realised that India's territorial aspirations towards Jammu and Kashmir could only materialise if the Maharaja, duly backed by the National Conference declared Kashmir accession to India. To consummate this goal, they planned hectic tours of the valley, and influenced the Maharaja, firstly to reconcile his differences with the National Conference party and then to declare Kashmir's accession to India. Indian counter plot instigated the people of Kashmir to

revolt against the Maharaja and a struggle ensued on 23 August 1947 by their demand for Kashmir's accession to Pakistan.⁵ The sympathies of the people of Pakistan particularly from N.W.F.P and Punjab, lie with their fellow Muslims in Kashmir. To help and alleviate their sufferings the sympathisers rendered all conceivable moral and material support to the freedom fighters. A few hundred persons from the tribal areas even took up arms to assist the Kashmiri Mujahids. Backed by these sympathisers, the Freedom Fighters attacked the Maharaja's forces posted in Mirpur, Poonch, Bagh and Muzaffarabad, and partially conquered these areas. On 24 October 1947 Azad Jammu and Kashmir Government was established with Sardar Muhammad Ibrahim Khan as its first President.⁶ After having established rule in the liberated areas the Azad forces attacked Baramulla and Srinagar and captured a considerable part of the valley. The Maharaja was thrown into a state of panic following the manoeuvring advance of the Mujahideen, and requested the Indian Government for aid. India tried to dupe maximum benefits from this request, and pressurised Maharaja to sign the accession documents. The accession was finally executed on 26 October 1947.⁷ The Instrument of accession, however, did not provide for Kashmir's unconditional incorporation into India but brought about only a conditional merger. The Maharaja conceded to India the responsibility of the State's defence, external affairs and communications; India was to recognise the authority of the state in internal affairs. While accepting the Instrument of Accession, Lord Mountbatten inculcated the Maharaja that finally "the question of accession should be decided in accordance with the wishes of the people of the state, it is my Government's wish that as soon as law and order have been restored in Kashmir and her soil cleared of the invaders, the question of the State's accession should be settled by a reference to the people".⁸

The upshot of accession was the despatch of Indian army to Srinagar on the morning of 27 October 1947. The Indian intrusion in Kashmir so inflamed Quaid-i-Azam Mohammad Ali Jinnah, Governor General of Pakistan, as to order the Pakistan army, "to move...into Kashmir." However some intramural estrangement hindered implementation of the order.⁹ India benefited by this opportunity fortified its position in Kashmir. It was much later that Pakistan deployed its troops in the state to

check the Indian onslaught. The entry of Pakistan Army forced India to refer the Kashmir issue to the United Nations so that Indian gain in the state should not be disturbed. Pakistan being genuinely interested to maintain peace and security in the region, was elated that India, though late had referred the case to the UN. Earlier Pakistan had offered India to invite the UN observers to visit the disturbed areas.¹⁰ Pakistan had also appealed to the Governments of the British Commonwealth countries "to arrange a conference to find ways and means of removing this serious threat to the peace and security of the subcontinent." Both efforts of Pakistan were turned down by India with the hypothesis that this would manipulate outside interference.¹¹

The Security Council took immediate notice of the issue and passed a number of resolutions asking India and Pakistan to cease-fighting. It also genuinely tried to resolve the issue by appointing the United Nations Commission for India and Pakistan (UNCIP). Various commissions, which visited India and Pakistan in order to see and observe the situation in Kashmir propounded various proposals for holding a free and fair plebiscite in Jammu and Kashmir State. Most of these proposals were acceptable to Pakistan who sincerely wanted a fair settlement of the issue. India rejected almost all the proposals of the commissions as she was not genuinely interested in giving Kashmiris a fair chance of expressing their free will. This was due to the Indian apprehension that the people of Jammu and Kashmir, if given a chance to vote, would exercise their option in favour of Pakistan. Until 1953, the UN remained actively involved in the issue but Indian intransigence slackened its efforts.

Initially India tried to justify its claim on Kashmir and accused Pakistan of abetting the "tribesmen" with arms and equipment. These were the pleas on the basis of which P.P. Pillai, Indian Representative to the UN, wrote to the President of the Security Council on 1 January 1948:

- 1) "To prevent Pakistan Government personnel, military and civil from participating or assisting in the invasion of the Jammu and Kashmir State;

- 2) To call upon other Pakistani nationals to desist from taking part in fighting in the Jammu and Kashmir State;
- 3) "To deny to the invaders: (a) access to and use of its territory for operations against Kashmir, (b) military and other supplies, (c) all other kinds of aid that might tend to prolong the present struggle".¹²

The Indian Representative threatened the Security Council that if these matters were not accomplished, India would "send their Armed Forces across Pakistan territory for dealing effectively with the invaders".¹³

Sir Mohammad Zafarullah Khan, Pakistan's Foreign Minister, in his letter of 15 January 1948, addressed to the Secretary General of the United Nations, explained the real position and refuted all these charges by terming them "utterly unfounded". On the contrary, Zafarullah Khan charged India that "armed bands from the state have repeatedly carried out incursions and raids into Pakistan territory and the Air Force of the Indian Union has on several occasions bombed Pakistan areas causing loss of life and damage to property".¹⁴ A "genocide" of the Muslims in the valley by the Sikh and Hindu armed bands backed by the Maharaja's army were carried out to the extent that "in the Jammu province and elsewhere whole areas have been cleared of their Muslim population".¹⁵ This resulted in the migration of Kashmiri Muslims into Pakistan at a large scale. Pakistan apprised the UN that India had been undermining the security of Pakistan. Zafarullah Khan made it clear that: "It is wrong to say that Pakistan territory is being used as base of military operations". It is also incorrect that the Pakistan Government is supplying military equipment, transport and supplies to the "invaders" or that Pakistani officers are training, guiding or otherwise helping them. Pakistan, therefore, requested the UN:

"To arrange for the cessation of fighting in the State of Jammu and Kashmir; the withdrawal of all outsiders, whether belonging to Pakistan or the Indian Union, including members of the Armed Forces of the Indian Union; the restoration and rehabilitation of all Muslim residents of Jammu and Kashmir State as on 15 August 1947, who have been compelled to leave the state as a result of the tragic events since that date, and the payment to them by the Indian Union of due compensation for the damages and injuries suffered by them; to take

steps for the establishment of an impartial and independent administration in the State of Jammu and Kashmir, fully representative of the people of that state; and thereafter to hold a plebiscite to ascertain the free and unfettered will of people of the Jammu and Kashmir state as to whether the state shall accede to Pakistan or to India".¹⁶

Pakistan's case was therefore, skilfully pleaded by Zafarullah Council debates.¹⁷ He told the Security Council that the fighting in Kashmir was an internal revolt of the Muslims against the tyrannical attitude of the Maharaja. He challenged the validity of Kashmir's accession to India. He accused India of planning a genocide of the Muslims all over India, illegal occupation of the Junagadh and sabotaging her obligation to the Partition Agreement.¹⁸

The members of the Security Council surmised that the Pak-India dispute over Kashmir was mainly centred on two questions: (1) the withdrawal of the outside forces, and, (2) the establishment of an impartial administration in Kashmir. This conviction impelled the members to emphasise on cease fire in Kashmir. In the resolution passed on 17 January 1948, the Security Council asked both India and Pakistan "to refrain from making any statements...which might aggravate the situation" in Kashmir.¹⁹ To unmask any solution of the conflict, the British representative pressed both the parties to hold bilateral talks so that "some common ground on which the structure of a settlement may be built".²⁰ This was a bona fide move by the Security Council members. They were of the view that it would be impossible for the Security Council to reach a decision until the antagonists commenced negotiations with the mediation of a third party. Heeding the Security Council's directive both the parties met under the supervision of Dr. Van. Langenhove, President of the Security Council. Thorough contemplation of the whole matter enabled the President to table a draft resolution on 20 January 1948. The Security Council passed the resolution unanimously with USSR and Ukraine abstaining. The resolution proposed the formation of a three member United Nations Commission for India and Pakistan. India and Pakistan each had to select one member while the third was to be nominated by the two appointees. The Commission was instructed "to proceed to the spot as quickly as possible" to investigate the facts of the situation and to submit its report to the Council.²¹

However, the Security Council in its preceding session witnessed discussion for the nomenclature of the case. The President of the Council had named the case as "Jammu and Kashmir Question". Pakistan objected and pointed out that when the draft resolution was filed, the words "Jammu and Kashmir Question", were not used. The President of the Council, endorsed the erratum pointed out by Pakistan and reinstated the name "India and Pakistan Question".²² The contents of the resolution and subsequent discussions of the Security Council divulged that a majority of the Council members were inclined to accept Pakistan's point of view and Pakistan was subsequently accepted as a party to the Kashmir dispute. It also ruled out Indian's claim to declare Pakistan as an aggressor.

The discussions of the Security Council over Kashmir issue continued unabated. The President of the Security Council showed keen interest to resolve the issue. During his conversation with the delegates of India and Pakistan he requested both the parties to submit their arguments in form of draft proposals. This request was accomplished. In its draft proposals, India demanded immediate cease-fire in Kashmir and withdrawal of all Pakistan nationals involved in the Kashmir war. This would then follow a reduction in the number of Indian troops though some would have to remain in the area to maintain law and order. India also proposed plebiscite in Kashmir under an emergency administration that could subsequently be converted into Council of Ministers with Sheikh Abdullah as Prime Minister.²³

However, Pakistani proposals solicited for concurrent exodus of all intruders; the formation of an impartial administration in Kashmir, and finally, conduct of a plebiscite under the aegis of an international body.²⁴

On 29 January 1948, the President enlightened the Security Council of his confabulation with Indian and Pakistani delegates and requested the members to consider the proposal of plebiscite. During discussion India demanded the cessation of hostilities, whereas Pakistan emphasised on the holding of a free and fair plebiscite. The Belgian representative, considering Pakistani claim as most convincing, tabled two resolutions. First resolution called for the holding of plebiscite in Kashmir under

the aegis of United Nation and the second instructed the UN Commission to start its mediation exercise without delay.²⁵ Supporting these resolutions the British representative had said: "the best way to stop the fighting is to assure those who are engaged in it that a fair settlement will be arrived at under which their rights will be asserted".²⁶ These resolutions were passed with the backing of United States of America including nine other members of the Security Council.

On 21 April 1948, the Security Council passed another resolution that called for withdrawal of the Pakistan nationals and tribesmen followed by a progressive reduction of Indian forces to the minimum level necessary for the maintenance of law and order situation. It also asked for the establishment of an interim government composed of the major political groups. A plebiscite administrator was to be appointed by the United Nations Secretary General to operate as an officer of the Kashmir Government for the purpose of organising the plebiscite. He was to be supervised by the United Nations Commission for India and Pakistan.²⁷ Although the resolution clearly advocated the Indian viewpoint, India herself was not pacified and rejected the resolution while criticising the idea of establishing a coalition government. The Indian Government did, however, consent to co-operate with the UN Commission.²⁸ Since the resolution implicitly endorsed the Indian military presence, Pakistan was reluctant to ratify it.

Engrossing for months over Kashmir issue, the Security Council finally adopted a Syrian sponsored resolution on 3 June 1948, which directed the Commission to proceed to India and Pakistan without further delay. The Commission was also instructed to report on appropriate time to the Security Council concerning the points highlighted by the Foreign Minister of Pakistan in his letter dated 15 January 1948.²⁹

The United Nations Commission for India and Pakistan

The United Nations Commission for India and Pakistan consisting of Ricardo J. Siri of Argentina, Va de Kerchove of Belgium, Josef Korbel of Czechoslovakia, Alfredo Lozano of Columbia and J. Klahr Huddle of United States arrived in Pakistan on 5 July 1948. The Commission met Indian, Pakistani

and Kashmiri leaders including Sardar Mohammad Ibrahim Khan, Chaudhry Ghulam Abbas and Sheikh Muhammad Abdullah. After careful study of the situation, the Commission produced a peace plan on 13 August 1948. The plan suggested a cease-fire supervised by military observers; the withdrawal of all Pakistani forces, regular or irregular, the withdrawal of the bulk of Indian troops in stages agreed upon with the Commission; and arrangements for holding the plebiscite administered by local authorities under the supervision of the Commission itself.³⁰

The plan indicated a considerable shift in the United Nations attitude towards India. It determined the rights of Indian and Pakistani forces in the area, and asked for the establishment of a new administration before holding the plebiscite. India accepted the plan on 20 August 1948, but with modifications.³¹ For Pakistan, the pre-requisite of acceptance of the peace plan was that India should endorse the Security Council resolution of 21 April 1948. In his letter of 19 August 1948, Zafarullah Khan expressed regret that UNCIP had not adopted the alternatives suggested by his government and thus the peace plan was virtually rejected by Pakistan.³² Hence the Commission was forced to visit the troubled area again. In discussion with the political luminaries of Azad Kashmir and Occupied Kashmir the Commission concentrated on viable solutions of the problems. In his meeting with the Commission, Sheikh Abdullah suggested that the issue of Kashmir's accession to India or Pakistan should be determined through a plebiscite. His alternative suggestion was the establishment of an independent state of Jammu and Kashmir.³³

The Commission's visit to Baramula was very interesting. During a meeting organised by the state officials for the Commission members, a young man suddenly appeared with a piece of paper in his hand. He threw it towards the Commission's members and shouted, "the Kashmiris are being oppressed". Police took him away immediately, but one could still hear his voice thundering "long lives Pakistan". Josef Korbál, a member of the Commission, later on remarked that it had been a disturbing scene for the Commission because it had been assured that the people in Kashmir enjoyed political freedom. The Commission asked the authorities to present that

man before them but the authorities produced someone else. When the Commission objected about the substitution, the young man shouted: "yet I am not that man, who is in prison now, but it does not matter, I too confirm that we want to join Pakistan".³⁴ The Commission could do nothing concrete to help these Kashmiris and even failed to properly represent their grievances. The incident indicated that Kashmiris had no right to freedom of speech in their own country. The so-called secular democracy of India prohibited all civil rights for Kashmiris. Sheikh Abdullah claiming to be a prominent leader of the Kashmir state, was busy consolidating his regime at the cost of Kashmir's liberty, while the simple, modest and humble Kashmiris anxiously awaited a decision about their fate from the Nations of the world. The Commission left the subcontinent for Geneva on 19 September 1948, to prepare an interim report for the United Nations.

Meanwhile, the military situation in Kashmir did not remain dormant. Pakistan had to face an influx of refugees, which had been instigated by the Indian offensive in the autumn of 1948. In reaction, Pakistan attacked Beri Patten, a place connecting Jammu with Srinagar, on 14 December 1948, and successfully cut off the Indian line of communication. It was a grave situation for India. Her forces in Kashmir were on the brink of disaster. She could only save them by an attack on Pakistan. Such an attack could result in a direct clash between India and Pakistan. The Indian military observers were of the opinion that India was neither politically nor physically prepared to sustain such a confrontation.³⁵ General Sir F.R.R. Bucher, Commander-in-Chief of the Indian Army (1948-49) approached Nehru and put forward a detailed appraisal of the war in which he also suggested the cessation of hostilities. With Nehru's approval General Bucher despatched a telegram to General Gracey, the Commander-in-Chief of the Pakistan Army, promulgating cease-fire. Accordingly, General Gracey, with the approval of the Pakistan Government, accepted the proposal and³⁶ the cease-fire became effective a minute before midnight of 1 January 1949.

The United Nations Commission for India and Pakistan had begun its next phase of mediation in December 1948. It arranged meetings with the representatives of both the govern-

ments. These meetings enabled the Commission to prepare a supplementary proposal to its 13 August 1948 resolution. It recommended the reinstatement of law and order coupled with the holding of a free and fair plebiscite in Kashmir. This drastically reduced the powers of the plebiscite administrator and relinquished the idea of an interim coalition Government in Kashmir. These proposals clearly favoured the Indian point of view and were, therefore, readily accepted by India. Pakistan accepted the resolution for "maintenance and promotion of the international peace and security" and for a "peaceful solution of the Kashmir dispute", while demanding maximum guarantees for a free and impartial plebiscite and complete autonomy for the plebiscite Administrator.³⁷ On the basis of its acceptance by both governments, the Security Council, adopted a formal resolution on 5 January 1949, and announced its plan for a plebiscite.

To elicit every possibility of a solution to the issue, the Commission returned to the subcontinent on 4 February 1949, and contacted both the Indian and Pakistani governments as well as the Kashmiri leaders. The Commission held various meetings in Karachi, Delhi and Srinagar, but negotiations came to a halt. The bone of contention between the two governments was, the disposal of Azad Kashmir forces, the withdrawal of regular Indian and Pakistani forces from Kashmir, and the control of the Northern areas of the Kashmir State. Failing to obtain an agreement over the question of demilitarisation, the Commission itself prepared a draft of truce terms. In these draft proposals, the Commission allowed India to deploy its troops in the Northern areas. It also provided that the territory evacuated by Pakistan would be administered by local authority under the surveillance of the Commission.³⁸ Both India and Pakistan rejected these proposals although the rationing of both parties was different. The Indian Government demanded that the question of the "Azad Kashmir forces" should neither remain uncertain nor be subject to challenge and dispute. Pakistan was highly critical of the fact that Indian troops were permitted in the Northern Areas. It also demanded immediate withdrawal of all forces from both sides.³⁹ The United Nations Commission for India and Pakistan then proposed Admiral Chester W. Nimitz as Arbitrator, and asked both the governments to submit their

points of disagreement regarding the implementation of the resolutions of 13 August 1948 and 15 January 1949.⁴⁰

As a last resort, the Commission suggested to both the governments to submit all their points of disagreement to arbitration. President Truman and Prime Minister Attlee also appealed to India and Pakistan to accept the Commission's proposal. Pakistan accepted the proposal, whereas India rejected it on the grounds that it did not put forward any proposals for disarming and disbanding Azad Kashmir forces. With regard to the arbitration, G.S. Bajpai wrote to the Commission that:

my government cannot reasonably be expected to accept a suggestion for arbitration that leaves it to the arbitrator to determine the points on which he should arbitrate, and which does not provide for the submission to him, by the Commission of its own appreciation of the events leading up to the present situation or of the observance by him of the assurance that it has given.⁴¹

India's stubbornness forced the Commission to wind up its activities in the subcontinent, and return to the UN headquarters. In its final report to the Security Council, the Commission discussed the causes of its failure, and recommended a single mediator instead of a Commission.⁴²

The failure of the Commission's mediation effort created great resentment in Pakistan. The Pakistani press became highly critical of the role of the new United Kingdom and the United States on the Kashmir issue. The press accused them of not exerting sufficient pressure on India for the acceptance of the UNCIP recommendations. According to a newspaper report Pakistan's interests were being thrown "to the dogs by the British and the United States". It also hinted at the shift in policy of both powers towards "India's more strategic position in the struggle between western democracy and Russian communism".⁴³ Another Pakistani newspaper commented that "the whole issue of Kashmir seemed to have been tagged on unnecessarily to the big powers conflict and to America's struggle to contain the spread of communism in South East Asia".⁴⁴

United Nation Mediation Efforts

On the recommendations of the UNCIP, the Security Council appointed General McNaughton, then its President, as

a "mediator" between India and Pakistan. General McNaughton held discussions with the concerned parties in order to work out a plausible solution of the Kashmir dispute. He formulated a comprehensive report for demilitarisation and proposed that the Azad Kashmir forces as well as the local militia on the Indian side should be reduced. Some Indian regular forces were allowed to remain in Indian held Kashmir but no regular Pakistani forces were permitted to remain in Azad Kashmir. His proposals were to be carried out under the supervision of a UN representative. The administration of the Northern Areas was allowed to continue under the existing local authorities but was to be placed under the supervision of the United Nations.⁴⁵ Pakistan accepted the plan but India rejected it on the ground that it legitimised the idea of Azad Kashmir. India demanded for the complete dissolution of the Azad Kashmir forces and insisted on deploying her forces in the Northern Areas.⁴⁶

McNaughton's proposals were welcome by the Security Council members. The British representative considered them to be fundamental for the holding of a free and impartial plebiscite. The United States delegate declared the proposals as "reasonable and just" for the solution of the Kashmir dispute. The Cuban delegate suggested that the proposals were formulated on a "reasonable and practical basis" for the solution of the difficulties.⁴⁷ Finally, on the basis of the McNaughton proposals, Norway, Cuba, United Kingdom and the United States collectively tabled a resolution to the Security Council propounding demilitarisation and the appointment of a single mediator. The resolution was adopted by eight votes, with India and Yugoslavia abstaining. Despite this Pakistan accepted the resolution, while India rejected it.⁴⁸

The Security Council continued its efforts unabated. It appointed Sir Owen Dixon, a distinguished Australian Jurist, as the United Nations new mediator. Dixon visited the subcontinent and met all the parties concerned. A comprehensive lucubration of the situation led the mediator to conclude that obstacles in the path of holding a plebiscite on the Pakistan side of the cease-fire line, "could be removed". However, on the Indian side the removal of such obstacles would be laborious. Consequently, it seemed difficult to hold a free and impartial plebiscite in Kashmir.⁴⁹ To mend the difference, Sir Owen Dixon

arranged a conference of the Prime Ministers of India and Pakistan on 20 July 1950. It was not productive but during its course Dixon himself suggested the partitioning of the Jammu and Kashmir.⁵⁰ This suggestion was rejected and thus the mediation efforts of Sir Owen Dixon ended in failure. After a lapse of five months the Security Council resumed its deliberations on the issue of Jammu and Kashmir on 21 February 1951. The United States and the United Kingdom introduced a resolution that, with slight modifications, succeeded by eight votes and was passed on 30 March 1951. India, Yugoslavia and USSR abstained.⁵¹ The resolution suggested the appointment of a new UN Mediator instead of Sir Owen Dixon and called upon India and Pakistan to accept arbitration over their differences regarding demilitarisation. It also condemned India for sanctioning the convening of the Constituent Assembly in Kashmir.⁵² Pakistan accepted the resolution and assured the Council of its full co-operation. India on the other hand, rejected it.

On 30 March 1951, Dr. Frank P. Graham was appointed by the Security Council as the new United Nations mediator for India and Pakistan. Dr. Graham left for India in early June. After prolonged and patient negotiation in Karachi, Delhi, Srinagar and Azad Kashmir, he presented his plan for demilitarisation. The plan was acceptable to Pakistan, but India rejected it.⁵³ Then Dr. Graham went to Geneva and submitted his next report to the Security Council on 15 October 1951. In this report he requested the Security Council to call upon both the governments to refrain from war like action, and to avoid making such speeches that might exacerbate the situation.⁵⁴ On the basis of this report, the Council adopted a resolution on 10 November 1951, which advised India to desist from convening the proposed Constituent Assembly of Kashmir state, and requested Dr. Graham to continue his mission. He resumed his mission and contacted representatives of both India and Pakistan in Geneva. His military advisor also held several meetings with both the parties. After the individual discussions, he arranged a joint meeting of the parties concerned.

On 18 December 1951, Dr. Graham submitted his next report to the Security Council. This proposed a definite period for the completion of demilitarisation; the size and character of the forces to be retained on either side of the cease-fire line; and

date of formal induction into office of the Plebiscite Administrator.⁵⁵ This proposal was again rejected by India. Dr. Graham did not lose heart and again tried to develop an agreed settlement. He met Indian and Pakistani representatives in New York and Geneva and during the course of their negotiations, he presented a new proposal, in which he suggested that Pakistan should keep her force, between 3,000 to 6,000 men in Azad Kashmir. India was allowed to maintain up to 12000 men in her forces in Indian held Jammu and Kashmir. Pakistan accepted the proposal in the hope that it would clear the way for the plebiscite⁵⁶ but India, though accepting the ceiling on its own forces was not agreeable to allowing Pakistan to keep even the minimum number of troops in Azad Kashmir. It also demanded withdrawal of all Pakistani officials from the area.⁵⁷

On 16 September 1952, Dr. Graham submitted his fourth report to the Security Council and it was discussed by the Security Council on 5 October 1952. On the basis of his recommendations, an Anglo-American resolution was drafted and approved by the Security Council on 23 December 1952. This resolution asked both the parties to start negotiation immediately under the supervision of Dr. Graham. The resolution also asked Dr. Graham to submit his report to the Security Council within a month time. Accordingly, he arranged a meeting of representatives of both the countries on 4 February 1953, that failed to produce any results.⁵⁸

Following this conference, Dr. Graham submitted his fifth and last report on 27 March 1953. With it his long and arduous efforts for mediation came to an end. The Security Council was exhausted by the negative attitude of India. On the other hand Pakistan also could not pay much attention to the Kashmir issue due to its internal political problems. Following establishment of a constitutional government in Pakistan the issue was again taken up by the Security Council in 1957 by which time the Constituent Assembly of Indian held Kashmir had decided to join India.⁵⁹

In January 1957 Pakistan protested against this move and complained to the Security Council since it rightly considered this move a violation of the Security Council resolutions already approved by India. Pakistan repeatedly exhorted the

Security Council to pressurise India to accept the right of self-determination for the Kashmiris. India, first of all, tried to prevent the Security Council from discussing the matter, but failed. Supporting the Pakistani position the Security Council adopted the resolution on 24 January 1957, and declared that any step taken by the Indian held Kashmir Constituent Assembly regarding the status of Indian occupied Kashmir state would be considered against the principles outlined in the Security Council resolutions of 13 August 1948, 5 January 1949 and March 1951.⁶⁰

On 14 February 1957, the Security Council discussed another resolution, considered to be the last effort to resolve the problem. The draft resolution asked Gunner V. Jarring of Sweden, the President of the Security Council, to visit the subcontinent and discuss with India and Pakistan, the possibilities and process of demilitarisation or any alternative solution to the Kashmir issue. Jarring was to bear in mind the earlier UN resolutions and the statements of the concerned parties regarding the use of temporary UN forces. Pakistan supported the move but India rejected it. At this time, USSR appeared to be emerging as a strong supporter of India in the Security Council and voted the motion.⁶¹

Anticipating another veto by USSR, the Security Council passed a mild resolution on 21 February 1957, which asked Gunnar Jarring to visit India and Pakistan for the purposes of mediation. In the resolution no specific reference of demilitarisation or a plebiscite or any use of UN forces was commended.⁶² Consequently, Gunner Jarring visited the subcontinent in March 1957. Pakistan co-operated but India remained indifferent and thus the Jarring Mission ended in a fiasco.⁶³ He submitted his report to the Security Council on 29 April 1957. The Security Council discussed the Jarring report on 24 September 1957. During the discussions, various members of the Security Council put forward several draft proposals for solution of the Kashmir issue, however, all were withdrawn in the face of Indian opposition duly backed by the threat of a Russian veto.⁶⁴

In November 1957, the Security Council again appointed Dr. Graham to make recommendations for a peaceful settlement

of the Kashmir issue. He visited the subcontinent from 12 January to 15 February 1958 and discussed the matter with both governments, including the Kashmiri leaders. The proposals submitted by him recommended that each government should refrain from making adverse propaganda against the other, that the number of Indian forces should be reduced and that Pakistani forces be replaced by UN troops prior to the holding of a free and impartial plebiscite.⁶⁵ Pakistan accepted these proposals but India again turned them down.

Despite its best efforts the United Nations Security Council could not succeed in resolving the issue. By deploying delaying tactics, India sought endorsement for the accession of her Constituent Assembly in Indian occupied Jammu and Kashmir in contravention of the Security Council resolutions. Pakistan, on the other hand, tried to be very fair by upholding the status of Azad Jammu and Kashmir and honouring the Security Council resolutions so that a free and fair plebiscite on either side of the cease-fire line of Jammu and Kashmir could be arranged.

India's historical intransigence has played a major contribution towards the confrontation and political unrest that continues at the present time in occupied Kashmir. History is again repeating itself that India is portraying Pakistan in the role of the aggressor while failing to recognise her willingness to reopen negotiations towards a peaceful settlement.

NOTES AND REFERENCES

1. Indian Independence Act of 1947, *Mansergh Transfer of Power*, Vol. x1, pp.233-249.
2. Mountbatten statement in press conference, June 4, 1947, in K. Sarwar Hasan, *Documents on the Foreign Relations of Pakistan: Kashmir Question*, Karachi 1966, p.8.
3. Sarwar Hasan, *op.cit.*; pp.43-44.
4. *The Partition of Punjab 1947, A Compilation of Official Documents*, Vol. I, Lahore, 1983, p.x111.

5. An interview with Sardar Muhammad Abdul Qayyum Khan, also see Richard Symonds, *The Making of Pakistan*, London, 1949, p.157.
6. *Civil and Military Gazette*, October 25, 1947.
7. Sheikh Muhammad Abdullah, "Kashmir, India and Pakistan", *Foreign Affairs*, April 1965, p.528.
8. Sarwar Hasan, *op.cit.*, pp.57-58.
9. M.C. Mahajan, *Looking Back*, New York, 1963, p.154.
10. Sarwar Hasan, *op.cit.*, p.127.
11. *Ibid.*
12. Representative of India to the president of the security council, January 1, 1948, *Security Council Official Records*, (hereafter referred to as S.C.O.R.) S/628, Annex 28, pp.139-144.
13. *Ibid.*
14. *Ibid.*
15. K. Sarwar Hasan, *op.cit.*, p.120.
16. *Ibid.*, p.123.
17. S.C.O.R. 3rd Year Supplement for January, February and March 1948, p.25.
18. *Ibid.*, 228 meeting, January 16, 1948, pp.35-96.
19. *Ibid.*, 229 meeting, January 17, 1948, pp.121-122.
20. *Ibid.*, p.125.
21. *Ibid.*, pp.129-30.
22. *Ibid.*, pp.130-142.
23. *Ibid.*, 236 meeting, pp.266-267.
24. *Ibid.*, pp.267-269.
25. *Ibid.*, 237 meeting, January 29, 1948, pp.285-286.
26. *Ibid.*, pp.290-95.
27. *Kashmir and the United Nations Resolution and Correspondence*, Government of Pakistan, Ministry of Kashmir Affairs, Lahore, 1949, pp.63-69.

28. Indian Representative to President of Security Council, May 7, 1948, in *Kashmir and the United Nations Resolution and Correspondence*, *op.cit.*, p.77.
29. *Interim Reports of United Nations Commission for India and Pakistan*, S/819, January 3, 1948, Annex 5, p.53.
30. Resolution of the UNCIP August 13, 1948, in *Ibid.*, pp.14-15.
31. *Ibid.*, p.19.
32. Zafarullah Khan to UNCIP, August 19, 1948, in *Ibid.*, Annex 26, pp.114-115.
33. Josaf Korbelt, *Danger in Kashmir*, Princeton, 1966, pp.146-147.
34. *Ibid.*, p.149.
35. *Ibid.*, p.235.
36. *Ibid.*
37. Zafarullah to UNCIP, December 25, 1948, in *Ibid.*, Annex 5, pp.152-153.
38. Truce terms transmitted to the Governments of India and Pakistan by UNCIP, *Ibid.*, Annex 21, pp.264-66.
39. M.A. Gurmani (Pakistan's Minister without portfolio) to Chairman UNCIP, *Ibid.*, Annex 49, pp.357-364.
40. Norman Brown, *The United States and India, Pakistan, Bangladesh*, Massachusetts, pp.72-190.
41. Mushtaq Ahmed, "Kashmir in the United Nations", *Pakistan Horizon*, Vol. IV, No. 4, December 1951, p.226.
42. Interim Reports of the UNCIP, *op.cit.*, pp.214-216.
43. *Civil and Military Gazette*, September 2, 1949.
44. *Pakistan Times*, September 2, 1949.
45. *Security Council Documents*, 1453, February 6, 1950, pp.14-16.
46. *Ibid.*, pp.17-18.
47. *Ibid.*, 467, 468 and 469 meeting held on February 24, 28 and March 8, 1950.
48. Michael Brecher, *The Struggle for Kashmir*, Toronto, 1953, pp.107-108.

49. Sir Owen Dixon's Report, *Security Council Documents*, S/1791, pp.3-6.
50. G. Noorani, *The Kashmir Question*, Bombay, n.d., pp.49-50.
51. S.C.O.R. 539 meeting, March 30, 1951, pp.25-27.
52. *Ibid.*, 532 meeting, February 21, 1951, pp.2-4.
53. S.C.O.R. 6th year special supplement No. 2, Doc, S/2375, Annex 2,3,4, pp.26-34.
54. Graham's First Report, *Security Council Documents*, S/2375, pp.9-11.
55. *Security Council Documents*, S/2448, December 18, 1951.
56. *Story of Kashmir 1947-68*, Government of Pakistan, Karachi, 1970, p.24.
57. Gupta, *op.cit.*, p.243.
58. Donald James Johnson, "Military Aid as a Factor in Indo-Pakistan relations" unpublished Ph. D. Dissertation, New York University, 1965, pp.225-226.
59. Zubeida Hasan, "India and Kashmir", *Pakistan Horizon*, Vol. XVI, No. I, 1963, p.55.
60. S.C.O.R. 764 meeting January 24, 1957.
61. S.C.O.R. 768 meeting, February 1957, pp.7-8.
62. Gupta, *op.cit.*, p.323.
63. *Dawn*, May 4, 1952.
64. Evan Luard, *A History of the United Nations*, Vol. I, London, 1982, p.291.
65. For the text of Graham's report see S.C.O.R., supplement for January, February and March 1958, pp.38-46.